

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 15, 2010**

**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, Tucker, Brown, Goupil, Hill, Kesler, Attorney Cooley and
Operations Manager Broecker

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Trustee Brown asked to have the resolution honoring retired Deputy Steve Iski to the 3/29/10 meeting. Mr. Iski is out of town and would like to be in attendance when the resolution is presented. It was also noted that Les Scott had requested that his Loose Senior Citizen Center report be moved to the 3/29/10 meeting. Supervisor Mathis asked to have the following item added to the New Business section of the agenda:

Proposed goose population reduction – Silver & Marl Lakes

Motion to approve the 3/15/10 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Hill

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 3/1/10 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$1,191,294.31 for payment as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Medical Marihuana Ordinance/2nd Reading

Supervisor Mathis acknowledged that this proposed ordinance was postponed at the last meeting in order to research issues raised at that meeting. At a workshop meeting

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earlier this evening the board discussed the proposed ordinance with the township's Zoning Administrator.

Public Comment:

Carrie Justice, Linden, MI

Ms. Justice urged the board to reconsider the proposed ordinance – it is more restrictive than the state law. It is her understanding that the ACLU has already received a complaint about the ordinance and it will likely end up in court, which will cost our taxpayers money. Ms. Justice indicated that some of the restrictions may constitute a violation of the Michigan Right to Farm Act. She also restated many of the concerns raised at the last meeting, including:

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 6F

- One of the responsibilities of a primary caregiver is to give instruction to a patient on the various methods to use medical marijuana. 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.
- 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.

Clerk Krug pointed out that the proposed ordinance does not require any information regarding patients. Therefore it would not be a violation of any HIPPA regulations.

Mike Collins, Fenton, MI

Mr. Collins stated that the Township is overstepping its authority with this ordinance. The board should be more concerned about the rights of its citizens than promoting commercial enterprises.

Clerk Krug stated that Senate Bill 618, which would consolidate the production of medical marijuana and require dispensation through pharmacies, would resolve the issues regarding this ordinance.

Treasurer Tucker stated that he prefers to adopt the ordinance as is, with the understanding that it would be immediately referred back to the Planning Commission for review and revision. Trustee Brown stated that he would prefer to revise the ordinance before adoption.

Motion to adopt Ordinance No. 720, a Medical Marijuana Ordinance, as presented.

Motion by: Tucker

Seconded: Goupil

Ayes: Mathis, Krug, Tucker, Goupil, Hill, Kesler

Nays: Brown

Motion carried. Ordinance declared adopted.

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Motion to refer the Medical Marihuana Ordinance back to the Planning Commission for potential revisions.

Motion by: Tucker

Seconded: Goupil

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried.

Proposed Amendment to Disorderly Persons Ordinance/1st Reading

Supervisor Mathis reviewed a proposed amendment to the Township's Disorderly Persons Ordinance. The amendment would add illegal possession of marihuana and public consumption of marihuana as violations. Attorney Cooley explained that this would give another option to law enforcement officers for minor violations.

There was no public comment. The second reading of the proposed ordinance amendment will be conducted at the 3/29/10 meeting.

UNFINISHED BUSINESS:

Next Meeting Reminder – 3/29/10

Supervisor Mathis reminded the board and audience that the next regular township board meeting will be Monday 3/29/10.

NEW BUSINESS:

Proposed Goose Population Reduction – Silver & Marl Lakes

Supervisor Mathis stated that the Township has again received a request for formal support for goose control efforts on Silver and Marl Lakes. Unlike past years where the geese were rounded up and relocated, the new program involves destruction of nests and eggs and possible the capture of geese for food processing. The Silver-Marl Lake Association has requested a letter of support that would be effective for five years. Supervisor Mathis prefers addressing the issue each year.

Motion to support the request of the Silver-Marl Lake Association for goose population reduction measures for 2010 only, as requested.

Motion by: Mathis

Seconded: Goupil

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried.

Resolution No. 2010-10, supporting Argentine Township's Parks & Rec Plan

Supervisor Mathis reported that Argentine Township is in the process of updating its Parks & Recreation Plan, including non-motorized walkways. The board has been provided a copy of the plan and is being requested to adopt a resolution of support. Victor Lukasavitz of Gould Engineering stated that the proposed plan is very supportive of walkways, walkable communities and other "green" approaches. Both the City of Linden and the Genesee County Metropolitan Planning Commission have adopted similar resolutions of support.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2010-10

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WHEREAS the Charter Township of Fenton encourages joint governmental cooperation with the City of Fenton, City of Linden, and Argentine Township through joint community and infrastructure planning because it connects adjoining community attributes with school facilities, regional features and programs, and Genesee County Parks; and

WHEREAS creating intercommunity connections through multi-use pathways and complete streets coincides with the Charter Township of Fenton's long term planning goals and objectives to create a safe, pedestrian-friendly environment that will encourage residents to walk, bicycle, and interact with other communities without worry; and

WHEREAS multi-use pathways proposed in Argentine Township's 2010-2014 Parks & Recreation Plan will provide opportunity for Fenton Township citizens and those of adjoining communities to improve their physical health and contribute to a greener environment; and

WHEREAS working together to support the efforts of adjoining communities to promote smart commute and alternate forms of transportation will create strategic growth, environmental integrity, economic prosperity, and social equality making all the communities in southern Genesee County great places to work, live and play.

NOW, THEREFORE, BE IT RESOLVED that the Fenton Township Board of Trustees hereby declares its support for Argentine Township's 2010-2014 Parks & Recreation Plan.

Motion to adopt resolution No. 2010-10 as presented:

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

Motion carried. Resolution declared adopted.

Action to Rescind Resolution No. 2010-02, Board of Review Representation

At the 1/4/10 meeting the Township Board adopted Resolution No. 2010-02. This resolution, which revised a similar resolution adopted in 2002, clarified that a property owner must be the record owner as of tax day in order to file an appeal. Further review has indicated that this requirement is incorrect and should be reversed. Board action is needed to rescind the resolution.

Motion to rescind Resolution No. 2010-02.

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

Motion carried. Resolution No. 2010-02 is hereby rescinded.

BOARD COMMENT:

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Supervisor Mathis reported that residents are beginning to receive the 2010 Census surveys. She reminded everyone of the importance of completing and returning the Census documents.

The board briefly discussed local road improvement projects and trash collection service.

Trustee Hill announced that registration for the Lake Fenton Youth Football program (ages 7-13; football and cheer) will be held on 3/23/10 from 6:00 p.m. to 8:00 p.m. at the Torrey Hill Intermediate School gymnasium.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 8:45 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 3/16/10