



City of Fenton

301 South Leroy Street • Fenton, Michigan 48430-2196 • (810) 629-2261 • FAX (810) 629-2004

CITY OF FENTON COUNCIL AGENDA

Monday November 26, 2012

City Hall Council Chambers

301 South LeRoy Street

7:30 PM

*******REVISED*******

Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

COMMENTS & REPORTS

- City Manager's Report
- Council Member Comments
- Legal Counsel's Report
- Mayor's Comments

CITIZEN'S COMMENTS: IF YOU WISH TO ADDRESS ANY AGENDA ITEMS, PLEASE IDENTIFY YOURSELF AND YOU WILL BE CALLED ON WHEN THAT ITEM IS REACHED. COMMENTS ON ITEMS NOT ON THE AGENDA MAY BE MADE AT THE CALL TO THE AUDIENCE.

A. CONSENT AGENDA:

- Council approve the minutes of the September 4, 2012 work session, the September 10, 2012 regular meeting, the September 24, 2012 regular meeting, the October 1, 2012 work session, the October 8, 2012 regular meeting, the October 22, 2012 regular meeting, the November 5, 2012 work session and the November 12, 2012 regular meeting.
- Council authorize payment of invoices in the amount of \$138,898.60.
- Council approve and place on file the minutes of the September 13, 2012 Oakwood Cemetery Board meeting, the October 9, 2012 Parks and Recreation Board meeting, and the October 16, 2012 Downtown Development Authority meeting.
- Council approve the request of the Old Newsboys to conduct their annual paper sale on December 14, 2012 from 6:00 AM to 5:00 PM, at the intersections of LeRoy Street at Silver Lake Road and Silver Lake Road at Silver Parkway.

B. RESOLUTION NO. 12-32

Administration recommends that the Fenton City Council approve Resolution No. 12-32, which exercises the City's right to exempt itself from the requirements of Public Act 152 of 2011, concerning employee contributions to healthcare premiums, for the calendar year 2013.

C. CONTRACTS AND AGREEMENTS

Radio Equipment for the Fire Department – Administration recommends that the Fenton City Council approve the moving of the current radio and purchase an additional mobile radio for the Fire Department, including the cost of programming and moving the antenna line and antenna for a cost of \$5,319.

HVAC Repair for Fire Hall – Administration recommends that the Fenton City Council approve Dee Cramer, of Holly, to make repairs to the Fire Hall's HVAC system for a cost of \$4,033.

Wildlife Management at the Water Treatment Plant – Administration recommends that the Fenton City Council approve hiring Wildlife Management and Rescue, of Flushing Michigan, to trap and remove wildlife from the wastewater treatment plant property for calendar year 2013, at a cost of \$2,500.

Elizabeth Street Lift Station Repairs – Administration recommends that the Fenton City Council approve the quote from Kennedy Industries, of New Hudson, to provide two Flygt pumps and two AC Tech variable frequency drives, as outlined in their quote dated November 16, 2012, for a cost of \$7,990, and authorize the City Manager to sign the agreement.

D. MEMBERSHIP IN THE GENESEE COUNTY METROPOLITAN ALLIANCE AND APPOINTMENT OF REPRESENTATIVES

Administration recommends that the Fenton City Council authorize the City of Fenton's membership in the Genesee County Metropolitan Alliance for calendar year 2013, at a cost of \$135, and appoint the City's elected, citizen, and alternate representatives.

CALL TO THE AUDIENCE

CLOSED SESSION

Request of the City Council to enter into Closed Session for the purpose of discussing a purchase of property.

RECONVENE TO OPEN SESSION

ADJOURNMENT

IF ACCOMMODATIONS ARE NEEDED DUE TO A DISABILITY, PLEASE CONTACT THE CITY CLERK'S OFFICE.

CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS
Tuesday, September 4, 2012
City Hall Council Chambers
301 South LeRoy Street
7:30 PM

Mayor Osborn called the meeting to order at 7:30 PM.

Present: Bland, Jacob, King, Lockwood, Osborn, Piacentini, Smith.
Absent: None.
Others Present: Lynn Markland, City Manager; Bob Cairnduff, Fire Chief, Dan Czarnecki, Director of Public Works; Brad Hissong, Zoning Administrator.

CITIZENS COMMENTS - None.

DISCUSSION ON PROPOSED FEE SCHEDULE CHANGES FOR THE BUILDING AND ZONING DEPARTMENT

Hissong reported to the Council that the fees for his department have not been changed since 2007. Hissong further stated that the idea of this review was to bring the City of Fenton more in line with the fees that other communities charge. Hissong highlighted that the fees were mostly increased in plan reviewing and some residential fees. Hissong stated that the increases proposed are relative to the changes in code and increased work load. These costs should not be borne by the taxpayers alone. Lockwood confirmed that Hissong completed a rate study of other communities to make sure the fees were comparable.

Lockwood confirmed the fees for special meetings of the ZBA are relative to the increased amount of work done to conduct one. King agreed that these fees are a good thing to have in place. Osborn added that the City has always had these fees. Smith confirmed that performance guarantees were not part of this proposed fee schedule. Hissong stated that the Planning Commission can place this stipulation on projects on a case by case basis. Bland stated that the city needs to make sure that roads get completed. Hissong stated that the City would have to write up a bond requirement in order to impose it. Markland stated that he would have the attorney draft up something to add to the ordinance.

DISCUSSION ON THE PROPOSED ONE YEAR CONTRACT EXTENSION WITH STAT EMS FOR AMBULANCE SERVICES

Cairnduff reviewed the request to extend the current contract with STAT EMS for a period of one year and added that the contract states that 120 days notice must be provided to all parties of the contract in order to extend the agreement. Cairnduff stated that STAT EMS has provided great service for the City and he would like to continue on with them. Bland questioned if the contract could be extended for more than a year. Cairnduff stated that it could, however, it is probably better to leave the review process in place. Council will address this item at the next Council meeting.

PRESENTATION ON THE PROPOSED MILLAGE RENEWAL FOR THE GENESEE HEALTH PLAN

Sherry Burton, from the Genesee Health Plan was present to explain the Genesee Health Plan Program. Burton reviewed the qualifications of an individual for enrollment and stated that there are 656 people in the City of Fenton that are currently enrolled. Burton further stated that, countywide, there are 800 new people that enroll monthly. Burton stated that the program also offers guidance to individuals on Medicare and Medicaid and are able to assist with a prescription program. Burton stated that enrollees are required to be reviewed each year for eligibility.

Burton explained that many people in Genesee County are in need of this service, but individuals must live in Genesee County in order to be eligible. Burton explained that the program also has resources available to help people that are homeless and added that one of the main points of the program is to "lift up" Genesee County. Burton reviewed that every participant is given a manual for their plan and Bay, Saginaw, and Oakland Counties have similar programs in place. Burton stated that hospital and emergency room services are not covered, however, these costs have been brought down in the County as a result of implementing a health plan that is accessible and preventative in nature. Burton explained that services for pregnancy, chiropractic, ambulance, and cosmetics are not covered and prescription narcotics are not covered.

Burton explained that 100% of the millage funding for this program is dedicated to member services and not administrative costs. Burton added that the millage is up for renewal in November and if it passes the plan will have seven more years of existence. If it fails, the doors will close on January 1, 2013. Burton stated that taxpayers can expect to pay \$1 for every \$1,000 of taxable value of their property per year.

Lockwood stated that there are many families that need this type of assistance and there is support in the medical field for this program. Lockwood confirmed that this millage would not affect the DDA or LDFA. Council will address this item at the next Council meeting.

COUNCIL MEMBER COMMENTS

Jacob requested an update on the Feasibility Study for the Library and Markland stated that OHM is reviewing the information right now. King questioned issues with drainage on North LeRoy Street and Czarnecki stated that the City is reviewing it and were trying to get the water flow under control today.

Smith stated that the last concert for the Concerts in the Park will be held on Thursday evening; however the Farmers market will still go on a little while longer. Smith also stated that the Fenton Film Series will be held on the second Wednesday of every month.

CALL TO THE AUDIENCE

Dawn Overmyer, of Southwood Drive, stated that the drains on Southwood Drive were not cleaned out so the water from the recent heavy rains had nowhere to go but up. Overmyer further stated that the DPW needs more staff in order to meet the needs of the residents. Lockwood stated that public cooperation is needed with this matter as well and further stated that residents should not be raking leaves or grass clippings into the streets. Piacentini would like an update on the staffing levels of the DPW and added that the Council has discussed this staffing issue as a group to address it.

Meeting adjourned at 8:45 PM

Mayor Sue Osborn

City Clerk, Jennifer Naismith

CITY OF FENTON COUNCIL PROCEEDINGS

Monday, September 10, 2012

City Hall Council Chambers

301 South Leroy Street

Mayor Osborn called the meeting to order at 7:30 PM.

The invocation for the evening was the Lord's Prayer and was followed by the Pledge of Allegiance.

Present: Bland, Jacob, King, Lockwood, Osborn, Piacentini, Smith.

Absent: None.

Others Present: Stephen Schultz, Legal Counsel; Lynn Markland; Bob Cairnduff, Fire Chief; Dan Czarnecki, Director of Public Works; Brad Hissong, Zoning Administrator.

Mayor Osborn requested a moment of silence for the passing of Officer Patrick O'Rourke.

Mayor Osborn delivered the Oath of Office to new Patrol Officer, Nicholas Jones.

CITY MANAGER'S REPORT

Markland congratulated Officer Jones and welcomed him to the City of Fenton. Markland reported that he has been working with Lindhout and Associates, as well as Rhodes and Johnson to streamline the Fenton Community and Cultural Center project through the Joint Committee. Markland also announced that the Back to the Bricks Afterglow event was very successful with 4,000 people in attendance. Markland also announced the hiring of Sue Walsh as the new Deputy Clerk. In conclusion, Markland stated that the North LeRoy Street project is going well and is slated for an opening date of September 21, 2012.

COUNCIL MEMBER COMMENTS

Lockwood suggested doing a traffic count on North road at Torrey road to see if a traffic signal needs to be implemented there. Lockwood also stated that lots of discussion has taken place on the North LeRoy Street project and she commended Czarnecki for the excellent job he has done reaching out to address the concern of the business owners there. Lockwood also commended the Chamber for the work they have done to assist with this as well.

King thanked Markland and Czarnecki for all of the work they have done on the North LeRoy Project. King stated that information needs to be relayed to the media as far as what the factual issues are for the project. King stated that she feels the City has done a great job at trying to address problems. King also reported that the Loose Center is still fundraising and added that the fire that destroyed the Center happened one year ago.

Bland stated that he was very disappointed in the recent article about North LeRoy stating that it was very negative and the administration of the City was not asked to comment on the matter. Bland stated that he has personally talked with the businesses and he feels that the City is doing a great job on this project.

LEGAL COUNSEL COMMENTS – None.

MAYOR'S COMMENTS

Osborn stated that she was very disturbed by the article in the Tri-County Times concerning complaints about the North LeRoy Street project. Osborn stated that everyone has been working so hard to make this project work and it is a good project. Osborn further stated that all businesses were accessible throughout the whole project. Osborn called upon the Community to show their support for these businesses.

CITIZENS COMMENTS – None.

CONSENT AGENDA

Osborn reviewed all of the items on the consent agenda. A motion was made by Bland and seconded by King to approve the Consent Agenda containing the following items:

- Council approve and place on file the minutes of the July 23, 2012 regular meeting.
- Council authorize payment of invoices in the amount of \$133,137.60.
- Approve the request of the Friends of the Genesee Health Plan to offer an endorsement of support for the upcoming millage renewal for the Genesee Health Plan Program.

YEAS: Piacentini, Smith, Bland, Jacob, King, Lockwood, Osborn.

NAYS: None.

ABSENT: None. Motion carried by roll call vote.

PUBLIC HEARING ON PROPOSED ORDINANCE NO. 671

The Council held a public hearing to consider the possibility of allowing the keeping of Chickens in the City of Fenton. Bland stated that a lot of time has elapsed since this issue was first brought to the Council's attention and it has been discussed a great deal. Bland stated that it is time for a decision on this matter.

Jacob stated that the City needs to implement regulation that makes sense in order to really give this concept a chance to work. Jacob commented in reference to the people that are opposed to the concept that people need to have some freedom to have this responsibility and there are lots of stipulations attached to this ordinance that make sense in regards to keeping chickens. Jacob also commented to those people who support this concept that it should allow for keeping two hens per person in a household with a maximum of six hens per household. Jacob also stated that this concept is good for the community in order for Fenton to retain some small town aspects; however, it has to be allowed in a manner that will allow for it to work.

Mayor Osborn opened the public hearing at 7:56 PM.

A resident from 14401 Appletree Lane spoke in support of the Chicken keeping ordinance, stating that it is a great learning experience for children. She also stated she felt that six hens should be allowed per household.

Ina Mosher, of 916 South Adelaide Street, stated her support for the ordinance, echoing the great experience it is for children to keep livestock. Mosher stated that they kept chickens and it kept food on the table and kept her kids out of trouble. Mosher also supported keeping 5-6 hens per household.

Gina Barnowski, of 702 South LeRoy Street stated her support for this concept and supported six hens per household.

Theresa Doan, of 901 Worchester, stated she supported the concept and more than three hens should be allowed.

Karen Price, of 403 South East Street, stated that this concept is part of the American Dream and allows for a greater connection between humans and nature. Price would like everyone in the City to have this opportunity.

Malissa Bossardet, of 820 South Adelaide Street, stated that she brought the request before the City Council nine months ago and she feels the proposed ordinance is a win-win situation for everyone. Bossardet stated that she did not feel that three hens were enough but felt a maximum of six hens was ok. Bossardet would also like to see this as an amendment to the Zoning Ordinance rather than subject to code enforcement as an individual ordinance.

Cherie Smith, of 200 Union Street, raised the question of chickens were to be disposed of once they stop producing eggs and did not want to see people start slaughtering them at home.

Barnowski stated that the 10 foot setbacks will make it quite difficult for some people to comply with on their lots.

Steve Krause, of 12380 Foley Road, stated that he keeps 100 chickens on his property and added that three hens is not enough for one family. Krause also stated that this is a great opportunity for kids.

Bossardet stated that the goal is healthy sustainable living and providing a great experience for her kids.

Mayor Osborn closed the public hearing at 8:12 PM.

Bland stated that this is a regulatory ordinance and will not be able to vary any of the setback requirements. Bland further stated that he would not be opposed to six hens. Osborn stated that regulation could be more complicated with six hens. Jacob stated that eggs are ingredients in a lot of foods and the Council should seriously consider the compromise of six hens per family. Piacentini stated that she appreciated Bossardet pleading the case at the work session because the information she presented changed his thoughts on the matter. Lockwood stated that this has been a long and drawn out process so far and lots of research and work have been put into developing this ordinance. Lockwood stated that the consensus for the three hens was made at the work session and that number can always be reviewed in the future. Lockwood stated that she would support the ordinance with the keeping of three hens. King stated that the ordinance has to be in place in order to be able to provide for enforcement with the people that don't take care of the hens in the manner that they should. King stated that she would support the ordinance at three hens.

Smith stated that there are already requests for exemptions on this matter. Smith complimented Bossardet on her method of keeping but he is concerned about the method of upkeep that others will employ. Smith also stated his concern for wanted to incorporate other animals into this matter. Jacob argued that the public shouldn't have to suffer or accept food recalls and this concept is a measure to help people with that issue. Jacob further stated that the Council needs to give this opportunity a chance to work.

Osborn stated that she could not vote in favor of six hens and King agreed. Bland stated that he feels this issue has been blown out of proportion and that too much time has elapsed on this.

A motion was made by Jacob and seconded by Piacentini to adopt ordinance No. 671, which amends the City of Fenton Code of Ordinances Section 5-3, concerning the regulation of chickens located on property within the City of Fenton to allow for the keeping of six hens, and repeals all ordinances or parts thereof in conflict therewith; and provides for enforcement, penalties, and other relief for violations.

YEAS: Bland, Jacob, Piacentini.
NAYS: Smith, King, Lockwood, Osborn.
ABSENT: None. Motion failed.

A motion was made by Bland and seconded by Lockwood to adopt ordinance No. 671, which amends the City of Fenton Code of Ordinances Section 5-3, concerning the regulation of chickens located on property in the City of Fenton to allow for the keeping of three hens, and repeals all ordinances or parts thereof in conflict therewith; and provides for enforcement, penalties, and other relief for violations, and subject to review after a period of one year.

YEAS: Bland, Jacob, king, Lockwood, Osborn, Piacentini, Smith.
NAYS: None.
ABSENT: None. **ORDINANCE DECLARED ADOPTED.**

FEE SCHEDULE FOR THE BUILDING AND ZONING DEPARTMENT

Hissong explained to the Council that revision of the Building and Zoning Department's fees schedule is necessary in order for the department to continue to cover its costs. Hissong stated that the City has not raised the fees schedule since 2007 and most of the changes are taking place in the plan review fees and permitting fees. The Council suggested adding a \$35 fee to cover the costs of issuing a permit to keep chickens in the City.

A motion was made by Bland and seconded by Lockwood to approve the proposed fee schedule for the Building and Zoning department with the addition of a \$35 annual fee for a permit for keeping chickens in the City of Fenton. Motion carried by voice vote.

EMS CONTRACT

A motion was made by Smith and seconded by King to provide written notification to STAT EMS and the City of Linden of the City of Fenton's intent to exercise their right under the current contract to renew the contract for EMS services for a period of one year, to take effect February 1, 2013. Motion carried by voice vote.

TITLE VI NON-DISCRIMINATION POLICY

Czarnecki reviewed that the Title VI Non-Discrimination Policy needed to be revised for the City of Fenton in order to be in compliance to receive funding for project through MDOT. Czarnecki presented the Council a revised draft copy of the new policy and wished to solicit feedback on the Policy in order to send it to MDOT as part of the approval process. The City Council did not have any further recommendations for revisions and directed Czarnecki to proceed with the submission of the revised policy.

CALL TO THE AUDIENCE

Theresa Doan addressed the Council considering the condition of the Library Building. Doan stated that the discussion concerning the Library lately has been encouraging. Doan reported that fundraising efforts have allowed for the expenditure of \$2,000 for new paint at the Library and an additional \$2,000 for a new computer in the Children's Center. Markland thanked Doan for these efforts and added that \$10,000 was put into the budget in capital outlay to assist the Library. Lockwood commended Doan for a great job but reminded her to follow proper processes so that grant funding for the Library is not jeopardized.

Brett LePucky, of 714 Grant Street, addressed the Council concerning speeding drivers on Grant Street. LePucky also inquired about a vacant house two doors down from him that could be rehabilitated to improve the neighborhood. Chief Cairnduff stated that the house in question had a fire and is still involved in litigation with the bank. Hissong stated that code enforcement is being conducted on the property but the process is long to complete for demolition. Lockwood explained that there are many houses in the Genesee County land Bank if he is interested in rehabilitating homes with the intent to sell them.

Meeting adjourned at 8:53 PM.

Mayor Sue Osborn

City Clerk, Jennifer Naismith

CITY OF FENTON COUNCIL PROCEEDINGS

Monday, September 24, 2012

City Hall Council Chambers

301 South Leroy Street

Mayor Osborn called the meeting to order at 7:30 PM.

The invocation for the evening was the Lord's Prayer and was followed by the Pledge of Allegiance.

Present: Bland, Jacob, King, Lockwood, Osborn, Piacentini, Smith.
Absent: None.
Others Present: Stephen Schultz, Legal Counsel; Lynn Markland; Daniel Czarnecki, Director of Public Works.

Mayor Osborn commended the Police Department, Fire Department, and Department of Public Works employees that worked so hard to prepare for Officer O'Rourke's funeral.

REPORT ON NORTH LEROY STREET PROJECT

Czarnecki reported that the project is 95% complete and the road is open to traffic. Czarnecki added that a punch list for the project will be completed in the next two weeks. Czarnecki stated that the project was very necessary and he is very pleased with the outcome and added that the roadway should last a long time.

Czarnecki reviewed some of the issues throughout the project including the major water main break, the flooding events, and drainage issues. Czarnecki stated that this was a 1.4 million dollar project and the cost to the City was \$280,000. Czarnecki praised OHM for the job they did, especially Al McKone.

Bland stated that this project was completed in four months' time and that is not relatively a very great deal of time to complete a project of this undertaking. Bland added that McKone's performance was so good. Osborn and King thanked Czarnecki and Markland for their dedication to this project as well. Czarnecki stated that all contractors are now required to coordinate with utility companies in order to limit the possibilities of having to cut into brand new roads. Lockwood stated that Czarnecki did a great job and confirmed that a final inspection of the road would be completed by the city as well as MDOT before the contractor receives final payment. Lockwood also confirmed that curb replacement was only completed for areas that were causing drainage issues.

Lockwood further stated that some of the businesses on North LeRoy Street were hurt financially by the project so it will be important for the City to keep connecting with them through good communication. Jacob stated that he met with some of the business owners last week and they are very optimistic about the future of the North LeRoy Business District. Bland thanked Czarnecki for all of his work saying it was a massive undertaking that required lots of work, grief, and dedication. Markland also thanked Czarnecki for all of his work on the project.

CITY MANAGER'S REPORT

Markland stated that he attended a seminar in Auburn Hills on Economic Development. Markland also attended the recent FACT meeting. Markland has also been meeting with the Cornerstone Developers and MEDC. Markland has been busy gathering information for the Library Feasibility Study and closing on the purchase of the new 911 Dispatch equipment.

COUNCIL MEMBER COMMENTS

Lockwood stated that St. John the Evangelist Church would like to thank the Police, Fire, and DPW personnel that assisted with Officer O'Rourke's funeral. Lockwood stated that their actions are what make this a great community and announced that a fund has been set up for the O'Rourke Family.

Lockwood relayed that the GCMPC has set up a Hazardous Waste Drop-off site in Clio for this year, but they will be utilizing Fenton next time around. Lockwood also stated that the sign subcommittee of the park

Board for the sign in Freedom Park has been meeting to address the signage issue and would like to see the new sign before it is installed.

Smith stated that the first movie in the Fenton Film Series had a great turnout and was a lot of fun. King thanked everyone who worked on the Funeral and stated that Council should expect to see some information about the Loose center in the next Friday Memo.

Bland thanked every jurisdiction that helped out with the funeral and added that the DPW employees had a luncheon for all of the volunteers that helped. Bland also stated that he felt North LeRoy Street was done very well in a relatively short amount of time.

LEGAL COUNSEL COMMENTS

Schultz has been working on some easement issues in the Downtown. Schultz also informed that Council that an unfair labor practice suit has been filed against the Teamsters by one of the City employees and he expects the City will be involved with the case as we are party to the contract. Schultz also added that he is addressing complaints about the contract that the City has in place with STAT EMS. Schultz further reported that he expects the issue of medical marihuana to go to the Michigan Supreme Court in October.

MAYOR'S COMMENTS

Osborn attended a luncheon from USA Today that honored Fenton's own Gabrielle Ford for her humanitarian efforts and presented her with a key to the City. Osborn also announced that 10,000 DVD copies of the "Chasing the Dragon" presentation have been made available for distribution across the United States.

CITIZENS COMMENTS - None.

CONSENT AGENDA

Osborn reviewed all of the items on the consent agenda. A motion was made by Lockwood and seconded by Jacob to approve the Consent Agenda containing the following items:

- Council approve and place on file the minutes of the August 13, 2012 regular meeting.
- Council authorize payment of invoices in the amount of \$147,561.75.
- Approve and place on file the minutes of the July 12, 2012 Oakwood cemetery Board meeting and the August 21, 2012 Downtown Development Authority meeting.
- Approve the request of the Fenton High School Student Council to conduct the annual Homecoming parade on Friday, September 28, 2012, requiring a brief street closure.
- Accept the resignation of Janet Drumm from the Parks and Recreation Board.

YEAS: Lockwood, Osborn, Piacentini, Smith, Bland, Jacob, King.

NAYS: None.

ABSENT: None. Motion carried by roll call vote.

TITLE VI NON-DISCRIMINATION POLICY

A motion was made by Bland and seconded by Lockwood to approve the City of Fenton Title VI Non-Discrimination Plan dated September 18, 2012. Motion carried by voice vote.

CALL TO THE AUDIENCE

Doug Tebo, of 409 Bent Oak, commended the City for the North LeRoy Street construction project and stated that it is a great project and it hasn't been that difficult to navigate. Tebo also announced the Oakwood cemetery annual History Walk which will take place on October 6, 2012 from 1:00 – 4:00 PM at Oakwood Cemetery.

Meeting adjourned at 8:23 PM.

Mayor Sue Osborn

City Clerk, Jennifer Naismith

CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS
Monday, October 1, 2012
City Hall Council Chambers
301 South LeRoy Street
7:30 PM

Mayor Osborn called the meeting to order at 7:30 PM.

Present: Bland, Jacob, King, Lockwood, Osborn, Piacentini (via telephone), Smith.
Absent: None.
Others Present: Lynn Markland, City Manager; Dan Czarnecki, Director of Public Works; Bob Cairnduff, Fire Chief.

CITIZENS COMMENTS – None.

DISCUSSION ON PERFORMING A STORM SEWER DRAINAGE EVALUATION STUDY FOR NORTH LEROY STREET

Czarnecki reviewed the flooding incidents that occurred on North LeRoy Street this summer during the construction project. Czarnecki stated that the City has conducted an investigation on this matter; however, to achieve resolution, a more in-depth investigation will have to occur.

Kent Early, of OHM, reviewed the proposal from his firm to conduct a study of the storm sewer drainage to see where the connections have broken down. Currently, it appears that the breakdown has occurred on the east side of the area. Czarnecki stated that the west side connections are higher than the east by approximately 2.5 feet so the two systems could not be connected.

Bland reviewed his recollections of where the current drainage is located and added that this flooding only occurs during a 50-100 year rain event, which does not happen often. Bland stated that the City should not spend \$12,000 on this study. Markland stated that when the merchants were approached about this issue they were presented with some options, one of which being a possible special assessment of the owners because the cost of the project will be so expensive and they own the property that is affected.

Lockwood stated that the City just can't ignore water issues when they arise and added that if the business owners are willing to participate then it is money well spent. Lockwood added that these issues need to be looked at all over the City. Markland explained that the funding to conduct this study would come out of the capital improvement fund.

Caroline Nance, operator of The Quilters Garden, stated that she has no stake in ownership but would like to see the right thing done here, as she had experienced problems from flooding in her business. The Office manager of Dr. Rachor's office stated that she feels the flooding has gotten worse since the construction began and their office has experienced damages due to the flooding as well. Lockwood stated that this issue warrants examination and the City should complete the study.

Smith questioned if there is someplace to displace the water currently and Early explained that a regional system is too large to fit anywhere near the area. Early also advised the Council that any solution to this problem is going to be a costly expenditure and there is no quick fix to be seen at this time. Bland stated that Attorney Schultz should be consulted to see if the City can even conduct the study because it is to the benefit of private business owners. Jacob stated that he supports doing the study as long as it is legal for the City to do so. Jacob also stated that severe weather incidents will become more prevalent. Osborn stated that this item should go to Council for action within the next month.

DISCUSSION ON REQUESTS FOR MERS SERVICE CREDIT PURCHASES

Markland reviewed the service credit purchase request from Greg Feamster to purchase five years of general service credit from MERS for an amount of \$85,668 and the service credit purchase request from

himself to purchase five years of general service credit from MERS for an amount of \$57,143. Markland stated that both he and Mr. Feamster would complete the purchase with funds from their own personal investment accounts, at no cost to the City.

Bland stated that he was reconciled with allowing the purchase after he confirmed that it would not affect the City's overall actuarial. King clarified the process of how a service credit purchase is completed. Smith stated that the purchase makes good sense for both employees. The Council agreed to place this item on the next agenda for possible action

DISCUSSION ON CHANGES TO DIVISIONS OF THE CITY'S RETIREMENT PLANS THROUGH MERS

Markland reviewed that through the course of many labor negotiations with Unit II, Teamsters, and POAM, the unions agreed to changes in their retirement benefit structure for future employees. Markland thanked the unions for their cooperation on these matters. Markland reported that all new employees of Unit II and teamsters would be placed in a Hybrid retirement plan and that all new employees of POAM would not be eligible for the E-2 (cost of living increase) rider. Future Unit II and Teamsters employees would be provided a 1% Defined Benefit per year of service and would receive a 1% Defined Contribution benefit per year of service. Markland informed the Council that several resolutions will be coming before the Council in order to set up and revise the new divisions for these employees through MERS. King thanked all of the employees for working with administration on these matters.

DISCUSSION ON REPAIRS TO THE SEVERE WEATHER SIRENS

Cairnduff stated that the City is now getting grant funding for the radio repair portion of the sirens, however, the City is still charged with maintaining the sirens and keeping them in good repair. Cairnduff stated that he would like to make the repairs to the sirens with the money that is currently budgeted for the radio upgrades. Cairnduff stated that if we make the siren repairs in addition to the radio repairs now we will save money on the labor in the long run. Cairnduff stated that the City may also be eligible for some funding through Homeland Security. Markland stated that \$10,000 was already budgeted for this. Cairnduff stated that the City would be getting much better materials for new equipment but the repairs will come in at \$6,835 over budget. Council agreed to address this matter at the next regular meeting.

COUNCIL MEMBER COMMENTS

Lockwood addressed the traffic congestion occurring at Silver lake road and Poplar Street adding that this area is heavily traveled. Lockwood also added that a study should be completed to see if a traffic signal needs to be placed at Torrey Road and North Road.

Lockwood also discussed a large dip in the street on Owen road near the expressway. Smith stated that the concrete should be completely redone on this issue. Jacob questioned if State money could be used to fix this because it is on the overpass for the expressway and Bland stated that just the bridge was covered under State funding.

CALL TO THE AUDIENCE – None.

Meeting adjourned at 8:37 PM.

CITY OF FENTON COUNCIL PROCEEDINGS

**Monday, October 8, 2012
City Hall Council Chambers
301 South Leroy Street**

Mayor Osborn called the meeting to order at 7:30 PM.

The invocation for the evening was the Lord's Prayer and was followed by the Pledge of Allegiance.

Present: Bland, Jacob, King, Lockwood, Osborn, Piacentini, Smith.
Absent: None.
Others Present: Stephen Schultz, Legal Counsel; Lynn Markland; Bob Cairnduff, Fire Chief.

Mayor Osborn requested that everyone observe a moment of silence to honor the passing of John Rauch. Osborn explained that Rauch served on the City Council for sixteen years, the last two of which he also served as Mayor Pro tem. Osborn announced that his funeral will be held at 11:00 AM on Saturday at Trinity Lutheran Church. The Council expressed their condolences to his family.

CITY MANAGER'S REPORT

Markland reported that he has been working on the groundbreaking ceremony for the Fenton Community and Cultural Center, which will take place on October 17, 2012 at 5:30 PM. Markland also attended the breakfast sponsored by the Fenton Rotary Club and heard Mayor Dane Walling speak about the City of Flint.

Markland, DPW Director Czarnecki, and Tim Judici from OHM attended a meeting at the Genesee County Road Commission for a grade inspection of the North LeRoy/Fenton Road project that will be constructed next year.

Markland and Assistant manager Burns have met with the North LeRoy Business Association to discuss ideas to further their interests in the City. Markland and Burns have also been meeting with the Cornerstone Developers to continue working on that project.

Markland stated that he and Clerk Naismith have been working on the new requirements for the Economic Vitality Incentive Program (EVIP). Markland reported that the requirements this year were more difficult and required that the City make budget projects for the next fiscal year budget. Markland stated that the first step for this year's EVIP requirements has been completed. Markland added that the Municipal Performance Dashboard has been completed and posted on the City's website and it shows some very positive improvements for the City.

COUNCIL MEMBER COMMENTS

Jacob stated that the recent MML conference was a wealth of information that was very valuable to the City. Piacentini attended the recent Cemetery Walk that was conducted in Oakwood Cemetery and the event was a great success.

Lockwood thanked the cemetery board and the Fenton Village Players for doing such a great job presenting the Cemetery Walk. Lockwood also thanked the beautification Commission for the beautiful fall decorations that have been placed around the City.

Lockwood reviewed that Southern Lakes Parks and Recreation (SLPR) has been working on creating a regional parks master plan which will assist them in attaining more grant funding for projects. Lockwood also thanked SLPR and the Chamber for extending her the invitation to sit on the JingleFest Committee. Lockwood stated that the event will be held on December 1, 2012 along with the Tree Lighting Ceremony.

Smith stated that the Cemetery Walk was great and thanked Doug Tebo and everyone who helped with it. Smith added that the history of the City is very interesting. Smith also thanked the DPW employees for starting to smooth out Owen road.

Bland offered his condolences to the Rauch family. Bland also added that North LeRoy Street looks great. Bland also added that the Lions Club will be having their District meeting here in Fenton on Saturday.

LEGAL COUNSEL COMMENTS

Schultz stated that he enjoyed the MML conference very much. Schultz informed the Council that the State House is reviewing the new fireworks laws again in order to fix some unintended consequences. Schultz also stated that some resolution to the Personal Property Tax issue should be coming by the end of this year. Schultz also stated that there is proposed legislation to exempt police and fire personal from enacted Public Act 54, which would allow for them to receive retroactive wages due to collective bargaining agreements. Schultz has also completed to revised versions of the City's weeds ordinance and they will be forwarded on to Markland and Administrator Hissong this week.

MAYOR'S COMMENTS

Osborn apologized for having to miss the Cemetery Walk. Osborn also reviewed that she received a thank you letter from the open Gate Garden Club for the letter of congratulations from the City. Osborn also agreed with the Council that the MML conference was very good this year and reminded them that the ribbon cutting ceremony for the North LeRoy Business District will be happening at 11:30.

CITIZENS COMMENTS - None.

CONSENT AGENDA

Osborn reviewed all of the items on the consent agenda. A motion was made by Lockwood and seconded by Jacob to approve the Consent Agenda containing the following items:

- Council approve and place on file the minutes of the August 27, 2012 regular meeting.
- Council authorize payment of invoices in the amount of \$231,338.27.
- Approve and place on file the minutes of the March 21, May 16, and August 15, 2012 Beautification Commission meetings.
- Approve a solicitor's license for Chris Smith, of Edward Jones Investments.
- Approve the request of the Fenton Regional Chamber of Commerce and Southern Lakes Parks and Recreation to conduct the annual Jinglefest celebration on Saturday, December 1, 2012, including a street closure for a road race and parade, and signage for the event to be placed around the City.
- Approve the appointment of Ray Leppert to the Oakwood Cemetery Board to fill a vacant term to expire on April 1, 2015.

YEAS: Osborn, Piacentini, Smith, Bland, Jacob, King, Lockwood.

NAYS: None.

ABSENT: None. Motion carried by roll call vote.

Representatives of the chamber of Commerce reviewed the new road race route for the JingleFest and stated the race would begin at 3:00 PM to kick-off the event. Lockwood added that the Tree Lighting ceremony would take place at the Fenton Community and Cultural Center; however, the gazebo would be lit at the same time.

SERVICE CREDIT PURCHASE FOR GREGORY FEAMSTER

A motion was made by Bland and seconded by Smith to approve the request of Gregory Feamster to purchase five years of generic service credit for MERS in the amount of \$85,668, to be funded by his personal investment account, at no cost to the City. Motion carried by voice vote. Purchase approved.

SERVICE CREDIT PURCHASE FOR LYNN MARKLAND

A motion was made by King and seconded by Smith to approve the request of Lynn Markland to purchase five years of generic service credit for MERS in the amount of \$57,143, to be funded by his personal investment account, at no cost to the City. Motion carried by voice vote. Purchase approved.