

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 6, 2004**

**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, Garfield, Carmody, Gatesman, McDermott, Stiverson,
Office 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 7/6/04 Fenton Township Board Meeting agenda as presented.

Motion by: Gatesman

Seconded: Stiverson

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 6/21/04 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Les Scott – Genesee County Metropolitan Alliance Update

Les Scott, the Township's citizen representative on the Genesee County Metropolitan Alliance, provided an update on Metro Alliance activities. Upcoming road improvement project in or near Fenton Township include:

2005 - US-23 reconstruction; Thompson Road to I-75

US-23 bridge work; Thompson Road to I-75

Fenton Road re-paving; Ray Road to Baldwin Road

2006 - Engineering of trail system; Linden/Owen Road to City of Linden

Fenton Road re-paving; North Long Lake Road to Thompson Road

Fenton Road re-paving; Thompson Road to Ray Road

Fenton Road widening: 5 lanes from City of Fenton to Butcher Road

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Mr. Scott indicated that the environmental assessment for the Fenton Road widening project is still in progress. The MDEQ has raised concerns regarding wetland impact and it is possible that a reduction in the scope of the project may be considered to only widen to three lanes.

Mr. Scott also reported that the Metro Alliance recently adopted resolutions opposing proposed legislation that would negatively impact road funding.

Ordinance Enforcement Quarterly Report

Office Manager Broecker briefly reviewed the second quarter report from Ordinance Enforcement Officer Bob Atkinson.

Service Anniversary

Supervisor Mathis announced that Office Manager Broecker began working for Fenton Township on July 6, 1994 – exactly ten years ago today. The board congratulated Mr. Broecker on his 10-year service anniversary.

Case's Island Septic Update

Supervisor Mathis reported that the Genesee County Health Department conducted several septic tank dye tests on Case's Island on July 5th. Seven homes were selected randomly from all parts of the island by a Health Department representative for the testing. The results of the testing showed no evidence of any malfunction in the systems tested. Supervisor Mathis stated that she believes this is a strong indication that the homes on the island are not polluting Lake Fenton and that the issue does not need to be pursued any further.

Political Signs

Supervisor Mathis reported that she had received complaints regarding the placement of political signs in the road right-of-way. Trustee Carmody read an excerpt from the Township's Sign Ordinance, which prohibits the placement of signs within the right-of-way. The past practice of the Genesee County Road Commission, however, has been to allow signs in the right-of-way, provided they do not create a line-of-sight problem for vehicles. Trustee McDermott also pointed out that the Township has no authority to enforce right-of-way violations. In order to be fair to all candidates, the Township will obtain the current policy from the Genesee County Road Commission and ask Attorney Cooley to provide a legal opinion.

Public Comment:

David Franz, 3435 Breezepointe

Mr. Franz asked if this issue also applies to builder/real estate off-premise signs. Trustee McDermott clarified that political signs are addressed specifically in the Sign Ordinance. Most other off-premise signs are prohibited. Trustee Krug added that the 2nd quarter Ordinance Enforcement Report included the removal of 149 signs.

Lee Martorana, 4180 Four Lakes Avenue

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Ms. Martorana stated that, prior to one of the 2003 elections, the Genesee County Road Commission indicated that political signs should be placed behind the ditch line. The county will remove any signs that are deemed to be illegally placed.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Disorderly Persons Ordinance/1st Reading

Supervisor Mathis introduced a new Disorderly Persons ordinance. Trustee Carmody stated that this ordinance was recommended by the Genesee County Sheriff Department and is intended to replace the existing ordinance, which was adopted in 1965. The proposed ordinance is based on a current ordinance in Vienna Township, and one of its primary objectives is to make it easier to prosecute sex-related crimes at the US-23 rest area. By prosecuting under a Township ordinance, the Township would recover fines and fees related to any convictions. It was also pointed out that the proposed ordinance includes 25 separate offenses. There was no public comment. The second reading of the proposed ordinance will be conducted at the 7/19/04 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Request to Assume Ownership of Well System – Byram Ridge

Supervisor Mathis reviewed a letter from the developers of the Byram Ridge subdivision. Their site plan includes the installation of a community well system. The MDEQ requires the developer to offer ownership and maintenance of the system to the Township before a permit can be issued. Supervisor Mathis also reported that the MDEQ has notified the developers that, as the new owners of the property, they are responsible to correct the runoff/pollution problem that exists on the farm property. Because the Township does not have a water system ordinance, and has not taken over such systems in the past, Supervisor Mathis favors declining this offer. Trustee McDermott questioned the Township's unwillingness to take over water systems. He believes there are three reasons that the Township should look into this issue further:

1. Increased concerns regarding arsenic in groundwater.
2. Consistency in the management and testing of small water systems.
3. Taking over small community well systems can be the first step toward providing water to a significant portion of the Township. Significant increases in revenue sharing payment would be realized if the Township was to provide water to more than 50% of its residents.

Supervisor Mathis and Treasurer Garfield expressed concern regarding the potential cost of owning and managing water systems. Trustee McDermott responded that all costs would be passed on to the users of the system. There would be no cost to the Township.

Motion to decline the offer of Byram Ridge Development Company, LLC to assume ownership of a community well system for the Byram Ridge subdivision.

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Motion by: Carmody
Seconded: Garfield
Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, Stiverson
Nays: McDermott
Motion carried.

Proposed 2nd Quarter Budget Amendment

Office Manager Broecker reviewed proposed amendments to the 2004 budget. There are no proposed changes to the Solid Waste Management or Mosquito Control funds. Only minor changes are proposed for the General and Fire funds. The most significant change was in the Sewer Fund, where the budget for Engineering Services is proposed to be increased due to the administration of the Township's ACO. The Contracted Services budget is also proposed to be increased to cover the cost of emergency response during the heavy rains that occurred in late May. There was no further discussion

Motion to approve amendments to the 2004 Fenton Township Budget as presented.

Motion by: Gatesman
Seconded: Garfield
Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Carl Gabrielson, 12157 Princewood Blvd.

Mr. Gabrielson expressed concern regarding Ordinance No. 611, which was adopted in November 2003. He believes that the changes effected by this Zoning Ordinance amendment could be interpreted to allow keyholing on Fenton Township lakes. He questioned the definition of "Functional Family" and feels that the vagueness of the definition could result in a significant increase in the number of boats on our lakes. He asked Supervisor Mathis if this definition would allow non-resident children of riparian owners to have lake access. Supervisor Mathis responded with an example that she believes that her family members, who could launch a boat through the DNR public access, should be allowed to access the lake and tie up to her dock for a weekend.

John Schoepach, 6174 Lakeview Park Drive

Mr. Schoepach echoed the concerns raised by Mr. Gabrielson. He is concerned that this ordinance is adding non-riparians to the lakes and will lead to severe overcrowding of the lakes. Mr. Schoepach also suggested that enforcement of the ordinance will be very difficult because of the unclear language related to family members.

Charles Mueller, 6036 Lobdell Road

Mr. Mueller suggested that the definition of "Riparian Lot" in the ordinance may conflict with riparian rights of renters. He also questioned the language regarding condominium common elements and they relate to riparian rights and the inconsistencies between the definitions for "Family" and "Functional Family". This ordinance needs to be redone.

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Les Scott, 12499 Margaret Drive

Mr. Scott stated that he currently rents out a lakefront home on Lake Ponemah. Based on his research, if two or more individuals jointly rent the home, they cannot be denied riparian access.

Supervisor Mathis suggested that the ordinance should be referred back to the Planning Commission for review and revision. Trustee Carmody agreed, adding that a letter should be sent to the lake associations to gather input and suggestions that can be considered by the Planning Commission.

Supervisor Mathis added that, while this issue will be addressed, she believes a bigger problem exists with riparian property owners allowing non-family members to access the lakes illegally. This is also being thoroughly investigated.

David Franz, 3435 Breezepointe

Mr. Franz asked if the Ordinance Enforcement Officer could work occasionally on weekends to enforce the Sign Ordinance. Many violators put up illegal signs and remove them all in the same weekend. Supervisor Mathis will review this request.

Mr. Franz also stated that illegal parking and lake access is an ongoing problem on Loon Lake, especially by people fishing. The sewer pump station is frequently blocked by illegally parked vehicles and the no-parking signs are not being enforced. Supervisor Mathis will follow up on this issue.

Bill Ochodnický, 14107 Landings Way

Mr. Ochodnický reported that an extensive sewer reconstruction project was recently completed on Landings Way. He commended the Township and Bostwick Excavating for their efficiency and professionalism. The contractors did an excellent job.

ADJOURN: Meeting adjourned at 8:50 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 7/7/04