

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, January 26, 2015
City Hall Council Chambers
301 South LeRoy Street

Mayor Sue 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, Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn.
Absent: None.
Others Present: Lynn Markland, City Manager; Mike Burns, Assistant City Manager and Chris Patterson, Legal Counsel.

MAYOR'S COMMENTS

Osborn commented there was a Community Center Board of Governors meeting last week that went well and some items will be coming forward to Council soon.

CITY MANAGER'S REPORT

Markland commented the Community Center project is moving along and should be completed by the beginning of March. Administration is continuing work on the Streetscape project which is scheduled to begin in the next 45 to 60 days.

COUNCIL MEMBER COMMENTS

Grossmeyer commented the City will be hosting the Small Cities meeting next week and encouraged all to attend.

Lockwood thanked the Beautification Commission for the new banners. She gave an update on last week's Southern Lakes meeting. She gave an update on the MML Board meeting that took place in Lansing last week that the Governor attended who spoke about the proposal on the May ballot; the numbers provided indicates Fenton will receive approximately \$182,976 should the proposal pass and there would also be a 13% increase in revenue sharing. She stated information is being prepared to disseminate to communities across the State so everyone will know exactly how much road funding they will receive.

McDermott stated Southern Lakes launched a new website that is much more user friendly than the old website. He toured the Community Center last week and commented it looks fantastic.

King commented she would like to tour Cornerstone as she was unable to attend when the Council toured the building.

LEGAL COUNSEL REPORT

Patterson commented the parking and medical marihuana ordinances have been finalized and are on tonight's agenda for consideration. He stated the PILOT ordinance for Mill Pond Manor is being reviewed. He also commented a court date has been set for the second week in February for a matter regarding a property owner on Shiawassee.

CITIZEN COMMENTS

Bobbie Sweetman, 744 Whisperwood Trail, asked to speak on the Library Update agenda item.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

A motion was made by Bland and seconded by McDermott to approve the consent agenda containing the following items:

- Authorize payment of invoices in the amount of \$565,509.73.
- Approve and place on file the minutes of the November 18, 2014 Downtown Development Authority meeting, the December 9, 2014 Parks and Recreation Board meeting, the December 18, 2014 Planning Commission meeting and the January 5, 2015 City Council work session.
- Appoint Sean Sage to a vacant term on the Parks and Recreation Board expiring January 1, 2016.

King questioned the bill for Pitney Bowes listed on page 1 of the invoice report, the invoice description says 'Michael Burns'. Burns clarified the bill is for postage and a wrong invoice description is listed.

YEAS: Bland, Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn.
NAYS: None.
ABSENT: None. Motion carried by a roll call vote.

LAKE FENTON SPECIAL ASSESSMENT DISTRICT PUBLIC HEARING

Osborn stated this public hearing is to establish Special Assessment District for weed removal on the portion of Lake Fenton within the boundaries of the City.

Osborn opened the public hearing at 7:40 PM.

Osborn closed the public hearing at 7:41 PM due to lack of comment.

Lockwood stated there was an individual that contacted City Hall with some concerns about this assessment and asked if that is in the record. Markland responded he spoke to Delmer Hull, 14278 Westman Drive who indicated he was not in favor of the assessment. He stated one other individual contacted him regarding the assessment and indicated they would be at tonight's meeting.

RESOLUTION NO. 15-2

Markland stated this resolution is to set the special assessment roll for the weed control program on the City portion of Lake Fenton. He stated Fenton Township has already approved a special assessment district for their portion of the lake and stated costs will be spread equally among the property owners within the special assessment district.

A motion was made by Lockwood and seconded by Grossmeyer to adopt Resolution No. 15-2, a Resolution to accept the special assessment roll for the Lake Fenton aquatic weed eradication and control program.

YEAS: Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn, Bland.
NAYS: None.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

ORDINANCE NO. 687

Markland stated this ordinance is to regulate the cultivation of medical marihuana within the City. This has been discussed at prior meetings and was tabled at the last Council meeting.

A motion was made by Bland and seconded by McDermott to take Ordinance No. 687 off the table. Motion was carried by a voice vote.

Patterson stated since the last Council meeting when this was discussed, there have been no modifications made to the ordinance. Medical marihuana patients are allowed to grow in a residential district and caregivers are allowed to grow in the industrial district.

Osborn asked if growing in apartment buildings is allowed by the ordinance. Patterson responded patients in a residential district would be allowed to grow in a residential district.

Osborn stated she cannot vote for the ordinance with growing being allowed in apartment buildings. She feels the owners of the buildings do not live in the buildings and there's too many children in the vicinity.

King stated she also has concerns with allowing growing in apartment buildings because of odor and ventilation issues.

Lockwood thanked the City Attorney for working on this. She thinks it was important that the Council had a long discussion and thoroughly look at this issue. She thinks this ordinance will provide the most protection for the City.

A motion was made by Jacob and supported by Grossmeyer to adopt Ordinance No. 687.

YEAS: Jacob, Lockwood, McDermott, Bland, Grossmeyer.

NAYS: King, Osborn.

ABSENT: None. Motion carried by a roll call vote.

ORDINANCE NO. 688

Burns stated the City Attorney has revised the downtown parking ordinance as discussed at the January 5, 2015 work session. The ordinance will restrict parking on all City streets and municipal parking lots from November through March from the hours of 2:00 AM – 5:00 AM, with the following exceptions:

- Emergency Services Personnel in the vicinity of the Police and Fire stations.
- Properly registered vehicles, if special permits have been issued by the City.

Burns further stated the ordinance will allow the Council, by resolution, to designate areas within any City-owned parking lot or on any street in the Downtown Parking District as a permit parking area that is not subject to the overnight parking ban, establish the number of permits to be issued, the conditions applicable to the permits and the fee for the permits. The City will also have the authority to enter into any lease or other agreements necessary to facilitate the creation of permit parking areas.

King stated there were questions regarding the permits issued to Cornerstone residents. Burns stated Cornerstone will be dealt with as a separate issue and will be coming forward at the next work session.

A motion was made by Grossmeyer and seconded by Jacob to enact Ordinance No. 688. Motion carried by a voice vote.

LIBRARY UPDATE

Burns stated during the Library restoration project, a few issues have come up that need to be addressed. Paint on the floor underneath the old tile tested positive for lead paint. Once Administration was made aware of this, remediation efforts took place to remove the lead paint because the floor needs to be scarified in order to lay the new tile.

Another issue that was discovered was the need to remove asbestos from pipes in the building. In 1986 when the Library was converted from a Post Office, pipes were sealed in an asbestos wrap, which is an approved abatement mechanism of asbestos. The wrap has cracked and the asbestos risk needs to be remediated.

Burns stated the City has been working with National Environmental Group (NEG) on both issues and different options for asbestos abatement were discussed. Tim Niles from NEG indicated the exposed pipes in the Children's Library and in a janitor's closet near the lower level bathrooms need to be remediated. He also indicated there is asbestos piping underneath the ceiling tiles that could be removed later if the ceiling tiles were not replaced. Burns stated some members of the Library Board have asked to replace the ceiling tiles since it became apparent during restoration they need updating as many of them show signs of deterioration and water damage.

Burns stated estimates were received for the asbestos remediation. If the asbestos is only removed from the exposed pipes, the cost would be \$3,280; to remove it from the pipes underneath the ceiling tile would be an additional \$5,570. An additional \$5,300 is needed to replace the tile. He stated when the asbestos is removed, the pipes will have to be reinsulated. He has received one estimate for the insulation and will seek another one.

Burns stated a summary of the expenses for the Library project was included in the packet. The DDA funded \$310,000 for this project. There is a \$10,000 line item for Capital Outlay in the Library budget that paid for the lead removal. He stated there is another \$19,346 in donations that can be used for this project if needed and he is seeking direction from Council on how to proceed.

King stated as long as the pipes are sealed, the asbestos is contained and as long as it's not disturbed, it is okay; she asked if it had been disturbed.

Burns responded it would be disturbed if the ceiling tiles are replaced. He stated encapsulating and sealing the asbestos is a remediation mechanism but according to people that work in the field of asbestos remediation, removal is recommended.

Osborn commented a lot of work and effort have gone into revitalizing the Library and the ceiling tiles are worn. She stated the problem is in the Children's section of the Library and thinks it needs to be completely removed and doesn't want to take the chance of endangering anyone.

Bland asked how this will affect the budget. Burns responded approximately \$15,000 is needed, plus the cost to insulate the pipes, the cost of which is unknown at this time.

Burns stated the DDA is paying up to \$310,000 for the restoration of the Library. The additional costs for the lead paint removal, asbestos and ceiling tiles will have to come from somewhere else in the budget. There is an additional \$19,436 in donations that can be used. The donations, along with the capital outlay line item used to pay for lead removal, totals \$29,436. He stated costs may go over that amount, but he won't know that until the costs to insulate the pipes is received.

McDermott asked if the \$19,436 in donations was going to be used for another project at the Library. Markland stated some of the money was donated specifically for this project.

Grossmeyer agrees with the Mayor that the asbestos needs to be removed but stated he is disappointed that these problems were found this late in the project. He feels they should've been

noticed and addressed at the beginning of the project when the costs to fix these issues could've been figured into the project.

Markland stated he is also disappointed. An architect was hired to look at this project before it started and there was no mention of asbestos. He stated the lead paint was under the tiles so no one knew it was there.

Osborn stated there were donations made specifically to purchase carpet. Markland responded that donation did go towards the purchase of carpet.

Markland stated a decision needs to be made whether to remove the asbestos from underneath the tiles and replace the tiles, which was not planned as part of the project. Consensus was to move forward to remediate the asbestos problem.

Library Board member Bobbie Walton stated she appreciates the Council's support to fix this issue. She stated some of the donations received were for a building fund for the Library and the individuals that made those donations will be contacted so the funds can be used to fix the issues discussed tonight.

Osborn expressed the Council's gratitude to members of the Library Board for their work on the restoration project.

A motion was made by Bland and seconded by King to approve the additional costs for asbestos remediation at the Library. Motion carried by a voice vote.

A motion was made by Bland and seconded by King to approve the additional costs for asbestos remediation at the Library in an amount not to exceed \$30,000.00. Motion carried by a voice vote.

PEG CHANNEL EQUIPMENT PURCHASE

Markland stated equipment for the PEG Channel is about ten years old and the channel is experiencing system failures due to aging equipment. The FACT committee researched the issue and a quote for replacement equipment was included in the meeting packet. The total cost is \$30,000, split between the participating communities. The City's cost is \$9,358 and will be paid from the City's PEG funds.

A motion was made Lockwood and seconded by McDermott to approve the purchase of equipment for the PEG Channel totaling \$9,358 to be paid from the City's PEG Funds. Motion carried by a voice vote.

CALL TO THE AUDIENCE

Ashley Rudnick, Cannabis Attorneys of Michigan, 4330 E. Grand River Avenue, Howell, read a written statement from her firm (attached to the minutes) regarding the Medical Marijuana ordinance acted on at tonight's meeting. Copies of letter were provided to Council members.

CLOSED SESSION

A motion was made by Osborn and seconded by Lockwood to enter into a Closed Session to discuss the purchase of property.

YEAS: King, Lockwood, McDermott, Osborn, Bland, Grossmeyer, Jacob.

NAYS: None.

ABSENT: None. Motion carried by a roll call vote.

Council recessed to Closed Session at 8:15 PM.
Council reconvened to Open Session at 8:36 PM

Meeting was adjourned at 8:37 PM

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: February 9, 2015