

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 7, 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, Brancheau, Krug, Mathis, McKenna,
Recording Secretary Penelope Sharich and Attorney Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 7/7/03 Fenton Township Board Meeting agenda as presented.

Motion by: McKenna

Seconded: Krug

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 6/16/03 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Mathis questioned the invoice for the Fire Department copier. Supervisor Gabrielson clarified that this copier was obtained under a 5-year lease agreement with Xerox. The possibility of purchasing a copier at the end of the lease period will be investigated. Trustee Mathis also stated that she would like to see locations indicated on the sewer related invoices.

Motion to approve expenditures as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

PUBLIC HEARINGS:

Isle of Bordeaux Street Lighting Special Assessment District/2nd Hearing

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

RESOLUTION NO. 2003-12

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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 improvement project proposed to be initiated within the Isle of Bordeaux Street Lighting 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, no written objections were received to said roll and levy;

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 the Fenton Township Special Assessment Roll No. 2003-1 and shall hereby be confirmed as the assessment roll for the Isle of Bordeaux Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2003-1 shall be paid in annual installments with the first installment to be due and payable on December 1, 2003 and the following installments to be due and payable on the first day of December of each year thereafter. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of street light operation and maintenance.

BE IT FURTHER RESOLVED, 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, in accordance with Michigan Public Act 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.

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BE IT FURTHER 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. 2003-12 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried. Resolution declared adopted.

Application for Industrial Facilities Exemption Certificate – Paragon Manufacturing Corp.

The board reviewed an application from Paragon Manufacturing Corporation for an Industrial Facilities Exemption Certificate on new equipment in their existing facility. Paragon's property was established as an Industrial Development District in 1996. This new tax abatement request would only apply to new equipment as outlined in their application. 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 7-year abatement.

Public Comment.

Dan Rust, 13318 Pomona Drive

Mr. Rust asked what percentage of the property taxes would be abated. Supervisor Gabrielson responded that, if the application is approved, 50% of the property taxes would be abated for the 7-year period.

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

RESOLUTION NO. 2003-13

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 7, 1996, this Township Board by resolution established Industrial Development District No. 10; and

WHEREAS, Paragon Manufacturing Corporation has filed an application for an Industrial Facilities Exemption Certificate with regard to new equipment to be installed at their facility located within Industrial Development District No. 10; and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on July 7, 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

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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 the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Fenton.*
- 2. The application of Paragon Manufacturing Corporation for an Industrial Facilities Exemption Certificate with respect to personal property to be acquired and installed on the following described parcel of real property situated within the Industrial Development District No. 10, to wit:*

Part of the NE 1/4 of Section 2, T5N R6E, Township of Fenton, County of Genesee, Michigan, more particularly described as: beginning at the E 1/4 corner of said section; thence S 87° 39' W 660.54 feet; thence north 1349.94'; thence S 89° 49' 50" E 660.0 feet; thence S 1321.03 feet to a point of beginning, subject to the Southerly 50.0 feet, used as Thompson Road, so-called.

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 7 years.*

Motion to adopt Resolution No. 2003-13 as presented:

Motion by: McKenna

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

July 4th Lake Patrols

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Treasurer Garfield asked if the additional law enforcement over the July 4th holiday was charged to the Township. Supervisor Gabrielson responded that the Genesee County Sheriff Department will not charge any overtime to the Township.

MTA Legislative Conference

Trustee Mathis questioned the cost of rooms for the upcoming MTA Summer Legislative Conference. The cost of these rooms exceeds the Township's policy limits and she is opposed to the additional cost. It was noted that the conference is on Mackinaw Island and the hotel choices are very limited. The policy does allow for higher costs in that situation.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R03-004, Multi Building Company, Inc., 06-31-200-001 & 06-30-400-036;

AG & R-4 to PUD/1st Reading

Trustee McKenna, noting that the applicant has requested revisions to the conditions recommended by the Planning Commission, recommended that the proposed rezoning ordinance be referred back to the Planning Commission for further review.

Motion to refer rezoning case #R03-004 back to the Planning Commission for a public hearing and recommendation to the Township Board.

Motion by: McKenna

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

Proposed Amendment to Vehicle Code Ordinance

Attorney Cooley advised the board that both the Genesee County Sheriff Department and Judge Mark McCabe have recommended that Fenton Township amend its ordinance that adopts the Michigan Vehicle Code. When the ordinance was adopted in 2001, the entire Michigan Vehicle Code was adopted except the sections dealing with alcohol related offenses. The Genesee County Prosecutor has handled all such offenses. Mr. Cooley is recommending that Fenton Township amend their ordinance to include these sections. This would mean that Fenton Township would prosecute all tickets issued under the Michigan Vehicle Code, including the alcohol-related offenses.

Public Comment:

Dan Rust, 13318 Pomona Drive

Mr. Rust asked if drunk driving offenses were a part of the civil infraction process and how other townships handle alcohol related offenses. He is concerned with liability issues if the Township prosecutes these offenses. Attorney Cooley clarified that the Township no longer uses a civil infractions bureau. He also confirmed that Fenton

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Township is the only municipality in Genesee County not prosecuting alcohol-related offenses.

Ray Lord, 4520 Eleanor Drive

Mr. Lord wondered if this amendment is due to an anticipated increase in drunk driving offenses and if Fenton Township has more tickets issued than other communities. He also suggested that Judge McCabe be consulted before adopting this amendment.

Attorney Cooley repeated his earlier statement that Judge McCabe is the one who recommended that Fenton Township amend its ordinance. Trustee Mathis stated that this issue has been well researched and it is anticipated that the fines and fees generated will be higher than the cost of prosecution.

There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 7/21/03 meeting.

UNFINISHED BUSINESS-OTHER:

Proposed Donation of Property – Pioneer Memorial Association of Fenton & Mundy Townships

The board reviewed the proposed agreement to assume ownership of the property currently owned by the Pioneer Memorial Association of Fenton & Mundy Townships. Trustee Krug has met with the association and the language in the agreement is acceptable to both parties. At Attorney Cooley’s recommendation, title insurance will be purchased by the Township to ensure clear title to the property. Clerk Mueller suggested that the agreement could still be approved, contingent on the purchase of the title insurance. Treasurer Garfield inquired regarding the expenses related to acquiring the property. Trustee Krug reported that the insurance premium increase was in the \$40-50 range and the Township’s Assessor had done a thorough review of the property. Wayne Butts, representing the association, reported that the total costs incurred for the period of 9/02 to 5/03 was approximately \$1,900.00. This figure includes grounds maintenance, utilities, insurance and miscellaneous expenses.

Motion to approve the agreement for the donation of property from the Pioneer Memorial Association of Fenton & Mundy Townships to the Charter Township of Fenton as presented, subject to the acquisition of title insurance by Fenton Township.

Motion by: Krug

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

NEW BUSINESS:

Request for Extension of Final Approval of Preliminary Plat – Silver Landings No.

2

James Bacon, developer of the Silver Landings subdivision, asked the board to grant an extension for the approval of the Preliminary Plat for this development. The Final Plat

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has not yet been recorded and an approval extension is needed to allow him to continue the plat process.

Motion to grant a one-year extension to the approval for the Preliminary Plat of Silver Landings No. 2.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

Request for Lot Width-to-Depth Variance – Vantage Homes

The board reviewed a request for lot width-to-depth variances for the proposed division of parcel 06-04-200-009. Joe Wizynajtys, representing the applicant, explained that the owner's intent is to divide the 33-acre property into eight metes & bounds parcels, ranging from 2 to 6 acres in size. Because of the location of the property and the irregular shape of the lots, a width-to-depth variance is required for three of the proposed parcels.

Motion to grant a lot width-to-depth variance for proposed lots #2, #6 and #7, to permit the requested division of parcel 06-04-200-009, as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Mathis, McKenna

Nays: Krug

Motion carried.

Proposed Sewer Agreement – AYSO Soccer Complex

Supervisor Gabrielson reviewed a proposed agreement with AYSO Region 417 and the Genesee County Parks & Recreation Commission. The agreement requires the AYSO soccer complex to connect their restroom facility to the county sewer line along Linden Road as soon as it is available. In the event that AYSO does not have funds available when the sewer becomes available, Fenton Township agrees to advance the funds necessary to complete the project. AYSO would then reimburse the Township when funds become available.

Motion to approve the agreement between the Charter Township of Fenton, Region 417 American Youth Soccer Organization and the Genesee County Parks & Recreation Commission as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

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Design Proposal-Fenton Twp. Civic Community Center Parking Lot Renovations

Supervisor Gabrielson briefly reviewed a proposal from Rowe Incorporated to design renovations for the Township's parking lot areas. This proposal will be discussed in more detail at the 7/21/03 meeting.

Proposed Purchase of Tax-Reverted Properties

Supervisor Gabrielson reviewed a list of tax-reverted properties in Fenton Township. The Township has the opportunity to purchase these properties before they are offered to the general public by auction. He is recommending the purchase of two parcels:

Parcel 06-15-501-030 (Vacant Land on Horrell Road; Acquisition Cost: \$742.74): The legal description for this parcel is the west ½ of lot 16 in the plat of Horrell's Hi-Lands. The Township purchased the east ½ of the east ½ of this lot from the State of Michigan in 2001. If the Township purchases this parcel, that would leave only the west ½ of the east ½ of the lot that would not be owned by the Township. Because a Fenton Township sanitary sewer pump station is located on the property, it is in the best interest of the township to acquire ownership of the parcel.

Parcel 06-11-100-014 (Vacant Land near Torrey Road; Acquisition Cost: \$319.14)

This property is a land-locked parcel located off Torrey Road and near Ruth Drive. The Township was recently contacted by Gail Polidan, the owner of an adjacent parcel on Ruth Drive. She had been under the impression that the parcel in question was part of her property, which was purchased many years earlier. It was only recently that she was made aware that she did not own it. Ms. Polidan has expressed an interest in acquiring the property and it is being recommended that the Township purchase the property in order to sell it to Ms. Polidan.

Although some of the other properties on the tax-reverted list may be more valuable than the listed purchase cost, if the Township were to acquire any of the parcels and subsequently sell them at a higher price, any "profit" would have to be returned to Genesee County. Therefore there is no recommendation to purchase any of the other properties. Attorney Cooley agreed with the recommendation, noting that purchasing the land in this manner is simpler than by adverse possession or condemnation.

Motion to purchase parcels 06-15-501-030 and 06-11-100-014 from the Genesee County Treasurer, with the intent of selling the latter parcel to an adjacent property owner.

Motion by: Krug

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

Proposed Revisions to Fenton Township Fee Schedule

Supervisor Gabrielson reviewed proposed revisions to the Township's fee schedule. The only changes are the addition of a remodeling category in the building permit section, a new fee category for renting the lower level of the building to local associations and a

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new fee category for private road site plan review under the Planning Commission category. Trustee Mathis, noting that the sewer connection fee was increased to \$4,450 as of May 30th, asked when the annual \$100 increase will be stopped. Supervisor Gabrielson responded that there has been no decision to freeze the connection fee, although there have been discussions in the past regarding capping the fee at \$4,500 or \$5,000. Clerk Mueller noted that the fee, even when combined with the actual connection cost, is less expensive than an engineered septic field. Trustee McKenna is not in favor of stopping the annual increase to the connection fee – there is no reason to do so. Trustee Mathis also questioned what engineering firm would do the reviews on private road site plans. Supervisor Gabrielson responded that Rowe Incorporated would conduct those reviews.

Motion to adopt the revised *Charter Township of Fenton Schedule of Fees* as presented.

Motion by: Krug

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

Proposed Amendments to 2003 Fenton Township Budgets

Supervisor Gabrielson reviewed the proposed 2nd quarter amendments to the Fenton Township budget. The primary changes to the General Fund include an increase in projected legal expense and election expense. There was a brief discussion regarding grounds maintenance and snow removal expense. These services can be re-bid for 2004. Trustee Mathis asked if the Zoning Administrator salary is included in the Planning & Zoning Department budget. Supervisor Gabrielson confirmed that it is. The board also discussed the changes to the Sewer Fund budget. Many new accounts have been added to provide a more detailed analysis of the various expenditures. This was done at the recommendation of the Township's auditor.

Motion to approve the amendments to the 2003 Fenton Township budget as presented.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, Mathis, McKenna

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Franz, 3435 Breezepointe

Regarding the proposed amendment to the Vehicle Code Ordinance, Mr. Franz suggested that the Township track the additional revenues and expenditures that result from prosecuting alcohol-related offenses. Mr. Franz also asked if the attorney invoices are included in the expenditures approved at each meeting. Supervisor Gabrielson confirmed that the legal fees were approved with the other invoices.

Patrick Carmody, 16245 Silver Shore Drive

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Mr. Carmody again questioned the budget process. He is not comfortable with the concept of amending the budget throughout the year. Trustee Brancheau responded that the budget process for a governmental unit is different than in the private sector. It is necessary to adjust the budget periodically to account for changes in the revenue stream and changes in needed expenditures. Supervisor Gabrielson pointed out that the recent report from the Township's auditor shows that the Township is in good financial condition. Clerk Mueller offered to provide Mr. Carmody with information regarding government accounting.

Tom Richard, 12425 Jennings Road

Mr. Richard questioned why the new Fire Department vehicle remains unmarked. Supervisor Gabrielson responded that the vehicle is equipped with emergency lights inside the vehicle and the new decals should be on the vehicle later this week. An outside light bar can also be installed if recommended by the Public Safety Committee.

Dan Rust, 13318 Pomona Drive

With regard to the recent Flint Journal articles regarding the tree cutting issue at the AYSO soccer complex, Mr. Rust stated that he took exception to the comments made by Trustee Krug and Clerk Mueller.

Trustee Mathis questioned an invoice from Bostwick Excavating, specifically an upcharge for work completed by a landscaping subcontractor. Trustee McKenna objected to this issue being brought up at the end of the meeting, stating that it was unfair to expect specific answers with no advance opportunity to investigate the issue. Supervisor Gabrielson stated that the issue will be researched.

ADJOURN: Meeting adjourned at 9:22 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 7/15/03