

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 16, 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, Office Manager Broecker
and Attorney Cooley

Absent: Brancheau, McKenna

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Trustee Mathis asked to have the proposed donation of property by the Pioneer Memorial Association moved to the top of the agenda. Motion to approve the 6/16/03 Fenton Township Board Meeting agenda as amended.

Motion by: Mathis

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Brancheau, McKenna

Motion carried. The agenda is approved.

UNFINISHED BUSINESS:

Proposed Property Donation-Pioneer Memorial Assoc. of Fenton & Mundy Twps.

The board reviewed a revised agreement for the donation of property to the Township by the Pioneer Memorial Association of Fenton and Mundy Townships. The revised language is the result of a meeting between Trustee Krug and Association members. Attorney Cooley has reviewed the document and has also recommended that the agreement, if approved, should be recorded along with the Register of Deeds because of the clause that designates the property as a park in perpetuity. Wayne Butts, representing the Association, discussed several issues with the board, including the scheduling of events, funds raised at events, property maintenance and the availability of grants. Mr. Butts indicated that the officers of the Association will meet this week and will communicate any additional questions or concerns through Trustee Krug. The agreement will be placed on the 7/7/03 agenda.

PRESENTATION:

BKR Dupuis & Ryden – Financial Report for Fiscal Year Ended December 31, 2002

Supervisor Gabrielson introduced Brian Ross of BKR Dupuis & Ryden. He presented an overview of Fenton Township's 2002 financial statements. Areas highlighted included:

⇒ Total fund balance in the General Fund was \$702,731, which is \$115,000 greater than the final budget and \$30,000 greater than the March 2002 forecast. The unreserved fund balance of \$666,425 represents approximately 3½ months of budgeted expenditures.

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- ⇒ General Fund revenues increased decreased \$78,620 from 2001, due primarily to reduced state revenue sharing.
- ⇒ Expenditures, excluding costs related to the renovation of the Fenton Township Civic Community Center, increased \$44,026 from 2001.
- ⇒ The Township spent \$1,267,662 for the project to renovate the Fenton Township Civic Community Center, which was partially offset by loan proceeds of \$1,069,200.
- ⇒ All General Fund expenditure categories were within the approved budget for 2002. Total expenditures were \$130,000 under the final budget and \$203,000 less than the March 2002 forecast.
- ⇒ A contingent liability of \$1,000,000 was recognized in the long-term debt section of the financial statements to account for the potential loss in the Ragnone mobile home lawsuit.
- ⇒ For the eighth consecutive year, no internal control deficiencies were noted in the review of accounting policies and procedures.

Mr. Ross added that his firm received excellent cooperation from the Township staff during the completion of the audit and that no adjustments were necessary to the financial statements. Clerk Mueller asked Mr. Ross if he was comfortable with the accounting operations of the Township. Mr. Ross responded that Fenton Township's finances are handled in a very efficient and professional manner, a significant improvement from the early 1990's when BKR Dupuis & Ryden was first retained as the Township's auditor.

MEETING MINUTES:

The minutes of the 6/2/03 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Garfield questioned an invoice for airline tickets for Fire Chief Moulton and another fire officer to attend a national conference in Texas. The total cost for this conference, not including meals, is approximately \$2,800.00. She believes this cost is excessive and the Township should not authorize sending the chief to this conference every year. Supervisor Gabrielson responded that this expenditure was included in the adopted 2003 budget. If the public safety committee wishes to set a policy of allowing attendance at this conference on a less frequent basis, this should be reflected in future budget requests submitted in August of each year.

Motion to approve expenditures as presented, with Treasurer Garfield's objection to the \$666.00 invoice for Cadillac Travel noted.

Motion by: Garfield

Seconded: Mueller

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

Motion carried.

PUBLIC HEARINGS:

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**Application for Industrial Facilities Exemption Certificate – Webasto Product
North America Inc.**

Todd Brian of the Flint-Genesee Economic Growth Alliance, representing the applicant, gave a brief overview of Webasto's current construction project on North Road and their plans to consolidate two existing facilities into this Fenton Township location. Their projected move-in date is September of this year. The Fenton Township Board adopted a resolution at the 4/14/03 meeting establishing the Webasto property as an Industrial Development District. They have now applied for an Industrial Facilities Exemption Certificate for their new facility. Supervisor Gabrielson noted that the recently adopted policy guideline for tax abatements in Fenton Township was used to calculate a recommended abatement period for this application. Based on their type and amount of investment and the number of jobs created, this application is recommended for a 12-year abatement. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2003-09

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on April 14, 2003, this Township Board by resolution established Industrial Development District No. 14; and

WHEREAS, Webasto Product North America Inc. has filed an application for an Industrial Facilities Exemption Certificate with regard to a new facility located within Industrial Development District No. 14; and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on June 16, 2003 at the Fenton Township Civic Community Center 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 approval 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*

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the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Fenton.

- 2. The application of Webasto Product North America Inc. for an Industrial Facilities Exemption Certificate with respect to a new facility to be constructed and personal property to be acquired and installed on the following described parcel of real property situated within the Industrial Development District No. 14, to wit:*

A PARCEL OF LAND BEG 333.29 FT S OF NW COR OF SEC TH CONT S 333.29 FT TH N 89 DEG 51 MIN 08 SEC E 522.43 FT TH N 1 DEG 51 MIN 38 SEC E 335.58 FT TH S 89 DEG 37 MIN 42 SEC W 533.34 FT TO PL OF BEG; SEC 26 T5N R6E, 4.05 ACRES.

and

ALL THAT PART OF N 1/2 OF S 1/2 OF NW 1/4 OF NW 1/4 LYING W OF A LINE WHICH IS 85 FT W OF AND PARALLEL TO SURVEY LINE OF US-23; SEC 26 T5N R6E.

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. 2003-09 as presented:

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

Motion carried. Resolution declared adopted.

Isle of Bordeaux Street Lighting Special Assessment District/1st Hearing

Supervisor Gabrielson reviewed the proposed special assessment for street lights in the Isle of Bordeaux condominium development. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2003-10

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed street lighting project to schedule a public hearing upon the same for this date, and

WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon

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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 16th day of June 2003 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;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Isle of Bordeaux Street Lighting Special Assessment District were properly signed by the record owners of land whose land area constitutes more than 50% of the total land area upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the maintenance of street lights in the Isle of Bordeaux condominium development as prepared and presented, and the estimated costs thereof of \$220.00 per year, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Isle of Bordeaux Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

Units 1-6 of the Isle of Bordeaux condominium development

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton 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 in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto his/her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, he has, according to his best judgement, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2003-10 as presented.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

Motion carried. Resolution declared adopted.

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Supervisor Gabrielson stated that, in anticipation of the foregoing Resolution, a special assessment roll has been completed, certified and submitted to the Township Clerk, as required by said Resolution. Clerk Mueller then presented the following resolution:

RESOLUTION NO. 2003-11

A resolution scheduling a hearing on the assessment roll for the Isle of Bordeaux Street Lighting Special Assessment District.

WHEREAS, the Supervisor and assessing officer of Fenton 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 \$220.00 per year, covering all parcels of land within the Isle of Bordeaux Street Lighting Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;

THEREFORE BE IT RESOLVED, 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 further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on July 7, 2003 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation 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 having an ownership interest in property within the Isle of Bordeaux Street Lighting Special Assessment District 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.

Motion to adopt Resolution No. 2003-11 as presented.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

Motion carried. Resolution declared adopted.

REPORTS:

Proposed 2nd Quarter Budget Amendments

Supervisor Gabrielson reported that a preliminary draft of the 2nd quarter budget amendments had been distributed and will be placed on the agenda for the 7/7/03

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meeting. Any questions regarding the budget may be directed to Office Manager Broecker.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Proposed Amendments to Fenton Township Zoning Ordinance/2nd Reading

Supervisor Gabrielson briefly reviewed an extensive group of amendments to the Fenton Township Zoning Ordinance. Most of the amendments are minor in nature and represent an accumulation of notes and ideas from Planning Commissioners, ZBA members, Township Board members and staff since the Zoning Ordinance was adopted in 2002. There was no further discussion.

Motion to adopt Ordinance No. 606, an amendment to the Fenton Township Zoning Ordinance, as presented.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Request for Financial Participation – Flint-Genesee Economic Growth Alliance

Supervisor Gabrielson reviewed a letter from the Flint-Genesee Economic Growth Alliance asking the Township to consider increasing their annual allocation. Growth Alliance Director Todd Brian explained that the requested increase from \$1,200 to \$3,900, or \$.30 per capita. The Growth Alliance has been very successful during the past five years in recruiting new companies to locate in Genesee County, creating new jobs and helping the local economy. Their goal for the next five years (2003-2007) is to assist in the creation of 1,000+ new jobs each year and fostering \$50+ million in new capital investment annually. Clerk Mueller pointed out that a decision is not necessary at this meeting. The Township has already made their 2003 payment. This request will be considered when the 2004 budget is developed.

Fenton Area Cable TV Consortium – Proposed PEG Agreement

Office Manager Broecker reviewed a proposed PEG Agreement for an application submitted by Fenton Township to purchase audio/visual equipment to be used in the meeting room. Fenton Township's share of the cost is \$2,753.91, which will be funded by the 2% PEG fee that is collected by the Township from the cable company. The other member communities of the cable consortium will also allocate a proportionate amount of their PEG fees to fund this project.

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Motion to approve the Fenton Area Cable Television Consortium Education and Government Access Fees Agreement as presented.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

Motion carried.

Schedule Public Hearing for Industrial Facilities Exemption Certificate – Paragon Manufacturing

Supervisor Gabrielson reported that Paragon Manufacturing has applied for an Industrial Facilities Exemption Certificate for new equipment in their existing facility on Thompson Road. A public hearing is required before the Township Board can act on the application.

Motion to schedule a public hearing for July 7, 2003 to consider the application of Paragon Manufacturing for an Industrial Facilities Exemption Certificate for new equipment at their existing facility located at 2046 Thompson Road.

Motion by: Mueller

Seconded: Mathis

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

Motion carried.

Planning Commission Appointments

Supervisor Gabrielson reported that three Planning Commission terms have expired. He is recommending the re-appointment of Jim Root and John Tucker and the appointment of Sue Piddington to replace Mark Mustola. Mr. Root and Mr. Tucker have been very effective Planning Commissioners and continue to do an excellent job for the Township. Ms. Piddington is an engineer and will bring valuable expertise to the Planning Commission. Trustee Krug voiced some concern regarding the makeup of the Planning Commission. He is not opposed to any of the recommended appointments but suggested that, for future appointments, the board consider appointing residents that are not in professions that might be perceived as pro-development. Trustee Mathis also requested that she be considered for appointment as the Township Board representative on the Planning Commission when the current term expires.

Motion to appoint Suzanne R. Piddington to the Fenton Township Planning Commission for the term ending May 31, 2006.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis

Nays: None

Absent: Brancheau, McKenna

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Motion carried.

Motion to re-appoint James V. Root to the Fenton Township Planning Commission for the term ending May 31, 2006.

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

Motion carried.

Motion to re-appoint John R. Tucker to the Fenton Township Planning Commission for the term ending May 31, 2006.

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

Motion carried.

Request for Hall Rent Deposit Refund

Supervisor Gabrielson reported that the hall rental security deposit was withheld from the Fenton Township Service club for violation of the no-smoking policy at their event held earlier this year. Treasurer Garfield asked the board to reconsider this decision and refund the deposit because of that organization's generous contributions to the fire protection and law enforcement services in Fenton Township.

Motion to refund the \$500 security deposit to the Fenton Township Service Club for their use of the Fenton Township Civic Community Center rental hall on 3/29/03.

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

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Bill Ochodnický, 14107 Landings Way

Mr. Ochodnický reported that the silt fence on the Krupp home on Lake Ponemah is not properly in place and dirt is running into the lake. Supervisor Gabrielson will follow up with the appropriate enforcement agency.

Jeff Wright, Genesee County Drain Commissioner

Mr. Wright commended the Township Board for the Township's ongoing sewer repair and upgrade project. The identification and repair of inflow and infiltration problems has

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resulted in a significant decrease in the flows at the treatment plant. This will, in turn, lead to lower long-term plant operation costs.

Treasurer Garfield asked Mr. Wright to clarify the issue of the hydraulic model that has been discussed in recent meetings and reported in the local newspaper. Mr. Wright stated that WWS offered to assist the Township in the creation of the hydraulic model, which is a requirement of the Township's ACO. This assistance included recommending flow model software, providing technical specifications for flow meters and providing actual flow data from the County's flow model. It was ultimately determined that the flow data was not applicable for the Township's model because it was taken from the County's interceptors and included flows from the two cities as well as the Township.

Mr. Wright also reported that the odor control measures were continuing at the treatment plant. A project to replace the concrete dome on a sludge storage facility is scheduled to begin this week.

Trustee Mathis questioned sewer invoices related to the former Grandma's Loft building. Supervisor Gabrielson responded that he would research the issue.

ADJOURN: Meeting adjourned at 9:30 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 6/18/03