

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 21, 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, Brancheau, Krug, Mathis, McKenna,
Office Manager Broecker and Attorney Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 10/21/02 Fenton Township Board Meeting agenda as amended.

Motion by: Mueller

Seconded: Mathis

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 10/7/02 regular meeting, the 10/14/02 special meeting and the 10/14/02 workshop meeting stand approved as presented.

EXPENDITURES:

Treasurer Garfield questioned an invoice for fire truck repairs. Office Manager Broecker reported that the repairs were a result of minor accidents. The township's insurance covered the cost of the repairs. Trustee Mathis questioned the \$1,500.00 penalty paid to the MDEQ. Supervisor Gabrielson responded that this penalty was the result of the sewer spill on Owen Road during the Silvercrest Drive paving project. We are in the process of recovering that amount from the Genesee County Road Commission.

Motion to approve expenditures as presented.

Motion by: McKenna

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

PUBLIC HEARINGS:

2003 Community Development Block Grant Needs Hearing

Supervisor Gabrielson opened the public needs hearing for the 2003 Community Development Block Grant program. Office Manager Broecker reported that, although Fenton Township is not one of the communities in the 2003 funding cycle, Davison Township and the Village of Otisville will be repaying approximately \$62,000 in CDBG funds it borrowed from Fenton Township in previous years.

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Public Comment:

None

Additional discussion by the board included the following potential projects:

- Loose Senior Citizen Center Operations
- Loose Senior Citizen Center Improvements (renovations, expansion, repairs, etc.)
- Installation of a sidewalk or walking path on the west side of Linden Road from the Linden City limits south to Old Linden Road

The public hearing was closed. Recommendations for project applications, if any, will be brought back to the board at the 11/4/02 meeting.

REPORTS:

Recent Newspaper Articles

Clerk Mueller mentioned two articles from the Sunday Flint Journal. Fenton Township was prominent in an article on cluster housing, which featured the *Landings at Crane's Cove* development. Clerk Mueller commended the board, the Planning Commission and staff for their efforts in making Fenton Township a leader in open space development. He also mentioned an article featuring Ted Hu Associates, the architect for the Fenton Township Hall Renovation project. Mr. Hu's firm is highly respected in Genesee County and has done an excellent job on our project. It is good to see Mr. Hu's firm receive this recognition.

Clerk Mueller also expressed concern regarding comments made in recent articles by City of Fenton officials relating to their Administrative Consent Order (ACO) with the DEQ and sanitary sewer overflows (SSO) that have occurred in the City of Fenton. The comments claim that two of the SSO's were the fault of Fenton Township. Clerk Mueller does not believe this to be true and is concerned that the Fenton City Council may be receiving incorrect information. This issue will be investigated further.

Additional Meetings

Trustee Krug requested that an additional workshop meeting be scheduled before the end of the year to discuss pending litigation. He also suggested that the Township Board consider conducting a separate public forum regarding development. He is concerned about the volume of development in the township and wants input from the residents. Trustee McKenna pointed out that the first public input session for the Land Use Plan update has already been scheduled for 12/19/02. That meeting is the appropriate venue for input from residents regarding future land use issues. Trustee Krug clarified that he would still be in favor of conducting public forums or "Town Hall Meetings" (separate from regular meetings) for the purpose of providing an effective two-way information exchange with Fenton Township residents and improving overall communications. This will be reviewed for future scheduling.

Sewer-Related Expenses

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Trustee Mathis reported that the Township has spent over \$500,000 this year on the GIS Project, the Sewer Inventory Project and sewer repairs and upgrades. She expressed concern over the amount of money being spent and asked when these projects will be over and how much it will ultimately cost. Supervisor Gabrielson clarified that all these projects are the result of the ACO with the MDEQ. There is no pre-set budget and the Township is required to complete the projects, regardless of our financial situation. Fortunately the Township's Sewer Fund is in sound financial condition and it is very unlikely that we will need to borrow any money to complete these required projects. Clerk Mueller stated that the total cost of the various sewer-related projects, as discussed at previous meetings, is estimated to be approximately \$1.25 million. Trustee McKenna added that he has reviewed a Sewer Fund cash flow model prepared by Office Manager Broecker. This model indicates that the expenditures necessary to complete the projects will not deplete the Sewer Fund.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS-OTHER:

Proposed Sewer Franchise Agreement w/City of Linden

Office Manager Broecker reviewed a revised franchise agreement to allow the City of Linden to provide sewer and water services to a Fenton Township residence. Clerk Mueller stated that the proposed reimbursement to the Township for the transfer of one sewer unit to Linden is \$1,500, which is the projected cost per unit of future plant expansions. The Linden City Manager has indicated that he believes the Linden City Council will be agreeable to that amount. Trustee McKenna stated that he is not in favor of the agreement as presented. He believes the reimbursement to the Township should reflect the per-unit cost of the previous plant expansion. The board agreed to postpone action on the proposed agreement until the revised figures are calculated.

NEW BUSINESS:

Fenton Township Civic Community Center – Change Order #4

The board reviewed Change Order #4 for the Fenton Township Civic Community Center Renovation Project that was discussed at the 10/14/02 workshop meeting. The net change to the contract for the items is an increase of \$2,172.87. Trustee Mathis stated that the addition of the door closer on the vault should be the responsibility of the architect. It was clarified that vault door was changed to open out at the Township's request. The addition of the door closer was requested by the Building Inspector.

Motion to approve Change Order #4 for the Fenton Township Civic Community Center Renovations Project, as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna

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Nays: Mathis
Motion carried.

Resolution No. 2002-43, Proposed No Anchoring Zone on Lake Fenton

Supervisor Gabrielson reviewed the issues that have been discussed at several recent board meetings regarding activities around the north end of Lake Fenton. At the request of neighboring property owners, a resolution has been drafted to request that the DNR conduct a public hearing for a potential no-anchoring zone. It was made clear that adopting the resolution is an indication of the Township Board's support of the no-anchoring zone. Treasurer Garfield stated that she is opposed to a no-anchoring zone. It would set a bad precedent and could lead to more similar requests. Clerk Mueller stated that, while he is not necessarily in favor of a no-anchoring zone, he is in favor of the DNR conducting a public hearing on the matter. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-43

WHEREAS, the condominium developments known as Fenton Harbor and North Bay Shores are located at the north end of Lake Fenton in the Charter Township of Fenton, Genesee County, Michigan, and

WHEREAS, the record owners of said condominiums have petitioned the Charter Township of Fenton Board of Trustees to establish a no-anchoring zone in the north end of Lake Fenton, and

WHEREAS, the Charter Township of Fenton Board of Trustees has determined that the anchoring of watercraft in and around the north end of Lake Fenton creates a safety hazard to area residents and other watercraft on Lake Fenton;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby petitions the Michigan Department of Natural Resources to conduct a public hearing for the purpose of determining the necessity of the no anchoring zone as described above.

Motion to adopt Resolution No. 2002-43 as presented.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Brancheau, Mathis, McKenna

Nays: Garfield, Krug

Motion carried. Resolution declared adopted.

EXECUTIVE SESSION:

Motion to recess the special meeting to convene an executive session for the purpose of discussing pending litigation.

Motion by: Mathis

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Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried. The regular meeting was recessed at 8:45 p.m.

RECONVENE:

The regular meeting was reconvened at 9:20 p.m.

Pending Litigation – LJS Partnership, et. al. vs. Fenton Township

Motion to accept the recommendations of the Township attorneys made during the October 14, 2002 executive session regarding the LJS Partnership vs. Fenton Township litigation, authorizing the Township attorneys and the Township Supervisor and staff to proceed with negotiations to develop a proposal for the potential settlement of the case.

Motion by: Gabrielson

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna

Nays: Mathis

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Les Scott, 12499 Margaret Drive

Mr. Scott agreed with Trustee Krug's suggestion for a public forum. He believes that improved communication can resolve issues before they become problems.

ADJOURN: Meeting adjourned at 9:40 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 10/23/02