

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 16, 2002**

**LAKE FENTON HIGH SCHOOL
11425 TORREY ROAD, FENTON, MICHIGAN**

Supervisor Gabrielson called the meeting to order at 7:30 p.m.

Present: Gabrielson, Mueller, Garfield, Krug, McKenna, Office Manager Broecker
and Attorney Cooley

Absent: Mathis

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Gabrielson reported that the developer of the Lakeside Acres subdivision has again requested postponement of the final plat approval until the next meeting. He also asked to have the Planning Commission appointment postponed until the 10/7/02 meeting. Motion to approve the 9/3/02 Fenton Township Board Meeting agenda as amended.

Motion by: McKenna

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Mathis

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 9/3/02 regular meeting and the 9/11/02 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna

Nays: None

Absent: Mathis

Motion carried.

PUBLIC HEARINGS:

**Fenton Township Fire Protection Special Assessment District-Confirmation of 2002
Assessment Roll**

Office Manager Broecker reviewed the proposed Fire Protection Special Assessment Roll for the 2002 Property Tax bills. The per parcel assessment remains at \$65.00. The total assessment is \$462,020.00. There was no public comment. Clerk Mueller presented the following resolution:

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RESOLUTION NO. 2002-40

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and

WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and

WHEREAS, no written objections were received to said roll and levy;

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as presented, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2002-10 and shall hereby be confirmed as the assessment roll for the Fenton Township Fire Protection Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2002-10 shall be due and payable on December 1, 2002, and

BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan Public Act 188 of 1954, as amended, and

BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

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BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Motion to adopt Resolution No. 2002-40 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

2003 Fenton Township Budget Hearing

Office Manager Broecker briefly reviewed the proposed 2003 Fenton Township Budget, which was reviewed at the 9/11/02 workshop meeting. Supervisor Gabrielson opened the public hearing on the proposed 2003.

Public Comment:

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody asked about the proposed increase in Sewer Fund expenses. Supervisor Gabrielson responded that the increased budget is for repairs and upgrades for problem areas in the sewer systems that are identified in the Sewer Inventory Project.

There was no further discussion. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2002-41
GENERAL APPROPRIATIONS ACT**

The Board of Trustees of the Charter Township of Fenton resolves:

Section 1: Title

This resolution shall be known as the Fenton Township General Appropriations Act.

Section 2: Chief Administrative Officer

The Supervisor shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearings on the Budget

Pursuant to MCLA 42.26, notice of a public hearing on the proposed budget was published in a newspaper of local circulation on September 8, 2002, and a public hearing on the proposed budget was held on September 16, 2002.

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Section 5: Estimated Revenues

Estimated township General Fund revenues for fiscal year 2003, including an operating millage of .7679 mills, and various miscellaneous revenues shall total \$2,164,750.

Estimated township Fire Fund revenues for fiscal year 2003 shall total \$619,500.

Estimated township Sewer Fund revenues for fiscal year 2003, including a debt retirement millage of 0.6455 mills, and various miscellaneous revenues shall total \$3,299,300.

Estimated township Mosquito Control Fund revenues for fiscal year 2003 shall total \$136,500.

Estimated township Solid Waste Management Fund revenues for fiscal year 2003 shall total \$562,000.

Section 6: Millage Levy

The Fenton Township Board shall cause to be levied and collected the general property tax on all real and personal property within the township upon the current tax roll an amount equal to .7679 mills for general township operations and 0.6455 mills for sewer debt retirement.

Section 7: Estimated Expenditures

Estimated township General Fund expenditures for fiscal year 2003 for the various township cost centers are as follows:

<i>101-Township Board</i>	<i>\$ 76,500</i>
<i>171-Supervisor</i>	<i>63,000</i>
<i>191-Elections</i>	<i>0</i>
<i>209-Assessor</i>	<i>132,700</i>
<i>215-Clerk & General Administration</i>	<i>449,900</i>
<i>247-Board of Review</i>	<i>2,300</i>
<i>253-Treasurer</i>	<i>25,500</i>
<i>265-Building & Grounds</i>	<i>341,700</i>
<i>276-Cemeteries</i>	<i>7,500</i>
<i>301-Law Enforcement</i>	<i>416,000</i>
<i>336-Fire Department</i>	<i>125,000</i>
<i>371-Inspection/Ordinance Enforcement</i>	<i>100,900</i>
<i>401-Planning & Zoning</i>	<i>80,400</i>
<i>445-Drains At Large</i>	<i>20,000</i>
<i>446-Highways, Roads & Bridges</i>	<i>247,100</i>
<i>805-Auditorium - Civic Center</i>	<i>10,500</i>
<i>815-Zoning Board of Appeals</i>	<i>9,700</i>
<i>865-Insurance</i>	<i><u>166,000</u></i>

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TOTAL \$ 2,274,700

Estimated township Fire Fund expenditures for fiscal year 2003 for the various township cost centers are as follows:

265-Building & Grounds	\$ 67,000
336-Fire Dept. Operations	429,200
865-Insurance	<u>42,200</u>
TOTAL	\$ 538,400

Estimated township Sewer Fund expenditures for fiscal year 2003 for the various township cost centers are as follows:

000-County Services/Debt	\$ 1,672,000
536-Sewer Operations	1,553,500
865-Insurance	<u>71,000</u>
TOTAL	\$ 3,296,500

Estimated township Mosquito Control Fund expenditures for fiscal year 2003 shall total \$118,000.

Estimated township Solid Waste Management Fund expenditures for fiscal year 2003 shall total \$525,000.

Section 8: Adoption of Budget by Reference

The General Fund, Sewer Fund, Fire Fund, Mosquito Control Fund and Solid Waste Management Fund budgets of the Charter Township of Fenton are hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

Section 9: Adoption of Budget by Cost Center

The Board of Trustees of the Charter Township of Fenton adopts the 2003 fiscal year General Fund, Fire Fund and Sewer Fund budgets by cost center. Township officials responsible for the expenditures authorized in the budget are authorized to expend township funds up to, but not to exceed, the total appropriation authorized for each cost center, and to make transfers among the various line items contained in the cost center appropriation.

Section 10: Appropriation not a Mandate to Spend

Appropriations shall be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any township order for expenditures that exceed appropriations.

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Section 11: Transfer Authority

The Chief Administrative Officer shall have the authority to make transfers among the various cost centers without prior board approval, if the amount to be transferred does not exceed \$10,000 or 10% of the appropriation item from which the transfer is to be made, whichever is less. The Board shall be notified at its next meeting of any such transfer made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total General Fund budget be changed without prior board approval.

Section 12: Periodic Fiscal Reports

The fiscal officer shall transmit to the board within 30 days of the end of each quarter, a report of financial operations, including, but not limited to:

- a. a summary statement showing the receipts and expenditures and encumbrances for the previous month, and for the current fiscal year to the end of the previous month.*
- b. a detailed list of:*
 - i. expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year; and the balance of estimated revenues to be collected in the then current fiscal year.*
 - ii. for each cost center: the amount appropriated; the amount charged to each appropriation in the previous quarter month for the current fiscal year; and the unencumbered balance of appropriations;*

Section 13: Limit on Obligations and Payments

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Section 14: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or Township Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that the expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the township board recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

Section 15: Violations of This Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978).

Section 16: Board Adoption

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Motion to adopt Resolution No. 2002-41 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

REPORTS:

Clerk Mueller reported that Trustee Mathis' absence was due to medical reasons. She spent the weekend in the hospital but is now home resting comfortably.

Supervisor Gabrielson noted that the MTA Genesee County Chapter meeting is this Thursday and the annual appreciation dinner is in October.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R02-003, Fenton Twp. Airpark Dev. LLC, amendment to PUD zoning/1st Reading

Supervisor Gabrielson reviewed the proposed zoning amendment. Cody Welch, President of Fenton Township Airpark Development Company, explained that the proposed changes to the plan are to comply with State of Michigan and FAA requirements. Trustee McKenna noted that the Planning Commission has recommended approval of the amendment. The revised plan includes a greater number of hangars but those hangars cover less area than the original plan. It was reported that Fire Chief Moulton has indicated that the increase in building height for the common-use hangars does not pose a safety problem. Trustee Krug asked about the ownership of the airport. Mr. Welch confirmed that the airport is now owned by the State of Michigan. There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 10/7/02 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Proposed Sewer Franchise Agreement w/City of Linden

Supervisor Gabrielson reviewed a proposed franchise agreement to allow a township property to connect to the City of Linden's sanitary sewer system. The property in question is on Ripley Road and is not near any Township sewer line. The board is not opposed to the agreement, however they feel the reimbursement to the Township for the

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sewer unit should be clearly stated in the document. The board agreed to postpone action until that issue is clarified.

Proposed Conservation Easement, parcel 06-23-100-023

Supervisor Gabrielson reviewed a proposed conservation easement prepared for property owned by Tom Atwell. The property is primarily wetlands and, if the easement is approved, it can never be developed. Attorney Cooley has reviewed the document and found it to be in order. Trustee Krug commended Mr. Atwell for taking this step to preserve this property in its natural state.

Motion to approve the Conservation Easement for parcel 06-23-100-023 as presented.

Motion by: McKenna
Seconded: Krug
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried.

Elevator Renovation Proposal – Fenton Township Civic Community Center

Office Manager Broecker reviewed a proposal from Otis Elevator Company to refurbish the existing elevator at the Fenton Township Civic Community Center. This proposal, which was discussed at the workshop meeting, addresses the cab interior, controls, doors and trim. The mechanical operation of the elevator does not need upgrading at this time. Total cost of the proposal is \$25,652.00.

Motion to approve the Otis Elevator Company proposal to renovate the existing elevator at the Fenton Township Civic Community Center, as presented.

Motion by: Mueller
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried.

Access Control System – Fenton Township Civic Community Center

Supervisor Gabrielson reviewed the card-key access control system proposal from ADT that was discussed at the workshop meeting. The cost for the system, including installation, is \$6,975.00 plus a \$48 per month service contract. The board had also discussed an alarm system at the workshop and ADT has provided a “lease to own” proposal for this system at a rate of \$319.00 per month for 60 months. It was noted that, even if the board decides not to install the alarm system at this time, the wiring will be done now to avoid higher costs in the future. The board agreed with that approach and again decided not to approve an alarm system at this time.

Motion to approve the ADT Card-Key Access Control System proposal, as presented.

Motion by: Mueller

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Seconded: McKenna
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried.

Proposed 2002/03 Law Enforcement Service Contract-Genesee County Sheriff Dept.

Supervisor Gabrielson reviewed the proposed 1-year contract with the Genesee County Sheriff Department. The contract is virtually the same as last year's, with some changes in personnel. Vehicle cost is somewhat higher than in previous years due to higher gasoline prices. The total cost of approximately \$406,000 looks to be very reasonable.

Motion to approve the 2002/2003 Law Enforcement Services Agreement with the Genesee County Sheriff Department as presented.

Motion by: McKenna
Seconded: Mueller
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried.

Scheduling of Election Commission Meeting

Clerk Mueller reported that an Election Commission meeting has been scheduled for October 7, 2002 at 7:00 p.m., (prior to regular board meeting). It was noted that, with the resignation of Trustee Rowe, the Election Commission is one member short. Clerk Mueller recommended that Trustee Krug be appointed to fill that vacancy.

Motion to appoint Robert Krug to the Fenton Township Election Commission for the term ending November 20, 2004.

Motion by: Mueller
Seconded: McKenna
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried.

Appointments to Fenton Township Building Board of Appeals

Supervisor Gabrielson recommended the re-appointment of Mark Mustola and Robert Rowley to the Fenton Township Building Board of Appeals. There was no further discussion.

Motion to re-appoint Mark E. Mustola and Robert Rowley to the Fenton Township Building Board of Appeals for the term ending September 30, 2004.

Motion by: Mueller
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna

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Nays: None
Absent: Mathis

Motion carried.

Letter of Resignation – Fenton Township Planning Commission

Supervisor Gabrielson reported that Planning Commissioner Eve Avendt has submitted a letter of resignation due to health reasons. He added that Ms. Avendt had been a valuable contributor on the Planning Commission during her brief tenure.

Motion to accept the resignation of Eve Avendt from the Fenton Township Planning Commission.

Motion by: Gabrielson
Seconded: Krug
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried. Supervisor Gabrielson stated that he would bring a recommendation to fill the Planning Commission seat to the 10/7/02 meeting.

Appointment to Fenton Township Board

Supervisor Gabrielson noted that four individuals had submitted their names for consideration to be appointed to the open position on the Township Board. This issue was discussed at the workshop meeting and Supervisor Gabrielson asked for recommendations or nominations from the board. Clerk Mueller recommended that John Brancheau be appointed to fill the Trustee vacancy.

Motion to appoint John A. Brancheau to the position of Fenton Township Trustee for the term ending November 20, 2004.

Motion by: Mueller
Seconded: McKenna
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried.

NON-AGENDA ITEM:

Supervisor Gabrielson discussed the ongoing concerns regarding activities at the north end of Lake Fenton. He stated that inappropriate behavior will not be tolerated and individuals will be arrested if necessary. He urged lake residents to be “self-policing” to a certain extent so everyone can enjoy this area of the lake.

The following individuals spoke on the issue:

Steven Bayley, 14328 Westman Drive
Lisa Polzin, 13308 Wenwood Drive
Justin Henry, 2244 Grove Park Road

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Kathleen Robar (no address given)
Clinton McQueen IV, 2225 Fisk Street
Paul Clasper, 11454 Moffett Court

Their comments/concerns included:

- Reports of inappropriate behavior are exaggerated. Most people are well behaved.
- People using this part of the lake have also made efforts to clean up the area.
- The behavior of a few should not be cause for eliminating the use of the beach area.
- Residents cannot take it upon themselves to be “self-policing” if it involves a large group of people who are out of control.
- Authorities should deal with the law-breakers and allow everyone else to enjoy the lake.
- Why is the DNR involved in enforcement issues?
- Is the board going to pursue the no-anchoring ordinance requested by the Fenton Harbor condominium owners?

Supervisor Gabrielson noted that the DNR patrols the lake to enforce boating safety laws, but can also issue tickets for alcohol related offenses. Supervisor Gabrielson added that the board is likely to request that the DNR conduct a public hearing on the requested no-anchoring ordinance.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 8:50 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 9/19/02