



City of Fenton

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

CITY OF FENTON COUNCIL AGENDA

Monday, April 9, 2012

City Hall Council Chambers

301 South LeRoy Street

7:30 PM

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 authorize payment of invoices in the amount of \$109,179.25.
- Approve the request of the Curtis-Wolverton VFW Post 3243 to conduct the annual Buddy Poppy Campaign on May 10, 11, and 12, 2012, in the City of Fenton.
- Appoint Councilwoman Cheryl King to the Industrial facilities Tax Exemption Committee.

B. PUBLIC HEARING

A public hearing will be held to accept citizens' comments on proposed Ordinance Nos. 660, 661, and 662 which would amend the City of Fenton Code of Ordinances, Chapters 4,5, 6, 5,19,26,27, 29 and 37, regarding amendments to the Code of Ordinances concerning Civil Infractions. Council may take action on these items after the hearing.

C. ORDINANCES

Ordinance No. 660 – Administration recommends that the Fenton City Council adopt Ordinance No. 660, which amends Chapter 4, 5, 19, 26, and 27 of the City of Fenton Code of Ordinances with regards to civil infractions.

Ordinance No. 661 – Administration recommends that the Fenton City Council adopt Ordinance No. 661, which amends Chapter 6 of the City of Fenton Code of Ordinances with regard to civil infractions.

Ordinance No. 662 – Administration recommends that the Fenton City Council adopt Ordinance No. 662, which amends Chapter 37 of the City of Fenton Code of Ordinance with regard to civil infractions.

D. RESOLUTIONS

Resolution No. 12-07 - Administration recommends that the Fenton City Council adopt Resolution No. 12-07, which shows support for the request that the Michigan Department of Transportation include the bridge on Silver Lake Road over the Shiawassee River on the Local Bridge Program fund list for bridge replacement.

Resolution No. 12-08 – Administration recommends that the Fenton City Council approve the request of Creative Foam to extend its existing Industrial Facilities Tax Exemption for a period of five years, to expire on December 31, 2017.

C. CONTRACTS AND AGREEMENTS

North LeRoy Street contract with M-DOT – Administration recommends that the Fenton City Council approve the contract with the Michigan Department of Transportation for the North LeRoy Street Project, and authorize the City Manager to execute the necessary documents.

North LeRoy Project Materials Testing Proposal – Administration recommends that the Fenton City Council approve the proposal of Schleede Hampton Associates, Inc. to conduct project materials testing for the North LeRoy Street rehabilitation project, as outlined in their scope of services dated 3/2/2012, for an amount of \$28,000, and authorize the City Manager to sign the agreement.

Community Center Soil Analysis – Administration recommends that the Fenton City Council, along with the Downtown Development Authority, allow for G2 Consulting to conduct the necessary soil analysis for the Community Center at a cost not to exceed \$3,850.

CALL TO THE AUDIENCE

CLOSED SESSION

Administration requests that the Fenton City Council enter into Closed Session to discuss collective bargaining negotiations.

RECONVENE TO OPEN SESSION

ADJOURNMENT

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

EXP CHECK RUN DATES 04/08/2012 - 04/08/2012
UNJOURNALIZED
OPEN

| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|------------------------------------|-------------------|--|------------------------|--------|---------|
| Fund 495 LDFA CONSTRUCTION FUND | | | | | |
| Dept 852 LOCAL DEVELOPMENT FINANCE | | | | | |
| 495-852-820.910 | CMAQ | HUBBELL, ROTH & CLARK | PROFESSIONAL SERVICES | 256.79 | |
| | | Total For Dept 852 LOCAL DEVELOPMENT FINANCE | | 256.79 | |
| | | Total For Fund 495 LDFA CONSTRUCTION FUND | | 256.79 | |
| | | Fund Totals: | | | |
| | | | Fund 495 LDFA CONSTRUC | 256.79 | |
| | | | Total For All Funds: | 256.79 | |

EXP CHECK RUN DATES 04/09/2012 - 04/09/2012

UNJOURNALIZED

OPEN

| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|--|-------------------------|--------------------------|--|----------|---------|
| Fund 101 GENERAL FUND | | | | | |
| Dept 209 ASSESSOR | | | | | |
| 101-209-864.000 | CONFERENCES & DUES | SILVERPILEN CORPORATION | CLASS FOR DEPUTY ASSESSOR | 245.00 | |
| Total For Dept 209 ASSESSOR | | | | 245.00 | |
| Dept 234 GENERAL SERVICES | | | | | |
| 101-234-810.000 | PROFESSIONAL SERVICES | COMPREHENSIVE COMPUTING | MONTHLY MAINTENANCE MARCH | 1,515.00 | |
| 101-234-810.000 | PROFESSIONAL SERVICES | MIDCOM | COMPUTER REPAIRS | 1,174.02 | |
| 101-234-934.000 | OFFICE EQUIPMENT MAINT. | BLUMERICH COMMUNICATIONS | ADMINISTRATION - CONTRACT BILLING | 56.70 | |
| Total For Dept 234 GENERAL SERVICES | | | | 2,745.72 | |
| Dept 253 TREASURER | | | | | |
| 101-253-740.000 | OPERATING SUPPLIES | SUBURBAN OFFICE SUPPLIES | RELACEMENT PART FOR PRINTER | 116.50 | |
| 101-253-864.000 | CONFERENCES & DUES | JILL DEHMEL | MILEAGE REIMBURSEMENT | 74.38 | |
| 101-253-970.000 | CAPITAL OUTLAY | NATIONAL BUSINESS FURNIT | OFFICE CHAIR | 491.72 | |
| Total For Dept 253 TREASURER | | | | 682.60 | |
| Dept 265 CITY HALL | | | | | |
| 101-265-818.000 | CONTRACTED SERVICES | SUNSET MAINTENANCE | CITY WIDE JANITORIAL | 668.08 | |
| 101-265-957.000 | GROUNDS & MISC | QUALITY LANDSCAPE | FIRST APPLICATION OF FERTILIZER | 75.00 | |
| Total For Dept 265 CITY HALL | | | | 743.08 | |
| Dept 301 POLICE GENERAL | | | | | |
| 101-301-740.000 | OPERATING SUPPLIES | PFAU PROPERTIES | PRISON MEALS | 97.50 | |
| 101-301-740.000 | OPERATING SUPPLIES | ROCHELLE SEPANAK | MISC SERVICES - TYPING TRANSCRIPT | 80.00 | |
| 101-301-741.000 | UNIFORMS | DIXIE CLEANERS | DRY CLEANING | 1,021.95 | |
| 101-301-741.000 | UNIFORMS | NYE UNIFORM COMPANY | UNIFORM ADJUSTMENTS | 321.40 | |
| 101-301-970.000 | CAPITAL OUTLAY | DELL | TOWNSEND COMPUTER | 751.44 | |
| Total For Dept 301 POLICE GENERAL | | | | 2,272.29 | |
| Dept 327 POLICE STATION & BUILDING | | | | | |
| 101-327-931.000 | BUILDING MAINTENANCE | BECK'S PEST CONTROL | INSPECTION REPORT | 120.00 | |
| Total For Dept 327 POLICE STATION & BUILDING | | | | 120.00 | |
| Dept 336 FIRE ADMINISTRATIVE | | | | | |
| 101-336-727.000 | SUPPLIES | CHARLES KOAN | REIMBURSEMENT FOR WATER & GATORADE | 156.84 | |
| 101-336-934.000 | EQUIPMENT MAINT. | IKON OFFICE SOLUTIONS | FIRE DEPARTMENT COPY MACHINE | 156.00 | |
| Total For Dept 336 FIRE ADMINISTRATIVE | | | | 312.84 | |
| Dept 346 FIRE STATION | | | | | |
| 101-346-818.000 | CONTRACTED SERVICES | SUNSET MAINTENANCE | CITY WIDE JANITORIAL | 429.48 | |
| 101-346-931.000 | BUILDING MAINTENANCE | TAYLOR HARDWARE, INC | CITY WIDE SUPPLIES | 113.35 | |
| Total For Dept 346 FIRE STATION | | | | 542.83 | |
| Dept 371 INSPECTION | | | | | |
| 101-371-818.000 | CONTRACTED SERVICES | LSL PLANNING, INC | FOLLOW UP ON 603 W. LEROY | 62.50 | |
| 101-371-818.000 | CONTRACTED SERVICES | VICKY BROOKS | SYSTEM SET-UP/TRAINING SERVICES | 350.00 | |
| Total For Dept 371 INSPECTION | | | | 412.50 | |
| Dept 738 LIBRARY | | | | | |
| 101-738-818.000 | CONTRACTED SERVICES | SUNSET MAINTENANCE | CITY WIDE JANITORIAL | 1,002.12 | |
| 101-738-931.000 | BUILDING MAINTENANCE | QUALITY LANDSCAPE | FIRST APPLICATION OF FERTILIZER | 28.00 | |
| 101-738-931.000 | BUILDING MAINTENANCE | STYES PLUMBING LLC | RELPLACE VALVE IN DRINKING FOUNTAIN LI | 260.00 | |

General, Water, Sewer

EXP CHECK RUN DATES 04/09/2012 - 04/09/2012

UNJOURNALIZED

OPEN

| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|---|-----------------------|--------------------------|---------------------------------------|----------|---------|
| Fund 101 GENERAL FUND | | | | | |
| Dept 738 LIBRARY | | | | | |
| Total For Dept 738 LIBRARY | | | | 1,290.12 | |
| Total For Fund 101 GENERAL FUND | | | | 9,366.98 | |
| Fund 202 MAJOR STREET FUND | | | | | |
| Dept 457 CAPITAL IMPROVEMENT | | | | | |
| 202-457-860.000 | N. LEROY | OHM ENGINEERING ADVISORS | PROFESSIONAL SERVICES | 1,204.00 | |
| Total For Dept 457 CAPITAL IMPROVEMENT | | | | 1,204.00 | |
| Dept 463 MAINTENANCE | | | | | |
| 202-463-740.000 | OPERATING SUPPLIES | CHAPPLE ELECTRIC, LLC | 175 WATT METAL BASE LAMP | 223.68 | |
| 202-463-740.000 | OPERATING SUPPLIES | TRACTOR SUPPLY CREDIT PL | TRACTOR SUPPLY STATEMENT MARCH | 4.99 | |
| 202-463-740.000 | UPM #2 WINTERMIX | UNIQUE PAVING MATERIALS | PATCHING MATERIAL | 2,333.75 | |
| 202-463-818.000 | CONTRACTED SERVICES | QUALITY LANDSCAPE | FIRST APPLICATION OF FERTILIZER | 125.00 | |
| Total For Dept 463 MAINTENANCE | | | | 2,687.42 | |
| Dept 474 TRAFFIC SERVICES | | | | | |
| 202-474-740.000 | OPERATING SUPPLIES | CHAPPLE ELECTRIC, LLC | METAL HALIDE MOGUL BASE LAMPS | 671.04 | |
| Total For Dept 474 TRAFFIC SERVICES | | | | 671.04 | |
| Dept 482 DPW DIRECTOR | | | | | |
| 202-482-742.000 | CLOTHING ALLOWANCE | TRACTOR SUPPLY CREDIT PL | TRACTOR SUPPLY STATEMENT MARCH | 99.99 | |
| Total For Dept 482 DPW DIRECTOR | | | | 99.99 | |
| Total For Fund 202 MAJOR STREET FUND | | | | 4,662.45 | |
| Fund 203 LOCAL STREET FUND | | | | | |
| Dept 463 MAINTENANCE | | | | | |
| 203-463-740.000 | UPM #2 WINTERMIX | UNIQUE PAVING MATERIALS | PATCHING MATERIAL | 2,413.10 | |
| Total For Dept 463 MAINTENANCE | | | | 2,413.10 | |
| Total For Fund 203 LOCAL STREET FUND | | | | 2,413.10 | |
| Fund 208 PARK/RECREATION FUND | | | | | |
| Dept 691 RECREATION & PARKS | | | | | |
| 208-691-775.000 | MATERIALS | GOPHER | VOLLEYBALL NET | 374.17 | |
| 208-691-775.000 | MATERIALS | TAYLOR HARDWARE, INC | CITY WIDE SUPPLIES | 12.12 | |
| 208-691-810.000 | CONCESSIONS LICENSE | GENESEE CO. HEALTH DEPAR | FOOD SERVICE LICENSE FOR SILVER LAKE | 537.00 | |
| 208-691-810.000 | PROFESSIONAL SERVICES | QUALITY LANDSCAPE | FIRST APPLICATION OF FERTILIZER | 368.00 | |
| Total For Dept 691 RECREATION & PARKS | | | | 1,291.29 | |
| Total For Fund 208 PARK/RECREATION FUND | | | | 1,291.29 | |
| Fund 209 CEMETERY FUND | | | | | |
| Dept 277 CEMETERY OPERATING | | | | | |
| 209-277-930.000 | REPAIRS | CRAFTSMAN ELECTRICAL SER | CEMETERY GATE | 47.00 | |
| 209-277-956.100 | MISCELLANEOUS | ALLIED WASTE SERVICES #2 | FRONT LOAD, OAKWOOD CEMETERY | 85.17 | |
| 209-277-956.100 | MISCELLANEOUS | TAYLOR HARDWARE, INC | CITY WIDE SUPPLIES | 66.65 | |
| 209-277-974.000 | LAND IMPROVEMENTS | MICHIGAN LANDSCAPING SUP | TOPSOIL AND DELIVERY TO OAKWOOD CEMET | 65.00 | |
| Total For Dept 277 CEMETERY OPERATING | | | | 263.82 | |

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|---|---------------------------------|--------------------------|---------------------------------------|-----------|---------|
| Fund 209 CEMETERY FUND | | | | | |
| Total For Fund 209 CEMETERY FUND | | | | 263.82 | |
| Fund 226 GARBAGE AND RUBBISH COLLECTION FUND | | | | | |
| Dept 528 SANITATION | | | | | |
| 226-528-818.000 | CONTRACTED SERVICES | REPUBLIC SERVICES #237 | RECYCLING, GARBAGE AND YARD WASTE | 35,000.28 | |
| Total For Dept 528 SANITATION | | | | 35,000.28 | |
| Total For Fund 226 GARBAGE AND RUBBISH COLLECTION FUN | | | | 35,000.28 | |
| Fund 590 SEWER FUND | | | | | |
| Dept 548 SEWER | | | | | |
| 590-548-701.000 | LIFT STATION REVISIONS FINAL PA | HUBBELL, ROTH & CLARK | BRIARWOOD LIFT STATION REVISIONS | 3,041.58 | |
| 590-548-818.000 | CONTRACTED SERVICES | COMPREHENSIVE COMPUTING | MONTHLY MAINTENANCE MARCH | 757.50 | |
| Total For Dept 548 SEWER | | | | 3,799.08 | |
| Total For Fund 590 SEWER FUND | | | | 3,799.08 | |
| Fund 591 WATER FUND | | | | | |
| Dept 000 | | | | | |
| 591-000-127.000 | CONSTRUCTION IN PROGRESS | HUBBELL, ROTH & CLARK | PROFESSIONAL SERVICES | 3,134.15 | |
| Total For Dept 000 | | | | 3,134.15 | |
| Dept 173 728 | | | | | |
| 591-173-864.000 | CONFERENCES & DUES | APWA-MICHIGAN CHAPTER | THIRD YEAR OF 3 YEAR PROGRAM | 325.00 | |
| Total For Dept 173 728 | | | | 325.00 | |
| Dept 266 WATER TREATMENT PLANT | | | | | |
| 591-266-740.000 | SEARCH FOR NEW WELL LOCATION | AMEC - BCI ENGINEERS & S | WATER SUPPLY WELL SEARCH | 1,951.20 | |
| 591-266-740.000 | OPERATING SUPPLIES | ENVIRONMENTAL RESOURCE A | SUPPLIES | 270.57 | |
| 591-266-740.000 | OPERATING SUPPLIES | HACH CHEMICAL CO. | TREATMENT SUPPLIES | 238.45 | |
| 591-266-740.000 | PH PROBE | HACH CHEMICAL CO. | PH PROBE, WIRE | 1,349.00 | |
| 591-266-740.000 | CAUSTIC SODA BULK | JONES CHEMICALS INC. | CAUSTIC SODA | 7,622.08 | |
| 591-266-740.000 | OPERATING SUPPLIES | LAB SAFETY SUPPLY, INC. | LAB SUPPLIES | 181.10 | |
| 591-266-740.000 | OPERATING SUPPLIES | MICHIGAN SECTION, AWWA | SPRING REGIONAL MEETING - GEOFFREY FE | 95.00 | |
| 591-266-740.000 | OPERATING SUPPLIES | SIEMENS | WATER TREATMENT SUPPLIES | 744.00 | |
| 591-266-740.000 | OPERATING SUPPLIES | TAYLOR HARDWARE, INC | WATER SUPPLIES | 56.42 | |
| 591-266-740.000 | OPERATING SUPPLIES | TESTAMERICA ANALYTICAL T | DRINKING WATER MONITORING | 109.00 | |
| 591-266-740.000 | OPERATING SUPPLIES | USA BLUE BOOK | FIRE EXTINGUISHER SIGNING | 163.97 | |
| 591-266-740.000 | OPERATING SUPPLIES | USA BLUE BOOK | FIRE EXTINGUISHER SIGNING | 73.21 | |
| 591-266-818.000 | TEST WELLS/PUMPS | PEERLESS-MIDWEST, INC. | ANNUAL PUMP/WELL TESTING | 920.00 | |
| 591-266-818.000 | CONTRACTED SERVICES | WILDLIFE MGT & RESCUE | ANIMAL REMOVAL SERVICE @ WATER PLANT | 300.00 | |
| 591-266-864.000 | CONFERENCES & DUES | APWA-MICHIGAN CHAPTER | THIRD YEAR OF 3 YEAR PROGRAM | 325.00 | |
| 591-266-931.000 | BUILDING MAINTENANCE | SUNSET MAINTENANCE | WATER PLANT CLEANING SERVICE | 286.32 | |
| 591-266-931.000 | BUILDING MAINTENANCE | TAYLOR HARDWARE, INC | WATER SUPPLIES | 8.64 | |
| Total For Dept 266 WATER TREATMENT PLANT | | | | 14,693.96 | |
| Dept 900 WATER OPERATING | | | | | |
| 591-900-740.000 | OPERATING SUPPLIES | SLC METER SERVICE INC. | RUBBER GSKT, LID CURB BOX, PENTAGON P | 298.68 | |
| 591-900-740.000 | OPERATING SUPPLIES | SLC METER SERVICE INC. | MINN PATT CURB BOX & EXTENSION | 185.20 | |
| 591-900-740.000 | OPERATING SUPPLIES | TAYLOR HARDWARE, INC | WATER SUPPLIES | 19.86 | |
| 591-900-740.000 | OPERATING SUPPLIES | TRACTOR SUPPLY CREDIT PL | TRACTOR SUPPLY STATEMENT MARCH | 26.38 | |
| 591-900-740.000 | OPERATING SUPPLIES | VIC BOND SALES, INC. | 80Z REAL-TUFF | 11.96 | |

EXP CHECK RUN DATES 04/09/2012 - 04/09/2012

UNJOURNALIZED

OPEN

| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|---|-------------------------|--------------------------|---------------------------------------|-----------|---------|
| Fund 591 WATER FUND | | | | | |
| Dept 900 WATER OPERATING | | | | | |
| 591-900-778.000 | SENSUS MXU 510 RA WIRED | ETNA SUPPLY | METERS | 922.68 | |
| 591-900-818.000 | CONTRACTED SERVICES | COMPREHENSIVE COMPUTING | MONTHLY MAINTENANCE MARCH | 757.50 | |
| Total For Dept 900 WATER OPERATING | | | | 2,222.26 | |
| Total For Fund 591 WATER FUND | | | | 20,375.37 | |
| Fund 640 DPW EQUIPMENT REVOLVING FUND | | | | | |
| Dept 932 EQUIPMENT | | | | | |
| 640-932-740.000 | OPERATING SUPPLIES | AIRGAS USA, LLC | EQUIPMENT RENTAL | 63.18 | |
| 640-932-740.000 | OPERATING SUPPLIES | TAYLOR HARDWARE, INC | CITY WIDE SUPPLIES | 313.97 | |
| 640-932-740.000 | OPERATING SUPPLIES | UNI FIRST | DPW FLOOR MATS | 69.15 | |
| 640-932-751.000 | GAS & OIL | MICHIGAN PETROLEUM TECHN | UNLEADED GAS | 1,411.50 | |
| 640-932-751.000 | GAS & OIL | MICHIGAN PETROLEUM TECHN | UNLEADED GAS | 1,389.39 | |
| 640-932-933.000 | DPW EQUIP MAINT | ARMSTEAD AUTOMOTIVE REPA | CAR MAINTANENCE | 113.42 | |
| 640-932-933.000 | MATERIALS | ARMSTEAD AUTOMOTIVE REPA | REPLACE FUEL PUMP AND FILTER | 797.94 | |
| 640-932-933.000 | DPW EQUIP MAINT | CARQUEST AUTO PARTS STOR | STEVE LANGLY'S TRUCK | 56.24 | |
| 640-932-933.000 | DPW EQUIP MAINT | CUMMINS BRIDGEWAY LLC | FIX ANNUNCIATOR PANEL | 461.28 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | IMPALA - REMOVE & CLEAN BLOWER | 40.00 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | TAHOE- OIL CHANGE & REPLACE BATTERY | 75.45 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | TAHOE- OIL CHANGE & REPLACE WIPER MOD | 340.45 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | IMPALA- OIL CHANGE | 31.45 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | TAHOE- OIL CHANGE | 37.45 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | TAHOE - REMOVE & REPLACE BATTERY | 28.00 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | TAHOE - CHECK FRONT TIRE FOR LEAK | 15.00 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | TAHOE- TPMS SENSORS & MOUNT 4 TIRES | 379.80 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | IMPALA- REMOVE & REPIACE BATTERY | 38.00 | |
| 640-932-934.000 | POLICE EQUIPMENT | DEWEY'S AUTO CENTER, INC | IMPALA- OIL CHANGE & MOUNT 2 TIRES | 61.45 | |
| 640-932-934.000 | POLICE EQUIPMENT | INTERSTATE BATTERY OF FL | BATTERY SALE | 174.90 | |
| Total For Dept 932 EQUIPMENT | | | | 5,898.02 | |
| Total For Fund 640 DPW EQUIPMENT REVOLVING FUND | | | | 5,898.02 | |
| Fund Totals: | | | | | |
| Fund 101 GENERAL FUND | | | | 9,366.98 | |
| Fund 202 MAJOR STREET | | | | 4,662.45 | |
| Fund 203 LOCAL STREET | | | | 2,413.10 | |
| Fund 208 PARK/RECREATI | | | | 1,291.29 | |
| Fund 209 CEMETERY FUND | | | | 263.82 | |
| Fund 226 GARBAGE AND R | | | | 35,000.28 | |
| Fund 590 SEWER FUND | | | | 3,799.08 | |
| Fund 591 WATER FUND | | | | 20,375.37 | |
| Fund 640 DPW EQUIPMENT | | | | 5,898.02 | |
| Total For All Funds: | | | | 83,070.39 | |

EXP CHECK RUN DATES 04/10/2012 - 04/10/2012

UNJOURNALIZED

OPEN

| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|-----------------------|------------------------|---------------------------------|--------------------------|---------------|---------|
| Fund 101 GENERAL FUND | | | | | |
| Dept 000 | | | | | |
| 101-000-220.356 | MICHIGAN EYE INSTITUTE | FIRE SAFETY CONSULTANTS | MICHIGAN EYE PLAN REVIEW | 390.00 | |
| | | Total For Dept 000 | | <u>390.00</u> | |
| | | Total For Fund 101 GENERAL FUND | | <u>390.00</u> | |
| | | Fund Totals: | | | |
| | | | Fund 101 GENERAL FUND | 390.00 | |
| | | | Total For All Funds: | <u>390.00</u> | |

ESCROW

EXP CHECK RUN DATES 04/11/2012 - 04/11/2012

UNJOURNALIZED

OPEN

| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|--|--------------------------|--------------------------|--------------------------------------|-----------|---------|
| Fund 401 DDA CONSTRUCTION FUND | | | | | |
| Dept 851 DOWNTOWN DEVELOPMENT | | | | | |
| 401-851-825.300 | STREETSCAPE | LANDSCAPE ARCHITECTURE S | DOWNTOWN FENTON STREETSCAPE PROJECT | 4,125.00 | |
| 401-851-825.300 | STREETSCAPE | OHM ENGINEERING ADVISORS | DOWNTOWN ROADWAY/ STREETSCAPE DESIGN | 18,104.50 | |
| 401-851-971.400 | MASTER PLAN IMPLEMENT | MANSOUR REALTY, INC | APRIL 2012 CONSULTING - CONERSTONE | 3,000.00 | |
| 401-851-975.801 | SILVER PKWY IMPROVEMENTS | HUBBELL, ROTH & CLARK | PROFESSIONAL SERVICES | 232.57 | |
| Total For Dept 851 DOWNTOWN DEVELOPMENT | | | | 25,462.07 | |
| Total For Fund 401 DDA CONSTRUCTION FUND | | | | 25,462.07 | |
| Fund Totals: | | | | | |
| Fund 401 DDA CONSTRUCT | | | | 25,462.07 | |
| Total For All Funds: | | | | 25,462.07 | |


DDA



Memorandum

DATE: April 4, 2012

TO: Lynn Markland, City Manager

FROM: Rick Aro, Chief of Police 

RE: Buddy Poppy Sales

The Curtis-Wolverton V.F.W. Post 3243, has requested authorization to conduct the annual Buddy Poppy Campaign, May 10, 11 and 12th. Proceeds from this event are used to assist veterans and their families. Liability insurance for their members has been provided.

This is an annual event that is conducted for a very worthy cause. I support this request and recommend its approval.



**VETERANS OF FOREIGN WARS
OF
THE UNITED STATES
CURTIS WOLVERTON POST NO. 3243
1148 N. LEROY ST.
FENTON, MICHIGAN 48430**

City of Fenton
301 S. Leroy St.
Fenton, MI 48430

To Whom It May Concern,

The Curtis-Wolverton Veterans of Foreign Wars Post 3243 will be having it's annual Buddy Poppy Days May 10, 11, &12, 2012.

We respectfully request permission to distribute poppies and collect donations on these days in the City of Fenton.

We have insurance for the volunteers who will be distributing and collecting donations for the poppies.

Thank You,

Richard Petts, Commander
VFW Post 3243

Richard A Petts 3-27-12



City of Fenton

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

CITY OF FENTON NOTICE OF PUBLIC HEARING


TAKE NOTICE that a public hearing will be held before the Fenton City Council on Monday, April 9, 2012 at 7:30 P.M. or as soon thereafter as the matter may be heard in the City Hall Council Chambers, 301 South Leroy Street, to accept citizens' comments on proposed Ordinance Nos. 660, 661, 662 which would amend the City of Fenton Code of Ordinances, Chapters 4,5, 6, 15,19,26,27, 29 and 37, regarding amendments to the Code of Ordinances concerning Civil Infractions.

Additional information will be available at Fenton City Hall, Monday through Friday, 9:00 AM to 5:00 PM. Please contact the City Clerk's office if accommodations are needed due to a disability.

Jennifer Naismith
City Clerk

MEMORANDUM

DATE: February 28, 2012

TO: Lynn Markland 
City Manager

FROM: NBH
N. Bradley Hissong
Protective Inspection Director

REF: Amendments to Civil Infraction Ordinance

Attached is the memorandum form Attorney Mills along with the amendments to the civil infractions ordinance this office is recommending.

If you have any questions, please let me know.

Thank you!

HELEN LIZZIE MILLS

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517.381.3209 direct
517.974.2309 cell
517.381.3180 fax



Confidential—Subject to Attorney-Client Privilege

MEMORANDUM

TO: Lynn Markland
Brad Hissong

FROM: FAHEY SCHULTZ BURZYCH RHODES PLC

DATE: February 27, 2012

RE: Civil Infractions Ordinance and Related Proposed Amendments to Code

You have asked us to review the City's Code of Ordinances in light of the proposed Civil Infractions Ordinance. As we have discussed previously, some ordinance sections already include provisions for enforcement as a civil infraction, including Chapter 36, the Zoning Ordinance. You have indicated that Civil Infraction penalty designation in chapters 4, 5, 6, 15, 19, 26, 27, and 29 would be most helpful to you.

The Home Rule Cities Act prohibits the City from making an act or omission a civil infraction if that act or omission constitutes a crime under certain state laws, including Michigan's Penal Code (MCL 750.1-568), and any other law of the state under which the act or omission is punishable by imprisonment for more than 90 days. MCL 117.41. Therefore, we do not recommend amendment of the following sections of Chapter 5, which involve acts or omissions that are a crime under state law as indicated:

- Section 5-2 involves acts or omissions covered by MCL 750.50 of Michigan's Penal Code (Cruelty to Animals)
- Section 5-7 involves acts or omissions covered by MCL 750.437 of Michigan's Penal Code (Poisoning of Animals)
- Section 5-8 involves acts or omissions covered by MCL 750.467 of Michigan's Penal Code (Feeding Animals Putrid or Unwholesome Foods)

Our review raised another issue, related to Sections 5-4 and 5-5 specifically. These two provisions address areas covered by the GAAMPs: Generally Accepted Agricultural and

Management Practices. Under the Right to Farm Act, municipalities may not enact or enforce ordinances that conflict with the GAAMPs. Although the Right to Farm Act is essentially moot in a city like Fenton, where there are no agricultural districts, it is still important that the City's ordinances not conflict with the GAAMPs, if for nothing more than practical reasons. Amending these sections to provide that violations thereof would constitute a civil infraction may draw attention, thus raising further issues about the applicability of the Right to Farm Act, beyond what we have seen in recent months with a single incident of chicken-rearing in the city limits. If the sections are not amended, they remain covered under Chapter 1's default provision allowing for prosecution as a misdemeanor and avoid a possible practical or media issue. To be sure, this is a concern that should be unnecessary, given the inapplicability of the Right to Farm Act, but it remains noteworthy nonetheless. Without assessing the extent to which these provisions conflict with the GAAMPs, it is our recommendation that the City not amend these provisions to provide that violating them is a civil infraction, and instead leave the sections untouched and prosecute as a misdemeanor, if and when necessary. If the City determines it is best to amend Sections 5-4 and 5-5, notwithstanding the above, we recommend and could provide additional language to attempt to insulate the City from liability.

We also note that revision of Section 6-6 of the City's Code of Ordinances, adopting and incorporating by reference a specific property maintenance code, is addressed in a separate memorandum and proposed amendment.

Accordingly, attached please find proposed amendments for:

- Chapter 4 (Amusements and Entertainment)
- Chapter 5 (Sections 5.1, 5.3¹, and 5.6², as well as Sections 5.29³ & 5.30 of Article II)
- Chapter 15 (Garbage & Refuse)
- Chapter 19 (adding Section 19-6: Violation [of Article] & Section 19-7: Penalty)
- Chapter 26 (Secondhand Goods)
- Chapter 27 (adding Sections 27.5: Violation and 27.6: Penalty)
- Chapter 29 (adding section 29-17: Violation [of Chapter] & Section 29-18: Penalty)

The new provisions are numbered according to the latest draft of the ordinance that we possess or to which we have access. If there are concerns as to numbering, please contact us so we may remedy the issue. If you have any questions, please do not hesitate to contact us.

¹ MCL 433.11 et seq & 433.51 et seq, making violation a misdemeanor

² MCL 752.92 makes violation a misdemeanor

³ MCL 287.261 (Dog Law of 1919) makes violation a misdemeanor or fine

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF FENTON

ORDINANCE NO. 2012 - 660 _____

An ordinance to amend the Fenton Code of Ordinances adopted pursuant to the Charter of the City of Fenton, and to repeal all ordinances or parts thereof in conflict therewith.

WHEREAS, the City of Fenton has a civil infractions ordinance providing that acts or omissions that are prohibited by the Code of the City of Fenton and that are not a crime are civil infractions and providing for prosecution of same as civil infractions.

WHEREAS, City Council considers it appropriate to prosecute as civil infractions violations of certain other sections of the Code of the City of Fenton.

WHEREAS, City Council considers violations of the following appropriate for prosecution as civil infractions: Amusements and Entertainment (Chapter 4); Animals and Fowl (Chapter 5); Garbage and Refuse (Chapter 15); Nuisances (Chapter 19); Secondhand Goods (Chapter 26); Signs (Chapter 27); and Streets, Sidewalks, and other Public Places (Chapter 29).

THE PEOPLE OF THE CITY OF FENTON DO ORDAIN:

Section 1. Chapter 4 is amended to add the following substantive provisions:

Sec. 4-1 – Violations

Whenever the provisions of this chapter require or prohibit an act, failure to comply with such provisions shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 4-2 – Penalties

Violation of this chapter shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 2. Section 5-1 is amended to read as follows:

Sec. 5-1 – Squirrels and Wild Birds.

- (a) It shall be unlawful for any person to pursue, injure, capture, kill or destroy or attempt to injure, capture, kill or destroy any squirrel or wild bird within the city, except where hunting is permitted.
- (b) It shall be unlawful for any person to rob, tear down, injure or destroy the nest of any wild bird within the city.

- (c) The provisions of this section shall not apply to English sparrows, starlings, or the nests thereof.
- (d) Failure to comply this section shall constitute a violation of this section. Every day on which a violation exists shall constitute a separate violation and a separate offense.
- (e) Violation of this section shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 3. Section 5-3 is amended to read as follows:

Sec. 5-3 – Running at large of livestock and poultry prohibited.

- (a) No person being the owner of, in possession of, or having control of any livestock or poultry shall permit such to run at large upon any alley, street, park, or other public place in the city, or upon the land or property of any other person.
- (b) Whenever the provisions of this section require or prohibit an act, failure to comply with such provisions shall constitute a violation of this section. Every day on which a violation exists shall constitute a separate violation and a separate offense.
- (c) Violation of this section shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 4. Section 5-6 is amended to read as follows:

Sec. 5-6 – Coloring poultry prohibited.

- (a) It shall be unlawful for any person to artificially color, dye, spray or paint any bird or fowl, or sell, offer for sale, or otherwise dispose of any such colored bird or fowl.
- (b) Whenever the provisions of this section require or prohibit an act, failure to comply with such provisions shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.
- (c) Violation of this section shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 5. Chapter 5, Article II is amended to add the following substantive provisions:

Sec. 5.29 – Violations

Whenever the provisions of this article require or prohibit an act, failure to comply with such provisions shall constitute a violation of this article. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 5-30 – Penalties

Violation of this article shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 6. Chapter 15 is amended to add the following substantive provisions:

Sec. 15-12– Violations

Whenever the provisions of this chapter require or prohibit an act, failure to comply with such provisions shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 15-13 – Penalties

Violation of this chapter shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 7. Chapter 19 is amended to add the following substantive provisions:

Sec. 19-6 – Violations

Whenever the provisions of this article require or prohibit an act, failure to comply with such provisions shall constitute a violation of this article. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 19-7 – Penalties

Violation of this article shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 8. Chapter 26 is amended to add the following substantive provisions:

Sec. 26-1 – Violations

Whenever the provisions of this chapter require or prohibit an act, failure to comply with such provisions shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 26-2 – Penalties

Violation of this chapter shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 9. Chapter 27 is amended to add the following substantive provisions:

Sec. 27-5 – Violations

Whenever the provisions of this chapter require or prohibit an act, failure to comply with such provisions shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 27-6 – Penalties

Violation of this chapter shall be either (a) a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances or (b) a nuisance for which the City may seek relief from circuit court. Whether each violation shall be prosecuted as a civil infraction or nuisance is a matter solely within the City's discretion, determined on the facts giving rise to the violation.

Section 10. Chapter 29 is amended to add the following substantive provisions:

Sec. 29-17 – Violations

Whenever the provisions of this chapter require or prohibit an act, failure to comply with such provisions shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 29-18 – Penalties

Violation of this chapter shall be a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.

Section 11. The City of Fenton Clerk shall publish this ordinance in the manner prescribed by law and make complete copies available to the public at the office of the Clerk for inspection and distribution.

Section 12. Validity and severability. If a court of competent jurisdiction or administrative agency of the State of Michigan declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided, that if a court of competent jurisdiction or administrative agency declares a penalty provision to exceed the authority of the City, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the City to impose.

Section 13. All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 14. This Ordinance shall take effect 15 days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper of general circulation in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance, and such other facts as the Clerk shall deem pertinent, and that a copy of the ordinance is available for public use and inspection at the office of the Clerk.

At a regular meeting of the City Council held on the ____ day of _____, 2012, it was moved by _____ and supported by _____ that this Ordinance No. _____ be adopted. Motion _____.

Sue Osborn, Mayor

Jennifer Naismith, City Clerk

I, Jennifer Naismith, City Clerk of the City of Fenton, hereby certify this to be a true and complete copy of Ordinance No. _____, duly adopted at a regular meeting of the City Council held on the ____ day of _____, 2012.

Jennifer Naismith, City Clerk

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF FENTON

ORDINANCE NO. 2012 - 661

An ordinance to amend the Fenton Code of Ordinances adopted pursuant to the Charter of the City of Fenton, and to repeal all ordinances or parts thereof in conflict therewith.

WHEREAS, the State Construction Code Act, Act 230 of 1972, and the Home Rule Cities Act permit the City to adopt or incorporate by reference a property maintenance code to control buildings and structures within the City, in addition to the numerous state codes applicable under the State Construction Code.

WHEREAS, by way of Section 6-6 of the Code of the City of Fenton, the City of Fenton adopted "The BOCA National Property Maintenance Code, Third Edition, 1990" as published by the Building Officials and Code Administrators International, Inc." as the property maintenance code for the City and for the control of buildings and structures in the City.

WHEREAS, Section 6-6 has not been updated or revised since its adoption in 1992.

WHEREAS, the City Administration considers it appropriate to rely upon "The International Property Maintenance Code" published in 2009 by the International Code Council for the same purposes and to similarly refer to, adopt, and incorporate by reference the entirety of the International Property Maintenance Code and any new editions, revisions, deletions or publications thereof.

THE PEOPLE OF THE CITY OF FENTON DO ORDAIN:

Section 1. Section 6-6 is amended to read as follows:

Sec. 6-6 – Adoption and Incorporation By Reference; Scope

- (a) The 2009 "The International Property Maintenance Code," as published by the International Code Council, Inc., is hereby adopted and incorporated by reference in its entirety, including new editions, revisions, deletions or publications thereof by the International Code Council or its successors and assigns. Such Code shall be adopted as the property maintenance code of the City. Each and all of the regulations, provisions, penalties, conditions, and terms of the International Property Maintenance Code are hereby referred to, adopted, and made a part hereof as if fully set forth in this Article.
- (b) The provisions of the International Property Maintenance Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities

for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants, including landlords and tenants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

- (c) The City Clerk shall maintain and make available upon request three (3) copies of the International Property Maintenance Code in its latest edition, revision or publication in the office of the City Clerk, marked and designated accordingly.
- (d) Nothing in the International Property Maintenance Code shall be construed to cancel, modify, or set aside any zoning provisions of Chapter 36 of the City of Fenton Code of Ordinances, nor to abrogate in any way the requirements of the State Construction Code, including, but not limited to the Building Code, Fuel Gas Code, Mechanical Code, Plumbing Code, and the Electrical Code.

Section 3. The following new substantive provisions are added to the City's Code of Ordinances:

Sec. 6-7 – Revisions to Code

- (1) Insert "City of Fenton" in place of "[NAME OF JURISDICTION]" in Section 101.1.

- (2) Revise Section 103.5 to read:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as determined by the City.

- (3) Revise the first sentence of Section 106.3 to read:

Unless otherwise designated in the Code, any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction violation.

- (4) Revise Section 112.4 to read:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed responsible for a municipal civil infraction.

- (5) Insert "10 inches" in place of "(jurisdiction to insert height in inches)" in Section 302.4.

- (6) Insert "May 1 to September 30" in place of "[DATE] to [DATE]" in Section 304.14.

- (6) Insert "September 30 to April 1" in place of "[DATE] to [DATE]" in Section 602.3.

- (7) Insert "September 30 to April 1" in place of "[DATE] to [DATE]" in Section 602.4.

Sec. 6-8. Conflict

Where any provision of this article is found to be in conflict with a provision of any zoning, housing, fire, safety, or health ordinance or other code, or other codes of the city, county, or state existing on the effective date of this code, or hereinafter enacted, the provision which establishes the higher standard or assumes the higher jurisdiction, regardless for the promotion and protection of the health, safety, and welfare of the people of the City of Fenton shall prevail.

Section 4. The City of Fenton Clerk shall publish this ordinance in the manner prescribed by law and make complete copies available to the public at the office of the Clerk for inspection and distribution.

Section 5. Validity and severability. If a court of competent jurisdiction or administrative agency of the State of Michigan declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided, that if a court of competent jurisdiction or administrative agency declares a penalty provision to exceed the authority of the City, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the City to impose.

Section 6. All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. This Ordinance shall take effect 15 days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper of general circulation in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance, and such other facts as the Clerk shall deem pertinent, and that a copy of the ordinance is available for public use and inspection at the office of the Clerk.

At a regular meeting of the City Council held on the ____ day of _____, 2012, it was moved by _____ and supported by _____ that this Ordinance No. _____ be adopted. Motion _____.

Sue Osborn, Mayor

Jennifer Naismith, City Clerk

I, Jennifer Naismith, City Clerk of the City of Fenton, hereby certify this to be a true and complete copy of Ordinance No. _____, duly adopted at a regular meeting of the City Council held on the ____ day of _____, 2012.

Jennifer Naismith, City Clerk