

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

**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, Brown, Goupil, Tucker, Zimmer, Operations Manager
Broecker and Attorney Cooley

Absent: Carmody

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

Supervisor Mathis also advised the audience that this meeting was being recorded for telecast on local public access television.

APPROVAL OF AGENDA:

Supervisor Mathis requested that the award of the trash collection contract be moved up on the agenda before public hearings. She also asked to have an executive session added to the end of the agenda to discuss pending litigation. Trustee Goupil asked to have an item added to the New Business section of the agenda regarding disposal of fixed assets, specifically old fire trucks. Motion to approve the 10/15/07 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Carmody

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Tucker noted that Trustee Goupil did not vote on the motion to allow him to abstain from voting on the Law Enforcement Agreement. The minutes will be corrected accordingly. The minutes of the 10/1/07 regular meeting stand approved as corrected. The minutes of the 10/8/07 workshop meeting stand approved as presented.

EXPENDITURES:

Trustee Zimmer questioned the invoice for Landings Way park maintenance and the invoice for the Flint Journal. Operations Manager Broecker explained that the maintenance of the Landings Way Park is funded by a special assessment. The Flint Journal invoice was for an advertisement to solicit cleaning & janitorial service proposals for the Township Hall. Motion to approve expenditures for payment as presented.

Motion by: Zimmer

Seconded: Brown

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

Nays: None

Absent: Carmody

Motion carried.

NEW BUSINESS:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

Award of 2008-2010 Trash Collection Contract

Operations Manager Broecker reviewed an analysis of proposals received for a 3-year trash collection contract. Proposals were received from four companies: Richfield Equities, Republic Waste Services, Waste Management and Allied Waste Services. Allied Waste Services, the Township's current service provider, submitted the lowest cost proposal, with a 3-year average of approximately 118.00 per household per year, (a variable fuel surcharge will cause the rates to fluctuate slightly in years 2 and 3). Allied complied with all bid requirements of the Township and their service levels have been excellent in recent years. Operations Manager Broecker recommended that the contract be awarded to Allied Waste Services. Clerk Krug pointed out that the cost will be significantly lower than the \$130.00 per year approved by the voters in 2006.

Motion to award the 2008-2010 trash collection contract to Allied Waste Services, as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Absent: Carmody

Motion carried.

PUBLIC HEARINGS:

Ordinance No. 183, Watercraft Control – Pine Lake

Supervisor Mathis reported that Fenton Township recently received a petition signed by 20 Pine Lake residents asking the Township Board to rescind or repeal Ordinance No. 183, a watercraft control ordinance for Pine Lake that was adopted in 1970. This particular ordinance prohibits the operation of watercraft above a slow, no-planing speed and also prohibits towing or otherwise assisting in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance.

The Township contacted the Michigan DNR, who recommended that the Township conduct a public hearing to gather input from all Pine Lake residents before making any decisions regarding the petition request.

Clerk Krug reported that the Township has received over 40 written comments from Pine Lake residents by mail and via e-mail. All written comments support keeping the existing ordinance in place. The names of those who provided written comments are as follows:

K. C. Baran
Robert & Sally Barner
Thomas & Margaret Leeman
Chris Vermette
Bob & Mary Rider
John Vitovsky
Adrian & Carla Cervini
Rodney & Marilyn Hansen
Sharon Dorland
John & Laura Locke
Dick Edwards
Samuel & Patricia Maceri
Lillian Menzel

John Sheppard
David & Christina Berent
Glenn Shock
Willis & Lovella Ethridge
Barry & Sally Bright
Michael Smith
Allison Smith
Brooke Smith
Don Sinclair
Ronald Lorenz
John & Christine Harris
Patrick & Michelle Harp
Warren & Dawn Holcomb

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

Max & Sandra Hayden
Bryce & Lisa Phillips
Clyde Olmstead
Ian & Lisa Baldwin
David & Connie McCredie
Rachelle Kippe
Jerry Rosenberg
Michael Fedio
Angela Shelby
Joel Thompson

Edward & Elizabeth Farrell
William Naples
Floyd & Marjorie Hartley
Donald & Karen Benvenuti
Daryl & Lisa Chapin
David & Margaret Walton
Robert & Martha Siegwald
William & Marcia Freeman
Jesus & Patricia Lozano

Public Comment:

The following individuals spoke in opposition to repealing the ordinance:

Dawn Holcomb (President of Pine Lake Association)
Edward Farrell
Pat Lozano
Bill Naples
Adrian Cervini
Chris Vermette
Mike Smith
Dave McCredie
K.C. Baran
Carol Breslin (daughter of Leonard Klosterman)
Shari Baran
Mike Fidio
Frank Menzel

The concerns from the public comment and the written comments included:

- Pine Lake is too small and too shallow to be an all-sports lake.
- There are large boulders near the surface in some parts of the lake.
- There have been incidences of property damage and near collisions, even with the existing restrictions. Removing the restrictions would only increase the safety problems.
- Residents want to be able to fish and swim safely.
- Residents want to keep the peace & quiet of their lake.
- Many residents bought their property because Pine Lake is not all-sports.
- Newer residents purchased their property fully aware of the lake status.
- The motive for wanting to change the ordinance is to make homes more marketable.
- Increased watercraft speed will cause erosion of beaches and shoreline, and will negatively impact wildlife and wetland areas.
- More intense watercraft use will increase the risk of zebra mussel infestation and the spread of milfoil.
- The ordinance should be left "as is".

Resident Alan Kunding stated that he supports a review of the existing ordinance. He would like to see the language prohibiting towing eliminated and possibly to designate certain days and hours for "all-sports" use.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

Resident Mark Callahan stated that, although he signed the initial petition to change the ordinance, it is obvious that a strong majority of the lakefront owners want to leave the existing ordinance in place, and he has no problem with that.

Supervisor Mathis asked for a show of hands from the audience for changing or repealing the ordinance versus leaving the existing ordinance in place. Of the approximately 90 people in attendance, 8 indicated support for changing or repealing the ordinance, with the remaining people supporting the existing ordinance.

Pine Lake Association President Dawn Holcomb addressed the residents, urging them to respect the opinions of all neighbors and not create an atmosphere of animosity simply because not everyone agrees.

Trustee Brown stated that he supports leaving the existing ordinance in place, although he questioned whether it might be advantageous to amend the language to the more common “no-wake” status rather than “no-planing”.

Trustee Goupil stated that every property owner was aware of the ordinance when they purchased their property. The ordinance should remain unchanged.

Trustee Zimmer agreed with Trustee Brown’s comments, adding that the clarification of “no-planing” versus “no-wake” may change the issue in the minds of some residents.

Trustee Tucker stated that safety is the biggest concern. He is relieved that a majority of the residents want to leave the existing ordinance in place.

Clerk Krug, noting that one of the residents indicated that some property owners allow others to launch boats on their property, reminded the audience that allowing non-riparians to access the lake is illegal.

Supervisor Mathis suggested that boating safety classes may be appropriate due to the number of “near misses” mentioned earlier.

Based on the input received, the Township Board is not inclined to proceed any further with changes to the existing watercraft control ordinance for Pine Lake. Therefore no further action is needed.

REPORTS:

Ordinance Enforcement Quarterly Report

Supervisor Mathis briefly reviewed the 3rd quarter report from Ordinance Enforcement Officer Robert Atkinson.

Building Inspector Report

Supervisor Mathis reviewed a 3rd quarter report that summarizes year-to-date Building Department activities through September 30th.

In response to previous discussions regarding the energy efficiency requirements in new construction, Mr. Worthing has also provided a report indicating that the Township does not have the authority to implement standards that vary from the existing State code. The State of Michigan has been, and continues to work on updating the energy code

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

and the new requirements are expected to be adopted within the next year or so. Copies of both the existing and proposed codes are included in the meeting packet.

Residential Street Crack Sealing

In response to issues brought up at a previous meeting, Supervisor Mathis contacted the Genesee County Road Commission regarding pavement crack sealing. They do have a program in place, however the Township would be responsible for all costs on local roads and residents would be responsible for costs on subdivision streets. This could only be accomplished through a special assessment.

Zoning Board of Appeals Appointments

Supervisor Mathis announced that three seats on the Zoning Board of Appeals will expire at the end of November. James Cady and Les Scott have indicated a desire to be re-appointed. Randy Thompson has indicated that he does not wish to be re-appointed. Any applications for appointment to the ZBA should be received by the first week of November in order to receive consideration.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Ordinance to Regulate Use of Ice Retardant Systems/1st Reading

Supervisor reviewed a proposed ordinance to regulate the use of ice retardant systems, (i.e. "bubblers"), in lakes in Fenton Township. There are two versions of the ordinance to consider. The version recommended by the Planning Commission simply prohibits the use of ice retardant systems on any public lake in the Township (for purposes of the ordinance a public lake is any lake that has two or more property owners adjacent to it). The second version exempts commercial marinas from the requirements of the ordinance, and provides for the granting of variances if circumstances warrant.

Public Comment:

Bob Chimovitz, 2383 Margaret Drive

Mr. Chimovitz stated that the use of bubblers creates a safety hazard for ice fishermen, snowmobilers, etc.

Paul Dorland, 4448 Eleanor Drive

Mr. Dorland stated that bubblers are not necessary. Property owners have other alternatives that do not create these safety concerns.

Dawn Holcomb, 4407 Harp Drive

Ms. Holcomb is concerned over the potential impact of bubblers on lake bottom habitats.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft stated that the Township should either prohibit bubblers or not regulate them at all. Don't create a "gray area".

Trustee Goupil stated that he is opposed to the use of bubblers due to safety concerns.

Trustee Brown agreed, adding that the waters of the lake are controlled by the State of Michigan and property owners should not change their natural state.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

Clerk Krug is concerned about regulating bubblers in any form due to liability and enforcement concerns. He supports following the State of Michigan approach of no regulation.

Trustee Tucker stated that he is also very concerned about safety. In the interest of public health, safety and welfare, the Township should ban the use of all ice retardant systems.

Trustee Zimmer stated that enacting the ordinance is a necessity. Safety should be our highest concern.

Supervisor Mathis stated that she supports allowing commercial marinas to use bubblers and also allowing a framework for the granting of variances under certain circumstances.

Motion to accept Version 1 of the proposed Ice Retardant System Ordinance, (banning the use of all ice retardant systems), for first reading.

Motion by: Brown
Seconded: Tucker
Ayes: Brown, Goupil, Tucker, Zimmer
Nays: Mathis, Krug
Absent: Carmody

Motion carried. The second reading of the proposed ordinance will be conducted at the 11/5/07 meeting.

Proposed Zoning Ordinance Amendment – Indoor Commercial Recreation/1st Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to add *Indoor Commercial Recreation* as a permitted use in the Industrial zoning districts, (M-1, M-2 and M-3). The Planning Commission has conducted a public hearing on the proposed amendment and has recommended adoption.

Trustee Tucker explained that the proposed use of an empty warehouse on Thompson Road as an indoor motorcycle facility is not currently permitted in Industrial zoning districts, even though it is a less intense use. The proposed amendment would designate Indoor Commercial Recreation as a permitted use in M-1, M-2 and M-3. If the amendment is adopted, the Planning Commission will work on additional amendments to change all commercial recreational uses to uses by Special Use Permit, not only in the industrial zoning districts, but also in commercial districts C-2 and C-3, where they are currently permitted uses. The Planning Commission reviewed the proposed indoor motorcycle use to the extent that they felt comfortable allowing the use without a Special Use Permit. Another reason is that the cancellation of two Planning Commission meetings has delayed any action on the proposed Zoning Ordinance changes and jeopardized the planned opening date of the indoor motorcycle facility. There was no opposition to this proposed use at the Planning Commission meeting.

There was no public comment.

Trustee Zimmer is concerned about allowing this type of commercial use in an industrial zoning district. It doesn't seem to be consistent with the purpose of the industrial zoning districts or the Thompson Road Corridor plan. This type of use should be under a Special Use Permit. She is also concerned about the impact on surrounding properties.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

Trustee Goupil stated that the proposed use is less intense than what is allowed in industrial zoning districts so he has no objection to the proposed amendment.

Supervisor Mathis pointed out that indoor commercial recreational uses are becoming more popular and locating them in industrial zoning districts makes sense under certain circumstances.

Trustee Brown noted that the Township was, at one time, considering an ordinance to regulate dirt bikes due to nuisance-related problems with neighboring properties. The proposed use would not only put a vacant facility into service, it would also give those bike riders another avenue for their activities.

The second reading of the proposed ordinance will be conducted at the 10/22/07 special meeting.

UNFINISHED BUSINESS:

Reminder of 10/22/07 Special Meeting

Supervisor Mathis reminded the board of the special meeting scheduled for Monday 10/22/07 at 7:00 p.m.

NEW BUSINESS (continued):

2007 Special Assessments & Miscellaneous Levies

Operations Manager Broecker presented the special assessments and miscellaneous levies for the 2007 property tax roll. Specific levy and special assessment amounts are as follows:

Mosquito Control	\$	24.00		
Solid Waste Collection		114.00		
Private Road Maintenance				
Curtwood		120.00	Log Cabin	39.00
Four Lakes		45.00	Margaret	31.00
McFarlan		0.00	Wenwood	22.00
Woodhull		60.00	Windsor Beach	51.00
Latourette		50.00	Pomona	20.00
Wenwood Pkwy		0.00	Horrell	24.00
Malibu		0.00	Crooked Lake	28.00
Darts		0.00	Golden Shores	31.00
Skyline		100.00	Hidden Ridge I	41.00
Wendell		0.00	Fenton Creek	14.00
Hicks Haven		50.00	Eden Garden	33.00
Woodhaven Drive		80.00	Isle of Bordeaux	117.00
Crystal Cove Ct.		45.00	Pinnacle Shores II	19.00
Pinewood Trail		75.00	Fenton Orchards I	29.00
Wenwood Drive		15.00	Cussewago	10.00
Byram Lake Dr.		30.00	Landings at Crane's Cove	34.00
Street Light Operation			Malibu	37.00
Minnetonka		17.00	Silver Ridge	18.00
Darts		31.00	Breeze Pointe	14.00
Enid		20.00	Torrey Grove	30.00
			West Silver Villa	29.00

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

Scenic View Dr.	52.00	Golden Pond II	29.00
Linden Meadows	38.00	Lakeview Farms II	51.00
Wyndham Estates I	24.00	Golfview Pointe I	37.00
Wyndham Estates II	24.00	Loon Harbor Preserve	18.00
Lakeview Farms I	34.00	Golfview Pointe II	30.00
Hidden Ridge II	30.00	Linden Crossings	37.00
Audubon Meadows	32.00	McCully Lake Estates I	32.00
Crystal Cove	39.00	Hidden Ridge III	37.50
Pinnacle Shores I	38.00	Fenton Orchards II	36.00
River Oaks Hollow	28.00	Marl/Farner/Cutler	23.00
Bryson Estates	24.00	Horizon Lakes Airpark I	0.00
Fentonwood Estates	25.00	Pinnacle Shores III	26.00
Pine Lake Forest	26.00	Stony Brook I	30.00
North Shore Estates	45.00	Lake Ponemah Estates I	31.00
Pavilion on Pine Lake	38.00	Springfield Hills	93.65
Loon Lake Highlands	33.00		

It was noted that some of these numbers are base amounts. Properties in some assessment districts may be assessed a lower or higher amount due to property size and/or use.

Motion to approve 2007 special assessments and miscellaneous levies as presented.

Motion by: Goupil

Seconded: Tucker

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

Nays: None

Absent: Carmody

Motion carried.

Disposal of Fixed Assets – Fire Department

Trustee Goupil reported that the new Fire Department rescue squad trucks are due to be delivered this week. A special meeting will be scheduled for 6:30 p.m. on Monday 11/5/07, (prior to the regular meeting), to give the board, and any other interested individuals an opportunity to see the new vehicles.

With the delivery of the new vehicles, the old squad trucks and a 1981 LaFrance pumper truck that has been out of service for some time are no longer needed. A company in Taylor has offered \$30,000 for all three vehicles. Given our past experiences of very low offers when selling vehicles via sealed bids, the board felt this was a good offer.

Motion to approve the sale of the 1981 LaFrance pumper truck, 1994 Chevrolet rescue squad truck and 1995 Chevrolet rescue squad truck to North Star Fire Apparatus for a total price of \$30,000.00.

Motion by: Goupil

Seconded: Brown

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

Nays: None

Absent: Carmody

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2007**

EXECUTIVE SESSION:

Motion to recess the open portion of the meeting and convene an Executive Session for the purpose of discussing pending litigation.

Motion by: Mathis

Seconded: Goupil

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

Nays: None

Absent: Carmody

Motion carried.

The open portion of the special meeting was recessed at 9:35 p.m.

RECONVENE:

The meeting reconvened at 9:50 p.m.

Pending Litigation – Fuller vs. Fenton Township

Motion to authorize the Township Supervisor and Township Clerk to approve on behalf of Fenton Township an Order of Dismissal, subject to the terms of a Settlement Agreement, in the pending lawsuit of Fuller vs. Fenton Township, as outlined in the Executive Session discussion.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Carmody

Motion carried.

ADJOURN: Meeting adjourned at 10:00 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 10/17/07