

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 7, 2004**

**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, Garfield, Carmody, McDermott, Stiverson, Office Manager  
Broecker and Attorney Cooley.

Absent: Gatesman (arrived at 7:38 p.m.)

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 6/7/04 Fenton Township Board Meeting agenda as presented.

Motion by: Stiverson

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Gatesman

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 5/17/04 regular meeting stand approved as presented.

**EXPENDITURES:**

Treasurer Garfield questioned some of the sewer related expenses from vendors we have not used before. Supervisor Mathis stated that the heavy rains during the weekend of May 22<sup>nd</sup> overtaxed the Torrey Road section of the sanitary sewer system. Outside sewage hauling companies were called in to pump sewage from the system and transport it directly to the treatment plant. This process continued throughout the weekend in order to prevent sewer spills.

Motion to approve expenditures as presented.

Motion by: Garfield

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

**Ponemah Lake Estates Street Lighting Special Assessment/1<sup>st</sup> Hearing**

Supervisor Mathis reviewed a proposed special assessment district for street lighting in Phase I of the Ponemah Lake Estates development. There was no public comment. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-20**

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*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 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 7<sup>th</sup> day of June 2004 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 Ponemah Lake Estates I 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 Phase I of the Ponemah Lake Estates condominium development as prepared and presented, and the estimated costs thereof of \$1,210.00 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 Ponemah Lake Estates I Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:*

*Units 1-41 of the Ponemah Lake Estates Condominium Development*

*BE IT FINALLY 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*

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*assessment roll, he/she has, according to his best judgment, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.*

Motion to adopt Resolution No. 2004-20 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

Supervisor Mathis stated that, in anticipation of the previous resolution, an assessment roll has been prepared, certified and submitted to the Township Clerk. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-21**

*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 \$1,210.00 per year, covering all parcels of land within the Ponemah Lake Estates I 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 June 21, 2004 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 FINALLY 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 Ponemah Lake Estates I 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. 2004-21 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

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Nays: None  
Motion carried. Resolution declared adopted.

**Industrial Facilities Exemption Certificate – Paragon Manufacturing Corporation**

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. It was noted that the policy guideline adopted in 2003 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. There was no public comment. Trustee McDermott, noting that the applicant has indicated that two new jobs would be created by adding this equipment, asked if there was a required time frame in which the applicant was required to add these jobs. Clerk Krug responded that the application indicates that these two new jobs must be created within 2 years of project completion. There was no further discussion. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-22**

*Resolution Approving Application of Paragon Manufacturing Corporation for an Industrial Facilities Exemption Certificate*

*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 June 7, 2004 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.*

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*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. 2004-22 as presented:

Motion by: Krug

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

**REPORTS:**

**Genesee County WWS – Capacity Utilization Report**

The board briefly reviewed the Capacity Utilization Report from Genesee County WWS.

**Fire Department Update**

Treasurer Garfield briefly discussed a prior letter to the Township Board from Fire Chief John Moulton that outlined his concerns relating to budget decisions made by the board that affected the Fire Fund. This issue was also reported in the Tri-County Times. The Personnel Committee met with Chief Moulton to discuss his concerns and a follow-up

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letter from Chief Moulton indicates that he is more comfortable with the budget issues. Clerk Krug clarified that Chief Moulton did not provide the letter to the newspaper, but that former Clerk Charles Mueller had done so.

**Fenton Area Cable Television (F.A.C.T.) Consortium Update**

Trustee Carmody reported that approximately \$57,000.00 in applications was recently approved by the FACT consortium for the purchase of new equipment for Linden and Lake Fenton Schools. This will bring all three school district up to the same level of equipment. He also reported that a proposal is being prepared for Fenton Township to submit an application for PEG funds to purchase broadcasting equipment to be installed at the Fenton Township Civic Community Center. This will give the Township the ability to record meetings for telecast on Channel 19. This proposal will be brought to the 6/21/04 meeting.

**Road Studies**

Trustee Carmody reported that he recently participated in a meeting with representatives of the Genesee County Road Commission and the Michigan State Police to review traffic and speed studies, and conduct onsite reviews for Lobdell Road and Thompson Road. Decisions regarding any changes to the existing speed limits will be forwarded to the Township when completed.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Amendment to Zoning Ordinance, Boat Slip/Dock Definitions & PUD Standards/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment that was introduced at the 5/17/04 meeting. Trustees Gatesman and McDermott both stated that the final version of the amendatory ordinance is adequate. There was no further discussion.

Motion to adopt Ordinance No. 621, an amendment to Sections 2.01 and 3.21 of Zoning Ordinance No. 594, as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Ordinance declared adopted.

**Rezoning # R04-004, Ken & Danielle Beckman, part of 06-09-200-007; AG to R-2 & parcel 06-09-200-012; R-3 to R-2/1<sup>st</sup> Reading**

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to rezone property on Jennings Road from AG and R-3 to R-2. The front parcel has electric wires crossing the property. The applicants want to combine the two parcels and build a home on the back portion. The original application was to rezone the rear parcel to R-3,

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however the Planning Commission suggested rezoning both parcels to R-2 to be consistent with the Land Use Plan. Applicant Ken Beckman confirmed that their intent is to build one home on the back portion of the property and all required setbacks would be maintained. Planning Commissioner Bill Ochodnický stated that all concerns raised in the initial public hearing have been adequately addressed and that the Planning Commission supports the rezoning request.

There was no public comment. The second reading of the proposed rezoning ordinance will be conducted at the 6/21/04 meeting.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**Final Approval – Preliminary Plat of Byram Ridge**

Supervisor Mathis reviewed a site plan submitted by the developers of the Byram Ridge subdivision. They have requested final approval of their preliminary plat. The Planning Commission has recommended approval. Applicant/developer Gary Menzel confirmed that final approval of the preliminary plat is the next step in the plat process and is a separate issue from the site plan approval by the Planning Commission.

Motion to grant final approval for the preliminary plat of Byram Ridge as presented.

Motion by: Krug

Seconded: Gatesman

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Resolution No. 2004-23, Genesee County Road Commission Contract – Island View Drive**

Office Manager Broecker reviewed a proposed contract with the Genesee County Road Commission for the paving of Island View Drive between Jacob Road and Eleanor Drive. Under a special assessment district created by the Road Commission, property owners will pay 75% of the project cost and the Township will pay 25%, (approximately \$29,500.00), spread over a 10-year period. A resolution approving the contract and authorizing the Supervisor and Clerk to sign the contract is required to move the project forward. Trustee McDermott questioned the Township's financial participation in the project. Office Manager Broecker explained that the Township previously operated under a policy of always contributing 25% to this type of special assessment project. The board eliminated that policy and considers each project individually. This project started prior to the policy change. There was no further discussion. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-23**

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*WHEREAS, Pursuant to Act 246 of the Public Acts of 1931, as amended, a Special Assessment District has been created for the making of certain improvements and/or repairs upon County Local Roads within the Charter Township of Fenton, and*

*WHEREAS, the Township is to pay a percentage of the costs of the improvement and/or repairs, and*

*WHEREAS, the Township is desirous of entering into a contract with the Board of County Road Commissioners of the County of Genesee, Michigan for the improvements and/or repairs of:*

***ISLAND VIEW DRIVE, extending E'ly from Jacob Road 1,078 feet, more or less, to Eleanor Street, in the recorded plats of Hnatow Plat (Liber 25, page 24 & Hnatow Plat No. 1 (Liber 31, page 11), Section 32, Fenton Charter Township, Genesee County, Michigan,***

*THEREFORE BE IT RESOLVED, by the Charter Township of Fenton Board of Trustees that the Township Supervisor and Township Clerk be and are hereby authorized to sign said contract on behalf of this Township Board.*

Motion to adopt Resolution No. 2004-23 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

**Revised Fenton Township Schedule of Fees**

The board reviewed a revised schedule of Fees. Office Manager Broecker explained that additional categories were added to the cemetery fees for grave openings & burials that occur on weekends or holidays. The fees for GIS documents larger than 11" x 17" are also proposed to be increased. There was no further discussion.

Motion to adopt the revised Fenton Township Schedule of Fees, effective June 8, 2004, as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Resolution No. 2004-24, Revised CDBG Signature Card**

Office Manager Broecker reviewed a request from Genesee County Community Development to update the Township's CDBG signature card. This card designates officials with authority to request reimbursements from CDBG. The proposed signature card includes Supervisor Mathis, Clerk Krug and Treasurer Garfield. A resolution has



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been prepared to approve the revised signature card. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-24**

*WHEREAS, the Charter Township of Fenton participates in the Genesee County Community Development Program, and*

*WHEREAS, the Genesee County Community Development Program has requested an updated signature card for officials authorized to request reimbursements from the Community Development Block Grant Program;*

*THEREFORE BE IT RESOLVED, that the following individuals are hereby authorized to request reimbursements from the Community Development Block Grant Program:*

<u>Name</u>	<u>Position</u>
Bonnie K. Mathis	Township Supervisor
Robert E. Krug	Township Clerk
Joan S. Garfield	Township Treasurer

Motion to adopt Resolution No. 2004-24 as presented.

Motion by: Gatesman

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

**Proposed Capitalization Policy**

Office Manager Broecker reported that, in order to more easily comply with the new financial reporting requirements of GASB 34, the Township's auditor, BKR Dupuis & Ryden, has recommended the adoption of a Capital Assets Policy. The board reviewed a proposed Capital Assets Policy that, among other things, establishes that purchased items with an individual cost of \$1,000.00 or more will be classified as capital assets. Items under \$1,000.00 will simply be expensed. Trustee Gatesman questioned why assets weren't already being depreciated. Office Manager Broecker responded that government accounting standards are different from those for private firms. Prior to GASB 34, fixed assets were only depreciated in enterprise funds, such as the Sewer Fund. The new standards require the keeping of a "second set of books" to report financial information on a full accrual basis. There was no further discussion.

Motion to adopt the Capital Assets policy as presented.

Motion by: Gatesman

Seconded: Stiverson

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Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Appointment of Election Commission**

Clerk Krug reported that two Trustees need to be appointed to the Fenton Township Election Commission. The Election Commission, which also includes Clerk Krug, will approve the appointment of Election Inspectors for this year's elections.

Motion to appoint Trustee Gatesman and Trustee Carmody to the Fenton Township Election Commission for the term ending November 20, 2004.

Motion by: Krug

Seconded: Mathis

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

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

Vera Hogan, Tri-County Times

With reference to the Fire Chief's letter discussed earlier in the meeting, Mr. Mueller did not, to her knowledge, provide a copy of the letter to the Tri-County Times. Clerk Krug clarified that his statement was based on statements made by Chief Moulton.

John Vitovsky, 15489 Whitaker Road

Mr. Vitovsky, the President of the Pine Lake Association, addressed the board and also read from a letter from fellow Pine Lake board member Mike Smith regarding drainage and runoff problems on Whitaker Road and Pine Lake. Mr. Vitovsky and Mr. Smith are urging the board to take action to correct these problems. Runoff from the Orchard View subdivision, the Genesee County Park and the Deer Run soccer complex has created significant drainage and erosion problems for Whitaker Road and Pine Lake. They believe the board should be responsible for taking corrective action to resolve drainage issues and improve Whitaker Road, and does not believe the property owners on Whitaker Road and Pine Lake should not have to pay for the improvements. Mr. Vitovsky asked the board to consider scheduling a special workshop meeting to discuss these concerns.

Trustee McDermott suggested initiating a drainage district through the Genesee County Drain Commissioner to permanently resolve these issues. Trustee Carmody supported the concept of a workshop meeting to get all involved parties together to work out a solution to this problem. After further discussion the board agreed to pursue a drainage district through the Genesee County Drain Commissioner.

Motion to send a letter to the Genesee County Drain Commissioner to request that a resolution be prepared to initiate proceedings to create a drainage district in the Whitaker Road/Pine Lake area.

Motion by: McDermott

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Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Dick Shelp, 5127 Harp Drive

Mr. Shelp echoed the concerns raised by Mr. Vitovsky. He believes the excessive runoff is harming the wetland and Pine Lake.

John Brancheau, 16226 Silver Crest Drive

Mr. Brancheau stated that this section of Whitaker Road was impassable for extended periods in past years. It is only due to the maintenance efforts of the Genesee County Road Commission that the road is in as good of condition as it is. He also noted that previous attempts to establish a drainage district in this area have failed because of opposition of the property owners to paying assessments.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer inquired as to the status of installing a traffic signal at the intersection of Torrey and Lahring Roads. Clerk Krug responded that the Genesee County Road Commission has determined that the traffic and accident counts do not warrant a traffic signal at this time. Supervisor Mathis added that the board will continue to push for this traffic signal, as well as traffic signals for the intersections of Linden/Lahring, Linden/Thompson and North/Lahring.

**ADJOURN:** Meeting adjourned at 9:25 p.m.

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Bonnie Mathis, Supervisor

\_\_\_\_\_  
Robert Krug, Clerk

**Minutes Posted 6/8/04**