

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 15, 2019**

**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, Tucker, Goupil, Kesler, Reid, Attorney Belzer and Operations  
Manager Broecker.

Absent: Lorraine

**OPENING PRAYER / PLEDGE OF ALLEGIANCE:**

Trustee Goupil offered the opening prayer. Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Attorney Belzer stated that an item should be added to the end of the agenda regarding disciplinary actions for members of the Fenton Township Fire Department.

Motion to approve the 4/15/19 Fenton Township Board Meeting agenda as amended.

Motion by: Goupil

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Lorraine

Motion carried. The agenda is approved.

**PRESENTATION:**

**Southern Lakes Pathway Initiative**

Supervisor Mathis introduced Ed Koledo, representing the Southern Lakes Pathway Initiative (SLPI). Mr. Koledo gave background to the SLPI. Pathways along Silver Lake Road from Argentine Township to the City of Linden and from the City of Linden to the City of Fenton already in progress. If approved by the voters on 5/7/19, the Southern Lakes Parks & Recreation (SLPR) pathway millage will generate funds to develop a whole network of pathways, including Owen Road and Fenton Road segments. Funds from the millage can be used to leverage additional grant funds, service debt issued for construction, or pay for construction costs directly.

Trustee Goupil asked about the pathway already in process with Argentine Township. Mr. Koledo clarified that a pathway from Argentine Township, through a short segment of Fenton Township, then connecting to the City of Linden already has funding in place and will be constructed. The first phase of the SLPI project is along Silver Lake Road, connecting the cities of Linden and Fenton.

Clerk Krug stated that the Silver Lake Road pathway does not benefit a significant number of township residents, even though Fenton Township taxpayers would provide more than 60% of the millage revenue if the proposal were approved.

Supervisor Mathis stated that she supports the concept but expressed concern regarding the potential impact of pathways on existing or future utilities, such as sewer lines.

Public Comment:

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Kim Virkler, LAFF member

Mr. Virkler noted that the Fenton Road and Owen Road pathways, which are also part of the first phase of the project, would benefit a great many Fenton Township residents.

Mustafa Gheriani, local developer

Mr. Gheriani stated that he has seen pathway networks in other Michigan communities and believes pathways would be a great benefit to our region. He believes that a walkable community improves quality of life and increases property values.

The board thanked Mr. Koledo for his presentation.

**MEETING MINUTES:**

The minutes for the 4/1/19 regular meeting stand approved as presented.

**EXPENDITURES:**

Treasurer Tucker questioned the relatively high amount of sewer bond proceeds spent for pump station rehabilitations this month. Operations Manager Broecker confirmed that the payment to Cook Excavating, Inc. includes \$20,901 to upgrade Chateaux du Lac pump station #44 and \$60,184 for Whitaker Road station #34, one of the larger pump stations. Motion to approve invoices and expenditures for all funds totaling \$506,670.93 for payment as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Lorraine

Motion carried.

**PUBLIC HEARINGS:**

**Rezoning #R19-003, Lois Van Lente, Parcel 06-10-300-014 (Lahring Road, east of Jennings Road), R-3 to PUD/Public Hearing & 1<sup>st</sup> Reading**

Supervisor Mathis stated that this is a public hearing and first reading for a proposed Zoning Ordinance amendment to rezone property on Lahring Road from R-3 to PUD. Treasurer Tucker explained that the Planning Commission has conducted a public hearing on this proposed rezoning and has unanimously recommended approval. The property falls into the "mixed use" designated area in the updated future land use map in the Master Plan. Therefore, the request is consistent with the Master Plan.

Public comment:

Fire Chief Ryan Volz

Chief Volz noted that the development plans include the installation a dry hydrant, which should lower the residents' homeowner insurance rates.

There was no further public comment. The public hearing was closed.

The second reading of the proposed rezoning ordinance will be conducted at the 5/6/19 meeting.

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**REPORTS:**

**Fire Department 1<sup>st</sup> Quarter Report**

Fire Chief Ryan Volz presented first quarter statistics for the Fenton Township Fire Department.

Total alarms	150 (10 in Tyrone Twp.)
Fires/Explosions	8
EMS	101
Hazardous conditions	9
Service calls	7
Good intent calls	18
False alarms	7

Trustee Reid asked for a definition of “Good Intent Calls” Chief Volz explained that good intent calls are alarms that do not fall under the other categories, such as removing a fallen tree from the roadway. He will provide additional information to the board regarding the call categories.

Trustee Goupil asked Chief Volz to explain open burning regulations. Chief Volz explained that all open burning is prohibited in Fenton Township except for small recreational campfires. Burning leaves and grass clippings is illegal under any circumstances.

Public Comment:

Fred Hensler

Mr. Hensler asked how response levels are determined. He recounted an incident where a minor injury on a boat resulted in large-scale response, with multiple police vehicles, fire vehicles and personnel. Chief Volz stated that the level of response is determined by the 911 dispatcher. That determination depends largely on how the incident is reported. If the incident in question was reported as a “boating accident”, that would likely cause a larger response.

Chief Volz also presented a new wall-mounted box for the AED defibrillator at the township office. It will be located in the office lobby and, therefore, available to the office staff, Sheriff Deputies and citizens renting the banquet hall.

The board thanked Chief Volz for his report.

**Ordinance Enforcement 1<sup>st</sup> Quarter Report**

The board reviewed the 1st quarter report from Ordinance Enforcement Officer Pat Shaw. Blight complaints and junk vehicles were the categories with the highest number of complaints for the quarter.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

None

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**UNFINISHED BUSINESS:**

**Proposed Building Inspection Services Agreement - STSA Construction, LLC**

Supervisor Mathis noted that the board postponed action on this agreement at the last meeting to make some minor revisions. The new agreement is between the Township and STSA Construction rather than with Stuart Worthing as an individual. All other provisions in the contract are unchanged from the agreement approved in 2018.

Motion to approve the building inspection services agreement with STSA Construction, LLC, as presented.

Motion by: Reid

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Lorraine

Motion carried.

**NEW BUSINESS:**

**Resolution No. 2019-07, Confirming North Shore Drive Improvement Special Assessment Roll**

**Proposed GCRC Road Improvement Agreement - North Shore Drive**

**Award of Construction Contract - North Shore Drive Improvement Special Assessment Project**

Operations Manager Broecker reported that the township board confirmed a special assessment roll in October of 2018 for the resurfacing of North Shore Drive. The resolution confirming the roll established a due date of December 1, 2018 for the first installment of the special assessment. It was subsequently determined that the contractor was unable to commit to the required completion date for the project and, therefore, construction had to be delayed until 2019. This also required the project to be re-bid, with Eastern Asphalt Company, Inc. submitting the lowest bid at \$93,656.00.

Based on the low bid, the assessment amounts will remain unchanged from the special assessment roll previously confirmed. A new resolution to "re-confirm" the special assessment roll is required to revise roll number and the due date for the first installment.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2019-07**

*WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, conducted a public hearing on October 15, 2018 on upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the street improvement project proposed to be installed within the North Shore Drive Improvement Special Assessment District as shown on the plans and specification for such project, and*

*WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, a newspaper of general circulation in the Township, and by first class mail notice to each property owner of record within said district and upon said assessment roll, and*

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*WHEREAS, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and*

*WHEREAS, a record of those present to protest, and of written protests submitted, if any, at or before the public hearing was made a part of the minutes of the hearing, and*

*WHEREAS, the township board had duly inspected the proposed special assessment roll and considered all comments and proposed amendments thereto and had found the proposed special assessment roll, as submitted, to be correct, just and reasonable, and*

*WHEREAS, the township board adopted Resolution No. 2018-35, confirming said special assessment roll and divided the assessments into ten (10) equal annual installments of principal with the first installment due on or before December 1, 2018, and*

*WHEREAS, the contractor selected was unable to commence work on the project in 2018, thus necessitating that the project be re-bid, and*

*WHEREAS, the lowest qualifying bid from the new bids received was comparable to the previous project cost, and does not require any revision to the amounts in the original special assessment roll;*

*NOW, THEREFORE, BE IT RESOLVED as follows:*

- 1. The special assessment roll submitted by the supervisor and assessing officer of the township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2019-01, and shall hereby be confirmed as the assessment roll for the North Shore Drive Improvement Special Assessment District.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-01 shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2019 and the following installments to be due on or before the 1<sup>st</sup> day of the same month of each and every year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at the annual rate of four percent (4%), commencing on the first installment due date hereinbefore set forth.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the township treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, also in accordance with said PA 188.*
- 4. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver*

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*said special assessment roll to said treasurer with his warrant attached, commanding the treasurer to collect such assessments in accordance with the direction of the township board and said PA 188.*

5. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2019-07 as presented

Motion by: Krug  
Seconded: Kesler  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Reid  
Nays: None  
Absent: Lorraine

Motion carried. Resolution declared adopted.

The board then reviewed a proposed road agreement with the Genesee County Road Commission (GCRC) for completion of the project under a GCRC permit.

Motion to approve the North Shore Drive Road Agreement with the Genesee County Road Commission as presented.

Motion by: Goupil  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Reid  
Nays: None  
Absent: Lorraine

Motion carried.

The board then reviewed the Notice of Award document prepared by Kraft Engineering, awarding the construction contract to Eastern Asphalt Company, Inc. The projected completion date for the project is the end of June or sooner.

Motion to award the construction contract for the North Shore Drive improvement project to Eastern Asphalt Company, Inc., as presented.

Motion by: Goupil  
Seconded: Reid  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Reid  
Nays: None  
Absent: Lorraine

Motion carried.

**Resolution No. 2019-08, Request to Accept Water System Ownership & Maintenance Responsibilities - Byram Ridge Subdivision**

Operations Manager Broecker reviewed the requirement that, for any new type 1 well system or any change in ownership of an existing type 1 well system, the Michigan Department of Environmental Quality (MDEQ) requires that the owner offer the ownership of and operation/maintenance responsibilities for the water system to the local unit of government.

According to the information provided, this step was never completed for the water system serving the Byram Ridge subdivision. The MDEQ has directed the Byram Ridge

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Homeowners Association to complete this step as part of an overall effort to bring their system into compliance with state regulations.

The past practice of the township board has been to decline such offers since the Township does not currently own or maintain any water systems. It is recommended that the township board continue this practice and decline ownership of the Byram Ridge system. The existing association is willing and able to continue operation and maintenance of the systems under a permit from the MDEQ. A resolution has been prepared to formally decline ownership of the water system.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2019-08**

*WHEREAS, the **Byram Ridge Homeowners Association** owns and operates a drinking water system serving the Byram Ridge subdivision located in Section 31, T5N R6E, and*

*WHEREAS, the Byram Ridge Homeowners Association possesses the ability and willingness to continue effective operation and maintenance of said system, and*

*WHEREAS, the Charter Township of Fenton recognizes the need for effective and continued operation and maintenance of said system to protect the public health, and*

*WHEREAS, the Charter Township of Fenton deems it impractical for the Township to own, operate and administer this particular drinking water supply;*

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton hereby declines to accept ownership of or operation, maintenance and administrative responsibilities for said particular drinking water supply. The Charter Township of Fenton endorses the application of the Byram Ridge Homeowners Association to continue these responsibilities under state permit.*

Motion to adopt Resolution No. 2019-08 as presented.

Motion by: Krug

Seconded: Goupil

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Lorraine

Motion carried. Resolution declared adopted.

**Resolution No. 2019-09, Option to Make Township Board Positions Non-Partisan**

The board reviewed a request from the Michigan Townships Association for the board to take a position on the concept of allowing townships to make their election positions non-partisan.

Trustee Goupil stated that he does not favor making township positions non-partisan. It would not eliminate any elections or election costs. The process isn't broke, so it doesn't need to be fixed. There is no need to change.

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Treasurer Tucker stated that he is not a fan of party politics. Party politics don't really translate to the local level. He would not be opposed to legislation that makes non-partisan positions an option.

Supervisor Mathis stated that she favors keeping the current partisan system.

After additional discussion, it was clear that the board has varying opinions on the issue and decided not to consider a resolution to take a formal position of support or opposition.

**Ray Road Emergency Culvert Replacement Project**

Operations Manager Broecker reported that the culvert under Ray Road between Linden Road and Sharp Road has failed, resulting in the closure of that section of road. The Genesee County Road Commission (GCRC) is working on a plan to replace the culvert as soon as possible. According to GCRC, they will cover 75% of the project cost, while Fenton Township and Mundy Township will divide the remaining 25% equally. It was pointed out that this culvert replacement is already on Fenton Township's project list for 2019, and a budget amendment will not likely be necessary. Board approval will be sought when cost estimates are received.

**Fire Department Disciplinary Action**

Chief Volz reported that a written warning was issued to Captain Kirk Stephens for failure to meet the minimum alarm response percentages for two months within a 12-month period. As an officer, he is required to respond to a minimum of 30% of the alarms each month.

For the month of February, 2019 Captain Stephens responded to 11 of 50 alarms for a percentage of 22%. A verbal warning was issued on 03/12/19. For the month of March, 2019 he responded to 9 of 58 alarms for a percentage of 16%. A written warning was issued on 04/08/19.

Captain Stephens explained that he misses calls due to his full-time job. He was also on vacation for part of March. Captain Stephens claims he did not receive a verbal warning.

Treasurer Tucker asked Captain Stephens if will be able to meet the required percentages going forward. Captain Stephens responded that he will.

Trustee Goupil stated that, since Captain Stephens is claiming he did not receive a verbal warning, any such warnings issued in the future should be documented in writing and signed by the employee before placing in the personnel file. After further discussion, it was recommended that the policy be updated to replace the verbal and written warnings with a "Level 1 Written Warning" and "Level 2 Written Warning".

In light of the previous discussion, Chief Volz agreed to reclassify the written warning as a verbal or Level 1 written warning. It will be documented accordingly and presented to Captain Stephens for his signature.

Chief Volz reported that a written warning was issued to Firefighter Michael Johns for failure to meet the minimum alarm response percentages for two months within a 12-month period. As a firefighter, he is required to respond to a minimum of 20% of the alarms each month.

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For the month of February, 2019 Firefighter Johns responded to 3 of 50 alarms for a percentage of 6%. A verbal warning was issued on 03/21/19. For the month of March, 2019 he responded to 6 of 58 alarms for a percentage of 10%. A written warning was issued on 04/08/19.

Mr. Johns stated that he is building a new home and living temporarily in Swartz Creek, making it difficult to respond to alarms in a timely manner. He also believes the disciplinary action is retaliation for his support of Captain Stephens and Firefighter Kristy Polidan in their lawsuit against the township. Mr. Johns also claims he did not receive a verbal warning.

Trustee Reid stated that the issue at hand is disciplinary action for not meeting the required alarm percentage. Based on the percentages reported, she does not see how this can be considered retaliation.

Treasurer Tucker asked Firefighter Johns if will be able to meet the required percentages going forward. Mr. Johns responded that he will.

Chief Volz stated that, to be consistent, he will to reclassify the written warning as a verbal or Level 1 written warning. It will be documented accordingly and presented to Firefighter Johns for his signature.

**CLOSED SESSION:**

**Pending Litigation – Hochkins vs. Fenton Township ZBA**

Motion to recess the open meeting for the purpose of convening a closed session to discuss pending litigation in the matter of Hochkins vs. Fenton Township ZBA.

Motion by: Krug  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Kesler, Reid  
Nays: Goupil  
Absent: Lorraine

Motion carried. The open meeting was recessed at 9:37 p.m.

The open meeting was reconvened at 9:47 p.m. No decisions were made or actions taken during the closed session.

**BOARD COMMENT:**

None

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

None

**ADJOURN:** Meeting adjourned at 9:48 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 4/16/19**