

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 3, 2002**

**LAKE FENTON HIGH SCHOOL
11425 TORREY ROAD, FENTON, MICHIGAN**

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

Present: Mueller, Garfield, Krug, Mathis, McKenna, Office Manager Broecker and
Attorney Cooley

Absent: Gabrielson

PLEDGE OF ALLEGIANCE:

Clerk Mueller led the pledge of allegiance to the flag.

APPOINTMENT OF CHAIRMAN PRO-TEM:

Motion to appoint Clerk Mueller as Chairman Pro-Tem.

Motion by: McKenna

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Gabrielson

Motion carried.

APPROVAL OF AGENDA:

Office Manager Broecker reported that the developer of the Lakeside Acres subdivision has requested postponement of the final plat approval until the 9/16/02 meeting. Rowe Incorporated has also requested a few minutes to provide an update on the Sewer Impact Study. Motion to approve the 9/3/02 Fenton Township Board Meeting agenda as amended.

Motion by: Mathis

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Gabrielson

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 8/19/02 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson

Motion carried.

PRESENTATION:

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Sewer Impact Study Update

Jim Wilson of Rowe Incorporated provided a brief update on the Sewer Impact Study. The study will be broken down into the same districts as the Sewer Inventory Project, and will provide capacity related information for the various sections of the sewer system. The project is expected to be completed by October of this year.

PUBLIC HEARINGS:

Lake Ponemah Special Assessment/2nd Hearing

Chairman Mueller reviewed a proposed 5-year renewal of the weed control special assessment for Lake Ponemah. He noted that a letter had been submitted objecting to the project on the basis of environmental impact. Chairman Mueller stated that the letter was not an objection to the levy or the legal proceedings, but would be placed in the permanent file. There was no public comment. The following resolution was presented for consideration:

RESOLUTION NO. 2002-38

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the weed eradication/control project proposed to be initiated within the Lake Ponemah 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 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 WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter;

AND WHEREAS, written objections were received to said roll and levy;

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

AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2002-9 and shall hereby be confirmed as the assessment roll for the Lake Ponemah Improvement Special Assessment District.

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BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2002-9 shall be divided into five annual installments with the first installment due and payable on December 1, 2002 and the following installments to be due and payable on the first day of December for the years 2003 through 2006 inclusive.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. 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 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, in accordance with Michigan P.A. 188 of 1954, as amended.

BE IT FURTHER RESOLVED, that 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 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 P.A. 188 of 1954.

BE IT FINALLY RESOLVED, 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. 2002-38 as presented.

Motion by: McKenna

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson

Motion carried. Resolution declared adopted.

Industrial Facilities Exemption Certificate Application – Contour Fabricators, Inc.

Chairman Mueller reviewed the application of Contour Fabricators, Inc. for an Industrial Facilities Exemption Certificate. Contour Fabricators is proposing to expand their current operation and create 75 new jobs. Lori Kirkey of the Flint-Genesee Economic Growth Alliance stated that Contour is planning to consolidate their Florida operations into Fenton Township. In addition to bringing new jobs to the area, the proposed expansion would increase tax revenues for Fenton Township, although granting the exemption would cut the tax levies in half for the duration of the abatement period. Treasurer Garfield raised the issue of possibly granting an exemption for less than the requested 12-year period, then renewing it if the applicant maintains the business as projected. It was pointed out that the exemption cannot be renewed or extended. Whatever is granted initially is the limit. Ms. Kirkey noted that many communities use a “point system” to determine the length of the abatement period. For comparison

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purposes, if this application were rated using Grand Blanc Township's standards, it would receive the full 12-year exemption. Clerk Mueller stated that he has no problem supporting the exemption because of the positive impact on the local economy. Trustee Krug stated that he also supports the exemption, but cautioned that the economic benefits discussed may not be realistic, and that most of the jobs created at Contour Fabricators would likely be filled by non-Fenton Township residents. The following resolution was presented for consideration:

RESOLUTION NO. 2002-39

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on January 21, 2002, this Township Board by resolution established Industrial Development District No. 13; and

WHEREAS, Contour Fabricators Incorporated has filed an application for an Industrial Facilities Exemption Certificate with regard to a proposed expansion of their facility located within the Industrial Development District No. 13; and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on September 3, 2002 at Lake Fenton High School in Fenton, Michigan at 7:30 p.m., at which hearing the applicant, the Assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the transfer of the certificate will have the reasonable likelihood to retain, create, or prevent the loss of employment in the Charter Township of Fenton; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the Charter Township of Fenton, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the Township Board of the Charter Township of Fenton that:

- 1. The Township Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the Charter Township of Fenton, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Fenton.*
- 2. The application of Contour Fabricators Incorporated for an Industrial Facilities Exemption Certificate with respect to an expansion of their existing facility to be constructed and personal property to be acquired and installed on the following*

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described parcel of real property situated within the Industrial Development District No. 13, to wit:

A PARCEL OF LAND BEG N 26° 09' 36" E 360.54 FT FROM W ¼ COR OF SEC TH N 31° 57' E 352.69 FT & ON CURVE TO RIGHT-CHORD- N 32° 43' 38" E 149.40 FT TH S 87° 17' 31" E 980 FT TH S 2° 49' 29" W 767.87 FT TH N 87° 17' 31" W 642.74 FT & W 198.78 FT TH N 2° 50' 04" E 130.86 FT TH S 87° 09' 56" E 43.66 FT TH N 2° 50' 04" E 200 FT TH N 87° 17' 31" W 430 FT TO PL OF BEG; SEC 24 T5N R6E, 17.277 ACRES.

be and the same is hereby approved.

- 3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 12 years after completion.*

Motion to adopt Resolution No. 2002-39 as presented:

Motion by: McKenna

Seconded: Garfield

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson

Motion carried. Resolution declared adopted.

REPORTS:

Genesee County WWS Capacity Utilization Report

Chairman Mueller briefly reviewed the Sanitary Sewer Capacity Utilization Report from Genesee County Water & Waste Services. It was noted that the county's numbers reflect only those units physically connected to the system. The Township's numbers are always higher, since we include all units sold.

COMMUNICATIONS:

Lake Fenton Marine Patrol

Trustee Krug asked if the cost information had been received for the proposed increased patrol of Lake Fenton that was discussed at the last meeting. Office Manager Broecker reported that the cost estimates had been provided to Supervisor Gabrielson by the Genesee County Sheriff Department. This issue will be discussed at the workshop meeting.

Proposed Expansion of Sewage Treatment Plant

Trustee Krug expressed concern regarding the proposed expansion of the sewage treatment plant on Hogan Road. An informational meeting was recently held for area residents and there were many concerns raised. Trustee Mathis stated that she also attended that meeting and suggested that a public hearing be held before making a decision on the proposed expansion.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

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Rezoning #R02-002, Webasto Thermosystems; 06-26-100-003/006 R-4 to C-3/2nd Reading

Chairman Mueller reviewed the proposed rezoning ordinance. Trustee McKenna stated that Webasto Thermosystems currently operates facilities in Brighton and Lapeer. Their intent is to combine the two operations into a single facility in Fenton Township. The company assembles auto sunroofs and heater components for buses and other large vehicles. The proposed facility would include a small volume of product assembly, office space and warehousing. The applicant has indicated that there would be approximately five large trucks going in and out of the facility on a daily basis. Several members of the Planning Commission visited their Lapeer facility and found the operation to be a very clean, low intensity use. The Planning Commission recommended approval of the rezoning. There was no further discussion.

Motion to adopt Ordinance No. 597, an amendment to the Zoning Ordinance to rezone parcels 06-26-100-003 and 06-26-100-006 from R-4 to C-3, as requested.

Motion by: McKenna

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Scheduling of September Workshop Meeting

After a brief discussion, the board agreed to schedule its next workshop meeting on Wednesday September 11, 2002 at the Fenton Township temporary office, beginning at 7:00 p.m.

NEW BUSINESS:

Scheduling of 2003 Budget Public Hearing

Chairman Mueller requested that the board formally adopt a motion to schedule the annual budget hearing for the 9/16/02 meeting. The second regular meeting of September has become the "standard" for this hearing.

Motion to schedule a public hearing for the 2003 Fenton Township Budget to be held at the 9/16/02 regular township board meeting.

Motion by: McKenna

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson

Motion carried.

Request for Sidewalk Construction – Linden Road

Marie McClimans, of 5443 Dooley Drive, requested that the Township Board consider constructing a sidewalk on the west side of Linden Road from the Linden city limits to Old Linden Road, a distance of approximately 470 feet. She has obtained a cost estimate

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of approximately \$11,000 for the improvement. She believes the sidewalk is necessary to reduce safety risks of children walking to and from the Clover Beach Park and KC's Learning Center (day care facility). The proposed sidewalk would connect to the proposed sidewalk in Linden. She also noted that children living on Dooley Drive must ride a bus to school, even though the school is just down the street, because there is no sidewalk. Trustee Mathis noted that KC's Learning Center is in the process of expanding. Can that establishment be required to construct a sidewalk across the width of their property? Trustee McKenna stated that their site plan, which does not include a sidewalk, has already received preliminary approval from the Planning Commission. Additionally, the Planning Commission has not traditionally required sidewalks in any development. Chairman Mueller pointed out that, while the City of Linden may have plans to construct a sidewalk to the city limits, it is not yet constructed and there is no guarantee that it will be. He recommends no final decision until the sidewalk in Linden is constructed. He also suggested that a 4-foot paved shoulder on Linden Road may be a less costly alternative. This issue will be researched further before a direction is determined.

Proposed Revisions to Schedule of Fees

Office Manager Broecker reviewed proposed revisions to the Township's fee schedule. A new fee to recover the cost of sewer capacity verification for new developments is being added. The fees for new Home Occupations and for divisions of platted lots are also proposed to be increased. There was no further discussion.

Motion to adopt the revised Fenton Township fee schedule, as presented.

Motion by: McKenna

Seconded: Garfield

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson

Motion carried.

Fenton Township Civic Community Center Renovations – Change Order

Office Manager Broecker reviewed a detailed analysis of change orders for the township hall renovation project. The net change to the project cost is an increase of \$14,346.85, or 1.3%. Cost increases resulting from unforeseen circumstances totaled \$19,975.00. All other project changes resulted in a net cost decrease of \$5,628.15. Trustee Mathis expressed concern that changes are being made that increase the cost of the project. She believes that the contractor's bid should have taken into account any potential construction problems and that he should be required to honor his initial bid. She also objects to the changes being brought to the board after they've already been approved by the Township Supervisor and incorporated into the plan. Treasurer Garfield agreed that some of the changes should have been brought to the board before approval, but she agrees that the unforeseen items are beyond anyone's control. It was pointed out that the Supervisor was given direction by the Township Board to make such decisions and none of the individual changes exceed his expense authority. Trustee McKenna stated that he does not have a problem with the Supervisor approving items of this nature. A cost

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increase of just over 1% should not be cause for great concern. Trustee Krug suggested that more timely communication of potential changes may ease some of the concerns raised this evening. He suggested postponing action on the change orders until the next regular meeting. After a brief discussion it was decided not to postpone action on this item.

Motion to approve Change Order #1 and Change Order #2 for the Fenton Township Civic Community Center Renovation Project, as presented.

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

Motion carried.

Fire Department Update

Treasurer Garfield reported that four potential sites for dry hydrant installation had been identified. More information will be provided at a future date

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Patrick Carmody, 16245 Silvershore Drive

Mr. Carmody stated that he recalled that the Sewer Impact Study being completed by the Township Engineer was a factor in the decision to place the rezoning moratorium earlier this year. Since that study is not yet complete, why was the moratorium lifted? Chairman Mueller clarified that the primary reason for the moratorium was concern over the ability to expand the sewage treatment plant. The impact study was to be used as a long-range planning tool and to identify areas in need of upgrading. Because Genesee County has confirmed that the sewage treatment plant can indeed be expanded at its current site, the board decided to lift the moratorium.

Mr. Carmody also expressed concern over the apparent communication problems related to the building renovation project.

The following individuals again spoke regarding concerns about activities around the north end of Lake Fenton commonly referred to as "Pig Beach":

Thomas Lengauer, 2202 Bowles Street
Lawrence Johnson, 2206 Bowles Street
Doug Patton, 2259 North Long Lake Road

They are requesting that the Township Board pursue the establishment of a no-anchoring zone on this portion of Lake Fenton. The board agreed to investigate the issue further.

ADJOURN: Meeting adjourned at 10:00 p.m.

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Charles Mueller, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 9/5/02