

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

Absent: Brancheau

**PLEDGE OF ALLEGIANCE:**

Supervisor Gabrielson led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 7/21/03 Fenton Township Board Meeting agenda as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: All Present

Nays: None

Absent: Brancheau

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 7/7/03 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve expenditures as presented.

Motion by: McKenna

Seconded: Garfield

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

Nays: None

Absent: Brancheau

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

**LJS Partnership vs. Fenton Township Lawsuit**

Clerk Mueller read from a document received earlier today by Attorney Cooley. The Michigan Township Participating Plan, the Township's insurance company, has filed a motion to file an Amicus Curiae Brief in the ongoing mobile home lawsuit.

**BKG Annexation Update**

Supervisor Gabrielson reported that the State Boundary Commission voted 3-1 in favor of annexing property from Fenton Township to the City of Fenton. The commission cited the Township's failure to provide municipal water as the reason for their decision. The Boundary Commission confirmed that the Township met all of the exemption criteria in

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2003**

the statute but voted for annexation anyway. Attorney Siler has recommended that the Township Board authorize him to appeal the decision of the Boundary Commission. This issue will be placed on the 8/4/03 agenda.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Proposed Amendment to Vehicle Code Ordinance/2<sup>nd</sup> Reading**

Supervisor Gabrielson reviewed a proposed amendment to the Vehicle Code Ordinance. As discussed at the 7/7/03 meeting, both the Genesee County Sheriff Department and Judge Mark McCabe have recommended that Fenton Township amend this Ordinance to include the sections dealing with alcohol-related offenses. This would mean that Fenton Township would prosecute all tickets issued under the Michigan Vehicle Code, which would be consistent with all other communities in Genesee County.

Trustee Mathis requested that the second reading of the proposed ordinance be postponed. She reviewed background information regarding the research conducted by her and former Trustee Denise Ketchmark. The alcohol-related offenses were excluded in the original ordinance because of concerns over the potential cost of prosecuting these violations relative to the revenues generated. She would like to see written statements from Sheriff Pickell and Judge McCabe justifying their recommendations for this amendment.

Motion to postpone the second reading of a proposed amendment to Vehicle Code Ordinance No. 575.

Motion by: Mathis

Seconded: Mueller

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

Nays: None

Absent: Brancheau

Motion carried.

**Fire Code Ordinance/1<sup>st</sup> Reading**

Office Manager Broecker reviewed a proposed ordinance to adopt the 2000 International Fire Code as the Township's fire code. The current Fire Code Ordinance adopted the 1996 BOCA Fire Code and needs to be updated. There was no public comment. The second reading of the proposed ordinance will be conducted at the 8/4/03 meeting.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2003**

**Lot Split #LS03-001, Robert Yaklin, divide lot #17-Log Cabin Point Annex; Parcel 06-14-528-002**

Supervisor Gabrielson reviewed the proposed division of lot 17 of the Log Cabin Point Annex plat. The Genesee County Drain Commissioner has reported that there are no county drains on the property and that no significant drainage issues exist. Attorney Richard Hamilton, representing Mr. Yaklin, reviewed the split request. The requested division would result in two conforming lots. The “back lot would have frontage on Log Cabin Point and Latourette Drive, and would not have lake access. It was also noted that the Planning Commission has recommended approval of the split. Clerk Mueller pointed out that the Planning Commission had included three conditions with their recommendations for approval. Supervisor Gabrielson clarified that the condition related to driveway access cannot be enforced. Trustee Mathis asked if the paving of Latourette Drive adjacent to this parcel could be required. Supervisor Gabrielson responded that the Township cannot force offsite improvements, especially since Latourette is a private road.

Motion to approve the division of Lot 17 of the Log Cabin Point Annex plat, parcel # 06-14-528-002, as presented, with the following conditions:

- *No riparian access for the newly created lot.*
- *Drainage for new lot and construction will not exacerbate the current drainage problems in the area*

Motion by: Mueller  
Seconded: Garfield  
Ayes: Gabrielson, Mueller, Garfield, McKenna  
Nays: Krug, Mathis  
Absent: Brancheau

Motion carried.

**Lot Split #LS03-002, Ken Hartem, platted lot redistribution-Restwood Park; Parcel 06-30-502-047**

Supervisor Gabrielson reviewed the proposed redistribution of platted lots in the Restwood Park subdivision. Mr. Hartem explained that his current parcel consists of ten platted lots. He is requesting to divide the parcel in a manner that would result in three conforming parcels. The Planning Commission has recommended approval of the land division. Clerk Mueller noted that the applicant’s previous application to create four parcels at this site was denied.

Motion to approve the redistribution of parcel # 06-14-528-002, as presented.

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

Motion carried.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2003**

**Resolution No. 2003-14, Loon Lake Weed Control Special Assessment**

Office Manager Broecker reported that the residents of Loon Lake have petitioned to renew their weed control special assessment. A public hearing is necessary to start the special assessment proceedings. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2003-14**

*WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties with frontage on Loon Lake to establish a special assessment district for the purpose of improving the lake through the eradication and control of aquatic weeds, and*

*WHEREAS, it has been determined that the petition has been signed by the record property owners representing more than 50% of the land area in the proposed special assessment district, and*

*WHEREAS, plans and estimated costs for the foregoing lake improvement have been placed on file in the office of the Township Clerk,*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to implement an aquatic weed eradication and control program for Loon Lake, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include all properties with frontage on Loon Lake, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday August 4, 2003 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2003-14 as presented.

Motion by: Mueller

Seconded: Krug

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

Nays: None

Absent: Brancheau

Motion carried. Resolution declared adopted.

**Hiring of Co-op student for 2003-04 School Year**

Supervisor Gabrielson reviewed a memo from Office Manager Broecker recommending that the Township Board once again participate in the co-op student program for the 2003/2004 academic year. Emily Ross, a senior at Lake Fenton High School, and Krystal Phillips, a senior at Fenton High School have both expressed an interest in working at the Fenton Township office. Both students have been interviewed and either would be a fine

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2003**

addition to the staff. If approved, the student would work 15-20 hours per week. As before, duties would include general research and filing projects, serving as back-up for the receptionist positions and working on special assignments. The total budget impact for this position (salary & FICA tax) would be approximately \$3,000.00 for each semester. The board reviewed the qualifications of the two students. It was noted that the last two co-op students were from Fenton High School so, in the interest of fairness, it was recommended that the a Lake Fenton student be selected this time.

Motion to approve the hiring of Emily Ross as a part-time co-op student employee for the 2003/2004 academic year.

Motion by: Krug

Seconded: Garfield

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

Nays: None

Absent: Brancheau

Motion carried.

**Design Proposal – Fenton Twp. Civic Community Center Parking Lot Renovations**

Supervisor Gabrielson reviewed a proposal from Rowe Incorporated to design the reconstruction of the Fenton Township Civic Community Center parking lots. Jack Wheatley of Rowe Incorporated reviewed the proposal in detail. The total engineering cost, including field work, concept design and construction drawing, is estimated at \$12,576.00. Treasurer Garfield asked why a boundary survey was not included in the proposal. Mr. Wheatley stated that the western side of the parking lot would not be relocated and the eastern side would stop well short of the property line because of wetlands. Therefore it is anticipated that a boundary survey, which would be quite costly, will not be necessary. The board also briefly discussed various issues such as retention ponds, ditches and the potential moving of an electrical pole.

Motion to approve the design proposal of Rowe Incorporated for the reconstruction of the Fenton Township Civic Community Center parking lots, as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Absent: Brancheau

Motion carried.

**Proposal to Develop Water Master Plan – Rowe Incorporated**

Supervisor Gabrielson briefly reviewed a proposal from Rowe Incorporated to develop a *Water System Master Plan* to address the Township's water needs. Jack Wheatley of Rowe Incorporated provided an a more in-depth overview of the proposal. The proposed scope of the project includes:

- Identify the proposed water service areas
- Determine proposed water demands

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2003**

- Develop a computer model
- Coordinate with Genesee County WWS and the Townships of Grand Blanc and Mundy
- Develop the Master Plan for water service to Fenton Township
- Written Report

Mr. Wheatley stated that the intent of the water master plan is to take into consideration all possibilities for potential water services. He added that information gathered for the recently completed Sewer Impact Study could also be used in this plan, thereby reducing some cost. The end result will be a plan and a hydraulic model that will be a valuable planning tool for the future.

Treasurer Garfield expressed concern that a public water system will lead to increased growth. She also suggested that a water quality study should be completed first. Trustee Mathis agreed, stating that more information on our existing ground water should be obtained before moving forward with the master plan. Clerk Mueller stated that the water master plan is still needed because of known problems related to arsenic and existing Type I and Type II systems. He suggested that the master plan and a water quality study could be done at the same time. Supervisor Gabrielson clarified that zoning and the Township's Future Land Use Plan will determine future growth, not the availability of public water. Approving the water master plan does not commit the Township to implementing a water system. It simply develops a plan so the Township is prepared if the decision is made to move forward with a municipal water system. Supervisor Gabrielson agreed that a water quality study is a good idea, but can be concurrent with the water master plan. Trustee McKenna stated that doing the water quality study before the water master plan loses too much valuable time, especially in light of the existing systems with arsenic problems.

**Public Comment:**

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody recognizes the value of a water master plan but also is in favor of the water quality study. He expressed concern regarding the arsenic levels in our ground water and the continued development while so many water issues are unknown. He is also concerned about the potential impact on the aquifer of the new City of Fenton water plant. He suggested that a committee should be appointed to spearhead a water quality study to identify the full scope of any problems. He also suggested that a moratorium be placed on development while these water issues are studied.

Brenda Friend, 12368 St. Andrews Way

Tony Manfre, 12508 St. Andrews Way

Ms. Friend and Mr. Manfre spoke on behalf of the residents of the Glen Devon condominium development. Because the EPA will lower the maximum arsenic content in community wells to 10 ppb in 2006, this has created a critical need for their system. They urged the board to move forward with the water master plan and to provide whatever

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2003**

assistance possible to help Glen Devon comply with the new standard. By a show of hands, a large number of attendees supported this statement.

Brad Biggs, 3386 Horrell Court

Mr. Biggs stated that he was a member of the Fenton Township Board and Planning Commission when Glen Devon was approved. If the arsenic problems had been known at that time, the development would not have been approved. He is concerned about the potential cost of operating a water system. He suggested that residents can purchase and install individual reverse osmosis system to resolve their immediate need for drinkable water, while all options are investigated. Clerk Mueller pointed out that this approach would not resolve the compliance issues for Glen Devon's well system. Mr. Biggs stated that the Lake Fenton School facilities probably don't use as much water as residential development. He doesn't believe that the water problems of Glen Devon or the school is the Township's responsibility.

Trustee Krug asked if a water quality study could be conducted parallel to the water master plan. Jack Wheatley of Rowe Incorporated responded that it could. Data on existing Type I and Type II wells, along with DEQ arsenic test results and Genesee County well data could be used to develop such a study. Bill Winiarski, also of Rowe Incorporated, stated that the two projects are independent and the water quality proposal could take a few weeks.

Trustee McKenna stated that the long-term question for the board is should the Township provide municipal water. He is concerned that any water quality study may not be conclusive due to the variables that affect arsenic levels. He added that water volume issues are also a potential concern, although difficult to analyze.

Ralph Coaster, Superintendent of Lake Fenton Community Schools

Mr. Coaster stated that the school district has spent significant dollars on a sewer pump station for the new high school, which won't be needed after a few years because the recently completed Sewer Impact Study is recommending a new interceptor along Lahring Road. Had this plan been in place sooner, the additional cost may have been avoided. It makes sense to be proactive and develop a water master plan, rather than be reactive as situations arise.

Lee Martorana, 4180 Four Lakes

Ms. Martorana asked why a water master plan should be done when the problem areas haven't been identified. Supervisor Gabrielson responded that the water master plan will provide information so the Township will know what we need when we need it.

There was brief discussion regarding the potential for the cities of Linden and Fenton to connect to a Township water system.

Carl Burch, 12327 St. Andrews Way

Mr. Burch, referencing a recent Flint Journal article, stated that the City of Linden's water system has a current arsenic level of 35 ppb.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2003**

Dave Franz, 3354 Breezepointe

Mr. Franz confirmed that the City of Linden does not meet the new arsenic standard and will have to upgrade their facility.

Tony Brown, 12159 Jennings Road

Mr. Brown stated that a water quality study, or hydrogeological study, will not be a simple process and there are many factors to be considered. He also suggested that the water master plan should include other options, such as a water treatment facility in Fenton Township.

Motion to approve the proposal of Rowe Incorporated to develop a Water System Master Plan, as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Absent: Brancheau

Motion carried.

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

Ray Lord, 4520 Eleanor Drive

Mr. Lord spoke regarding smoking in the Fenton Township Civic Community Center. He thanked Trustee Krug for his support of anti-smoking issues and asked what steps have been taken to discourage smoking in the lower level of the building. Trustee Krug responded that the rental agreement for the banquet hall has been revised to require forfeiture of the \$500 deposit if evidence of smoking is detected after a rental. Hopefully this will adequately discourage any further violations.

**ADJOURN:** Meeting adjourned at 10:15 p.m.

---

Carl Gabrielson, Supervisor

---

Charles Mueller, Clerk

**Minutes Posted 7/22/03**