

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 19, 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, Mathis, McKenna, Office
Manager Broecker and Attorney Cooley

Absent: Krug (arrived at 8:25 p.m.)

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Gabrielson noted that a revised agenda had been distributed. The addition of the proposed COPS grant application is the only change from the original agenda. Amy McMillan, Genesee County Parks & Recreation Director, has also asked to briefly address the board.

Motion to approve the 5/19/03 Fenton Township Board Meeting agenda as amended.

Motion by: Garfield

Seconded: Brancheau

Ayes: All Present

Nays: None

Absent: Krug

Motion carried. The agenda is approved.

GENESEE COUNTY PARKS & RECREATION

Amy McMillan, Genesee County Parks & Recreation Director, reported that representatives of the Parks & Recreation Commission had met with representatives of AYSO to discuss ongoing concerns the park property on Linden Road. Another meeting will be scheduled to discuss these issues further. Ms. McMillan asked that the Township Board also be represented at the next meeting. Supervisor Gabrielson indicated that the board would send representatives to the meeting.

MEETING MINUTES:

Trustee Mathis asked have the 5/5/03 minutes revised. With regard to the purchase of the Chevrolet Tahoe for the Fire Department, she was opposed because the purchase was not in the adopted budget. Treasurer Garfield asked to have the bid information included in the portion of the minutes regarding the sanitary sewer hydraulic model. The minutes of the 5/5/03 regular meeting stand approved as revised and the minutes of the 5/14/03 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: McKenna

Seconded: Brancheau

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

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 19, 2003**

Nays: None
Absent: Krug
Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

COMMUNICATIONS:

Notice of Date Change – Annexation Hearing

Supervisor Gabrielson noted that the Michigan Boundary Commission has rescheduled their adjudicative hearing on the proposed annexation to June 19th. The time and location of the hearing have yet to be determined.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Resolution No. 2003-07, Request for Tavern License-La Marina Restaurant

Office Manager Broecker reviewed a letter from the owner of the La Marina Restaurant asking the board to recommend the issuance of a Tavern License with Dance Permit. A Tavern License would allow beer and wine to be served. The Dance Permit would allow a dance area for the restaurant's patrons to dance. A resolution of recommendation from the Township Board is required before the Michigan Liquor Control Commission can process their application. Trustee McKenna reported that the applicant was recently granted a Special Use Permit by the Planning Commission to allow dancing in their establishment. Mr. Tarek Hamden, owner of the restaurant, stated that he is seeking a Tavern license because of the many requests from customers for beer and wine. He also indicated that the dance area would only be used for private parties. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2003-07

WHEREAS, Abraham T. Inc. has requested that the Charter Township of Fenton Board of Trustees recommend the issuance of a Tavern License with Dance Permit for a restaurant located at 3235 Thompson Road;

THEREFORE BE IT RESOLVED, that the request from Abraham T. Inc. for a Tavern License with Dance Permit for a business located at 3235 Thompson Road, Fenton, Michigan 48430, Genesee County, be considered for Approval "ABOVE ALL OTHERS".

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 19, 2003**

Motion to adopt Resolution No. 2003-07 as presented.

Motion by: Mathis

Seconded: Mueller

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

Nays: None

Absent: Krug

Motion carried. Resolution declared adopted.

Proposed Donation of Property to Fenton Township

Supervisor Gabrielson reviewed a letter from a local property owner who wishes to deed a small parcel of land to the Township. The lot in question is approximately 35' x 75' in size and, because the existing streets do not follow the original plat, Dalhart Drive runs through the middle of the lot. Because the property has little value the owner wants the Township to take ownership. The board discussed their concerns regarding the property, including potential liability issues. The board agreed that it would not be in the best interests of the Township to assume ownership of this parcel.

Motion to reject the proposed donation of parcel 06-11-529-075 from Marilyn Lawrence, as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Absent: Krug

Motion carried.

Proposed Expense Reimbursement Policy

Supervisor Gabrielson reviewed a proposed Expense Reimbursement Policy that was discussed at the recent workshop meeting. One provision has been added to the proposed policy that was not discussed at the workshop. This provision allows an individual meal cost to exceed the stated limit, provided that the total meal cost for the day does not exceed \$40.00. This provision would only apply if all three meals for that day were reimbursable expenses. The concept of utilizing a per diem approach to expense reimbursement was also discussed at the workshop. The IRS allowable per diems range from \$90-159 for lodging and \$35-45 for meals & incidentals, depending on location. The proposed limits fall within the IRS ranges.

Motion to approve the Expense Reimbursement Policy as presented.

Motion by: Mueller

Seconded: Brancheau

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

Nays: None

Absent: Krug

Motion carried.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 19, 2003**

2003 Dust Control Agreement – Genesee County Road Commission

Supervisor Gabrielson reviewed the proposed 2003 dust control program from the Genesee County Road Commission. As in past years, Genesee County will fund the first application of chloride and the Township is responsible for the second application. The total projected cost to the Township is approximately \$11,148.80.

Motion to approve the 2003 Dust Control Contract with the Genesee County Road Commission as presented, and to authorize the Township Supervisor and Township Clerk to execute said contract on behalf of Fenton Township.

Motion by: McKenna

Seconded: Brancheau

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

Nays: None

Absent: Krug

Motion carried.

Financial Allocation to Fenton Library

Supervisor Gabrielson reviewed a letter from the City of Fenton regarding the Jack A. Winegarten Public Library. In 1999 Fenton Township allocated \$2,500.00 to the City of Fenton for operation and maintenance of the library. The City of Fenton is requesting that the \$2,500.00 allocation be done on an annual basis. A \$10,000.00 allocation this year would cover the years 2000-2003. The board agreed to allocate \$2,500.00 per year, starting with 2003, but the members were not in favor of paying for past years. The board did support including an annual \$2,500.00 allocation in future budgets.

Motion to allocate \$2,500.00 to the City of Fenton to defray the cost of building maintenance and operation for the Jack A. Winegarten Library, for the year 2003.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Absent: Krug

Motion carried.

Proposed COPS Grant Application

Supervisor Gabrielson reminded the board that one of the objectives of our 4-year plan first discussed in early 2001 was to increase the number of officers under contract with the Genesee County Sheriff Department from five to seven. For the past two years we have left the number of officers at five, due in part to a lack of available grant funds. The Genesee County Sheriff Department recently notified us that the U.S. Department of Justice is once again accepting grant applications through their *Office of Community Oriented Policing Services* (COPS) program. A COPS grant would allow Fenton Township to add a sixth officer without absorbing the total cost. A grant of \$75,000 would be spread over three years. The Township would be obligated to retain the additional officer at least one additional year after the grant expires. Trustee Mathis

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 19, 2003**

supported the grant application, citing growth as justification for increasing patrols. The board agreed that the application should be filed.

Motion to approve the submission of a grant application to the U.S. Department of Justice/Office of Community Oriented Policing Services program, as presented.

Motion by: Mueller

Seconded: Mathis

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

Nays: None

Absent: Krug

Motion carried.

LJS Partnership vs. Fenton Township Lawsuit

Attorney Cooley reported that Judge Hayman had granted a request from Mr. Ragnone's attorney to adjourn the trial indefinitely, pending the outcome of the plaintiff's appeal of Judge Hayman's decision to set aside the consent judgement.

Public Comment:

Tony Brown, 12159 Jennings Road

Mr. Brown noted that briefs were due 5/23/03 on the plaintiff's request for leave to appeal. He acknowledged the potential conflict of interest for the current Township attorneys but also asked if the Township was planning to file an objection. Attorney Cooley responded that the Township was not taking a position on the plaintiff's request for appeal. Since the residents' attorney is already filing an objection, it would be redundant for the Township to file a similar brief. If the plaintiff's request is granted and the appeal will be heard, the Township is prepared to oppose the appeal. Mr. Brown again encouraged the board to retain Roger Myers (the attorney currently representing the FTRA) to represent the Township. He also requested that the Township absorb all legal fees incurred by the FTRA since March 11, 2003. Trustee McKenna stated that, notwithstanding the resident's opinion of Mr. Myers, none of the evidence provided or testimony given by Mr. Myers or the residents impacted Judge Hayman's decision to set aside the consent judgement. The sole reason for the judge's decision was the "rezoning" clause that was deemed invalid.

Sonia Brown, 12159 Jennings Road

Ms. Brown disagreed with Trustee McKenna's statement. It was their attorney that raised the issue of the invalid provision in the consent judgement.

Clerk Mueller stated that he was not opposed hiring Mr. Myers to represent the Township, but suggested that an initial cost limit be set. Trustee Mathis also supported retaining Mr. Myers.

(Trustee Krug arrived at 8:25 p.m.)

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 19, 2003**

Dan Rust, 13318 Pomona Drive

Mr. Rust asked the board to weigh the potential legal cost vs. the cost of potential damages if the Township ultimately loses the lawsuit.

Patrick Carmody, 16245 Silver Shore Drive

Regarding Attorney Cooley's statement regarding redundancy, Mr. Carmody stated that he considers have an attorney paid by the Township and an attorney paid by the Township's insurance company to be redundant. He also expressed concern regarding the lack of communication to board members regarding the timetable for the appeal process.

Motion to retain Attorney Roger Myers to represent Fenton Township for the appeal process of the LJS Partnership vs. Fenton Township lawsuit, subject to a \$20,000.00 expense limit.

Motion by: Mathis

Seconded: Garfield

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 questioned a recent Flint Journal article that indicated that Fenton Township did not solicit bids for the last mosquito control contract. Clerk Mueller responded that bids were solicited in the past, but there were no other companies in the area that provided comparable service. Trustee Mathis added that the level of service provided by Advanced Pest Management is outstanding. Additionally, there have been several instances when APM did not charge the full amount of their annual contract due to lower than anticipated cost.

Ms. Lenk also stated opposition to the development of the Thompson Road corridor under the plan approved by the Planning Commission. Supervisor Gabrielson explained that property along Thompson Road is already zoned for commercial and industrial use. The corridor plan simply directs the development so it is accomplished in a logical and organized manner.

Bill Ochodnick, 14107 Landings Way

Mr. Ochodnick stated that the Michigan DEQ had sent out notices regarding a permit application for the Ponemah Woods Condominium development. The Landings Way Association has requested that the DEQ conduct a public hearing on the application.

Tom Richard, 12425 Jennings Road

Mr. Richard reported that the mosquito spraying trucks travel too fast on Jennings Road. He is concerned that this excessive speed will reduce the effectiveness of the spraying process. Supervisor Gabrielson will follow up with APM.

Lorraine Zimmer, 6391 Acorn Way

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 19, 2003**

Ms. Zimmer questioned the need for a new sewer interceptor along Thompson Road. She is concerned that a new sewer line will lead to more development. Supervisor Gabrielson explained that the proposed interceptor would not only accommodate any new construction along Thompson Road, it would also alleviate capacity issues on the Fenton Road sewer arm. Clerk Mueller added that all property in Fenton Township has been subject to a sewer debt retirement millage since the 1960's. It has always been understood that this millage entitled property owners to have sewer service available at some point. Ms. Zimmer went on to say that the Township Board should take whatever steps are needed to limit development. She also stated that the board needs to provide more information to the public.

John Maser, 12126 Jennings Road

Mr. Maser stated that the original intent of constructing sanitary sewer in Fenton Township was to protect the lakes. He also agreed with Clerk Mueller's explanation of the sewer debt millage.

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody asked if Hartland Township is proposed to be included in Sewage Disposal District #3 along with Tyrone Township. Supervisor Gabrielson responded that it was always his understanding that Hartland could be a part of the agreement between Genesee and Livingston Counties. Drain Commissioner Wright has indicated that Hartland would not be included in the proposed project because it is not in the same watershed. Clerk Mueller stated that he believes Hartland is part of the Shiawassee River watershed.. Supervisor Gabrielson will clarify this issue at a meeting later this week.

Jan Rust, 13318 Pomona Drive

Ms. Rust expressed concern regarding what options residents have when they are told "it's a county problem" (i.e. roads, treatment plant, etc.). She would like the board to be more responsive to these types of issues and concerns.

David Franz, 3435 Breezepointe

Mr. Franz noted that the Starrs farm property is being proposed for rezoning and development. He stated that it appears the Planning Commission is trying to direct the development in a manner to limit overall density. He urged the residents to stay involved in these types of issues.

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

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 5/20/03