

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 2, 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, Gatesman, McDermott, Stiverson, Office  
Manager Broecker and Attorney Cooley.

Absent: Garfield

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Trustee McDermott asked to have the following item added to the New Business Section of the agenda:

*Discussion regarding Disorderly Persons Ordinance*

Motion to approve the 8/2/04 Fenton Township Board Meeting agenda as amended.

Motion by: Stiverson

Seconded: Gatesman

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

**MEETING MINUTES:**

Trustee McDermott asked to have the portion of the minutes relating to the Disorderly Persons Ordinance expanded to include his specific concern regarding whether a boat on a lake falls within the definition of a "public place". The minutes of the 7/19/04 regular meeting stand approved as corrected.

**EXPENDITURES:**

Trustee Stiverson questioned the invoice from Rowe Incorporated for Zoning Administration Services. Office Manager Broecker confirmed that the invoice covered a period of one month. It was also noted that the Township has had an increased need for zoning administration in recent months. Motion to approve expenditures as presented.

Motion by: Gatesman

Seconded: Krug

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

Nays: None

Absent: Garfield

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

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**Election Update**

Office Manager Broecker reported that Genesee County's plans to use Fenton Township as a regional collection point for election returns have been changed. Because of communication problems with the County's main computer, they have decided to postpone the regional approach until the November General Election. All municipalities will have to transport the data cards from the voting tabulators to Genesee County on election night. A report showing unofficial totals for the Fenton Township Board positions will be prepared and distributed at the Fenton Township Civic Community Center as soon as all precincts have reported in.

**COMMUNICATIONS:**

**Letter from Pine Lake Association – Proposed Drainage District**

Clerk Krug read a letter from the Pine Lake Association thanking the board for their efforts to resolve the drainage and erosion issues along Whitaker Road.

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

None

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**Resolution No. 2004-28, Lake Improvement Special Assessment – Byram Lake**

Office Manager Broecker reported that the residents of Byram Lake have petitioned for a 5-year renewal of their lake improvement special assessment. A public hearing to formally establish the district is the next step in the process. A resolution is necessary to schedule the first hearing. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-28**

*WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties with frontage on or legal access to Byram Lake to establish a special assessment district for the purpose of improving the lake through the eradication and control of aquatic weeds, and*

*WHEREAS, it has been determined that the petition has been signed by the record property owners representing more than 50% of the land area in the proposed special assessment district, and*

*WHEREAS, plans and estimated costs for the foregoing lake improvement have been placed on file in the office of the Township Clerk,*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to implement an aquatic weed eradication and control program for Byram Lake, and*

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*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include all properties with frontage on or legal access to Byram Lake, and*

*BE IT FINALLY RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday August 16, 2004 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2004-28 as presented.

Motion by: Krug

Seconded: Mathis

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

**Resolution No. 2004-29, Revision to Sewer Interceptor Agreement**

Supervisor Mathis briefly reviewed a letter from Genesee County Water & Waste Services regarding the Livingston/Genesee County sewer project. Because this issue has not been thoroughly reviewed, she recommends referring it to the Sewer Committee before the Township Board takes action. Trustee McDermott stated that the amendment is relatively minor and should be approved as presented. The cost increase is only around \$30,000 for Fenton Township and the cost of the sewer leads will be more than covered by connection fees. Supervisor Mathis again stated that she feels it should be reviewed by the Sewer Committee before action is taken. Trustee McDermott asked if it would be referred to the full Sewer Committee or the Executive Sewer Committee. Supervisor Mathis responded that both committees can review the information.

Motion to refer the proposed amendment to the Livingston County/Genesee County sanitary sewer agreement to the Sewer Committee before taking formal action.

Motion by: Mathis

Seconded: Gatesman

Ayes: Mathis, Krug, Carmody, Gatesman, Stiverson

Nays: McDermott

Absent: Garfield

Motion carried.

**Resolution No. 2004-30, Street Banner/St. John Applefest**

Supervisor Mathis reported that the St. John Catholic Church has requested approval to place a temporary banner on Fenton Road to advertise this year's Applefest. The Genesee County Road Commission requires local approval before the appropriate permit can be issued. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-30**

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*WHEREAS, the St. John the Evangelist Catholic Church wishes to make application to the Genesee County Board of Road Commissioners for a permit to temporarily place a banner within a road rights-of-way for the purposes of advertising their annual Applefest, and*

*WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;*

*NOW, THEREFORE, BE IT RESOLVED, that the St. John the Evangelist Catholic Church is hereby authorized to make application to the Genesee County Road Commission for the necessary permit(s) to:*

***Place a temporary banner for the purpose of advertising the St. John Applefest  
between the dates of 9/2/04 and 9/20/04***

*within the right-of-way of **Fenton Road**, as requested.*

Motion to adopt Resolution No. 2004-30 as presented.

Motion by: Krug

Seconded: Stiverson

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

**Disorderly Persons Ordinance**

Trustee McDermott is concerned that certain portions of the recently adopted Disorderly Persons Ordinance are unclear and the term “public place” as defined in the ordinance is leading some to interpret the ordinance as prohibiting consumption of alcohol in boats. Clerk Krug noted that a flyer had been circulated within the community accusing two board members of “pushing through” this ordinance in order to limit people’s rights. Clerk Krug noted that this ordinance cannot be interpreted in manner that would conflict with Michigan law. The state law supersedes the local ordinance. Trustee Carmody stated that this flyer is an attempt to criticize two board members right before an election. The board discussed the need to amend certain provisions of the ordinance. Attorney Cooley stated that the ordinance is fine the way it is, but the board may amend certain provisions if they feel the language would be clearer. Trustee Gatesman stated that he shared some of the concerns raised by Trustee McDermott. He is not opposed to reviewing the ordinance for minor amendments. Trustee McDermott stated that he would like the board to review item #'s 3, 8, 10 and 23. This language will be reviewed and proposed amendments will be presented at the 8/16/04 meeting.

**“Pig Beach” Update**

Clerk Krug referred to a recent article in the Flint Journal in which the owner of the lake front property at the north end of Lake Fenton, (a.k.a. “Pig Beach”), states that he wants the Township to enforce trespassing violations. Clerk Krug clarified that the Township is

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not empowered to enforce trespass violations. The property owner must file a complaint with the Genesee County Sheriff Department or designate another party to act on his behalf in the filing of a complaint.

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft again addressed his concern that the City of Fenton's practice of harvesting weeds in their millpond is effectively seeding the lakes downstream.

Mr. Hawcroft also asked who is accountable for the quality of the North Road sewer project. Trustee Carmody responded that the project is under the authority of Genesee County. The county oversees the construction and holds the performance bond.

Mr. Hawcroft stated that the marine patrols on Lake Ponemah are inadequate. There are numerous flagrant violations of water safety regulations on a regular basis and more patrols are needed. Supervisor Mathis stated that the Public Safety Committee will take up this issue with the Genesee County Sheriff Department. Trustee Carmody suggested inviting Sheriff Department representatives to the next meeting.

Lee Martorana, 4180 Four Lakes Avenue,

Ms. Martorana asked about the timing for the re-paving of Rolston Road. Supervisor Mathis responded that the wet weather may delay the project somewhat, however it should be completed in the late summer/early fall time frame.

Ms. Martorana also questioned Trustee McDermott raising issues with the Disorderly Persons Ordinance after it was already adopted. Trustee McDermott clarified that he raised the same issues at the first and second readings of the ordinance. Ms. Martorana suggested that the Township should have some sort of advance notice on new ordinances to allow public review before the first reading. This procedure will be reviewed.

Ms. Martorana asked if the road damage resulting from the Lahring Road sewer project will be repaired. Supervisor Mathis will pursue this issue through Genesee County WWS.

Ms. Martorana asked if the Township can regulate fertilizer use on drains that outlet into a lake. This will be reviewed.

George Dyball, 2462 Cranewood Drive

Mr. Dyball clarified that the Township's current ordinance does restrict fertilizer use near drains.

Dave Franz, 3435 Breezepointe

Mr. Franz also expressed concern regarding road damage on Lahring Road and Jennings Road caused by sewer construction. Supervisor Mathis reaffirmed that she will pursue this issue through Genesee County WWS.

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Mr. Franz also questioned a situation where a non-lakefront property owner has access to a lake through a park or easements. Trustee McDermott confirmed that many property owners, usually from older developments have deeded access to a lake through an easement.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer questioned the impact of development on local roads. Rolston Road will be re-paved this year, but the development in the area will likely cause the road to deteriorate faster.

Ms. Zimmer also expressed concern regarding the lack of enforcement of condominium rules by condo developers prior to the creation of the association. The board should consider this issue before approving condominium developments.

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

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 8/3/04**