

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF NOVEMBER 5, 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 announced that Les Scott is ill and his report on the Loose Senior Citizen Center will be moved to the 11/19/07 agenda. Trustee Goupil asked to have a brief presentation from the Fire Department added to the agenda. Motion to approve the 11/5/07 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 Zimmer asked to have several minor additions and revisions made to the minutes. The minutes of the 10/15/07 regular meeting and the 10/22/07 special meeting stand approved as revised.

**EXPENDITURES:**

Motion to approve expenditures for payment as presented.

Motion by: Zimmer

Seconded: Tucker

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

Nays: None

Absent: Carmody

Motion carried.

**PRESENTATION:**

**Fenton Township Fire Department**

Trustee Goupil reported that the new Fire Department rescue squad trucks were on site prior to tonight's meeting for the board and interested public to view. He introduced Battalion Chief Ryan Volz, who in turn introduced Teresa Hajec, Lee Osborn, Scot Cole and Kirk Stevens. The board thanked the members of the Fire Department for their attendance.

**PUBLIC HEARINGS:**

None

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**REPORTS:**

**Les Scott – Loose Senior Citizen Center Update**

Postponed to 11/19/07.

**Patriot Ambulance Service Monthly Report**

Supervisor Mathis reviewed the September report from Patriot Ambulance Service. As reported at a previous meeting, Patriot is no longer providing ambulance service in the Township.

**COMMUNICATIONS:**

**Letter from Genesee County WWS – Refunding Bonds**

Supervisor Mathis reviewed a letter from Genesee County WWS regarding the recent sale of refunding bonds. By replacing old bonds with the newer ones, Fenton Township will save nearly \$125,000 in interest over the life of the bonds.

**ADOPTION OF ORDINANCES:**

**Proposed Ordinance to Prohibit Use of Ice Retardant Systems/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed ordinance to prohibit the use of ice retardant systems, (i.e. “bubblers” or “de-icers”), in lakes in Fenton Township, which was introduced at the 10/15/07 meeting. Since most people were unaware of the proposed ordinance until after the first reading, the board will accept public comment at tonight’s meeting.

Public Comment:

Tom Murphy, 24 Chateaux du Lac

Mr. Murphy, representing both the Silver and Marl Lakes Homeowners Association and the Chateaux du Lac Association, stated that he supports the enactment of a bubbler ordinance, however he believes that exemptions for commercial marinas and certain permanent docks should be allowed. He displayed a diagram of permanent docks located within the Chateaux du Lac development, adding that requiring removal of these docks annually would constitute a significant hardship since there is no room to remove the docks and no place to store them. He also requested that the effective date of any ordinance adopted be delayed until next year due to the time of year. There wouldn’t be enough time this year to remove docks and hoists.

Robert Namowitz (no address provided)

Mr. Namowitz works for a company that sells de-icers. He feels that waterfront property owners have a right to protect their property. The responsibility for safety lies with people using the lake for other purposes, (i.e. snowmobiling, ice fishing, etc.).

Joe Ceresia, owner of Lake Ponemah Marina

Mr. Ceresia stated that 75% of the docks at his marina are removed each year. De-icers are a necessity to protect the permanent docks at his facility. Removal of docks and hoists in deep water is very dangerous and the use of de-icers is safer. He urged the board to exempt commercial marinas from the ordinance. He also agreed with the earlier concern about the timing of the ordinance. It is already too late to try to remove docks this year.

Thomas Sandstrom, 22 Chateaux du Lac

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Mr. Sandstrom stated that he favors the use of bubblers due to the danger involved in removing docks. Bubblers have been in use at Chateaux du Lac for over ten years with no problems. Removing the docks would create a hardship for the property owners.

George Dyball, 2462 Cranewood Drive

Mr. Dyball, president of the Lake Fenton Property Owners Association, stated that he is opposed to the use of bubblers in any way due to safety concerns. He supports adoption of the ordinance as presented.

James Faught, 15 Chateaux du Lac

Mr. Faught believes that the board should give consideration to the fact that the State of Michigan does not regulate ice retardant systems in any way. Prohibiting bubblers would create hardships for property owners. He also urged the board to delay the effective date of any ordinance until next year.

Rochelle Molyneaux, 3384 Ponemah Drive

Ms. Molyneaux stated that she used to be opposed to the use of bubblers due to safety concerns. She now believes they are safe as long as the owner closely monitors the device. Currents from the Shiawassee River create more open water areas than bubblers on Lake Ponemah. She suggested a permit system to allow the use of bubblers and also believes elderly and handicapped residents should be considered for exemption.

Jack Townsend, Silver Lake

Mr. Townsend stated that exemption should be considered for certain circumstances. Floating docks are not safe for elderly people. Property utilized, bubblers create an area of open water that extends only five feet out from the dock. This, with the use of proper lighting, makes them safe.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft stated that he sees both sides of the issue. There are situations where the use of bubblers can be justified. Other situations, however, are simply a case of property owners not wanting to expend the effort and/or expense to remove their dock. He also noted that bubblers will not protect docks from floating ice.

Maria Sandstrom, 22 Chateaux du Lac

Ms. Sandstrom agreed that safety is a primary concern. She believes, however, that people using the frozen lake for various activities, (snowmobiling, ice fishing, etc.), must also take responsibility for safety.

Board discussion:

Trustee Brown noted that, in addition to snowmobiling and ice fishing, the lakes are also used for skating, skiing and other similar activities that add to the safety concerns. The State of Michigan controls the waters of the lakes. He is concerned that altering that water in any way creates potential liability for the Township.

Supervisor Mathis stated that she is not aware of any accidents caused by bubblers in over 50 years on Lake Fenton. The water depth near some homes and businesses necessitate the use of permanent docks. Not allowing them to use ice retardant systems to protect their property results in a hardship for the property owner. She supports a

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revised version of the ordinance that would exempt commercial marinas and provide the framework for granting variances in cases of hardship.

Trustee Goupil stated that the removal of docks for winter is the cost of living on a lake. Convenience and cost are not good reasons to allow bubblers at the expense of safety.

Trustee Zimmer stated that allowing exceptions would create more enforcement responsibility and liability for the Township. A complete ban on bubblers would be simpler to enforce. She also stated that she has tried to have this ordinance placed on the agenda since the spring. For some reason it was not placed on the agenda until later in the year.

Trustee Tucker stated that whether or not to adopt the proposed ordinance creates a difficult situation. Those who want exceptions make very good points, however the health, safety and welfare of the community are more important. None of the issues raised supersedes the need for safety. He supports the concept of making the ordinance effective next year due to the timing concerns raised this evening.

Clerk Krug stated that he is concerned with difficulties in enforcing the proposed ordinance. Having an ordinance may create more liability than not having one. There is no history of problems in Fenton Township relating to the use of bubblers. He supports the concept of "leave well enough alone" and not adopt any ordinance.

Trustee Brown asked Attorney Cooley for his opinion on the issue. Attorney Cooley stated that there are numerous potential legal issues associated with such an ordinance. Enacting the ordinance assumes responsibility for enforcement and potential liability for the Township, however the Township is well within its rights to adopt the ordinance.

Supervisor Mathis stated that she is also very concerned about enforcing the ordinance. She made a motion to amend the proposed ordinance to exempt commercial marinas and provide for hardship variances. The motion died for lack of a second.

Trustee Tucker suggested adopting the ordinance with an effective date of 2008 so as not to create an undue hardship for this winter.

Motion to adopt Ordinance No. 692, an ordinance to prohibit the use of ice retardant systems on public lakes in Fenton Township, with an effective date of July 1, 2008.

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

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS:**  
**Schedule Workshop Meeting – 11/12/07**

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Supervisor Mathis suggested a workshop meeting to discuss several issues, including ZBA appointments and the proposed new sign ordinance. After a brief discussion the board agreed to schedule the meeting for Monday 11/12/07 at 7:00 p.m.

**NEW BUSINESS:**

**Proposed 2008 Meeting Schedule**

The board reviewed the proposed meeting schedule for 2008. It was noted that the Planning Commission and Zoning Board of Appeals have already OK'd the proposed schedule.

Motion to adopt the 2008 Fenton Township Meeting Schedule as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Absent: Carmody

Motion carried.

**Resolution No. 2007-36, Sewer Bond Payment Obligations for 2008**

Operations Manager Broecker reviewed a letter from Genesee County Water & Waste Services requesting a resolution identifying the source of funds for payment of 2007 sewer bond debt obligations. Trustee Tuckers suggested that, since the board is still reviewing the fee structure for sewer use, action on this resolution should be delayed until the next regular meeting. This issue will be added to the 11/19/07 agenda.

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

Gary Hall, 653 Franklin Street, Linden

Mr. Hall's wife was involved in an automobile accident in Fenton Township earlier this year. He questioned why the Township attorney agreed to a lesser charge for the person that caused the accident. Attorney Cooley stated that there were weaknesses in the case against the defendant and getting a guilty plea to a lesser charge was probably the best the Township could get under the circumstances.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft briefly discussed safety issues regarding snowmobiles on Lake Ponemah.

Sue Foland, 11421 Fairbanks Road

Ms. Foland recently obtained a copy of the audio recording from a Planning Commission meeting and noted that the presenters and audience members were very difficult to hear. Trustee Tucker, also the chairman of the Planning Commission, stated that he would try to make sure the microphones are working properly at future meetings.

Ms. Foland also expressed concern that the 10/22/07 Township Board special meeting was not recorded. Clerk Krug responded that the Township is not required to record any meetings. It does so as a tool to assist in the transcription of meeting minutes. Smaller Township Board meetings held in the first floor conference room, be they special or workshop meetings, have never been recorded.

Ms. Foland also questioned the lack of detail in the minutes from the 10/8/07 workshop meeting. Operations Manager Broecker responded that detailed minutes are not created

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for workshop meetings since no actions are taken. Minutes for all workshop meetings for at least the past 13 years include only a list of discussion items.

**BOARD ISSUES:**

Trustee Zimmer suggested that the Township adopt a formal policy regarding audio recordings of public meetings. She understands that the current practice of the Township is to discard or destroy recordings after two months. She believes that the tapes should be kept up to 7 years. Clerk Krug stated that the Michigan Township Association recommendation is to keep recordings only until the minutes of the meeting have been approved. This issue will be added to a future workshop agenda.

**ADJOURN:** Meeting adjourned at 9:25 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 11/6/07**