

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, February 13, 2006
City Hall Council Chambers
301 South Leroy Street

Meeting was called to order by Mayor Osborn at 7:30 P.M.

The invocation for the evening was given by Pastor Boillat of the First Baptist Church of Fenton, followed by the Pledge of Allegiance.

Present: Angeluski, Hammond, King, Moffitt, North, Osborn, Rauch.

Absent: None.

Others Present: Michael Senyko, City Manager; Christopher Wren, Assistant City Manager; Stephen Schultz, Legal Counsel; Richard Aro, Police Chief; Les Bland, DPW Director.

PROCLAMATION

Mayor Osborn read a proclamation declaring February 22, 2006 "Freedom Is Not Free" day in the City of Fenton.

AWARD

Chief Aro presented Detective Ron Skarzynski with a departmental Meritorious Service Award for his diligence and dedication to a case, which ultimately resulted in a 1st Degree Murder conviction.

MINUTES

Moved by Rauch, seconded by North to approve the minutes of the January 23, 2006 regular meeting and the January 30, 2006 goal setting work session. Motion carried by voice vote.

ACCOUNTS PAYABLE

King and Moffitt had several questions about the accounts payable, which Senyko and Wren answered to their satisfaction.

A motion was made by Hammond, seconded by Rauch to authorize payment of invoices in the amount of \$190,255.13.

YEAS: King, Moffitt, North, Osborn, Rauch, Angeluski, Hammond.

NAYS:None.

ABSENT: None. Motion carried.

CORRESPONDENCE, MINUTES, & REPORTS

A motion was made by Hammond and seconded by King to approve and place on file the following minutes and correspondence:

- Notice of public hearing for Consumers Energy customers.
- Minutes of the November 17, 2005 Local Development Finance Authority.

- Minutes of the November 17, 2005 Special Planning Commission meeting.
- Minutes of the January 10, 2006 Park and Recreation Board meeting.
- Minutes of the January 12, 2006 Planing Commission meeting.

Motion carried by voice vote.

CITIZENS COMMENTS - None.

RESOLUTION 06-05:

Senyko reviewed Resolution No. 06-05, which allows the Council to accept the Special Assessment Roll for installation of curb and gutter on Ellen Street west of West Street, subsequent to a public hearing that evening. Senyko relayed that the residents will bear the entire cost of the project (\$27,500), which Hubbell Roth & Clark will design and bid, to be paid in full over the course of the next five years.

King asked if the residents had been notified of this cost and Senyko stated that their notification has been sent out and the first public hearing was held, at which no one was present to comment. Angeluski questioned if the City would complete the maintenance for this newly paved street and Senyko answered him affirmatively.

Mayor Osborn opened the public hearing at 7:45 PM.

Mayor Osborn closed the public hearing at 7:46 PM, due to lack of comment.

King questioned why there was only a period of five years to pack back the cost of the project. Senyko answered that this time frame was requested by the residents, however the project could be paid for anytime between five and ten years. Angeluski questioned if the City would be paying for the engineering services and Senyko responded that ultimately the property owners will be charged for the services, however, the City will pay the cost up front.

A motion was made by Rauch and seconded by North to adopt Resolution No. 06-05, accepting Special Assessment Roll 2006-D1, allowing for the installation of curb and gutter on Ellen Street west of West Street.

YEAS: Moffitt, North, Osborn, Rauch, Angeluski, Hammond, King.

NAYS:None.

ABSENT: None. Motion carried. Resolution adopted.

SALE OF EQUIPMENT

Bland delivered information pertaining to the condition and sale of a pavement roller to the Village of Holly. North inquired if the Village of Holly was aware that this equipment is being sold to them "as is", and Bland affirmed her question. Osborn questioned if there would ever be the need for Fenton to have two rollers and Bland stated that there is not a need for this.

A motion was made by King and seconded by Hammond to approve the sale of a pavement roller to the Village of Holly for a cost of \$1,500. Motion carried by voice vote.

CHAPEL HILL REQUEST

Bland delivered the request of the Oakwood Cemetery Board for the removal of two trees at Chapel Hill in order to aid in the cannon relocation project and preservation of the Veterans Monument.

Bland explained that the two trees in question are quite old and are almost completely dead. Bland further explained that a lot of work has gone into this project to improve that area in the Cemetery and this endeavor will aid in its progress greatly. Senyko referred the Council to pictures of the area to illustrate what trees need to be removed.

King confirmed that there would only be two trees removed. North questioned if there was a landscape plan in place to replace the trees. Matt Adair, Chairman of the Oakwood Cemetery Board, explained that there is a light landscaping plan in the works, however it will be designed to keep the area very natural. A discussion ensued about some of the other aspects of the project at Chapel Hill.

Angeluski explained that Adair and his father Doug Tebo, Bland, and the Cemetery Board have worked very hard on this project and have worked closely with the VFW to implement it. Angeluski made a call to action to generate funding for such a worthy project, as the Cemetery funds are very limited. North suggested that the Beautification Commission may want to get involved in this project and asked Adair to attend one of their meetings. Osborn also suggested contacting the Open Gate Garden Club.

A motion was made by Rauch and seconded by Moffitt to approve the removal of two trees at Chapel Hill to assist in the preservation of the Veterans Monument and relocation of the Civil War cannons. Motion carried by voice vote.

King also questioned Bland about the possibility of attaining some Act 219 funds to make improvements to the drainage problems in the Cemetery. Bland stated that he was informed that the City of Fenton does not qualify for these funds because of where the run-off water drains. King stated that she would like to call and investigate this further.

MCACA MINI-GRANT APPLICATION

Senyko delivered the information regarding the MCACA mini-grant, which pertains to funding for the "Concerts in the Park" program. Moffitt made a correction on his address which is on the application, stating that it should be 2032 South Long Lake Road.

A motion was made by King and seconded by Rauch to approve the application for funding of the "Concerts in the Park" program through the Michigan Council of Arts and Cultural Affairs. Motion carried by voice vote.

TRAFFIC CONTROL ORDER

Senyko explained the background of a "Stop" sign being placed on north Lemen Street at Sixth Street. North confirmed with Aro that there have been no complaints or problems with this new traffic sign. North also suggested a "Stop" sign for East Street, due to a speeding problem and Aro stated that he would try increasing patrol to investigate this problem.

A motion was made by North and seconded by King to grant final approval of Traffic Control

Order No. 05-04, which approves the permanent placement of a “Stop” sign on northbound Lemen Street at Sixth Street. Motion carried by voice vote.

PARK AND RECREATION BOARD APPOINTMENT

Senyko delivered the request of the Parks and Recreation Board to appoint Peter Medor to serve a first term, to expire January 1, 2009. King expressed her concern about Medor having a conflict of interest, due to his compensation from Southern Lakes Park and Recreation. Schultz explained that Medor did not have a conflict of interest under the City’s Charter.

A motion was made by Hammond to appoint Pete Medor to the Parks and Recreation Board for a first term to expire January 1, 2009.

Moffitt expressed his concern for Medor’s availability for meetings, due to his schedule and Medor responded that while he is continuing his education at the moment, he feels he can contribute very much to the Parks and Recreation Board. Angeluski questioned if it was fair to place Medor on the Board while the Bush Park project is still incomplete. Osborn explained that the DDA is using funding for Bush Park acquired from the Southern Lakes millage. Angeluski stated that the Council should know the identity of the people who are being paid by Southern Lakes to make improvements to City property. Osborn reminded the Council that the subject at hand is the Parks and Recreation Board appointment, and in the interest of staying on topic, Vince Paris will be requested to come and speak to the Council about this system. Senyko added that a similar situation existed years ago for the Rotary Club, and could exist in the future for any club or organization located in the community.

Rauch seconded Hammond’s motion to appoint Pete Medor to the Parks and Recreation Board for a first term to expire January 1, 2009. Motion carried by voice vote.

SET PUBLIC HEARING

A motion was made by Osborn and seconded by Rauch to set a public hearing for February 27, 2006 to accept public comments on the Industrial Facilities Tax Exemption application for Tribar Manufacturing, located at 3100 Copper Avenue. Motion carried by voice vote.

CALL TO AUDIENCE

Kumar Malhotra, of CCJM Engineering, addressed the Council about a letter he had written to them and expected to be an agenda item. Senyko stated that the letter was provided to the Council in their January 27, 2006 Friday Memo, however, it was never designated to be an agenda item. Malhotra proceeded to explain his position to the Council concerning hiring his firm as a second consultant. Osborn explained that the City decided to contract with Hubbell Roth & Clark and contract with Dan Cabbage as needed. Osborn gave the option of discussing this matter at a work session. Senyko felt if the Council wants to revisit this matter, it is best to have some justification for just recently retaining Hubbell Roth & Clark. Senyko reminded the Council that the City Manager has the ability under the City Charter to retain professional services on an “as needed” basis and the two year contract just acted upon with Hubbell Roth & Clark will allow for the transition period. Schultz stated that the City is not of the size or proportion to require the retention of two contractors for engineering services,

however the new engineering contract with HRC provides a great deal of flexibility if it is no longer meeting the needs of the City. The general consensus of the Council was not to bring this matter back to a work session for discussion.

Pete Medor, of 609 Davis Street, reported to the Council about the great success of the first annual Fenton Jubilee. Medor thanked the Council for all of their support, and thanked the Fire department, Police Department, and the DPW for all of their help. Medor requested that the Council contact him if they had any feedback or ideas about how to make the event better. Medor also expressed his gratitude to the Council for appointing him to the Parks and Recreation Board. Medor further expressed that the Bush Park project is a great project to do, and they are hoping to move forward and obtain a grant to complete more work this year.

CITY MANAGER'S REPORT - None.

COUNCIL MEMBER COMMENTS

Moffitt inquired about the applications for Fire Chief. Senyko responded that he should have some information on this matter in the upcoming week. Moffitt also encouraged that any correspondence directed towards the City Council be delivered in a timely fashion.

Moffitt questioned the use for the old Fire Hall because he read that a liquor license was trying to be obtained for it. Senyko responded that the DDA is leaning towards the purpose of the facility as a private use operation. Senyko also stated that the Council can review the restrictions of the use of the Fire Hall at the March work session, however Senyko informed the Council that Administration and the DDA have considered the concept of a restaurant with a liquor license. Moffitt questioned if the adjacent church was opposing this concept and Senyko stated that the Church has the opportunity to protest this use.

North and Osborn discussed who would be attending the Beautification Commission meeting, and also discussed scheduling conflicts.

Rauch commented about the lack of enforcement for the "No Parking" sign near City Hall.

Angeluski announced that the VFW continues to hold their Fish Fry on Friday night. Angeluski also thanked the Council for the Proclamation that was given earlier in the evening.

King asked Chief Aro to send out more patrol near the intersection at Silver Lake Road and Leroy Street because there are too many people running the right light in the morning and it is posing a dangerous situation.

LEGAL COUNSEL REPORT

Schultz stated that he, along with the attorney for the DDA, would attend the March work session and try to clear up some confusion concerning the process for the old Fire Hall. Schultz reviewed that he had participated in an In-service for the Planning Commission which provided some good information and provoked some great questions from the members, thus providing a good opportunity for everyone to be on the same page with the purpose of the Planning Commission.

Schultz stated that the Police Department is doing a great job because they are spending a lot more time in Circuit Court. Schultz wanted to inform the Council of this because the next billing from Foster Swift may be elevated and he wanted to take the opportunity to explain why it is increased.

MAYOR'S COMMENTS

A motion was made by Osborn and seconded by Hammond to enter into Closed Session at the request of the City Manager to discuss strategy relating to pending litigation.

YEAS: North, Osborn, Rauch, Angeluski, Hammond, King, Moffitt.

NAYS:None.

ABSENT: None. Motion carried

Council recessed to Closed Session at 9:05 PM.

Council reconvened to Open Session at 9:44 PM

Meeting adjourned at 9:45 PM.

Mayor Sue Osborn

Deputy City Clerk, Jennifer Wills