

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 19, 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, Carmody, McDermott, Stiverson, Office Manager Broecker
and Attorney Cooley.

Absent: Garfield, Gatesman

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 7/19/04 Fenton Township Board Meeting agenda as presented.

Motion by: Stiverson

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Garfield, Gatesman

Motion carried. The agenda is approved.

PRESENTATIONS:

Genesee County Mass Transportation Authority

Supervisor Mathis introduced Jerry Ragsdale of the Genesee County Mass Transportation Authority (MTA). Mr. Ragsdale provided the board and the audience with background information regarding the upcoming millage proposal on the August 3rd ballot. The request for an additional 0.4 mills is to offset lost operating revenue due to state and federal cutbacks. It was reported that the Fenton area averages 2,600 passengers per month using MTA's services, and has steadily increased in recent months. If the millage is not successful, the program will be forced to implement numerous cutbacks, such as evening service and Sunday service.

David Newblatt, Candidate for Circuit Court Judge

Supervisor Mathis introduced David Newblatt, a candidate for Genesee County Circuit Court Judge. Mr. Newblatt, currently a probate judge, explained that this judge position is for Family Court, an area he already serves in his current position. He thanked the board for the opportunity to introduce himself and asked for voter support on August 3rd.

MEETING MINUTES:

The minutes of the 7/6/04 regular meeting stand approved as presented.

EXPENDITURES:

Clerk Krug noted that a check had been re-issued today for an expense approved at the last meeting. Regarding an invoice for concrete repair, Trustee Carmody asked if this cost would be billed back to the contractor for the Township Hall renovation. Supervisor Mathis confirmed that the Township will attempt to recover this cost from the builder. Motion to approve expenditures as presented.

Motion by: Stiverson

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Seconded: Krug
Ayes: Mathis, Krug, Carmody, McDermott, Stiverson
Nays: None
Absent: Garfield, Gatesman

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Riparian Issues

Trustee McDermott stated that he is concerned about the “critical state of riparian rights” in our Township. He cited the following specific areas of concern:

- The use of bubblers on lakes, which impacts the ability of residents to access their lake.
- The Township does not currently limit the number of boats or docks per residence.
- The issue of boat ownership vs. how the boat is registered.
- The existence of parks and easements intended for lake ingress and egress, but should not allow for boats and docks for “back lot” owners.
- The issue of “Functional Family” as it relates to riparian rights. He believes that language in Ordinance No. 611 was orchestrated by Supervisor Mathis and Treasurer Garfield to allow their family members to access the lake.
- The need for a police power ordinance to regulate boats and docks. The existing provisions of the Zoning Ordinance do not give the Township the authority to remove improperly registered watercraft.

Supervisor Mathis stated that these issues can be addressed at an upcoming workshop meeting.

Emergency Response – Sewer System

Supervisor Mathis reported that the Township incurred expenses totaling over \$74,000 during the weekend of May 22nd to maintain the sanitary sewer system and avoid backups/spills during the heavy rains. While this cost is significant, sewage backups and/or spills would have resulted in much higher costs.

Building Department Statistics

Supervisor Mathis reviewed information from the Building Department regarding building permit activity. A more detailed report will be provided at the next meeting.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Disorderly Persons Ordinance/2nd Reading

Supervisor Mathis reviewed a new Disorderly Persons ordinance, which was introduced at the July 6th meeting. It was noted that this ordinance was recommended by the Genesee County Sheriff Department and is intended to replace the existing ordinance, which was

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adopted in 1965. Clerk Krug added that the ordinance includes 25 different offense categories that constitute a violation of this ordinance. Trustee McDermott stated that the ordinance is too vague in some areas, particularly with regard to the term “public place” and lake issues. He believes the ordinance could be interpreted to prohibit the consumption of alcohol on a boat, which is legal. Trustee Carmody stated that this ordinance is virtually the same as those already in place in other communities. It should be adopted as presented and reviewed on a regular basis to see if revisions are needed. Clerk Krug also noted that the term “public place” is clearly defined in the ordinance.

Motion to adopt Ordinance No. 623, Disorderly Persons Ordinance, as presented.

Motion by: Carmody

Seconded: Stiverson

Ayes: Mathis, Krug, Carmody, Stiverson

Nays: McDermott

Absent: Garfield, Gatesman

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Workshop Meeting – Keyholing/Riparian Issues

Because of the riparian issues discussed at the last meeting, Supervisor Mathis suggested a workshop meeting to further discuss these concerns. Kirsten Hawes, president of the Silver/Marl Lake Association, stated that the Lake Association Presidents meeting is already scheduled for August 26th and suggested that this date may work well for the workshop. After brief discussion the board agreed to schedule the meeting for Thursday August 26, 2004, beginning at 7:00 p.m.

NEW BUSINESS:

Resolution No. 2004-27, Request for Tavern License – Soups & More Restaurant

Supervisor Mathis reported that the owners of the *Soups -n- More* restaurant have requested approval for a tavern license (beer and wine only). Office Manager Broecker explained that tavern licenses and liquor licenses fall under the same quota category and confirmed that one such license is still available for Fenton Township. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-27

WHEREAS, **Soups -n- More, Inc.** has requested that the Charter Township of Fenton Board of Trustees recommend the issuance of a Tavern License for a restaurant located at 12272 Fenton Road;

THEREFORE BE IT RESOLVED, that the request from **Soups -n- More, Inc.** for a Tavern License for a business located at 12272 Fenton Road, Fenton, Michigan 48430, Genesee County, be considered for **Approval** “ABOVE ALL OTHERS”.

Motion to adopt Resolution No. 2004-27 as presented.

Motion by: Krug

Seconded: Stiverson

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Ayes: Mathis, Krug, Carmody, McDermott, Stiverson
Nays: None
Absent: Garfield, Gatesman

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft raised the following issues:

1. Status of drainage repair for Ponemah Drive. Supervisor Mathis responded that this issue will be reviewed at the next meeting with Lawrence Engineering.
2. Status of the North Road sewer project; Trustee Carmody stressed that this project is under the control of Genesee County WWS and not the Township. He stated that there have been significant disagreements between the contractor and WWS. At this time it is anticipated that the project will begin within the next two weeks.
3. Inadequate marine patrol on Lake Ponemah. Problems such as speeding, operating boats at night, etc. are going unchecked. Trustee Stiverson suggested petitioning the DNR to establish a lower speed limit. On a related issue, Trustee McDermott suggested designating Tupper Lake for "no-wake" status (also through DNR).
4. The City of Fenton harvests weeds, rather than chemical treatment, in their millpond. The shredded weeds float downstream and increase the weed problem in the lakes. This will be investigated.

Kirsten Hawes, 4282 Owen Road

Ms. Hawes suggested that the board consider establishing daily time frame requirements for construction to minimize early morning and evening disruptions. She also asked if the Lake Associations could receive periodic reports from the Genesee County Sheriff Department regarding lake patrols. Ms. Hawes questioned compliance with the Township's Fertilizer Application ordinance by local companies. This will be investigated.

Major Charles Hess, 4093 Lahring Road

Mr. Hess stated that dirt bike in his neighborhood create frequent disturbances. Supervisor Mathis stated that a citizens group was being formed in an attempt to police dirt bike issues. Mr. Hess also stated that a large dirt pile was left near his property from the recent sewer construction. Supervisor Mathis will follow up to ensure the dirt is removed.

Bill Ochodnicky, 14107 Landings Way

Regarding the recent riparian rights/boat ownership issues surrounding Trustee McDermott, Mr. Ochodnicky stated that many neighbors are concerned about these issues but feared repercussions from Mr. McDermott. In his opinion Supervisor Mathis acted appropriately in response to concerns raised by taxpayers. Mr. Ochodnicky also noted that Trustee McDermott had not yet paid his 2003 property taxes.

Tom Lengauer, 2202 Bowles Street

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Mr. Lengauer stated that the activities at the north end of Lake Fenton (aka "Pig Beach") continue to be a concern and a source of frustration for him and his neighbors. He is concerned that the Genesee County Sheriff Department effectively opened private property to the public on the holiday weekend. The behavior and actions of the people partying on the lake continue to be a problem and represent a potentially dangerous situation.

Lorraine Zimmer, 6391 Acorn Way

Regarding the report regarding the amount of money spent to avoid sewer backups during heavy storms, Ms. Zimmer asked about the status of the project to upgrade/repair the sewer system. Trustee Carmody responded that there is no short answer to that question, however most of the review process has been completed and all major repairs will be completed by the end of 2005.

Jim Litton, 2247 North Long Lake Road

Mr. Litton also voiced concerns regarding the activities at the north end of Lake Fenton. He does not believe that the board has been responsive to these issues. The property owner has placed "No Trespassing" signs on the property and that should be enough to enforce the law and control the situation. Trustee Carmody responded that the board shares the same frustrations as the residents. Several approaches have been attempted, however none have been the right answer. Supervisor Mathis added that she had met with Sheriff Department representatives since the July 4th weekend and a new plan has been developed, however she cannot divulge any details at this time. Clerk Krug also noted that the Disorderly Persons Ordinance adopted earlier this evening will provide another enforcement tool for these types of situations.

Clerk Announcement

Clerk Krug announced that he will be undergoing surgery later this week to remove a cancerous kidney. While he may be somewhat "out of commission" for a couple of weeks, it will have no impact on his ability to serve as the Fenton Township Clerk.

ADJOURN: Meeting adjourned at 9:10 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 7/20/04