

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 19, 2021**

**MEETING HELD ELECTRONICALLY VIA ZOOM
PER MICHIGAN PUBLIC ACT 254 OF 2020**

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

OPENING PRAYER:

Trustee Goupil offered the opening prayer.

ROLL CALL:

Clerk Krug called the roll.

Present: Lorraine (attending remotely from Fenton Township, MI, USA)
Krug (attending remotely from Fenton Township, MI, USA)
Tucker (attending remotely from Grand Blanc, MI, USA)
Goupil (attending remotely from Fenton Township, MI, USA)
Katrak (attending remotely from Fenton Township, MI, USA)
Kesler (attending remotely from Fenton Township, MI, USA)
Reid (attending remotely from Fenton Township, MI, USA)

Absent: None

Also Present: Attorney Belzer, Operations Manager Broecker, Zoning Administrator Deem, Fire Chief Volz, Assessor Wilson, Township Engineer Allen Lawrence.

APPROVAL OF AGENDA:

Motion to approve the 4/19/21 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

Treasurer Tucker pointed out a minor typo in the *Board Comment* section of the minutes. Operations Manager Broecker confirmed the minutes will be corrected. The minutes for the 4/5/21 regular meeting stand approved as corrected.

EXPENDITURES:

Treasurer Tucker questioned the invoice for vactor truck repairs. Township Engineer Allen Lawrence confirmed that the repairs were a result of an MDOT compliance inspection, although none of the repairs were considered major. Motion to approve invoices and expenditures for all funds totaling \$468,693.63 for payment as presented.

Motion by: Tucker

Seconded: Krug

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried.

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PUBLIC HEARINGS:

Lake Improvement Special Assessment District - Silvercrest Channel/1st Hearing

Supervisor Lorraine opened a public hearing on the creation of a new lake improvement special assessment district for the Silvercrest Channel on Silver Lake. If approved, the project would consist of a 5-year continuation of a weed control program for this portion of Silver Lake. The estimated cost of the project is \$11,618, spread over the 5-year period.

The board will accept public comment on the following:

1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The estimated costs for the improvement

Public comment:

Thomas Ureche, 16194 Silvercrest Drive

Mr. Ureche asked if this is a new assessment or a continuation of the existing one. Operations Manager Broecker clarified that the previous special assessment had expired and the proposed special assessment would, in effect, renew the existing one. Mr. Ureche also asked if the treatments can be increased and/or varied based on actual conditions. Operations Manager Broecker suggested consulting the contractor to discuss treatment options. If changes are recommended before the next hearing that would affect the cost, the special assessment roll can be revised at the next hearing.

There was no further public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2021-09

WHEREAS, the township board of the Charter Township of Fenton has determined to proceed under the provisions of PA 188 of 1954, as amended, to secure plans and estimates of cost together with a proposed special assessment district for assessing the costs of the proposed lake improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the preliminary plans, estimates of cost and proposed special assessment district were filed with the Township Clerk and posted on the Fenton Township website for public examination and notice of the within hearing upon the same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 19th day of April 2021 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

WHEREAS, as a result of the foregoing, the township board believes the project to be in the best interests of the township and of the district proposed to be established therefor;

NOW, THEREFORE, BE IT RESOLVED as follows:

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1. *That this township board does hereby approve the plans for the eradication and/or control of aquatic weeds in the Silvercrest Channel on Silver Lake and services related thereto, as submitted, and the estimate of costs for the completion thereof of \$11,618.00, (including administrative costs).*
2. *That this township board does hereby create, determine and define as a special assessment district to be known as Silvercrest Channel Lake Improvement Special Assessment District No. 2, within which the costs of such improvements shall be assessed according to benefits, the following described area within said township:*

***Lots 1-14 of the Silver Knoll Estates Platted Subdivision
& Parcel 06-33-100-013***

3. *That on the basis of the foregoing, this township board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land which amount shall be the relative portion of the whole sum to be levied against the parcels of land in the in the special assessment district as the benefit to the parcel of land bears to the total benefit to all the parcels of land in the special assessment district. When the same has been completed, the Supervisor and assessing officer shall affix thereto his certificate stating that it was made pursuant to this resolution and that in making such assessment roll, he has, according to his best judgment, conformed in all respects to the directions contained in this resolution and the applicable state statutes.*
4. *That 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. 2021-09 as presented.

Motion by: Krug

Seconded: Kesler

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried. Resolution declared adopted.

Supervisor Lorraine stated that, in anticipation of the adoption of the previous resolution, a special assessment roll has been created, certified and filed with the Township Clerk. Clerk Krug presented the following resolution:

RESOLUTION NO. 2021-10

WHEREAS, the Supervisor and assessing officer of the township has, in accordance with the resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$11,617.80 covering all parcels of land in Silvercrest Channel Lake Improvement Special Assessment District No. 2 according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district, and has affixed thereto his certificate as required by said resolution;

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NOW, THEREFORE, BE IT RESOLVED as follows:

1. *That said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall be posted on the Fenton Township website for public examination.*
2. *That the Fenton Township Board shall meet at 7:30 p.m. on May 3, 2021 via Zoom to review the special assessment roll and hear any objections thereto.*
3. *That the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in the Tri-County Times, a newspaper of general circulation in the township prior to the date of the hearing, with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by first class mail to all owners of or persons interested in property within Silvercrest Channel Lake Improvement Special Assessment District No. 2 as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.*
4. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.*

Motion to adopt Resolution No. 2021-10 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Fire Department 1st Quarter Report

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

<u>Incident Type</u>	<u>Number</u>
Building fire	7
Mobile property (vehicle) fire, other	1
Grass fire	4
Medical assist, assist EMS crew	39
EMS call, excluding vehicle accident with injury	21
Vehicle accident with injuries	1
Motor vehicle/pedestrian accident (MV Ped)	1
Motor vehicle accident with no injuries	3
Extrication of victim(s) from vehicle	1
Water & ice related rescue, other	1
Gas leak (natural gas or LPG)	1
Carbon monoxide incident	2
Power line down	2
Smoke or odor removal	2
Assist police or other governmental agency	4
Unauthorized burning	1
Cover assignment, standby, moveup	4

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Dispatched & canceled en route	36
No incident found on arrival at dispatch address	1
Steam, other gas mistaken for smoke, other	1
Smoke scare, odor of smoke	5
Smoke detector activation due to malfunction	1
Detector activation, no fire – unintentional	1
Alarm system sounded, no fire – unintentional	1
Carbon monoxide detector activation, no CO	2

Total Number of Incidents: 143 (20 in Tyrone Twp)

Chief Volz noted that the number of alarms is running higher than last year. The board thanked Chief Volz for his report.

Ordinance Enforcement 1st Quarter Report

The board reviewed the first quarter report from Ordinance Enforcement Officer Pat Shaw. Dog control and junk vehicles were the categories with the highest number of complaints for the first three months of 2021.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Amendment to Land Division Ordinance; 2nd Reading/Vote on Adoption

The board reviewed a proposed amendment to the Land Division Ordinance, which was introduced at the 4/5/21 meeting, to clarify language relating to measurements to determine if a land division complies with the depth-to-width ratio requirement. Supervisor Lorraine noted that Attorney Belzer has recommended additional revisions to the Land Division Ordinance, and Township staff agrees with that recommendation, however the decision has been made to move forward with the adoption of this amendment so the language clarification is in place while additional revisions are drafted. Assessor Wilson stated her support for the proposed amendment. The volume of land division applications typically increased this time of year and having the clarified language in place will be helpful. Zoning Administrator Deem also pointed out that the clarified language is consistent with Zoning Ordinance and with past practice. Treasurer Tucker agrees with this approach, but also acknowledged the need to make further revisions to the ordinance. Assessor Wilson stated she is already working on a revised Land Division Ordinance and should have a draft ready soon.

Motion to adopt Ordinance No. 822, an amendment to Land Division Ordinance No. 516 to clarify language relating to measurements to determine if a land division complies with the depth-to-width ratio requirement, as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried. Ordinance declared adopted.

Rezoning #R21-001, Lake Fenton Community Schools, part of parcel 06-02-300-047, (11425 Torrey Road), Conditional Rezoning from R-4 to C-1; Introduction/1st Reading

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Zoning Administrator Deem reviewed a proposed conditional rezoning of a portion of the Lake Fenton Middle School property. The property formerly contained underground fuel storage tanks, which were removed years ago. By rezoning this portion of the property to commercial, EGLE will not require any additional remediation of the site. The applicant has requested conditional rezoning of the property, with the following conditions:

1. No groundwater shall be used for the new parcel.
2. The asphalt parking lot shall be maintained in good condition in the area of impacted soil and/or groundwater impacted by Releases No. C-0843-96 and C-0667-98.
3. In the area of impacted soil, the construction and/or expansion of an existing closed building will not be allowed.
4. The property will remain in the ownership of Lake Fenton Community Schools, to be used by Lake Fenton Community Schools and/or its subcontractors.

Mr. Deem noted that the language for the proposed conditions was taken directly from the EGLE permit. The Planning Commission has held two public hearings and their concerns have been addressed. The Planning Commission has unanimously recommended adoption of the proposed amendment. Treasurer Tucker further clarified the reasons for rezoning the subject property to commercial, which will eliminate the need for additional remediation, which would be costly and take funds away from students.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 5/3/21 township board meeting.

Rezoning #R21-002, Empyrean Group, LLC, parcel 06-17-100-008, (SE corner of Linden/Lahring intersection), PUD to AG; Introduction/1st Reading

Zoning Administrator Deem reviewed the proposed rezoning of a 110-acre parcel from PUD to AG. The original PUD included over 200 residential units. The proposed rezoning would allow the owner to divide off five 5-acre parcels and leave the remainder vacant. Treasurer Tucker noted that there were no objections to the proposed ordinance since this is a case of “down-zoning”, which will result in less intensive uses. The Planning Commission has unanimously recommended adoption of the proposed rezoning ordinance.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 5/3/21 township board meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Proposed Revised Employment Agreements, Assessor, Fire Chief, Zoning Administrator & Operations Manager

Supervisor Lorraine reported that he has completed the annual performance appraisals for the Township Assessor, Fire Chief, Zoning Administrator and Operations Manager. The appraisals were reviewed with the other members of the Personnel Committee, (Clerk Krug and Treasurer Tucker), and they are in agreement with his salary increase recommendations. Presented for board consideration are revised employment agreements for the four exempt employees, which include the updated salaries.

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Trustee Reid asked if these employees have existing employment agreements. Supervisor Lorraine confirmed that all four have existing agreements. The purpose of the revised agreements is to approve the salary increases. Trustee Reid asked if the review & recommendation process will be done each year. Supervisor Lorraine confirmed that this will be an annual process.

Treasurer Tucker and Clerk Krug complimented Supervisor Lorraine's efforts to complete the review process and present recommendations. Both are in support of the salary recommendations.

Motion to approve the revised Employment Agreement for Assessor Julia Wilson, as presented.

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

Motion carried.

Motion to approve the revised Employment Agreement for Fire Chief Ryan Volz, as presented.

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

Motion carried.

Motion to approve the revised Employment Agreement for Zoning Administrator Michael Deem, as presented.

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

Motion carried.

Motion to approve the revised Employment Agreement for Operations Manager Thomas Broecker, as presented.

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

Motion carried.

Trustee Lorraine thanked the board for supporting the salary increases recommended by the Personnel Committee. He also stated that, even though he was a Township Trustee for many years, he didn't have a clear understanding of how the Township operated on a day-to-day basis until he became Township Supervisor. After five months on the job, he has found all four administrative employees to be supportive, dedicated, loyal and hard-working. The Township Board and residents are fortunate to have such a dedicated management team and staff.

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Attorney Belzer noted that, on the topic of compensation, the Fenton Township Board is underpaid compared to other communities. The board should conduct a salary survey and consider revising the salary structure for the elected officials. Supervisor Lorraine stated that the Township can look into that issue at some point in the future.

Amendment to Purchase Agreement – Tax Reverted Property

Treasurer Tucker reviewed a proposed amendment to the purchase agreement previously approved by the Township Board for the tax-reverted property on Thompson Road. The amendments include:

- Closing date to be extended to on or before 04/23/2021.
- Purchaser’s name to be changed from Owen Road, LLC to 3095 Thompson Road, LLC.
- Purchaser to pay 3% commission to Scott Myers with Re/Max Grande.

Mr. Tucker noted that creating a separate LLC for the purchase of a property is a common practice and this change does not negatively affect the Township. All other terms of the previously approved purchase agreement remain unchanged.

Motion to approve the Amendment to Purchase Agreement for the previously approved sale of 3095 Thompson Road, as presented.

Motion by: Tucker

Seconded: Katrak

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Fire Chief Volz reported there are no construction signs on US-23, which may or may not have been a contributing factor to today’s accidents. He will contact MDOT to put appropriate signage in place.

A memorial service for former Deputy Fire Chief Chris Toot has been scheduled for May 6, 2021 at the First Congregational United Church of Christ in Grand Blanc beginning at 1:00 p.m. More information will be available soon.

ADJOURN: Meeting adjourned at 8:33 p.m.

Vince Lorraine, Supervisor

Robert Krug, Clerk

Minutes Posted 04/20/21