

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 1, 2004**

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

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson,  
Recording Secretary Penny Sharich and Attorney Cooley.

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Supervisor Mathis reported that required information for the proposed Horizon Lakes Airpark Street Lighting Special Assessment had not been received by the Township. Therefore this item should be removed from the agenda. She also asked to have an item added to the Communication section of the agenda to discuss the definitions of boat slip and dock slip that are included in the proposed Zoning Ordinance amendment. Motion to approve the 3/1/04 Fenton Township Board Meeting agenda as amended.

Motion by: Mathis

Seconded: Garfield

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**PRESENTATIONS:**

**Mott Community College**

Wayne Schaeffer, representing Mott Community College, formally thanked the board for the Township's support and partnership related to Mott CC. He stated that the Thompson Road campus is celebrating its 10<sup>th</sup> anniversary and Mott CC continues to experience many success stories. Mr. Schaeffer presented the board with a resolution of appreciation from the Mott CC Board of Trustees. The board thanked Mr. Schaeffer for his presentation.

**Sanitary Sewer Project Update**

Allen Lawrence of Lawrence Engineering and project coordinator Penny Sharich gave an overview of the ongoing sanitary sewer project. One of the primary focuses of the project is to comply with the Administrative Consent Order (ACO) with the MDEQ. Mr. Lawrence and Ms. Sharich outlined the Township's proactive approach to the project. The highlighted points included:

- ❑ Data collection, field survey and graphical composite are approximately 80% complete.
- ❑ All quarterly status reports have been submitted to the MDEQ on time.
- ❑ Approximately 650 manholes have been raised to the proper grade, with about 70 remaining to be raised.
- ❑ 307 instances of inflow & infiltration have been repaired/corrected.
- ❑ 87 deviation from as-built prints have been identified and documented.

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- ❑ Five generators have been purchased to provide onsite backup power for selected pump stations.
- ❑ Pump stations have been upgraded with respect to electrical code and the addition of alarms with automatic dialers.
- ❑ Six large segments of sewer main have been repaired.
- ❑ Five flow meters have been purchased to monitor flows and identify problem areas.
- ❑ There have been no sanitary sewer overflows (SSO) or backups since December 2002.

The Township will continue with the initiatives to upgrade pump stations, install auto-dialer alarms and complete repairs as needed. It is anticipated that the Township can be removed from the ACO at the end of 2006.

Additionally, it was announced that *ARCNews*, a national GIS publication, recently published an article on Fenton Township's efforts and how we have coordinated a comprehensive project, including mapping the entire sewer system into the GIS. Penny Sharich has been invited to help make a presentation at an upcoming conference.

**MEETING MINUTES:**

The minutes of the 2/16/04 regular meeting, the 2/17/04 workshop meeting and the 2/21/04 workshop meeting stand approved as presented.

**EXPENDITURES:**

Treasurer Garfield asked that the \$1,200.00 expenditure for the Flint-Genesee Economic Growth Alliance be removed. This item was discussed at a workshop but she questions whether it should be paid without formal board approval. Supervisor Mathis agreed that it could be discussed further before a decision.

Treasurer Garfield also questioned the \$225.00 invoice for Fire Chief John Moulton to attend a building inspection conference. This invoice was removed from the expenditure approval list at the 2/16/04 meeting. Treasurer Garfield stated that she refused to sign the check because she believes it is illegal for the Fire Chief to work as a building inspector when his salary is charged to the Fire Fund. She is concerned that the check was processed despite her objection. Supervisor Mathis stated that, after receiving additional information clarifying the requirements necessary for Chief Moulton to maintain his inspector certification and stay up to date on building code changes, she contacted Clerk Krug and Treasurer Garfield, as members of the Personnel Committee. When that contact did not result in a consensus, Supervisor Mathis scheduled a special meeting for Wednesday 2/25/04 to further discuss the issue and make a decision. Because less than a quorum of the board showed up for the meeting, Supervisor Mathis approved the expenditure for Chief Moulton to attend the conference. The check was printed and signed by Clerk Krug. Supervisor Mathis then asked the Deputy Treasurer to sign the check so the payment could be processed in a timely manner. Both Treasurer Garfield and Trustee McDermott stated that they believe that this action was not legal. Supervisor Mathis stated that she acted within her authority.

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Treasurer Garfield went on to say that the Township doesn't need to rely on the Fire Chief for building inspection services. We already use another inspector on a contract basis to fill in when needed. Supervisor Mathis pointed out that serving as a backup building inspector has been a part of Chief Moulton's employment agreement for several years and that he does not receive any additional salary for conducting inspections. Based on the \$35 per inspection paid to the contracted inspector, the Township saved approximately \$1,600.00 in the past year as a result of Mr. Moulton helping out with inspections. Treasurer Garfield stated that this provision in the Fire Chief's contract should be removed. Supervisor Mathis responded that the board could certainly review this provision. Clerk Krug also noted that the Fire Department is not funded solely by the special assessment. The General Fund has appropriated \$125,000 to the Fire Fund each year since 1998, but suggested that the General Fund could reimburse the Fire Fund for the calculated cost of inspection services, if that helps resolve the issue. Trustee Carmody suggested that the issue be tabled for discussion at a later date.

Motion to table discussion regarding the Fire Chief serving as a backup building inspector until a future meeting.

Motion by: Carmody

Seconded: Gatesman

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Motion to remove the \$1,200.00 expenditure for participation with the Flint-Genesee Economic Growth Alliance from the expenditure approval list, and to have the issue on the agenda for the 3/15/04 meeting.

Motion by: Stiverson

Seconded: Carmody

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Motion to approve remaining expenditures with the exception of the \$225.00 invoice for John Moulton to attend a building inspection conference.

Motion by: Stiverson

Seconded: Garfield

Ayes: Garfield, McDermott, Stiverson

Nays: Mathis, Krug, Carmody, Gatesman

Motion failed.

Motion to approve expenditures as presented, with the exception of the \$1,200.00 Growth Alliance expenditure.

Motion by: Carmody

Seconded: Krug

Ayes: Mathis, Krug, Carmody, Gatesman

Nays: Garfield, McDermott, Stiverson

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Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

**Legal Issue – Lewenz Lawsuit**

Supervisor Mathis, under the advice of Township Attorney John Siler, read a letter that she sent to Trustee McDermott. This letter advised Trustee McDermott that it had come to the attention of Clerk Krug and herself that Trustee McDermott had engaged in negotiations with the plaintiff in the Lewenz vs. Fenton Township lawsuit, in an effort to settle the pending litigation. Such independent action, without the knowledge of the Township Board or attorneys, is inappropriate and without authority. The letter further directed Trustee McDermott to cease all contact with the plaintiff immediately. Supervisor Mathis stated concern that these actions could negatively impact the Township's legal defense and/or the Township's insurance coverage.

Trustee McDermott claimed that he did not engage in negotiations with Mr. Lewenz. He simply discussed issues relative to the proposed development. He does not believe he has done anything improper and would like a second legal opinion on the issue.

**Fenton Area Cable Television Consortium**

Trustee Carmody reported that the FACT Consortium approved an application from Three District Productions for the purchase of additional equipment. The consortium is continuing to review the franchise agreement. Clerk Krug clarified that the funds approved for these applications are a "pass-through" of PEG fees and not an expense to the communities. He added that it is his understanding that the recent application approval will provide equipment equally to all three school districts.

**Public Safety Committee**

Trustee Stiverson reported that the Public Safety Committee reviewed salaries and benefits for the Fire Department. Trustee Carmody has suggested the use of an ad hoc committee to study the issue and report findings back to the Public Safety Committee. It was also reported that the Fire Department had received a pickup truck from the DNR for use by the Township. The vehicle will not be owned by the Township, however the Township will be responsible for maintenance of the vehicle if we decide to use it. Trustee Carmody suggested having the vehicle inspected before making a decision.

**COMMUNICATIONS:**

**Proposed Ordinance to Define Boat Slip and Dock Slip**

Pete Matta expressed concern regarding the proposed definitions of "boat slip" and "dock slip" in the Zoning Ordinance. He is concerned that the proposed definitions may unfairly limit lake use. Trustee McDermott clarified that the definition is intended to place

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limitations on lake access for multi-family developments. It does not affect existing homes.

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Amendment to Zoning Ordinance/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed an amendment to the Zoning Ordinance, which introduced at the 2/16/04 meeting. The purpose of the ordinance is to establish definitions for the terms “boat slip” and “dock slip” and to clarify provisions regarding the use of open space in PUD developments. The board discussed the language of the proposed ordinance and, based on the concerns previously raised, determined that the proposed ordinance should be referred back to the Planning Commission for further clarification and possible revision.

Motion to refer the proposed ordinance back to the Planning Commission to be reviewed at their next regular meeting.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Residential Parking Ordinance/1<sup>st</sup> Reading**

Supervisor Mathis introduced a proposed ordinance to limit the parking of commercial vehicles in residential zoning districts. The Planning Commission has recommended that the board adopt this ordinance to match the existing provisions in the Zoning Ordinance.

Public Comment:

Lee Martorana, 4180 Four Lakes Avenue

Ms. Martorana questioned the size and type of vehicle that would be affected by this ordinance. It was clarified that any vehicle bearing a commercial license plate or required to have a commercial license plate would be subject to the requirements of this ordinance.

Trustee Gatesman asked about proposed revisions to the ordinance language that were discussed at the workshop meeting. This will be verified before the second reading.

There was no further discussion. The second reading of the proposed ordinance will be conducted at the 3/15/04 meeting.

**UNFINISHED BUSINESS-OTHER:**

**Appointment to Fenton Township Board of Review**

Supervisor Mathis reported that she had reviewed and spoken to several candidates to fill the vacancy on the Board of Review. Before making her final recommendation she also asked Board of Review members Jim Hall and Joe Jenio to interview the individual she

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chose. Based on this process she is recommending the appointment of Rita Lauer to the Board of Review to fill the unexpired term of Bev McKenna. Ms. Lauer is an attorney with an extensive background in real estate and will be a fine addition to the Board of Review. Trustee Gatesman stated that he is familiar with Ms. Lauer's work and considers her a first-rate attorney with good "people skills".

Motion to appoint Rita M. Lauer to the Fenton Township Board of Review for the term ending December 31, 2004.

Motion by: Mathis

Seconded: Gatesman

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**NEW BUSINESS:**

**Proposed Upgrades for Sewer Pump Stations**

The board reviewed a recommendation from Lawrence Engineering to authorize the upgrading of six sanitary sewer pump stations. These upgrades consist of replacing and/or upgrading pumps and parts to optimize operating efficiency, and to continue our efforts to comply with the ACO. The total estimated cost for the upgrades is \$109,350.00. Trustee Carmody added that the Sewer Committee agrees with the recommendation. There was no further discussion.

Motion to approve the upgrade of six sanitary sewer pump stations, with an estimated cost of \$109,350.00, as recommended by the Township Engineer.

Motion by: Carmody

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Resolution No. 2004-12, Amendment to Storm Water Management System Contract**

Jack Wheatley of Rowe Incorporated reviewed a proposed amendment to the Storm Water Management System Contract that was approved by the Township and the Genesee County Drain Commissioner in 2001. The next step in the process is to begin the implementation phase of the storm water management program. Rowe Incorporated recommends that the Township approve the amendment. Working with Genesee County will be significantly less expensive than implementing a storm water program independently. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-12**

*WHEREAS, the Charter Township of Fenton Board of Trustees (the "Township Board") has previously approved a contract dated as of April 1, 2001, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the cities, villages, townships and charter townships identified on Exhibit A attached hereto*

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*(hereinafter referred to individually as a "Municipality" or collectively as the "Municipalities"), relative to the establishment and management and operation of the Genesee county Storm Water Management System to provide storm water management services to the Municipalities;*

**THEREFORE BE IT RESOLVED:**

- 1. The Township Board hereby approves the First Amendment to Genesee County Phase II Regulations Storm Water Management System Contract to be dated as of October 1, 2003, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the Municipalities (the "Amendment"), which Amendment provides, among other things, for the provision by the Genesee County Storm Water Management System of services for implementation activities required by the Phase II Regulations, the allocation of the costs of such activities among the County and the Municipalities, and the payment by the County and the Municipalities of their respective share of the cost of the services as set forth in the Amendment.*
- 2. The Township Supervisor and the Township Clerk are authorized and directed to execute and deliver the Amendment for and on behalf of the Township Board (in such number of counterparts as may be desirable).*
- 3. A copy of the Amendment presented on this date and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof and shall be placed on file with the Township Clerk and made available for examination by any interested person during normal business hours.*
- 4. All resolutions and parts of resolutions, insofar as they may be in conflict herewith, are hereby rescinded.*

**EXHIBIT A**

**MUNICIPALITIES**

*Township of Argentine  
Township of Atlas  
Charter Township of Clayton  
Township of Davison  
Charter Township of Fenton  
Charter Township of Flint  
Charter Township of Flushing  
Township of Forest  
Township of Gaines  
Charter Township of Genesee  
Charter Township of Grand Blanc  
Charter Township of Montrose  
Charter Township of Mt. Morris  
Charter Township of Mundy  
Township of Richfield  
Township of Thetford  
Charter Township of Vienna*

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*City of Burton*  
*City of Clio*  
*City of Davison*  
*City of Fenton*  
*City of Flushing*  
*City of Grand Blanc*  
*City of Linden*  
*City of Montrose*  
*City of Mt. Morris*  
*City of Swartz Creek*  
*Village of Gaines*  
*Village of Goodrich*  
*Village of Lennon*  
*Village of Otisville*

Motion to adopt resolution No. 2004-12 as presented:

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

**Scheduling of "Town Hall" Meeting**

Supervisor Mathis announced that the Township Board is prepared to conduct another "Town Hall" meeting at the end of this month. This meeting, with an open format for the public to communicate directly to their elected officials on any topic, was discussed at the 2/21/04 workshop meeting.

Motion to schedule a Town Hall meeting for Monday March 29, 2004, beginning at 7:00 p.m.

Motion by: Krug

Seconded: Carmody

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Scheduling of Workshop Meeting – 3/15/04, 6:30 p.m.**

Supervisor Mathis stated that, as discussed at the 2/21/04 workshop meeting, she would like to schedule a short workshop meeting just prior to the regular meeting on 3/15/04 to review the Water Master Plan draft with Rowe Incorporated.

Motion to schedule a workshop meeting for Monday March 15, 2004, beginning at 6:30 p.m.

Motion by: Carmody

Seconded: Gatesman

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

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Nays: None  
Motion carried.

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

The following individuals commented on the issues related to the \$225 expenditure for building inspection training for Fire Chief Moulton:

Dave Franz, 3534 Breezepointe  
Sonya Brown, 12154 Jennings Road  
Daniel Zawlocki, 4520 Eleanor Drive  
Lee Martorana, 4180 Four Lakes Avenue  
Charles Mueller, 6036 Lobdell Road

Their comments/concerns included:

- The legality of building inspections conducted by the Fire Chief.
- The Township's obligation to provide adequate training for officials.
- Special meetings have been scheduled in the past for a single agenda item.
- The board should focus on real issues, not bicker over small ones.
- The board must put personal issues aside and work together.
- The legality of the way the expenditure was approved.
- The possibility that actions of board members might be a violation of the Open Meetings Act.

Other Public Comment:

Margorie Baird, 13373 Lakeshore Drive

Ms. Baird expressed concern regarding the number of street lighting projects being approved by the Township and the overall increase of "light pollution".

Sonya Brown, 12154 Jennings Road

Ms. Brown announced that Genesee County Road Commissioner Dave Miller would be in attendance at the next meeting of the FTRA on Thursday 3/4/04.

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

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 3/3/04**