

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 31, 2003**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, 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:

Treasurer Garfield asked to have the following item added to the agenda:

Donation to Fire Department – Wal Mart

Motion to approve the 3/31/03 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Garfield

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Jack Wheatley of Rowe Incorporated presented a conceptual plan for municipal water in the northern section of Fenton Township. A previously designed plan brought water from Mundy Township to provide water to the Thompson Road Corridor. This conceptual plan extended the potential water line west of US-23 to Jennings Road, then south to Lahring Road. It was emphasized that this was only a conceptual plan to show an alternative to individual wells. The Township has no plans to move forward with this project, but would consider it if petitioned by the property owners in that area.

Public Comment:

The following individuals commented and/or asked questions regarding the presentation:

Ken Johnson, 12101 Jennings Road
Patrick Carmody, 16245 Silver Shore Drive
Brad Biggs, 3386 Horrell Court
Ruth Sadler, 13177 Lakeshore Drive
Jean Johnson, 12101 Jennings Road
Lorraine Zimmer, 6391 Acorn Way
Tom Richard, 12425 Jennings Road
Maxine Lenk, 6243 Smith Road
Faye Miller, 12151 Jennings Road

Their comments included:

- There is no need for public water; concerns over arsenic are unproven.
- Public water will lead to increased development.

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- The cost for public water is too high.
- There is no need for a corridor plan; commercial development is not needed or wanted.
- The community survey conducted as a part of the Master Plan project indicated a low desire for new commercial development.

MEETING MINUTES:

Trustee Mathis questioned the format for the workshop meeting minutes. Office Manager Broecker confirmed that, because no formal actions are taken at workshop meetings, the minutes simply list discussion topics rather than detailed discussion. This has been a standard practice for many years. The minutes of the 3/17/03 regular meeting and the 3/24/03 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Brancheau

Seconded: McKenna

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

Nays: None

Motion carried.

REPORTS:

Fire Department Update

Treasurer Garfield asked about the status of the *Length of Service Award Program* requested by Chief Moulton. Supervisor Gabrielson stated that a meeting would be scheduled some time in April to work out the details of the proposal. Treasurer Garfield also reported that the Fire Department's emergency trailer would soon have lettering applied to the exterior.

COMMUNICATIONS:

Letter from DNR – No Anchoring Zone

Supervisor Gabrielson reviewed a letter from the DNR regarding their recent public hearing for the requested no anchoring zone on Lake Fenton. The DNR finds that no significant conditions presently exist which necessitate the establishment of stricter watercraft controls.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R02-007, Kristin Poniers, 06-02-400-035/036; R-4 to OS/2nd Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance. Trustee Brancheau asked if the OS zoning stayed with the property if the applicant decided not to build as planned. Supervisor Gabrielson confirmed that the zoning stays with the property. There was no further discussion.

Motion to adopt Ordinance No. 604, an amendment to the Zoning Ordinance to rezone parcels 06-02-400-035 and 06-02-400-036 from R-4 to OS, as presented.

Motion by: McKenna

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Seconded: Brancheau

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

Nays: None

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Lot Split #ZBA03-006, Susan Matison, redistribution of platted lots, 06-14-577-061

Supervisor Gabrielson briefly reviewed the proposed land division. Trustee Krug stated that the ZBA had recommended that the applicant revise their original application because of the degree of non-conformity. This ZBA determined that the revised request is the best possible alternative and approved the necessary variance and recommended approval of the division.

Motion to approve the division of parcel 06-14-577-061, as requested.

Motion by: Mathis

Seconded: Mueller

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

Nays: None

Motion carried. Resolution declared adopted.

Purchase of "Touch 'N Track" System/Service Club Donation

Treasurer Garfield reported that the Fire Department plans to purchase the "Touch 'N Track" scene accountability system from Douglass Safety Systems, LLC. The total cost is \$6,162.86, however the Fenton Area Service Club has presented a donation in the amount of \$5,162.48, leaving only \$1,000.38 to be paid by the Township. She also noted that the Fenton Wal Mart has donated \$500.00 to the Fenton Township Fire Department.

Motion to accept a \$500.00 donation from Wal Mart to the Fenton Township Fire Department and to accept a donation from the Fenton Area Service Club in the amount of \$5,162.48 to be used toward the purchase of a Scene Accountability System for the Fenton Township Fire Department.

Motion by: Garfield

Seconded: Krug

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

Nays: None

Motion carried.

Proposed Expansion of Sewer Treatment Plant

Based on the cash flow information presented and discussed at the recent workshop meeting, Supervisor Gabrielson recommended that the board authorize the purchase of 3,000 units of sanitary sewer capacity in the Genesee County District 3 Wastewater Treatment Plant. Trustee Mathis asked to have the decision postponed until a meeting can

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be scheduled with officials from the cities of Fenton and Linden to discuss sewer related issues.

Motion to postpone action on the proposed expansion of the Genesee County District 3 Wastewater Treatment Plan until a future meeting.

Motion by: Mathis

Seconded: Garfield

Ayes: All

Nays: None

Motion carried.

Scheduling of Hearing – IDD for Webasto Product North America, Inc.

Supervisor Gabrielson reviewed a letter from Webasto Product North America, Inc. requesting that their property be established as an Industrial Development District. Creation of the district would then allow them to apply for an Industrial Facilities Exemption Certificate (i.e. tax abatement) for their new facility on North Road. A public hearing is necessary before making a decision on the establishment of the Industrial Development District.

Motion to schedule a public hearing to consider the request of Webasto Product North America, Inc. to establish parcels 06-26-100-003 and 06-26-100-006 as an Industrial Development District, in accordance with PA 198 of 1974, as amended.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Absent:

Motion carried.

Payoff of Fire Truck Loan

Treasurer Garfield recommended that the board approve an early payoff for a fire truck loan originated in the early 1990's. The total payoff amount is \$52,391.59, with an effective date of 5/1/03. The early payoff will result in interest savings of approximately \$2,700.00.

Motion to approve the payoff of debt issued through the Michigan Municipal Bond Authority for the purchase of a fire truck in the amount of \$52,391.59, effective 5/1/03.

Motion by: Garfield

Seconded: Brancheau

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

Nays: None

Motion carried.

Proposed 2003 Budget Amendments

Office Manager Broecker reviewed proposed amendments to the 2003 budget. Most amendments are relatively minor, however revisions in the Sewer Fund are significant

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and reflect the projections included in the cash flow model discussed at the 3/24/03 workshop meeting.

Motion to approve amendments to the 2003 Fenton Township budget, as presented.

Motion by: McKenna

Seconded: Brancheau

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

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Maxine Lenk, 6243 Smith Road

Ms. Lenk referred to the Township Board meeting held on 2/18/02 at which State Representative Pat Lockwood spoke. She stated that the Township should have allowed a referendum on the Township Hall renovation project.

Ray Lord, 4520 Eleanor Drive

Mr. Lord stated that he is still concerned about smoking in the Fenton Township Hall. He would like violators prosecuted.

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody expressed concern regarding the Township's budget. It is his experience that a budget should not be changed after it is approved. Mr. Carmody also asked why the attorney representing the Fenton Township Residents Association was not invited to participate in tonight's executive session. Attorney Cooley responded that Judge Hayman, earlier today, ruled that the FTRA was only allowed to intervene as a third party for that one hearing. He has not ruled to allow third party intervention in the underlying lawsuit. Mr. Cooley added that he has suggested that he, and possibly Mr. Mulvihill, meet with the FTRA attorney regarding this issue.

Tony Brown, 12159 Jennings Road

Mr. Brown confirmed the information provided by Mr. Cooley regarding today's court hearing. He also agreed with the concept of having the FTRA attorney and the Township's attorneys work together.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer asked about the Township's insurance coverage for lawsuits. Trustee Krug confirmed that he and Office Manager Broecker recently met with a representative from the Township's insurance company. Insurance coverage for "takings" is a specific type of coverage separate from the Township's general liability coverages. Fenton Township has \$1,000,000 in zoning coverage, the maximum allowed by the company.

Kristen Poniers, 1156 Runyan Lake Road

Ms. Poniers thanked the board for their actions regarding the rezoning of her property on Wiggins Road.

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David Franz, 3435 Breezepointe

Mr. Franz asked if a meeting among the attorneys had been scheduled. Attorney Cooley responded that the idea of a joint meeting was discussed for the first time today. He anticipates that such a meeting will be scheduled very soon.

Faye Miller, 12151 Jennings Road

Ms. Miller questioned Supervisor Gabrielson's recent court testimony regarding the proposed mobile home park and the need for senior and/or affordable housing. Supervisor Gabrielson confirmed that Fenton Township has been identified by the Fair Housing Committee as a community in need of additional senior and affordable housing. Regarding the Thompson Road Corridor Plan, Ms. Miller also repeated her earlier contention that the community does not want commercial development. Supervisor Gabrielson and Clerk Mueller explained that commercial and industrial zoning is already in place along Thompson Road. The Corridor Plan simply requires that any development that does take place be done in an orderly and professional manner.

EXECUTIVE SESSION:

Supervisor Gabrielson stated that the board would be convening an executive session to discuss the pending lawsuit but would take no action this evening.

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

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. The regular meeting was recessed at 9:50 p.m.

RECONVENE:

The regular meeting was reconvened at 11:40 p.m.

ADJOURN: Meeting adjourned at 11:40 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 4/2/03