

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 21, 2019**

**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, Kesler, Lorraine, Reid, Attorney Belzer and
Operations Manager Broecker.

Absent: Goupil

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 1/21/19 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Goupil

Motion carried. The agenda is approved.

MEETING MINUTES:

Treasurer Tucker noted that he had requested an addition to the 1/7/19 minutes in the section regarding the fire department SOP manual. Trustee Reid pointed out a typo in the 1/14/19 minutes. The minutes for the 1/7/19 regular meeting and the 1/14/19 special meeting stand approved as corrected.

EXPENDITURES:

Treasurer Tucker questioned the invoice paid to the Internal Revenue Service. Operations Manager Broecker explained that the IRS overpaid the township by \$38.42 when processing the interest credit on the recovery zone bonds. The Township is simply returning the overpayment. Motion to approve invoices and expenditures for all funds totaling \$341,659.62 for payment as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Reid

Nays: None

Absent: Goupil

Motion carried.

PUBLIC HEARINGS:

**Application to Transfer Existing Industrial Facilities Exemption Certificate - Domico
Med-Device, LLC**

Supervisor Mathis opened a public hearing to consider the application of Domico Med-Device, LLC to transfer an existing Industrial Facilities Exemption Certificate (tax abatement) from CFI Medical Solutions to Domico Med-Device, LLC. This abatement was previously approved by the Township Board and applies to equipment at their facility on Fenton Road. It was noted that approval would not extend the duration of the abatement, but simply reflect the change in ownership.

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Michael Czop, President and CEO of Domico Med-Device, explained that the company manufactures carbon fiber and foam positioning aids for medical applications, and they currently employ 98 people. Domico purchased company from CFI Medical Solutions, and now they are seeking to transfer the existing tax abatement on equipment acquired in the purchase.

There was no public comment. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2019-02

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on January 21, 2002, this Township Board by resolution established Industrial Development District No. 13, and

WHEREAS, Domico Med-Device, LLC has filed an application for the transfer of Industrial Facilities Exemption Certificate No. 2012-506 from CFI Medical Solutions to Domico Med-Device, LLC, within Industrial Development District No. 13, and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on January 21, 2019 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. 2012-506, 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 Domico Med-Device, LLC for the transfer of Industrial Facilities Exemption Certificate No. 2012-506, previously granted on the following described parcel of real property situated within Fenton Township Industrial Development District No. 13, to wit:*

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A PARCEL OF LAND BEG N 26° 09' 36" E 360.54 FT FROM W ¼ COR OF SEC TH N 31° 57' E 352.69 FT & ON CURVE TO RIGHT-CHORD- N 32° 43' 38" E 149.40 FT TH S 87° 17' 31" E 980 FT TH S 2° 49' 29" W 767.87 FT TH N 87° 17' 31" W 642.74 FT & W 198.78 FT TH N 2° 50' 04" E 130.86 FT TH S 87° 09' 56" E 43.66 FT TH N 2° 50' 04" E 200 FT TH N 87° 17' 31" W 430 FT TO PL OF BEG; SEC 24 T5N R6E, 17.277 ACRES.

be and the same is hereby approved.

- Industrial Facilities Exemption Certificate No 2012-506, when transferred, shall be and remain in force and effect for the remainder of the original period of 8 years granted on the certificate.*

Motion to adopt Resolution No. 2019-02 as presented:

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

Motion carried. Resolution declared adopted.

2019 Local Road Improvement Projects

Supervisor Mathis opened a public hearing to gather citizen input regarding potential local road improvement projects in 2019.

It was noted that the board has already approved four local road projects for 2019:

- Asphalt Intersection Apron – Old Linden Road at Thompson Road (CDBG funded)
- Asphalt Paving - Whitaker Road from Linden Road to Harp Drive
- Limestone Resurfacing - Sharp Road from Lahring Road to Ray Road
- Limestone Resurfacing - Smith Road from Hogan Road to the Argentine boundary

There was no public comment. Based on the 3-year improvement plan adopted in 2017 and preliminary discussions with Lawrence Engineering, the following roads were discussed as potential improvement projects for 2019:

<u>Limestone/Gravel Resurfacing</u>	<u>Last Improvement</u>
Odell Road	Linden Road to Thompson Road 2007
Thompson Road	Odell Road to Linden Road 2007
Ray Road*	Sharp Road to Linden Road** 2008
Ray Road*	Linden Road to US-23 1983
Ray Road*	Torrey Road to Fenton Road 2013
Whitaker Road	Shoulders & transition from new pavement

[* subject to 50% participation from Mundy Township.]

[** includes replacement of Kimball Drain cross-culvert.]

Asphalt

Odell Road	Paved apron at Linden Road intersection (north side)
Ray Road*	Paved apron at Linden Road intersection (both sides)

Crack Sealing

North Long Lake Road

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Moffett Drive & Garnet Road
Log Cabin Pointe
McCully Lake Estates No. 1 Subdivision
Springfield Hills Subdivision

The Township will request the appropriate cost estimates and bring recommendations back to a future meeting for board action.

REPORTS:

Ordinance Enforcement 4th Quarter Report

Supervisor Mathis reviewed the 4th quarter report from Ordinance Enforcement Officer Pat Shaw. Zoning issues and junk vehicles were the categories with the highest number of complaints for the quarter.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning #R19-001, Vash Investment Group, parcel 06-12-100-013 (12201 Fenton Road); AG to C-2/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to rezone property on Fenton Road from AG to C-2. Treasurer Tucker reported that the Planning Commission unanimously recommended denial of the rezoning request. The requested zoning is not consistent with the new Master Plan. Concerned residents from neighboring subdivisions raised several other concerns at the public hearing, including the impact on traffic and crime.

Public comment:

Bill Clark, 2204 Island Shore Drive

Mr. Clark, the applicant, stated that the requested rezoning would allow him to develop a commercial storage facility condominium project. The target market would be lakefront property owners that need offsite storage for boats, trailers, RV's etc. Mr. Clark also addressed some of the concerns raised regarding the proposed rezoning:

- The proposed use for the property would not generate a significant amount of traffic.
- He is willing to limit the use to a storage facility to eliminate other potential uses.
- There is a demonstrated need for this type of use in Fenton Township.
- The proposed location of the buildings and the existing tree line will buffer the area to be developed.
- He would construct detention pond to alleviate any flooding concerns.
- Storage facilities do not attract more crime.
- Nearby property is already zoned C-2.

Mr. Clark believes the development would enhance the township and address a community need.

Virginia Abraham, 12323 Margaret Drive

Ms. Abraham, the owner of the property, stated that they have tried to sell the property for 20 years, but the township has denied several proposed uses over the years. The township should consider the needs of their long-time residents.

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Sean Affrica

Mr. Affrica, a realtor working with Mr. Clark, stated that Mr. Clark is an upstanding developer and the proposed use will be a high quality development. The structures will look more like houses than storage buildings. Storage for recreational vehicles is a need in our community. He also criticized the Township for not informing Mr. Clark that his rezoning request was contrary to the new Master Plan.

Aaron Lawrence, 1272 Theresa Drive

Mr. Lawrence stated that the proposed location of the storage facility would create traffic problems in an area with limited sight distances. He also believes the development would increase drainage problems.

Jennifer Eve, 1380 Fentonwood Drive

Ms. Eve questioned the need for the proposed use. Most residents will not purchase a "storage condominium" when they can store their boats on their own property. As a former law enforcement officer, Ms. Eve stated that storage units would result in increased crime.

Doug Brady, 1280 Natalie Drive

Mr. Brady, representing the Springfield Hills homeowner's board, stated that the association is unanimously opposed to the proposed rezoning because it is not consistent with the Master Plan.

Fred Hensler, 14007 Swanee Beach Drive

Mr. Hensler owns commercial property near the subject parcel and acknowledged that the proposed use is needed in the community. He questioned if the Master Plan should be re-evaluated rather than simply deny the request.

The township also received a letter from Melissa Pinion of 12126 Carmela Drive. Ms. Pinion is opposed to the proposed rezoning due to the following reasons:

1. Commercial development would negatively affect the rural atmosphere.
2. Increased traffic would be a safety concern.
3. Increased crime.
4. Impact on drainage and wetlands.
5. Proposed rezoning is contrary to the Master Plan.

Attorney Belzer emphasized that the board is considering a rezoning ordinance, not debating the merits of a developing a storage facility. The discussions regarding the intended use, while somewhat relevant, are not the topic at hand.

Treasurer Tucker acknowledged there probably is a need for a storage facility in the Township, however rezoning the property to C-2 would open it up for any use permitted in the C-2 zoning district. The Planning Commission's recommendation for denial is based on the Master Plan, whose future land use map designates the subject property as medium density residential. The Thompson Road area would be a more suitable location for this type of development.

The second reading of the proposed ordinance will be conducted at the 2/4/19 meeting.

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**Rezoning #R16-003, Charles Chapple, parcel 06-03-200-014, (11220 Torrey Road):
R-3 to M-2, with conditions/1st Reading**

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to rezone property on Torrey Road from R-3 to M-2, with conditions. Treasurer Tucker noted that this rezoning amendment was recommended for approval by the Planning Commission in 2016, but was postponed by the board until the Master Plan update was completed. The subject property is in the area designated for mixed use in the new Master Plan. Therefore, the request does comply with the Master Plan. The property has been used as a contractor's establishment for many years. The rezoning request would simply eliminate the non-conforming status of the current use.

Charles Chapple, 16209 Silvercrest Drive

Mr. Chapple thanked the board for bringing the rezoning ordinance back to the table and asked the board for consideration for approval.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 2/4/19 meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

PEG Grant Application – Linden, Lake Fenton & Hartland Schools and Southern Lakes Parks & Recreation

Operations Manager Broecker reported that Lake Fenton, Linden and Hartland school districts and Southern Lakes Parks & Recreation (SLPR) have submitted a combined PEG grant application to purchase video equipment for their respective programs, which produce content for Channel 191. It was noted that the Hartland High School grant will be funded solely from Tyrone Township's PEG funds. The FACT Consortium has reviewed and approved the applications, and recommended approval of funding up to a maximum of \$50,734.54.

The allocation of the costs is based on annual PEG fee receipts for each community. If approved, the grant funding will be allocated as follows:

Fenton Township	\$ 17,380.68
City of Fenton	11,654.43
Tyrone Township	17,656.57
City of Linden	4,042.86

As with prior grant approvals, the FACT Consortium has requested that the municipalities approve an "up to" amount to allow the orders to be placed. Payments to the school districts and SLPR will occur after the actual costs are finalized. Operations Manager Broecker also reminded the board that PEG funds are restricted and can only be used for capital equipment purchases to support the public access channel.

Motion to approve funding for the PEG Grant applications of Linden Community Schools, Lake Fenton Community Schools, Hartland High School and Southern Lakes Parks & Recreation up to a total amount of \$17,380.68, as presented.

Motion by: Lorraine

Seconded: Kesler

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Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Reid
Nays: None
Absent: Goupil
Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 8:35 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 1/22/19