

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 19, 2009**

**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, Tucker (arrived 7:32 p.m.), Brown, Goupil, Hill, Kesler,
Operations Manager Broecker and Attorney Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 1/19/09 Fenton Township Board Meeting agenda as presented.

Motion by: Hill

Seconded: Brown

Ayes: All Present

Nays: None

Absent: Tucker

Motion carried. The agenda is approved.

Treasurer Tucker arrived at 7:32 p.m.

PRESENTATION:

Supervisor Mathis introduced Fenton Township Board of Review members Jim Hall and Bev McKenna. Mr. Hall, chairman of the Board of Review, made a presentation outlining the Board of Review process and highlighted suggestions for how to properly prepare an appeal. This information will be made available on the Township's website. The board thanked Mr. Hall for a very informative presentation.

MEETING MINUTES:

The minutes for the 1/5/09 regular meeting stand approved as presented.

EXPENDITURES:

Supervisor Mathis inquired about the \$41,000 payment to Les Scott. Operations Manager Broecker confirmed that the payment was reimbursement for losses related to the 9/14/08 sewer backups. Mr. Scott's losses were among the highest of the homes affected. Motion to approve expenditures for all funds totaling \$385,265.84 for payment as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

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 \$384,750.00 and it is anticipated that the new equipment will allow Paragon to retain two existing jobs at their facility. There was no public comment.

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Operations Manager Broecker reviewed the specifics of the application. The recommended term for the abatement is seven years. There was no further discussion.

Treasurer Tucker stated that the owner of Paragon Manufacturing is his brother-in-law and he would prefer to abstain from voting due to a possible or perceived conflict of interest.

Motion to allow Treasurer Tucker to abstain from voting on the IFT application for Paragon Manufacturing Corporation due to a possible or perceived conflict of interest.

Motion by: Mathis

Seconded: Goupil

Ayes: Mathis, Krug, Tucker, Goupil, Hill, Kesler

Nays: Brown

Motion failed.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2009-01

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 January 19, 2009 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.*

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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 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. 2009-01 as presented:

Motion by: Krug

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried. Resolution declared adopted.

2009 Local Road Improvement Projects

Supervisor Mathis opened a public hearing to gather citizen input regarding potential local road improvement projects in 2009.

Public Comment:

Dave Franz, 3435 Breeze Pointe Court

Mr. Franz asked to the board to consider re-paving the section of Jennings Road that lies north of Rolston Road, between Loon Lake and Crane Lake. Part of this section of Jennings Road was re-paved in recent years, however the remaining portion (approximately ¼ mile) is in very poor condition.

Pat Lozano, 4459 Harp Drive

Ms. Lozano suggested that Whitaker Road between Owen Road and Harp Drive should be improved, along with the small stretch of Whitaker Road between Harp Drive and the county park entrance.

Gary Carlson, 14041 Squaw Lake Drive

Mr. Carlson suggested improvements for Ripley Road between Rolston and Lahring Roads. He also stated that Odell Road near Thompson Road frequently experiences flooding from the nearby Indian Creek Drain and asked if anything could be done to improve that area.

Robert Canning, 1381 Edgewater Drive

Mr. Canning asked if Community Development Block Grant (CDBG) funds can be used for road improvements. Operations Manager Broecker clarified that CDBG funds can be used to fund an entire road project only if a majority of the residents fronting the proposed improvement meet the HUD requirements for low-moderate income levels.

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While there have never been any neighborhood areas in Fenton Township that have qualified as “low-moderate income”, the Township has used the direct benefit approach for some special assessment road projects, whereby individual residents that meet the income requirements have their assessments paid off.

Mr. Canning suggested that the low area or “dip” on Jennings Road south of Thompson Road should be repaired or improved.

Mr. Canning also asked if the Township would be submitting any projects for the potential federal stimulus funds that may become available. Clerk Krug stated that several potential projects are being looked at. State Senator John Gleason, in attendance at tonight’s meeting, also stated that the stimulus program is not yet approved but it appears that projects ready to begin within 90 days will be given priority status.

The public hearing was closed.

In addition to the roads discussed during public comment, the board discussed several other roads in the Township, including:

- Main Road, from Thompson Road to Ray Road
- Jennings Road from Lahring Road to Thompson Road
- Jennings Road, from Thompson Road to Ray Road
- Ray Road from Linden Road to US-23
- Sharp Road from Lahring Road to Smith Road
- Ditching on Whitaker Road near the sewer pump station

Supervisor Mathis stated that the information obtained at this meeting will be combined with input from the Genesee County Road Commission to come up with a list of recommended projects for 2009, which will be brought back to the board for approval at a future meeting.

REPORTS:

State Senator John Gleason

Senator Gleason thanked the board for the opportunity to speak at tonight’s meeting. He reported that he has introduced two pieces of legislation in Lansing:

1. Proposed legislation that prevent the recall of elected officials for decisions that are made to uphold the law. Senator Gleason feels that elected officials should be able to serve out their terms of office without the threat of a recall over a decision that was simply upholding the law.
2. Proposed legislation to increase the required amount of social studies courses for high school students. Social studies are just as important as math, science and English and Senator Gleason’s bill would require 3 years of social studies for high school students in Michigan.

The board thanked Senator Gleason for his report.

Quarterly Investment Report

Treasurer Tucker briefly reviewed a report of the Township’s investments as of 12/31/08. The total amount invested was approximately \$8.864 million, with approximately \$6.646 million being property tax collections not yet disbursed.

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Quarterly Ordinance Enforcement Report

Supervisor Mathis briefly reviewed the 4th quarter report from Ordinance Enforcement Officer Bob Atkinson.

Fiscal Indicator Scores

Operations Manager Broecker stated that, in response to a question raised at the 1/5/09 meeting about the Township's "financial rating", information has been gathered pertaining to the fiscal indicator scores that are calculated by the Michigan Department of Treasury. The fiscal indicator scores are intended to provide State officials, local officials and the public with objective and measurable information regarding the degree of, or absence of, fiscal health for the local unit of government. The information used to calculate the scores includes population, taxable value, operating deficits, size of fund balance and long term debt. It is important to understand that the score are a "snapshot" in time and do not represent an in-depth analysis of the financial condition of the local unit. A score of 0-4 falls in the category of "fiscally neutral", 5-7 is "fiscal watch" and 8-10 is classified as "fiscal stress". For 2006, (the only year published so far), Fenton Township received a score of 2, which is categorized as Fiscally Neutral. The only reason that Fenton Township did not receive a score of 0 was the decision by the Township Board in 2004 and 2005 to use surplus funds for road improvements, which resulted in expenditures exceeding revenues for those two years. Since no other factors have changed, it is anticipated that the score will be 1 for 2007 and 0 for 2008.

COMMUNICATIONS:

Genesee County Neighborhood Stabilization Program Meeting

Supervisor Mathis reviewed a memo from County Commissioner Pat Lockwood regarding an upcoming meeting to discuss the Neighborhood Stabilization Program. This is a new HUD program to address abandoned and foreclosed properties. The meeting will be held Thursday 1/22/09 at the Genesee County Administration Building. Operations Manager Broecker will be attending.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Schedule Workshop Meeting

After a brief discussion the board scheduled a workshop meeting for Monday 1/26/09 at 7:00 p.m.

Schedule Special Meeting – Pending Litigation (Closed Session)

Supervisor Mathis stated that the attorneys representing Fenton Township in the JGA lawsuit have requested a meeting with the board to provide updated information on the case. The attorneys will be contacted to obtain possible meeting dates. The board will then be contacted to confirm the best date and time.

NEW BUSINESS:

Resolution No. 2009-02, Consumers Energy Street Light Changes

Operations Manager Broecker reported that Consumers Energy requires an annual resolution to authorize the Township Supervisor and Clerk to approve changes to the Township's street lighting contract. Clerk Krug presented the following resolution:

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RESOLUTION NO. 2009-02

BE IT RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the street lighting service as provided in the Standard Street Lighting Contract between Consumers Energy Company and the Charter Township of Fenton, dated September 29, 1976 in accordance with Authorizations for Change in Standard Street Lighting Contract executed by the Charter Township of Fenton during the calendar year of 2009, and

BE IT FURTHER RESOLVED, that the Township Supervisor and the Township Clerk be and are authorized to execute such authorizations for change on behalf of the Charter Township of Fenton.

Motion to adopt Resolution No. 2009-02 as presented.

Motion by: Krug

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried. Resolution declared adopted.

Summer Tax Collection Agreement – Fenton Area Public Schools

Summer Tax Collection Agreement – Linden Community Schools

Summer Tax Collection Agreement – Genesee Intermediate School District

Operations Manager Broecker reported that Linden Schools has again requested that the Township collect their property taxes in the summer and Fenton Schools has again requested that the Township collect their non-homestead taxes this summer. The Genesee Intermediate School District, by policy, will levy 50% of their millages in the Linden School District only. Proposed agreements have been prepared for board approval. The agreements are identical to the ones approved in previous years.

Motion to approve the 2009 Summer Tax Collection Agreement between Fenton Township and the Fenton Area Public School District as presented.

Motion by: Krug

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried.

Motion to approve the 2009 Summer Tax Collection Agreement between Fenton Township and the Linden Community School District as presented.

Motion by: Mathis

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried.

Motion to approve the 2009 Summer Tax Collection Agreement between Fenton Township and the Genesee Intermediate School District as presented.

Motion by: Mathis

Seconded: Brown

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Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler
Nays: None
Motion carried.

**Resolution No. 2009-03, Appointment to Genesee County Storm Water Advisory
Committee**

Supervisor Mathis reported that the Genesee County Drain Commissioner's office has requested a formal appointment of a Fenton Township representative to the Storm Water Advisory Committee. Although she has served in this capacity in the past, Supervisor Mathis stated that she would support a change if another board member is interested. Trustee Brown stated that he would like to serve on this committee. Clerk Krug presented the following resolution:

RESOLUTION NO. 2009-03

WHEREAS, the Charter Township of Fenton is an active member of the Genesee County Storm Water Advisory Committee, and

WHEREAS, Genesee County has requested that all communities formally appoint their representative(s) on this committee;

THEREFORE BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby appoints Trustee Tony Brown as Fenton Township's representative on the Genesee County Storm Water Advisory Committee.

Motion to adopt resolution No. 2009-03 as presented:

Motion by: Krug
Seconded: Tucker
Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler
Nays: None
Motion carried. Resolution declared adopted.

BOARD COMMENT:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Franz, 3345 Breeze Pointe Court

Mr. Franz stated that he would like to see the total amount of expenditures approved published in the meeting minutes or synopsis. Supervisor Mathis stated that the amounts would be included in both the minutes and synopsis from now on.

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins asked how many sewer units the Township has available. Operations Manager Broecker stated that Fenton Township has 5,295 available connection units.

Mr. Collins also stated that Groveland Township recently lowered their fire department insurance rating through some type of agreement with Holly. He asked the Township to look into this issue and find out if it is possible for the Township to lower their insurance rating as well. Supervisor Mathis stated that this issue will be researched.

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Robert Canning, 1381 Edgewater Drive

Mr. Canning, noting that the board members stated specific objectives during their election campaigns, asked if any progress had been made on these issues (accessory building regulations, downtown development authority, etc.). Supervisor Mathis stated that the current board has only been seated for two months. The new members are still "learning the ropes" and it will take time to work on some issues. Treasurer Tucker noted that the Township is looking into a Corridor Improvement Authority (similar to DDA) for the Thompson Road Corridor. The planning firm that is developing the pattern book is researching this issue.

Mr. Canning also asked if the Township could help have actual restroom facilities installed at the Lake Fenton public access.

Susan Foland, 11421 Fairbanks Road

Ms. Foland asked if the costs associated with the late December power outage have been determined. Clerk Krug stated that all invoices are not in but he would report the number at the next meeting. Ms. Foland, referencing a recent newspaper article reporting that Flushing Township officials had decided to cease health insurance benefits for elected officials, asked if Fenton Township has such a program. Supervisor Mathis confirmed that Fenton Township does not offer health insurance benefits to elected officials.

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 1/20/09