

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 1, 2010**

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

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

Present: Krug, Brown, Goupil, Kesler, Attorney Cooley and Operations Manager
Broecker

Absent: Mathis, Tucker, Hill

PLEDGE OF ALLEGIANCE:

Clerk Krug led the pledge of allegiance to the flag.

APPOINTMENT OF TEMPORARY CHAIRPERSON:

Due to the absence of the Township Supervisor, a temporary chairperson needs to be appointed for tonight's meeting.

Motion to appoint Clerk Krug as chairman pro-tem.

Motion by: Brown

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Mathis, Tucker, Hill

Motion carried.

APPROVAL OF AGENDA:

Trustee Brown asked to have the resolution honoring retiring Deputy Steve Iski removed from the agenda. Mr. Iski is out of town and unable to attend tonight's meeting. Motion to approve the 3/1/10 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Mathis, Tucker, Hill

Motion carried. The agenda is approved.

PRESENTATION:

Pamela Jaymes – Foster Care Program

Chairman Krug introduced Pamela Jaymes of Spectrum Child and Family Services. Her company specializes in recruiting and training foster parents. There have been several instances where Genesee County children have been placed with foster families outside of the county due to a shortage of licensed foster parents. She urged the public to consider becoming involved in the foster parenting program. She thanked the board for the opportunity to speak at the meeting.

MEETING MINUTES:

The minutes for the 2/15/10 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$256,580.95 for payment as presented.

Motion by: Brown

Seconded: Goupil

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Ayes: Krug, Brown, Goupil, Kesler
Nays: None
Absent: Mathis, Tucker, Hill

Motion carried.

PUBLIC HEARINGS:

**Crane Road/Lake Shore Drive Road Improvement Special Assessment
District/Hearing on Special Assessment Roll**

Chairman Krug stated that this is the second public hearing on a proposed special assessment to resurface Crane Road and sections of Lake Shore Drive. At the last hearing a suggestion was made to obtain a cost estimate to repave all of Lake Shore Drive, rather than just selected sections. Operations Manager Broecker explained that the alternate proposal would increase the cost to Lake Shore Drive properties and Gold Pond Court properties. If the expanded project scope is incorporated into this project, the assessment amounts would be as follows:

Properties fronting Crane Road	\$ 978.23
Properties fronting Lake Shore Drive	980.32
Properties fronting Golden Pond Court	428.50
All other properties in the special assessment district	244.56

Chairman Krug opened the hearing for public comment regarding the following:

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

Chairman Krug stated that the board also wants to hear from Lake Shore Drive property owners regarding the alternate proposal.

Public comment:

The following individuals commented on the proposed project:

Marlo Howieson, 13369 Lake Shore Drive
Dave Gibbons, 13453 Lake Shore Drive
Mike Martel, 13190 Lake Shore Drive
Richard Stubbs, 13121 Lake Shore Drive
Robert Simpson, 13147 Lake Shore Drive
Robert Standal, 13321 Lake Shore Drive
Richard Tabor, 13396 Lake Shore Drive

All individuals that spoke are in favor of the proposed project and those that indicated a preference felt that repaving all of Lake Shore Drive was the best option. Several residents stated that they are concerned with existing and potentially worsening drainage problems on Lake Shore Drive. The board, noting that these drainage issues had not been previously raised, agreed to postpone action on the special assessment roll until the issue can be reviewed. Notices will be mailed when the next public hearing is scheduled.

REPORTS:

None

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COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Medical Marihuana Ordinance/2nd Reading

Chairman Krug reviewed a proposed ordinance to regulate the growing, consumption and distribution of medical marihuana authorized under Michigan's Medical Marihuana Act, which was introduced at the 2/15/10 meeting. Although the board typically does not accept public comment at second readings of ordinances, Chairman Krug noted that the Township has been contacted by several parties that have indicated a desire to address the board regarding the proposed ordinance. Therefore public comment will be accepted at this time.

Public Comment - The following individuals addressed the board regarding the proposed ordinance:

Carrie Justice, Linden, MI
Karen Jones, Davison, MI
Gersh Avery, Dexter, MI
Tom Dempsey, (residence not given)
Mike Collins, Fenton, MI
Lydia Kelly, Burton, MI

Specific issues and/or concerns included:

Section 6C

- This section would prohibit more than one person living at the same address from being a primary caregiver. This would discriminate against, for example, a married couple that are both primary caregivers.
- How would this section be interpreted for apartment complexes and attached condominium developments?

Section 6D

- This section is unduly restrictive. Proximity to a school or church is not relevant if growing/cultivating location is properly secured as required by the proposed ordinance.

Section 6E

- This section discriminates against an individual that is a certified primary caregiver that may also operate a legitimate, unrelated home business.

Section 6F

- One of the responsibilities of a primary caregiver is to give instruction to a patient on the various methods to use medical marihuana. This section would prohibit such instruction from occurring at the primary caregiver's location.

Sections 6G & 6H

- These sections are a violation of HIPPA regulations and are illegal.
- Would this information be subject to disclosure under FOIA?
- Enforcing these sections would create a "list" of primary caregivers that would make them targets of thieves and illegal drug users.
- These sections are an unwarranted invasion of privacy.

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In general, the people in attendance felt that the ordinance was overly restrictive. They believe that the state law provides sufficient protection for the general public. If the Township is determined to proceed with the adoption of an ordinance, they urged the Township to consult experts on medical marihuana before taking any formal action.

After a brief discussion, including input from Attorney Cooley, the board agreed to postpone action on the proposed ordinance until the 3/15/10 meeting.

Proposed Revised Dangerous Buildings Ordinance/2nd Reading

Chairman Krug reviewed a proposed revised Dangerous Buildings Ordinance, which was introduced at the 2/15/10 meeting. The Township adopted a similar ordinance in 2009, however the proposed ordinance corrects a few minor errors in the original ordinance and also changes the order of some of the provisions to more closely follow the chronological sequence of the dangerous buildings process. Rather than attempting to amend the existing ordinance, it was determined that simply adopting a new ordinance would be more efficient, even though the content of the ordinance is virtually identical. There was no further discussion.

Motion to adopt Ordinance No. 719, a revised Dangerous Buildings Ordinance, as presented.

Motion by: Brown
Seconded: Kesler
Ayes: Krug, Brown, Goupil, Kesler
Nays: None
Absent: Mathis, Tucker, Hill

Motion carried.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

BOARD COMMENT:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 8:47 p.m.

Robert Krug, Chairman Pro Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 3/2/10