

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 13, 2010**

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

Chairperson Pro-Tem Carlson chosen to serve in Tuckers absence
Secretary Pro-Tem McGuirk

Chairperson Pro-Tem Carlson called meeting to order at 7:06 p.m.
Present: Carlson, Franz, Lorraine, McGuirk, Richard
Recording Secretary: McDonald
Absent: Spees, Tucker

APPROVAL OF AGENDA:

Motion to approve the agenda presented

Motion by: Carlson

Seconded by: McGuirk

Ayes: Carlson, Franz, Lorraine, McGuirk, Richard

Nays: None

Absent: Spees, Tucker

Motion carried

NEW BUSINESS

Review of the Special Use Permit issued to Tee Bone'z Tavern on the Water in May.

Chairperson Pro-Tem Carlson called for public comments. Ben Green, 3422 Ponemah stated since the level was set in May the level of sound has fluctuated a great deal. He said he has observed the weathers affects on the sound level and some of the bands are louder than others. He stated concerns about the location of the microphone hanging over and lying against a sound barrier wall, noting the readings of the meter may not accurately reflect the sound level at the property line because of the placement. Tom Twining, 4125 Four Lakes stated the restaurant has made major improvements over the years. He said he often goes there with his entire family. It is clean and enjoyable and he asked that the Township support this business and their ability to provide the residents with this entertainment. Jane Green, 3422 Ponemah said she and her husband were not against Tee Bone'z or their business, they do not want to shut them down or not have music, they just want them to tone it down. Brenda Sepanak, 3316 Ponemah stated she has seen the restaurant transform from a rowdy camp ground bar to a biker bar to a family restaurant were a large group of family and friends can gather, have a meal and enjoy the entertainment. Kelly Flynn, 3394 Ponemah, asked the Commission to consider dropping the level from 90dB to 80db, she said this would not effect their business but would lessen it's impact the residents. Lisa Berthold, 14092 Eastview, stated she has been at Tee Bone'z many times and can sit on the deck and have a conversation with those at her table, she asked the Commission to uphold the decision they made. Twining asked how the Commission reached a level of 90dB. Chairperson Carlson explained the Commission looked at what other communities do, the current ordinances have a general and overall standard of 65dB, they studied decibel levels for other sounds and had a sound engineer do a couple of demonstrations. Richard added that at one of demonstrations an decibel meter was placed at the Commission table and it was reading an average of 68dB during regular conversations. Twining thanked the Commission for their diligence in selecting the level and asked that they maintain the permit as granted. Bill Talbot, 14184 Eastview and Gus VanHeck, 4042 Krupp, stated the level is half that of last year and some nights you

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 13, 2010**

can not even hear it across the water. Don Kroeyer, Tee Bone'z addressed the Commission stating they have complied with the requests of the Township, deputies have been out and checked the meter which at the time they were called was reading 68dB. He said the neighbors complaints and the time and effort that has gone into this is getting out of hand. They are just trying to run a business and stay alive in this economy. McGuirk asked if there have been any known or reported violations of the permit reported or observed by the Township Office. Recording Secretary McDonald stated a concern had been brought to her attention about the finishing of the east side of the exterior wall of the stage and the insulation of the roof over the band area. Kroeyer said the wall had been painted and the roof had been insulated as requested. McDonald said the noise analysis report had not been submitted or addressed. Carlson said she thought that requirement was waived by the live demonstration that took place in May. Carlson indicated that she has witnessed an improvement in the sound level from last year. She stated concerns about an accurate reading from the microphone because of the placement. She explained that the level could read 90dB on the deck and it would still be under 90dB at the property line. Franz agreed about the placement of the microphone and a false reading because of the sound deadening wall. He noted he had been out to the site several times and the music was playing at a reasonable level. Franz stated his understanding of the system is that if the meter reaches 90dB the system will shut down. Kroeyer said an alarm will sound. The Commission asked the microphone be mounted on a bracket so that it is not lying on the wall. Kroeyer stated they could do that. Richard said he has been out several times and though the music was louder than he thought it would be it was not unreasonable. He added the Commission can not control the weather and sound level fluctuates with the type of bands. He concluded that his observations were that overall things are reasonable and he sees no need to change any conditions of the permit. McGuirk said it is obvious that there is no way to make everyone happy, the owners have made a reasonable attempt to control the level and we will have to continue to monitor the situation. Lorraine noted when he was out he tried to record the sound on his phone and it was not loud enough for the phone to pick it up. He suggested the Commission move and support a motion to accept the live demonstration in lieu of the sound analysis report for the rest of this year.

Motion to accept the live demonstration of May 11, 2010 in lieu of the required sound analysis report for the remainder of this year.

Motion by: Lorraine
Seconded by: McGuirk
Ayes: Carlson, Franz, Lorraine, McGuirk, Richard
Nays: None
Absent: Spees, Tucker

Motion carried

COMMUNICATION

Letters from Kelly Flynn & Norman Falconer, 3394 Ponemah, Benjamin A. Green, 3422 Ponemah and Rochelle Molyneaux expressing concerns about the noise level at Tee Bone'z.

ELECTION OF OFFICERS

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 13, 2010**

Carlson nominated Tucker for Chairperson
McGuirk supported the nomination
All were in favor

McGuirk nominated Carlson for Vice Chairperson
Franz supported the nomination
All were in favor

Carlson nominated McGuirk for Secretary
Lorraine supported the nomination
All were in favor

PUBLIC COMMENTS & COMMUNICATIONS CONCERNING ITEMS NOT ON AGENDA:

5 Minute Limit – there were none

MINUTES May 11, 2010 stand approved as submitted

ADJOURN: 8:34 p.m.

Sandra Carlson, Chairperson Pro-Tem

James McGuirk, Secretary Pro-Tem