

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 8, 2007**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Clerk Krug called the meeting to order at 7:30 p.m.

Present: Krug, Carmody, Brown, Goupil, Tucker, Zimmer, Attorney Cooley and
Operations Manager Broecker.

Absent: Mathis

PLEDGE OF ALLEGIANCE:

Clerk Krug led the pledge of allegiance to the flag.

APPOINTMENT OF CHAIRMAN PRO-TEM:

With the absence of Supervisor Mathis, the board must appoint a temporary chairman for this meeting. Motion to appoint Clerk Krug as Chairman Pro-Tem.

Motion by: Carmody

Seconded: Brown

Ayes: All Present

Nays: None

Absent: Mathis

Motion carried.

APPROVAL OF AGENDA:

Motion to approve the 1/8/07 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Brown

Ayes: All Present

Nays: None

Absent: Mathis

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 12/18/06 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Brown

Ayes: Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Absent: Mathis

Motion carried.

PUBLIC HEARINGS:

Springfield Hills Street Lighting Special Assessment District/Hearing on SAD Roll

Chairman Krug opened the second public hearing for a proposed special assessment district for the Springfield Hills condominium development. The total cost of the project is approximately \$1,920.00 per year. The board will accept comment regarding the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.

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3. The validity of the proceedings to date.

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

RESOLUTION NO. 2007-01

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the improvement project proposed to be initiated within the Springfield Hills Street Lighting Special Assessment District as shown on the plans and specification for such project;

AND WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll;

AND WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter;

AND WHEREAS, no written objections were received to said roll and levy;

AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2007-2 and shall hereby be confirmed as the assessment roll for the Springfield Hills Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2007-2 shall be paid in annual installments with the first installment to be due and payable on December 1, 2007 and the following installments to be due and payable on the first day of December of each year thereafter. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of street light operation and maintenance.

BE IT FURTHER RESOLVED, if any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan Public Act 188 of 1954, as amended.

BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such

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assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Motion to adopt Resolution No. 2007-01 as presented.

Motion by: Brown

Seconded: Tucker

Ayes: Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

REPORTS:

Ordinance Enforcement Quarterly Report

The board briefly reviewed the 4th quarter report from Ordinance Enforcement Officer Robert Atkinson.

Consumers Energy Update

Chairman Krug reported that he had received a telephone call from Kevin Keane of Consumers Energy regarding work being done in our Township. Foresters have begun tree trimming in the areas of Tupper Lake and Lake Ponemah to clear the trees from power lines. Trustee Tucker, who lives in that area, confirmed that this work is being done and that residents had received advance notice from Consumers by mail.

Meeting Reminder – 2/12/07 Town Hall Meeting

Chairman Krug reminded the board that a “Town Hall” meeting has been scheduled for 7:00 p.m. on Monday February 12th. This meeting will be an open forum for the public with no specific agenda.

Riparian Issues/Skipper Bud’s Marina

Chairman Krug reviewed a memo from Supervisor Mathis regarding the riparian issues raised relative to the launching of boats at the Skipper Bud’s Marina on Lake Fenton. As discussed and agreed upon at the board’s 12/11/06 workshop meeting, the launching of boats at a commercial marina does not constitute a violation of the Fenton Township Zoning Ordinance. The board also felt that an amendment to the Zoning Ordinance is not warranted at this time.

Televising of Township Meetings

Treasurer Carmody reported that he has spoken to the local school superintendents regarding the use of students to produce and broadcast township meetings. The schools are very excited about this project and seem eager to move forward.

COMMUNICATIONS:

Community Development Letter – Senior Centers

Chairman Krug reviewed a letter from Genesee County Community Development regarding the use of CDBG funds for Senior Centers. When the county-wide millage for senior services was passed in 2006, that raised a question as to whether senior centers

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would still be eligible for CDBG funding under HUD regulations. A determination has been made that the existence of this new millage does not affect senior center eligibility for CDBG funding.

Fenton Lakes Sportsman's Club Issues

Chairman Krug noted that the meeting packet included a memo from Ordinance Enforcement Officer Bob Atkinson outlining safety concerns brought to the Township regarding the Fenton Lakes Sportsman's Club (FLSC). Mark Crowley, the resident that brought these issues to the Township, has asked for the opportunity to address the board on this issue.

Public Comment:

Mark Crowley, 1263 Victoria Lane

Mr. Crowley stated that he is the president of the Fentonwood Estates association and also a member of the FLSC. Over the past 1½ years approximately 25 live ammunition rounds have come out of the club and into their neighborhood. The most recent incident was 12/17/06 when three bullets landed in their subdivision. He is very concerned about the safety of the residents in Fentonwood Estates in light of these incidents. He has tried to address these concerns directly with the club but has not received a satisfactory response. He is asking the Township to become involved to help resolve the problem.

Marla Lekarczyk, 11241 Clyde Road, Fenton

Ms. Lekarczyk, President of the FLSC, stated that the club has immediately responded to any reports of bullets landing in residential areas and any other similar situations. They have attempted to address concerns as they are raised and have made modifications to their ranges over the years as a result. Currently their back berms are 25 feet high. The NRA requirement is 20 feet. Their side berms, which are required to be 6 feet high, are 8-10 feet high. Other improvements are also in progress. She also stated that she is not convinced that every reported incident is attributable to shooting at their facility. In one instance she received a telephone call around midnight complaining that someone was shooting at one of their ranges. An investigation revealed that no one was at the club at that time and their video surveillance tape indicated that no one had been at the facility for several hours.

John Wiley, 534 Peach Tree Trail, Fenton

Mr. Wiley, Vice President of the FLSC, noted that the club currently services nine different police agencies for training, although automatic weapons are not permitted. The number of police departments utilizing the FLSC has increased in recent years due to a lack of adequate facilities in this county. If there are safety issues that exist, the FLSC wants to address them. He suggested meeting with Township officials and residents to jointly resolve the issues.

Todd Somsy, 1285 Victoria Lane

Mr. Somsy echoed Mr. Crowley's safety concerns, clarifying that the residents are not trying to shut the FLSC down. They simply want to resolve the safety issues, with assistance from the Township. Mr. Somsy stated that he has personally experienced two incidents of bullets on his property. In 2005 he found a 9mm slug on his pool deck and in 2006 he found a bullet hole in his travel trailer, (the FLSC acknowledged

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responsibility and paid for repairs to his trailer). Mr. Wiley stated that the trailer incident was the result of a member not following proper procedures. Mr. Somsy also disagrees with the statement that automatic weapons are not being used on the club's ranges.

Larry Godlewski, 1302 Victoria Lane

Mr. Godlewski has two young children and is very concerned for their safety in light of these incidents.

Frank Salvati, 1296 Victoria Lane

In addition to the safety issues already discussed, Mr. Salvati is also concerned with the increase in noise levels in recent years.

Cynthia Crowley, 1263 Victoria Lane

Ms. Crowley stated that she was the person that called in the complaint about the late night shooting, which turned out to be firecrackers. She pointed out that the fact that the two sounds are so similar is an indication of the noise problem.

Trustee Brown asked what range improvements are in progress. Mr. Wiley responded that the placement of "eyebrows" on top of the berms is being engineered.

Trustee Zimmer stated that she also lives near a gun range (Linden Sportsman's Club) and shares the safety and noise concerns raised by the residents. She asked if the FLSC has established hours of operation. Ms. Lekarczyk confirmed that their hours are Monday-Saturday 9am-dusk and Sunday 9am-5pm. Trustee Zimmer added that allowing so many police departments to train at their facility, the FLSC is not being a good neighbor to the residents.

Trustee Brown pointed out that the FLSC has been there much longer than the homes and that the board should stay focused on the safety issue.

Treasurer Carmody agreed that safety is the concern in which the Township can become involved. Perhaps the Township can act as an intermediary to help resolve these concerns.

Chairman Krug pointed out that the FLSC officials have already stated that they want to, and will, address safety concerns. Mr. Krug offered to schedule and mediate a meeting with the residents and club officials to help reach acceptable solutions. After a brief discussion the parties agreed to meet Wednesday 1/10/07 at 7:30 p.m. at the Fenton Township Civic Community Center.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Special Meeting 1/15/07 – Ambulance Service

Chairman Krug reported that a special meeting has been scheduled for Monday January 15th at 7:00 p.m. to further discuss the issue of local ambulance services. Elected officials from Argentine Township, the City of Fenton and the City of Linden have also been invited to attend this meeting.

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Genesee County MTA Chapter Meeting – 2/15/07

Chairman Krug reported that Fenton Township will be the host township for the February monthly meeting of the Genesee County Chapter of the Michigan Townships Association. The meeting will be held on Thursday 2/15/07, beginning at 7:00 p.m. All board members are requested to make every effort to attend this meeting.

NEW BUSINESS:

Lot Split #LS06-001, Vance Vowell, division of platted lot #12 of Log Cabin Pt. Annex, parcel 06-13-502-006, located on the southwest corner of Fenton & Log Cabin Pt.

Chairman Krug reviewed a proposed division of a platted lot at the corner of Fenton Road and Log Cabin Point. The Planning Commission has recommended approval of the split. Trustee Tucker stated that the applicant requested four splits of his property, but the Planning Commission has recommended three. Only one would front Fenton Road with the other two fronting Log Cabin Point.

Applicant Vance Vowell indicated that he would still prefer four splits, adding that the Genesee County Road Commission has already approved all necessary driveway permits. Attorney Cooley indicated to Mr. Vowell that he needs to decide which option he wants the board to vote on, noting that the board typically goes along with the recommendation of the Planning Commission. Treasurer Carmody stated that he is concerned about traffic on Fenton Road and is inclined to support the recommendation of the Planning Commission. After a brief discussion Mr. Vowell asked to postpone the decision on his application until the next meeting.

Motion to postpone until 1/22/07 the division of parcel 06-13-502-006.

Motion by: Brown
Seconded: Goupil
Ayes: Krug, Carmody, Brown, Goupil, Tucker, Zimmer
Nays: None
Absent: Mathis

Motion carried.

Resolution No. 2007-02, Liquor License Transfer – The Fireplace, Inc.

Operations Manager Broecker reviewed a request for transfer of ownership of an existing liquor license, plus a new entertainment permit, for The Fireplace, Inc. The “new” corporation consists of three stockholders, including the individual that was formerly the sole stockholder. This ownership change requires a formal transfer of the liquor license, which requires a recommendation from the local governmental unit.

Deputy Clerk Broecker presented the following resolution:

RESOLUTION NO. 2007-02

*WHEREAS, **The Fireplace, Inc.** has applied to the Michigan Liquor Control Commission to transfer ownership of their existing Class C licensed business with Dance Permit, located at 2238 North Long Lake Road from a single stockholder to multiple stockholders, and to add an Entertainment Permit;*

*THEREFORE BE IT RESOLVED, that the request from **The Fireplace, Incorporated** to transfer all stock in 2006 Class C licensed business with dance permit,*

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*located at 2238 North Long Lake Road, Fenton, MI 48430, Fenton Township, Genesee County, through transfer of 5,000 shares of stock from existing stockholder Ronald L. Groesser to new joint stockholders, Ronald L. Groesser, Mardell D. Landis and Rhonda F. Nunn; and request a new **Entertainment Permit** to be held in conjunction be considered for **Approval**.*

Motion to adopt Resolution No. 2007-02 as presented.

Motion by: Goupil

Seconded: Brown

Ayes: Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:00 p.m.

Robert Krug, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 1/9/07