

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 15, 2015**

**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, Shumaker, Attorney Cooley and Operations
Manager Broecker.

Absent: Kesler, Lorraine

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

Trustee Goupil offered the opening prayer. Ellie Ward led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Mathis asked to add an item to the Reports section regarding the oil change facility on Thompson Road. Motion to approve the 6/15/15 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Kesler, Lorraine

Motion carried. The agenda is approved.

PRESENTATION:

Plante & Moran, PLLC - Financial Report for Fiscal Year Ended December 31, 2014

Supervisor Mathis introduced Tadd Harburn and Chrystal Simpson of Plante & Moran, PLLC. Mr. Harburn and Ms. Simpson reviewed several graphs outlining year-to-year changes in revenues, expenditures and fund balance in the General Fund and cash flows in the Sewer Fund.

Areas highlighted included:

- ⇒ Total fund balance in the General Fund increased by \$36,775 to a total of \$1,416,588. Unassigned fund balance totaled 881,827, which represents approximately 4.5 months of budgeted expenditures, which within the recommended range of 3-5 months.
- ⇒ General Fund revenues decreased \$104,943 from 2013, due primarily to sales of tax foreclosed property in 2013.
- ⇒ General Fund expenditures decreased \$60,479 from 2013, as several categories experienced small decreases.
- ⇒ An operating transfer of \$350,000 was made from the General Fund to the Sewer Fund to help offset a cash flow deficiency.
- ⇒ All Special Revenue Funds, (Fire Protection, Solid Waste and Mosquito Control), are financially stable with adequate fund balances.
- ⇒ The Sewer Fund experienced a significant reduction in cash reserves due to capital purchases in 2014. The fund is still able to cover the operating costs and debt payment obligations, although the reduced cash reserves may result in tighter cash flow.

The board thanked Mr. Harburn and Ms. Simpson for their report.

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MEETING MINUTES

The minutes for the 6/1/15 regular meeting and the 6/8/15 special meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$398,780.00 for payment as presented.

Motion by: Tucker
Seconded: Goupil
Ayes: Mathis, Krug, Tucker, Goupil, Shumaker
Nays: None
Absent: Kesler, Lorraine

Motion carried.

PUBLIC HEARINGS:

Proposed Boundary Revision - Industrial Development District No. 12

Supervisor Mathis reported that the Township has received a formal request from Thomas Miller to expand the boundaries of Industrial Development District No. 12 on Thompson Road. In 2014 Mr. Miller submitted a revised conceptual plan for his Thompson Road PUD project. The boundaries of the Industrial Development District need to be revised to accommodate the location of the new facility and allow application for an Industrial Facilities Exemption Certificate.

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

RESOLUTION NO. 2015-09

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this Township Board has the authority to establish Industrial Development Districts within the Charter Township of Fenton, and

WHEREAS, Thomas L. Miller has petitioned this Township Board to revise the boundaries of an existing Industrial Development District on his property located in the Charter Township of Fenton hereinafter described, and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility has not commenced at the time of filing the request to revise the boundaries of this district, and

WHEREAS, written notice of a public hearing on the proposed revision of the district has been given by mail to all owners of real property located within the district, the Assessor, representatives of all affected taxing units and to the public by newspaper advertisement in the Tri-County Times, and

WHEREAS, on June 15, 2015 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District, all affected taxing units and all residents and taxpayers of the Charter Township of Fenton were afforded an opportunity to be heard thereon, and

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WHEREAS, the Township Board deems it to be in the public interest of the Charter Township of Fenton to revise the boundaries of Industrial Development District No. 12 as proposed;

NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Fenton that the following described parcel of land situated in the Charter Township of Fenton, Genesee County, State of Michigan, to wit:

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 3, TOWN 5 NORTH, RANGE 6 EAST, DESCRIBED AS BEGINNING ON THE EAST-WEST 1/4 LINE NORTH 89 DEGREES 34 MINUTES 47 SECONDS WEST, 315.10 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION; THENCE CONTINUING NORTH 89 DEGREES 34 MINUTES 47 SECONDS WEST ON SAID EAST-WEST 1/4 LINE, 1000.00 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 13 SECONDS EAST, 350.00 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 47 SECONDS WEST, PARALLEL WITH SAID EAST-WEST 1/4 LINE, 200.00 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 13 SECONDS EAST, 330.83 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 58 SECONDS EAST, 1177.25 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 47 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID SECTION, 685.38 FEET TO A POINT ON THE EAST-WEST 1/4 LINE AND THE POINT OF BEGINNING; CONTAINING +/- 17.03 GROSS ACRES OF LAND

be and hereby is established as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as Fenton Township Industrial Development District No. 12.

Motion to adopt Resolution No. 2015-09 as presented.

Motion by: Krug
Seconded: Tucker
Ayes: Mathis, Krug, Tucker, Goupil
Nays: Shumaker
Absent: Kesler, Lorraine

Motion carried. Resolution declared adopted.

Application for Facilities Exemption Certificate – Performance Fabricating LLC

Supervisor Mathis opened a public hearing to consider the application of Performance Fabricating LLC for an Industrial Facilities Exemption Certificate (tax abatement) for a new facility to be constructed and personal property to be acquired and installed at 3175 Thompson Road, within Industrial Development District No. 12. Total investment for the new facility and equipment will be approximately \$8.3 million. Performance Fabricating will transfer 30 existing jobs to the new facility and expects to create 55 new jobs within two years. Operations Manager Broecker reviewed the rating formulas used by the Township for previous tax abatement applications. Based on the level of investment and new job creation the recommended term of the abatement is twelve years.

There was no public comment.

Trustee Shumaker asked if the new facility will be constructed by a local contractor. Mr. Miller confirmed that Rhoads & Johnson Construction in Fenton will be building the facility. Trustee Shumaker asked if Performance Fabricating would rely on temporary employees rather than permanent employees. Mr. Miller stated that temporary employees are utilized only if necessary. Permanent employees create a much more

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stable and efficient operation. Trustee Shumaker asked what the starting wage would be for employees of this business. Mr. Miller stated that wages vary depending on job responsibilities and skill levels but their goal is to provide good paying jobs with excellent benefits.

Clerk Krug asked what Performance Fabricating produces. Mr. Miller stated that they produce a variety of fabricated products made from steel, aluminum and carbon, including helipads, baggage handling equipment and auto platforms for parking structures.

There was no further discussion. Clerk Krug presented the following resolution:

RESOLUTION NO. 2015-10

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on March 5, 2001, this Township Board by resolution established Industrial Development District No. 12, and

WHEREAS, after a duly noticed public hearing held on June 15, 2015, this Township Board by resolution revised the boundaries of Industrial Development District No. 12, and

WHEREAS, Performance Fabricating LLC has filed an application for an Industrial Facilities Exemption Certificate with regard to a new facility to be constructed and personal property to be acquired and installed within Industrial Development District No. 12; and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on June 15, 2015 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*

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the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Fenton.

- 2. The application of Performance Fabricating LLC for an Industrial Facilities Exemption Certificate with respect to a new facility to be constructed and personal property to be acquired and installed on the following described parcel of real property situated within the Industrial Development District No. 12, to wit:*

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 3, TOWN 5 NORTH, RANGE 6 EAST, DESCRIBED AS BEGINNING ON THE EAST-WEST 1/4 LINE NORTH 89 DEGREES 34 MINUTES 47 SECONDS WEST, 315.10 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION; THENCE CONTINUING NORTH 89 DEGREES 34 MINUTES 47 SECONDS WEST ON SAID EAST-WEST 1/4 LINE, 1000.00 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 13 SECONDS EAST, 350.00 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 47 SECONDS WEST, PARALLEL WITH SAID EAST-WEST 1/4 LINE, 200.00 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 13 SECONDS EAST, 330.83 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 58 SECONDS EAST, 1177.25 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 47 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID SECTION, 685.38 FEET TO A POINT ON THE EAST-WEST 1/4 LINE AND THE POINT OF BEGINNING; CONTAINING +/- 17.03 GROSS ACRES OF LAND

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 12 years.*

Motion to adopt Resolution No. 2015-10 as presented:

Motion by: Krug
Seconded: Tucker
Ayes: Mathis, Krug, Tucker, Goupil
Nays: Shumaker
Absent: Kesler, Lorraine

Motion carried. Resolution declared adopted.

REPORTS:

Supervisor Mathis reported that Republic Services is using the former oil change business on Thompson Road (owned by the Township) as a delivery/distribution point for the trash and recycling carts to be delivered to our residents. All carts should be delivered by the end of next week. The semi trucks delivering the carts caused traffic issues throughout the day due to the time it took to back into the facility and unload the trucks. While there, Supervisor Mathis noted that the lower level pit area of the building was flooded with water and oil. Young's Environmental was contacted to investigate the problem. They took samples and have provided an estimate of \$7,600 to pump out the water/oil and haul it away. It would cost another \$4,000 to clean up the lower level. Supervisor Mathis would like to review the building further before committing to the cleanup cost.

COMMUNICATIONS:

None

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ADOPTION OF ORDINANCES:

Rezoning #R15-003, Kevin & Lahna Ward, parcel 06-01-300-003 (1459 Wiggins Road); PUD to R-3/1st Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone property located on Wiggins Road from PUD to R-3. Treasurer Tucker explained that the subject property was part of the BVM PUD development approved several years ago. The developer lost the property with the Township now owning a 36-acre parcel in the middle of the former project. The PUD project is no longer viable and the request is to rezone to R-3, which was the zoning classification prior to the PUD project. The request is consistent with the Township's Future Land Use Plan and the Planning Commission has unanimously recommended approval of the proposed rezoning.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 6/29/15 meeting.

Proposed Zoning Ordinance Amendment – Accessory Buildings/1st Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise language regarding accessory buildings. Treasurer Tucker explained that the ZBA has recommended changes to the calculation of allowable square footage of accessory buildings. The two primary changes involve the issuance of permits for accessory structures relative to the permit status of the primary structure. The second part of the ordinance is an across the board change to increase the allowable square footage of accessory buildings under certain circumstances.

Treasurer Tucker stated that he would like to revise the language regarding the timing of the construction for the accessory building relative to the principal structure. The board agreed to bring the proposed ordinance back for a revised first reading at the 6/29/15 meeting.

Proposed Zoning Ordinance Amendment – Private Roads/1st Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise language regarding private roads. Trustee Shumaker expressed concern that the ordinance does not protect potential property owners that purchase a single lot and build a home but can't obtain a certificate of occupancy because the private road hasn't been completed. After a brief discussion the board agreed to refer the ordinance back to staff for revision and a revised first reading at the 6/29/15 meeting.

UNFINISHED BUSINESS:

MTA Genesee County Chapter Meeting @ Fenton Township - 6/18/15

Supervisor Mathis reminded the board that Fenton Township is hosting the MTA Genesee County Chapter meeting this Thursday beginning at 6:00 p.m. She asked that all board members to attend if possible.

NEW BUSINESS:

Resolution No. 2015-11, Third Amendment to Genesee County Phase II Storm Water Contract

Supervisor Mathis reviewed a proposed amendment to the Township's Storm Water Contract with the Genesee County Drain Commissioner. This is, in effect, a renewal of the existing contract for the county to provide storm water related services to maintain compliance with our state permit. The budgeted costs for 2015-2020 permit cycle are

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approximately 16% lower than the 2008-2015 budgeted costs. There was no further discussion. Clerk Krug presented the following resolution:

RESOLUTION NO. 2015-11

WHEREAS, the Charter Township of Fenton has previously been a party to the Genesee County Phase II Regulations Storm Water Management System Contract, and

WHEREAS, there is a need to amend this contract to cover the 2015-2020 renewal of the Township's NPDES Phase II permit;

NOW, THEREFORE, BE IT RESOLVED, that the township board of the Charter Township of Fenton hereby approves the Third Amendment to Genesee County Phase II Regulations Storm Water Management System Contract to be dated as of October 1, 2015, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the Municipalities (the "Amendment"), which Amendment provides, among other things, for the provision by the Genesee County Storm Water Management System of services for implementation activities required by Phase II Regulations, the allocation of the costs of such activities among the County and the Municipalities, and the payment by the County and the Municipalities of their respective cost of the services as set forth in the Amendment, and

BE IT FURTHER RESOLVED, that the Township Supervisor and Township Clerk are authorized and directed to execute and deliver the Amendment for and on behalf of the Charter Township of Fenton, and

BE IT FURTHER RESOLVED, that a copy of the Amendment presented on this date and herein approved and authorized to be executed and delivered shall be referenced in the minutes of this meeting and made a part thereof and shall be placed on file with the Township Clerk and made available for examination by any interested person during normal business hours, and

BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions, insofar as they may be in conflict herewith, are hereby rescinded.

Motion to adopt Resolution No. 2015-11 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Shumaker

Nays: None

Absent: Kesler, Lorraine

Motion carried. Resolution declared adopted.

Revised Freedom of Information Act Procedures, Guidelines & Forms

Operations Manager Broecker reviewed changes to the Freedom of Information Act that will become effective 7/1/15. The new requirements include:

- The Township is required to adopt written Procedures and Guidelines to implement the FOIA, along with a written Public Summary explaining how the township's FOIA

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process works. Both documents must be made available to the public upon request, free of charge

- The Township will be limited in the fees we charge to recoup staff time used to search, copy, sort and redact documents in filling FOIA requests. The fees must also be separated and charged in 15-minute increments.
- Copying fees for standard copies are capped at 10 cents per page.
- The Township may recover a portion of their attorney fees if a request must be reviewed or redacted by an attorney, but the amount is limited to six times the state minimum wage.
- Individuals who request but do not pick up or pay for their requested documents will be required to pay 100 percent of the cost up front for another FOIA request if they have an outstanding unpaid request within the previous 365 days.

Motion to adopt the following documents in compliance with the Michigan Freedom of Information Act, as presented:

FOIA Procedures & Guidelines
FOIA Public Summary
Public Inspection of Records Policy
FOIA Cost Worksheet

Motion by: Shumaker
Seconded: Goupil
Ayes: Mathis, Krug, Tucker, Goupil, Shumaker
Nays: None
Absent: Kesler, Lorraine

Motion carried.

BOARD COMMENT:

Clerk Krug stated that an injured swan was reported on Lake Fenton last week. The DNR was contacted, who sent a rescue group to capture the swan and take it for medical care. Unfortunately the swan had been shot and could not be saved.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 6/16/15