

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 6, 2014**

**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, Goupil, Kesler, Lorraine, Shumaker, Attorney
Cooley and Operations Manager Broecker.

Absent: None

PLEDGE OF ALLEGIANCE / OPENING PRAYER:

Supervisor Mathis led the pledge of allegiance to the flag. Trustee Goupil offered the opening prayer.

APPROVAL OF AGENDA:

Motion to approve the 10/6/14 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Shumaker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 9/22/14 workshop meeting and the 9/22/14 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$349,833.00 for payment as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried.

PUBLIC HEARINGS:

**Lake Fenton Improvement Special Assessment District/Hearing on Special
Assessment Roll**

Supervisor Mathis stated that this is the second public hearing for a proposed lake improvement special assessment Lake Fenton. The total estimated cost of the project is \$301,600.00 over a 5-year period. The Township Board will accept public comment regarding the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

There was no public comment or board discussion. There was one written objection submitted by a property owner in the district, requesting a waiver for senior citizens. Clerk Krug presented the following resolution:

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RESOLUTION NO. 2014-29

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 weed eradication/control project proposed to be initiated within the Lake Fenton Improvement Special Assessment District as shown on the plans and specifications 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, one written objections was received to said roll and levy, and

WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing was made a part of the minutes of the hearing, and

AND WHEREAS, a review of properties within the special assessment district indicated the reasonableness of the following amendments to said assessment roll:

The number of parcels to assess is revised from 845 to 839. The revised assessments per parcel are as follows:

2014	132.72
2015	42.59
2016	51.32
2017	57.02
2018	62.72

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 amended, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2014-6 and shall hereby be confirmed as the assessment roll for the Lake Fenton Improvement Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2014-6 shall be divided into five annual installments with the first installment due on or before December 1, 2014 and the following installments to be due on or before the first day of December for each year thereafter indicated, and

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BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. 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 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 P.A. 188 of 1954, as amended, and

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, and

BE IT FINALLY 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. 2014-29 as presented.

Motion by: Krug

Seconded: Shumaker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Resolution declared adopted.

**Proposed Transfer of Existing Industrial Facilities Exemption Certificates from
City of Saginaw – CMI-Schneible Company**

Supervisor Mathis stated that the purpose of this public hearing is to consider the application of CMI-Schneible Company to transfer two existing Industrial Facilities Exemption Certificates (tax abatements) from the City of Saginaw to Fenton Township. These abatements relate to equipment utilized in their business, which is being relocated to their facility at 3061 Thompson Road (previously owned by Carpenter Enterprises and Perani's Hockey World).

Brian Schram, co-owner of CMI-Schneible, provided a brief overview of their business and described improvements being made to the property. Treasurer Tucker asked how many people are employed by the company. Mr. Schram stated that there will be 12 employees initially and they are projecting 25-30 new jobs in next 3-5 years.

Justin Sprague, from the Genesee Regional Chamber of Commerce, stated that the chamber has been working with CMI and support their application to transfer the tax abatements.

There was no public comment. Clerk Krug presented the following resolution:

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RESOLUTION NO. 2014-30

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on June 2, 1980, this Township Board by resolution established Industrial Development District No. 4, and

WHEREAS, CMI-Schneible Company has filed an application for the transfer of Industrial Facilities Exemption Certificate No. 2007-235 and Industrial Facilities Exemption Certificate No. 2008-479 from the City of Saginaw to the Charter Township of Fenton, within Industrial Development District No. 4, and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on October 6, 2014 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 transfer of the certificates 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 transfer of Industrial Facilities Exemption Certificate No. 2007-235 and Industrial Facilities Exemption Certificate No. 2008-479 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 CMI-Schneible Company for the transfer of Industrial Facilities Exemption Certificate No. 2007-235 and Industrial Facilities Exemption Certificate No. 2008-479, from the City of Saginaw to the following described parcel of real property situated within Fenton Township Industrial Development District No. 4, to wit:*

Lot 7 of THOMPSON ROAD COMMERCIAL SITES

And

Part of the SE 1/4 of Section 3, T5N-R6E, Township of Fenton, Genesee County, Michigan, described as the South 623.88 feet of the North 973.88 feet of the East 888 feet of said SE 1/4 of Section 3, T5N-R6E, EXCEPTING the North 100 feet of the East 350 feet thereof.

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be and the same is hereby approved.

3. *Industrial Facilities Exemption Certificate No 2007-235 and Industrial Facilities Exemption Certificate No. 2008-479, when transferred, shall be and remain in force and effect for the remainder of the original period of 12 years granted on each certificate.*

Motion to adopt Resolution No. 2014-30 as presented:

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Fire Department 3rd Quarter Report

Fire Chief Ryan Volz reviewed 3rd quarter Fire Department statistics:

Total alarms	192 (15 in Tyrone Twp)
Fires/Explosions	13
EMS	131
Hazardous conditions	5
Service calls	13
Good intent calls	23
False alarms	6
Weather/Natural Disaster	1

Supervisor Mathis asked Chief Volz to discuss the Code RED program. Chief Volz explained that residents can register their phone numbers to receive emergency alerts from the Genesee County 911 Center. Residents can sign up at www.geneseecounty911.org.

Chief Volz also announced that the FTFD Open House is this Saturday 10/11/14 from 12:00-5:00 p.m. at Fire Station #1.

Chief Volz reported that the Rescue Dive Team now has seven certified members. A sonar unit has been purchased to assist in rescue/recovery operations. The team is also using a mannequin made from PVC pipe and concrete to train for dive recoveries.

The board thanked Chief Volz for his report.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning R14-002, Robert Emerick, parcel 06-11-527-006, (2273 Sonora); C-2 to R-5/2nd Reading

Supervisor Mathis stated that this is the second reading of a proposed Zoning Ordinance amendment to rezone parcel 06-11-537-006 from C-2 to R-5, which was

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introduced at the 9/22/14 meeting. The property, although zoned for commercial use, is actually a single family residence. The property owner is having a problem selling the property because the house is a legal non-conforming structure and could not legally be rebuilt if it was destroyed by fire, storm, etc. Rezoning the property to its actual use would eliminate this problem. There was no further discussion.

Motion to adopt Ordinance No. 770, an amendment to Zoning Ordinance No. 594 to rezone parcel 06-11-527-006 from C-2 to R-5, as presented.

Motion by: Tucker

Seconded: Lorraine

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Ordinance declared adopted.

Proposed Zoning Ordinance Amendment-Non-conforming Structures/2nd Reading

Supervisor Mathis stated that this is the second reading of a proposed Zoning Ordinance amendment to revise language regarding non-conforming structures, which was introduced at the 9/22/14 meeting. This amendment, which is related to the rezoning ordinance that was just adopted, would allow the rebuilding of legal non-conforming primary structures in the event they are destroyed by fire, storm, etc. There was no further discussion.

Motion to adopt Ordinance No. 771, an amendment to Article 5 of Zoning Ordinance No. 594 to revise language regarding non-conforming structures, as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Ordinance declared adopted.

Proposed Zoning Ordinance Amendment – Communication Tower Equipment Structure Height/2nd Reading

Supervisor Mathis stated that this is the second reading of a proposed Zoning Ordinance amendment to revise language regarding height restrictions for communication tower equipment structures, which was introduced at the 9/22/14 meeting. The amendment increases the height limit for equipment structures associated with communication towers and antennae from 9 to 10 feet. Treasurer Tucker clarified that the industry standard for this type of building is 10 feet high. There was no further discussion.

Motion to adopt Ordinance No. 772, an amendment to Article 11 of Zoning Ordinance No. 594 to revise language regarding the height limit for equipment structures associated with communication towers and antennae, as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Ordinance declared adopted.

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UNFINISHED BUSINESS:

Workshop Meeting Reminder – 10/13/14

Supervisor Mathis reminded the board that a workshop meeting has been scheduled for Monday 10/13/14 at 7:30 p.m.

NEW BUSINESS:

Appointment to Fenton Township Planning Commission

Supervisor Mathis noted that there has been a vacancy on the Planning Commission since Sandra Carlson stepped down earlier this year. She is recommending the appointment of David Cypher to fill this position. Mr. Cypher lives on Margaret Drive and has previous experience serving on both the Planning Commission and Zoning Board of Appeals in Tyrone Township. He will be a fine addition for the Planning Commission.

Motion to appoint David A. Cypher to the Fenton Township Planning Commission for the term ending May 31, 2016.

Motion by: Tucker

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried.

Resolution No. 2014-31, Opposing ET Rover Pipeline

Supervisor Mathis stated that a company by the name of ET Rover Pipeline LLC has applied for approval to construct a 42-inch diameter natural gas pipeline that would extend from Ohio through Michigan and connect into Canada. The proposed route of this pipeline goes through a portion of Fenton Township, as well as several surrounding townships. She is opposed to this pipeline for the following reasons:

1. Such a large natural gas pipeline poses too many dangers for our residents and natural resources, and hurts the property values along the pipeline route.
2. Energy Transfer, (parent company to ET Rover), abandoned an existing natural gas trunk line less than two years ago, stating that the capacity was not needed. This line was subsequently sold to Enbridge Energy and converted to a crude oil pipeline. Seven months after that abandonment was approved, Energy Transfer applied for the new ET Rover Pipeline.
3. The ET Rover Pipeline project is not a public necessity. There is no need for additional natural gas capacity in Michigan. The primary purpose of the proposed pipeline is to supply natural gas to Canada.

A resolution of opposition has been drafted to present to the Federal Energy Regulatory Commission (FERC), as well as our county, state and federal representatives. Most other townships in the proposed pipeline route are considering similar resolutions. Township residents are also encouraged to file comments with the FERC. Instructions for posting comments are available on the Township's website.

Clerk Krug stated that a recent informational meeting hosted by ET Rover did not answer any questions or provide meaningful information.

Supervisor Mathis noted that ET Rover rented the Fenton Township hall in July for an informational meeting for Livingston County residents. When asked why that meeting

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was held in Livingston County, ET Rover said they wanted a site close to the expressway. For some reason, when it came time to have a meeting with Fenton Township residents, they chose to have it at Spring Meadows Country Club in Linden. Atlas Township is working on a regional town hall meeting on this issue for officials and residents. Details will be distributed when received.

Treasurer Tucker clarified that, although the Township may be opposed to the proposed pipeline, the board has no legal authority in this situation.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2014-31

WHEREAS, ET Rover Pipeline LLC has applied to the Federal Energy Regulatory Commission (FERC) to construct a new 42-inch diameter natural gas trunk line to transport natural gas through Michigan, including a portion of Fenton Township, to primarily service consumers in Canada, and

WHEREAS, less than two years ago Energy Transfer, (the parent company to ET Rover Pipeline LLC), made application to the FERC to abandon an existing natural gas trunk line, stating that there was no need for the natural gas capacity in Michigan, (Docket No. CP12-491-000), and

WHEREAS, Energy Transfer received approval from the FERC for the abandonment of the natural gas trunk line on November 7, 2013, just seven months prior to applying for the ET Rover natural gas pipeline, and the line was subsequently sold to Enbridge Energy to be used to transport petroleum, and

WHEREAS, the proposed ET Rover Pipeline does not meet the standards to be considered a Public Necessity; Michigan does not need the additional natural gas capacity and the proposed pipeline route does not supply natural gas to Michigan residents beyond the MichCon delivery point in Livingston County, contrary to claims made by Energy Transfer, and is merely a "pass-through" to another nation, which does not serve the common good of Michigan residents, and

WHEREAS, the construction of the ET Rover Pipeline will constitute a serious environmental threat to the Charter Township of Fenton, which is primarily a residential community located in an ecologically sensitive area and includes 18 lakes covering more than 2,600 acres, the Shiawassee River, numerous creeks and river tributaries, wetland habitats and high priority ecosystems, and

WHEREAS, the construction of the ET Rover Pipeline will cause property values in the vicinity of the pipeline route to decrease significantly, and

WHEREAS, the construction of the ET Rover Pipeline will pose a serious threat to the general health, safety and welfare of our community;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby opposes the construction of the ET Rover Pipeline due to a

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lack of necessity, failure to serve the common good of Michigan residents and the significant negative impact on the citizens and environment of Fenton Township, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed as a comment before the Federal Energy Regulatory Commission and sent directly to Senator Debbie Stabenow, Senator Carl Levin, U.S. Representative Dan Kildee, Governor Rick Snyder, State Senator Jim Ananich, State Representative Joe Graves, Genesee County Commissioner Tony Brown and other townships in Genesee County within the proposed pipeline route.

Motion to adopt Resolution No. 2014-32 as presented.

Motion by: Krug

Seconded: Shumaker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2014-32, Squaw Lake Improvement Special Assessment Renewal

Supervisor Mathis reported that property owners in the Squaw Lake Improvement Special Assessment District have submitted a 5-year renewal proposal. A new special assessment roll has been created, certified and filed with the Township Clerk. A public hearing is required before confirming the new special assessment roll. A resolution has been prepared to schedule the hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2014-32

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with P.A. 188 of 1954, as amended, prepared a special assessment roll in the total amount of \$8,738.56 for the year 2014 and \$8,245.76 per year for the years 2015 through 2018 inclusive, covering all parcels of land within the Squaw Lake Improvement Special Assessment District, and has affixed thereto her Certificate as required by said Public Act;

NOW, 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 October 20, 2014 at 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 Squaw Lake Improvement Special Assessment District as shown on

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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. 2014-32 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Resolution declared adopted.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft questioned if all properties on Lake Fenton are assessed equally for the special assessment, or if some properties, such as those on channels, are assessed differently. Operations Manager Broecker explained that except for one lot that is jointly owned by four owners and a few very low value properties that were exempted, all properties on Lake Fenton were assessed equally.

ADJOURN: Meeting adjourned at 8:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 10/7/14