

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR SPECIAL MEETING OF APRIL 10, 2003**

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

Supervisor Gabrielson called the meeting to order at 7:00 p.m.

Present: Gabrielson, Mueller, Garfield, Brancheau, Mathis, Recording Secretary
Penny Sharich and Attorney Cooley

Absent: McKenna, Krug (arrived at 7:05 p.m.)

Also Present: Attorney John Mulvihill

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

DISCUSSION / QUESTIONS:

LJS Partnership vs. Fenton Township Lawsuit

Attorney Cooley provided a synopsis of the discussion that took place in the executive session at the 3/31/03 Township Board meeting. The consent judgement to settle the lawsuit has been revised to remove the language that resulted in the agreement being set aside. The Township's insurance company has strongly recommended that the Township Board authorize Attorney Mulvihill to proceed with settlement of the lawsuit with the revised consent judgement.

Public Comment:

The following individuals commented and/or asked questions regarding the lawsuit and related issues:

Paul Price, 12459 Jennings Road
Frank Tomczak, 1249 Pomona Court
David Manson, 4138 McFarlan Drive
Gary Miller, 12151 Jennings Road
Maxine Lenk, 6243 Smith Road
Jean Johnson, 12101 Jennings Road
Les Butler, 6388 Oak Leaf Trail
Sonia Brown, 12159 Jennings Road
Faye Miller, 12151 Jennings Road
Victoria Mitchell, 2388 Grove Park Road
Roger Polk, 4120 Four Lakes Avenue
Doug Derwin 14187 Landings Way
David Franz, 3435 Breeze Pointe
Jim Root, 12558 Cussewago Beach Drive
David Boyd, 3515 Lahring Road
Patrick Carmody, 16245 Silver Shore Drive
Ray Lord, 4520 Eleanor Drive
Ruth Sadler, 13177 Lakeshore Drive
Chris Bernhardt, 13082 Alyssa Court
Lisa Martorana, 4180 Four Lakes Avenue

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Ken Johnson, 12101 Jennings Road
Doug Lyons, 12125 Jennings Road
Gary Mitchell, 3497 Lahring Road
Jerry Barry, 11348 Fenton Road
John Maser, 12126 Jennings Road
Bill Ochodnicki, 14107 Landings Way
Lorraine Zimmer, 6391 Acorn Way
Dan Rust 13318 Pomona Drive

The comments made and issues raised included:

- The Township's insurance coverage and the possibility of the policy being voided if the Township Board does not agree to settle the lawsuit.
- The Township's Zoning Ordinance and insurance issues vs. the "will of the people".
- Impact of the proposed mobile home park on existing wells, specifically as it relates to groundwater arsenic levels.
- The Township should consider changing insurance companies.
- Availability of sewer units.
- The potential for the Township to utilize the attorney that currently represents the Fenton Township Residents Association.
- The insurance company is using coercion to force the Township to settle the lawsuit.
- The potential for the award of damages to Mr. Ragnone if the lawsuit is not settled.
- The need to change current laws to prohibit trailer parks in the future.
- The negative impact on quality of life if a mobile home park is developed.
- Timing for the trial.
- Taxpayer impact resulting from any damage award.
- Decision should be based on what's best for the Township, not what's best for the insurance company.
- The role of the Township's Master Plan in the lawsuit.
- The board should do what the residents want.
- Availability of sanitary sewer to the proposed mobile home park.

Some of the responses and clarifications provided by the Township Board and attorneys included:

- The Township's insurance company does not have the authority to unilaterally void the Township's insurance coverage. They must take legal action to do so.
- The lawsuit is based on the Township's denial of a requested use of property. If the Township were to lose the lawsuit, the use would be allowed and monetary damages could be awarded to the plaintiff. The insurance company's recommendation is based on the attorney's opinion that the Township is not likely to win the lawsuit.

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- Township officials have already discussed potential changes to laws regarding mobile home parks with State Representative Dave Robertson.
- If the lawsuit is not settled the trial proceedings will begin soon.
- If damages were awarded, they would be assessed against all property in the Township, including the existing mobile home parks.
- The first obligation of the attorney retained by the insurance company is to the Township Board, not the insurance company. The attorney reports facts as he sees them and does not slant his views in any way.

Roger Myers, attorney for the Fenton Township Residents Association, made the following statements and comments:

- The judge could indeed rule that Mr. Ragnone has an economically viable use of the property as zoned.
- Because the basis for Mr. Ragnone's case is an appeal of the decision of the Fenton Township Zoning Board of Appeals, the most he can get is the 398 units he requested.
- Mr. Ragnone has the burden of proof for what constitutes a reasonable use of the land.
- The density of the proposed use is too high for the area.
- The potential negative impact on existing wells makes the taking issue mute and is a valid reason for the judge to rule against the plaintiff.
- There is no demonstrated need for this type of housing in Fenton Township.
- The Township's insurance company's threat to cancel the Township's insurance policy is just that a threat.

Treasurer Garfield stated that the board should not vote on the issue at Monday's meeting. Trustee Mathis expressed concern that information discussed at the 3/31/03 executive session was made public.

ADJOURN: Meeting adjourned at 10:45 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 4/14/03