

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 18, 2013**

**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, Goupil, Kesler, Lorraine, Shumaker, Attorney  
Cooley and Operations Manager Broecker

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Clerk Krug asked to have a presentation from Ray Lord regarding electronic cigarettes added to the end of the agenda. Motion to approve the 3/18/13 Fenton Township Board Meeting agenda as amended.

Motion by: Lorraine

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 3/4/13 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$371,673.24 for payment as presented.

Motion by: Tucker

Seconded: Lorraine

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

None

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Rezoning # R13-001, Fenton Township, Parcel 06-22-400-046 (14331 Eastview Drive); C-2 to R-5/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone the former Frank's Tavern property from C-2 to R-5, which was introduced at the 3/4/13 meeting. The Township assumed ownership of this property in December due to tax foreclosure and this rezoning was initiated by resolution of this board. Rezoning to R-5 would be consistent with neighboring residential properties. The Planning Commission

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has conducted a public hearing on the proposed rezoning and recommended approval. There was no further discussion.

Motion to adopt Ordinance No. 754, an amendment to Zoning Ordinance No. 594 to rezone parcel 06-22-400-046 from C-2 to R-5, as presented.

Motion by: Tucker

Seconded: Shumaker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS:**

**Schedule Workshop Meeting**

Supervisor Mathis stated that she would like to schedule a workshop meeting for the board to discuss a number of issues before bringing them forward for formal action, including the Business Licensing Ordinance, a proposed amendment to the Sanitary Sewer System Ordinance and proposals for a new phone system. After a brief discussion the board agreed to schedule the workshop meeting for Monday 3/25/13 at 7:00 p.m.

**NEW BUSINESS:**

**Proposed Fenton Township Fire Department Dive Rescue Team**

The board reviewed a request from Fire Chief Volz to create a dive rescue team within the fire department. Having a local dive rescue team would greatly improve the odds of saving potential drowning victims since the divers could be on the scene much sooner than the Genesee County Sheriff Department's dive team. The total cost for training and equipment would be approximately \$25,000. Lieutenant Tom Howley provided an overview of the proposed program, which would include up to six team members with extensive training requirements. If approved, the dive rescue team should be operational by this summer. After further discussion the board agreed to add this issue to the 3/25/13 workshop agenda and bring it back to the board at the 4/8/13 regular meeting for formal action.

**2013 Genesee County Road Commission Chloride Contract**

Operations Manager Broecker reviewed information regarding the Genesee County Road Commission's dust control program for 2013. The proposed agreement includes one application of liquid calcium chloride on unpaved roads funded by the Road Commission and the option of one or two applications funded by the Township. Based on the mileage of unpaved roads in Fenton Township, our cost would be approximately \$17,997.00 per application. Based on past practice it is recommended that the Township authorize one additional chloride application for June.

Motion to approve the 2013 Genesee County Road Commission Dust Control Program, including one application of 38% liquid calcium chloride in June, at a rate of 2,000 gallons per mile at the Township's expense, as presented.

Motion by: Tucker

Seconded: Shumaker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried.

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**2013 Law Day Proclamation**

Supervisor Mathis stated that the Genesee County Bar Association has requested that the Township consider adopting a proclamation designating May 1<sup>st</sup> as Law Day. The Township has adopted similar proclamations in previous years. Treasurer Tucker noted that Law Day is designed to give students an appreciation for the legal system. Among other activities, Law Day is an opportunity for students to appear before a real judge in a mock trial. Treasurer Tucker presented the following:

**2013 LAW DAY PROCLAMATION**  
**“Realizing the Dream: Equality for All”**

*WHEREAS, Law Day is a day of public acknowledgement of our nation’s and Michigan’s heritage of justice, liberty and equality under the law, and May 1<sup>st</sup> has been declared “Law Day” by the United States Congress, and*

*WHEREAS, the American Bar Association has declared the theme for Law Day 2013 as “Realizing the Dream: Equality for All”, and*

*WHEREAS, this year’s theme recognizes the inextricable link between freedom and equality, the importance of living up to the promise of equality under the law enshrined in our nation’s founding documents, and the challenges that remain in realizing that ideal, and*

*WHEREAS, the year 2013 marks the 150<sup>th</sup> anniversary of the issuance of the Emancipation Proclamation, as well as the 50<sup>th</sup> anniversary of the March on Washington for Jobs and Freedom and Reverend Dr. Martin Luther King Jr.’s “I Have A Dream” speech, and*

*WHEREAS all Americans are entitled to equal protection of the law and to the unalienable rights of life, liberty and the pursuit of happiness;*

*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton does hereby proclaim May 1, 2013 as Law Day. We urge the people of Fenton Township and all of Genesee County to use this occasion to acknowledge the importance of our legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States and the State of Michigan in support of this educational observance. We further encourage schools, businesses, media, religious institutions, civic and service organizations to join the members of the bar and bench in commemorating Law Day.*

Motion to adopt the 2013 Law Day Proclamation as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. The proclamation is adopted.

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**Resolution No. 2013-04, Decline Ownership & Maintenance Responsibilities for  
Community Water System – Jennings 16, LLC**

Supervisor Mathis stated that Jennings 16, LLC, the developer of the assisted living facility near Owen and Jennings Roads, is in the process of obtaining DEQ approval for a community well system for their development. One of the steps in that process is to formally offer ownership of and maintenance responsibilities for the water system to the local governing unit. Since the Township does not own or maintain any water supply systems, our past practice has been to decline such offers. A resolution has been prepared to decline this system as well. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2013-04**

*WHEREAS, Jennings 16, LLC owns and operates a drinking water system serving the Vicinia Gardens Assisted Living Care development located at Owen and Jennings Roads, Section 33, T5N R6E, and*

*WHEREAS, Jennings 16, LLC possesses the ability and willingness to continue effective operation and maintenance of said system, and*

*WHEREAS, the Charter Township of Fenton recognizes the need for effective and continued operation and maintenance of said system to protect the public health, and*

*WHEREAS, the Charter Township of Fenton deems it impractical for the Township to own, operate and administer this particular drinking water supply;*

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton hereby declines to accept ownership of or operation, maintenance and administrative responsibilities for said particular drinking water supply. The Charter Township of Fenton endorses the application of Jennings 16, LLC to continue these responsibilities under state permit.*

Motion to adopt Resolution No. 2013-04 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried. Resolution declared adopted.

**Request for Letter of Support: DNR Canada Goose Egg & Nest Destruction  
Program – Silver & Marl Lakes Homeowners Association**

Supervisor Mathis reported that the Township was recently contacted by the Silver & Marl Lakes Homeowners Association to again request a letter of support for participating in the Canada Goose Egg & Nest Destruction program through the DNR. As you may recall, the Township Board approved a 1-year letter of support in 2012. One of the main concerns raised at that time was that the board had no way to determine the level of support among the lake residents themselves, (i.e. is it just a small group that support the program or a significant majority?). Apparently the deadline to submit a completed application to the DNR is 4/1/13. The association was informed that the issue would be placed on tonight's agenda and were asked to provide a petition or similar documentation so the board would have evidence that a majority of the property owners are indeed supportive of the egg/nest destruction program. Tom Murphy, president of

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the association, sent an e-mail indicating that there is not sufficient time to obtain signatures for a petition, however approximately 60 lake residents sent e-mails to the Township supporting the program. Mr. Murphy stated that of the 330 homes on Silver and Marl Lakes, 185 are members of the association and he is only aware of one resident that is opposed to the program. Clerk Krug expressed some concern that other non-lethal methods had not been attempted. Treasurer Tucker stated that he understands both sides of the issue and wants to do whatever the majority of the lake residents want. Trustee Goupil asked if all members were asked to send e-mails to the Township or only those who supported the egg/nest destruction program. Mr. Murphy confirmed that all members that had provided an e-mail address to the association received the request to e-mail the Township.

Motion to authorize a letter of support, effective for one year, for the Silver-Marl Lakes Area Homeowners Association to reduce the Canada Goose population by participating in the Nest & Egg Destruction Program as requested, with the condition that the association shall provide to Fenton Township adequate documentation of resident support for the program before submitting any such requests in the future.

Motion by: Tucker

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Motion carried.

**Electronic Cigarettes**

Ray Lord addressed the board regarding the new electronic cigarettes that have become popular recently. Studies regarding the safety and health impacts of e-cigarettes are incomplete, however there do appear to be health risks. The board thanked Mr. Lord for the information he provided.

**BOARD COMMENT:**

None

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

Kam DeGayner, 12350 Windsor Beach Drive

Ms. DeGayner provided information regarding an upcoming fundraiser for a local family that lost their father, leaving the mother and five young children. There will be a spaghetti dinner at Legends Restaurant on 5/18/13. There is also a raffle for a hot tub at and a silent auction to be held at the same event.

**ADJOURN:** Meeting adjourned at 9:10 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 3/19/13**