

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 16, 2007**

**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, Carmody, Brown, Goupil, Tucker, Zimmer, Operations
Manager Broecker and Attorney Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Mathis asked to have the proposed special assessment for Lakeside Landing removed from the agenda. The residents have not yet submitted the required petition. Motion to approve the 4/16/07 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Brown

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Brown pointed that it was he, not Trustee Goupil, that voted no on the issue of allowing Trustee Tucker to abstain from voting on all issues related to Paragon Manufacturing. The minutes will be corrected accordingly. The minutes of the 4/2/07 regular meeting stand approved as corrected.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Brown

Seconded: Tucker

Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Motion carried.

PUBLIC HEARINGS:

Application for Industrial Facilities Exemption Certificate – Paragon Manufacturing

Supervisor Mathis opened a public hearing regarding the application of Paragon Manufacturing Corporation for an Industrial Facilities Exemption Certificate (tax abatement) for new equipment at their existing facility on Thompson Road. The total cost of the new equipment is \$334,900.00 and it is anticipated that 2 new jobs will be created at their facility. There was no public comment. Operations Manager Broecker reviewed the specifics of the application. Using the Township's rating system for IFT applications, the recommended term for the abatement is eight years.

Trustee Zimmer stated that she would like to more about the workforce at Paragon. Will these new jobs be filled by Township residents? What percentage of their existing employees lives in Fenton Township? Treasurer Carmody stated that workforce demographics are not typically part of the abatement review process. Supervisor Mathis stated that Township residents, if qualified, would likely be considered for any positions but the ultimate decision is up to the employer. Trustee Goupil added that expanding the

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 16, 2007**

workforce, regardless of residency issues, is good for the local economy. Treasurer Carmody stated that asking an employer to provide private employee information is treading on dangerous ground. The Township doesn't have the authority to demand such information.

It was noted that the board has already voted to allow Trustee Tucker to abstain from voting on all issues relating to Paragon due to a possible conflict of interest. There was no further discussion. Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-13

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 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 April 16, 2007 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 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 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

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 16, 2007**

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 8 years.*

Motion to adopt Resolution No. 2007-13 as presented:

Motion by: Krug
Seconded: Brown
Ayes: Mathis, Krug, Carmody, Brown, Goupil, Zimmer
Nays: None
Abstaining: Tucker

Motion carried. Resolution declared adopted.

REPORTS:

Ordinance Enforcement Quarterly Report

Supervisor Mathis briefly reviewed the quarterly report from Ordinance Enforcement Officer Bob Atkinson. Trustee Goupil, noting the number of sign violations, asked why no tickets have been issued. Operations Manager Broecker clarified that the sign ordinance does not provide for the issuance of citations. The sign ordinance is currently being reviewed for revisions. The Township has the authority to remove illegal signs and, if appropriate, charge the violators for removal costs. Clerk Krug pointed out that Mr. Atkinson has shown a good track record for getting compliance on violations rather than taking people to court.

Fenton Road Project Update

Trustee Zimmer reported that she recently attended the Genesee County Planning Commission Technical Advisory Committee (TAC) meeting regarding the 2008 Transportation Improvement Project (TIP) list. The widening of Fenton Road to five lanes from the Fenton city limits to Butcher Road is on the list for 2008. She indicated to the TAC that the Township is not in favor of this project but would support adding a third lane. The TAC stated that questionnaires will be mailed to affected Fenton Road residents and a public hearing will be scheduled when the environmental impact study for the proposed project has been completed. Trustee Zimmer was further advised that the Township and the Genesee County Road Commission should collaborate to come to an agreement on the scope of this project no later than 6/1/07. Supervisor Mathis noted that a meeting with the Road Commission has already been scheduled.

Property Tax Payment Deadline Policy

Treasurer Carmody distributed proposed language to be added to the 2007 summer and winter property tax bills. He is in favor of adopting a policy of requiring that property tax payments be received by the legal deadlines in order to be considered on time. This would do away with the practice of accepting late payments as on time if they are postmarked on or before the deadline.

Motion to establish a policy of requiring that property tax payments be received by the Township Treasurer on or before the stated legal deadlines in order to be considered

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 16, 2007**

paid on time, regardless of when a payment may have been mailed; and to add the appropriate language to property tax bills to reflect this policy.

Motion by: Carmody
Seconded: Mathis
Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer
Nays: None
Motion carried.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning #R07-001, BVM Development, LLC.; parcels 06-01-300-003, 06-01-300-035, 06-01-300-036, 06-01-400-011, 06-01-400-015, 06-01-400-018 and part of 06-01-400-019 & 06-01-400-021, (near the southwest corner of Fenton & Thompson Roads); AG & R-3 to PUD/2nd Reading

Supervisor Mathis reviewed the proposed PUD rezoning of several parcels near the Fenton Road/Thompson Road intersection, which was introduced at the 4/2/07 meeting. There was no further discussion.

Motion to adopt Ordinance No. 677, an amendment to Zoning Ordinance No. 594 to rezone parcels 06-01-300-003, 06-01-300-035, 06-01-300-036, 06-01-400-011, 06-01-400-015, 06-01-400-018 and part of 06-01-400-019 & 06-01-400-021 from AG and R-3 to PUD, as presented.

Motion by: Krug
Seconded: Tucker
Ayes: Mathis, Krug, Carmody, Tucker, Zimmer
Nays: Brown, Goupil
Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Request for Extension of Preliminary Plat Approval – Pinnacle Shores

Supervisor Mathis reported that Tom Atwell, the developer of the Pinnacle Shores subdivision, has requested an extension to the tentative approval of his preliminary plat for the entire Pinnacle Shores subdivision. The subdivision is being platted in phases and the extension of the preliminary plat approval will allow Mr. Atwell to continue with the platting process for the remaining phases.

Motion to grant a one-year extension to the tentative approval of the Preliminary Plat of Pinnacle Shores, as presented.

Motion by: Tucker
Seconded: Carmody
Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer
Nays: None
Motion carried.

Law Day Proclamation

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 16, 2007**

Supervisor Mathis stated that the Genesee County Bar Association has requested that the Township consider adopting a proclamation designating May 1st as Law Day. The Township has adopted similar proclamations in previous years. Clerk Krug presented the following:

LAW DAY PROCLAMATION 2007

**LIBERTY UNDER LAW:
EMPOWERING YOUTH, ASSURING DEMOCRACY**

WHEREAS, Law Day is a celebration of our great heritage of liberty, justice and equality under law, and

WHEREAS, all youth need to understand their rights and responsibilities under the law to become effective participants in our nation's civic life, and

*WHEREAS, the Law Day 2007 theme of **Liberty Under Law: Empowering Youth, Assuring Democracy** encourages us to ensure that our youth are equipped with the knowledge and skills necessary to effectively make their voices heard within our democracy;*

NOW THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton does hereby proclaim Tuesday May 1, 2007 as Law Day. We urge the citizens, schools, businesses and media of the Fenton community and all of Genesee County to use this occasion to preserve and strengthen the rule of law.

Motion to adopt the 2007 Law Day Proclamation as presented.

Motion by: Krug

Seconded: Brown

Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Motion carried.

Proposed Amendment to Capital Asset Policy

Operations Manager Broecker reported that, upon the recommendation of the Township's auditor, the Township Board adopted a Capital Assets Policy in 2004 to comply with the financial reporting requirements of GASB 34. This policy established that purchased items with an individual cost of \$1,000.00 or more will be classified as capital assets. Items under \$1,000.00 would simply be expensed. The Township's auditor has now recommended that the capital asset threshold be raised to \$2,500.00. This will reduce the number of items being carried as capital assets and subject to depreciation calculations.

Motion to adopt the revised Capital Assets policy as presented.

Motion by: Carmody

Seconded: Tucker

Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Joe Wardie, 13255 Horrell Road

CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES MINUTES FOR REGULAR MEETING OF APRIL 16, 2007

Mr. Wardie expressed concern with the condition of North Road between Lahring Road and the Fenton city limits. Supervisor Mathis responded that North Road is scheduled for additional maintenance since it will take on additional traffic when the Lahring Road bridge is closed. She will verify the timing with the Genesee County Road Commission.

Dave Franz, 3435 Breeze Pointe Court

Mr. Franz asked when the revised sign ordinance would be presented to the board. Operations Manager Broecker responded that a draft is expected to be presented within the next 30 days. Mr. Franz is concerned with the number of illegal signs and chronic violators and would like to see the ordinance presented as soon as possible.

Ed Collins, 13056 Harbor Landings

Mr. Collins expressed concern about the fire and emergency services being provided to Tyrone Township under contract. Recent newspaper articles have led him to believe that a reduction in the level of response is being considered to reduce costs. Trustee Goupil and Clerk Krug, members of the Public Safety Committee, assured Mr. Collins that safety is the first priority.

Susan Foland, 11421 Fairbanks Road

Regarding a discussion at the last board meeting, Ms. Foland asked for a clarification on the loan that the Township took out to finance the reconstruction of the Township Hall. Operations Manager Broecker explained that a 15-year installment purchase agreement was the debt instrument used to finance the construction. This year's payment of \$106,566.76 was the fifth of fifteen annual payments to State Bank. Since the principal portion of each payment is fixed at \$71,300.00, the interest payment will decline each year throughout the term of the contract. Ms. Foland also recalled that the Township Board at the time claimed that the taxpayers would not have to pay for the cost of the building reconstruction. Operations Manager Broecker clarified that the board stated that taxes would not need to be increased to pay for the building. The increase in State revenue sharing that resulted from the 2000 Census population increase would cover, and actually has more than covered, the cost of the annual debt payments.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft inquired about the criminal activities in the Loon Lake area reported at a board meeting several months ago. Supervisor Mathis stated that she and Ordinance Enforcement Officer Bob Atkinson, along with the Genesee County Sheriff Department, became involved and the situation has since improved.

Mr. Hawcroft agreed with previous comments regarding signs, the condition of North Road and widening Fenton Road to three lanes rather than five.

Mr. Hawcroft also supported Clerk Krug's comments from a prior meeting regarding a proposed lakefront lot split. He indicated that he doesn't have much faith in developers and it seems that if they have enough money, they can get just about anything approved, citing the example of a house being built in the wetlands on Lake Fenton.

Supervisor Mathis disagreed with Mr. Hawcroft's comments on developers. Not all developers are bad. Many live within our community and take pride in creating attractive developments. The amount of money that a developer may have has no bearing on decisions made by this board. Each board member took an oath of office and all decisions are based on what is best for the Township as a whole.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 16, 2007**

Treasurer Carmody agreed with Supervisor Mathis' comments, adding that the board is continually faced with very difficult decisions and each one must be considered in the context of what is best for the whole community.

ADJOURN: Meeting adjourned at 8:45 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 4/17/07