

**CITY OF FENTON COUNCIL PROCEEDINGS**  
**Monday, March 16, 2015**  
**City Hall Council Chambers**  
**301 South LeRoy Street**

Mayor Sue Osborn called the meeting to order at 7:32 PM.

The invocation for the evening was given by Attorney Stephen Schultz and was followed by the Pledge of Allegiance.

Present: Bland, Grossmeyer, Jacob, Lockwood, McDermott, Osborn.  
Absent: King.  
Others Present: Lynn Markland, City Manager; Dan Czarnecki, Director of Public Works; Mike Reilly, Building and Zoning Administrator; Mike Burns, Assistant City Manager, Bob Cairnduff, Fire Chief; Carmine Avantini, City Planner and Stephen Schultz, Legal Counsel.

**MAYOR'S COMMENTS**

Osborn commented the National League of Cities conference in Washington D.C. was great and she was able to meet with Senators Stabenow and Peters. She reminded everyone the Library grand opening is Thursday at 6:30 PM.

**CITY MANAGER'S REPORT**

Markland commented on the following:

- The Community Center project is finishing up and should be done in a few weeks.
- All five union contracts are currently being worked on.
- Work has started on the City budget which is due at the beginning of April. Revenues will be up slightly this year but exact numbers are not available until the Board of Review has finished their work.

**COUNCIL MEMBER COMMENTS**

Grossmeyer commented the FARR property has been sold and the sale was finalized last Friday.

Lockwood thanked all that worked on the Expo. She stated May 14<sup>th</sup> is the donor Opening Ceremony at the Community Center and the public Open House is scheduled for May 16<sup>th</sup>. She stated the Beautification Commission's Community Planting Day is scheduled for May 30<sup>th</sup> and thanked the staff at Gerych's for their help.

McDermott stated the Parks Board Clean-up is scheduled for May 2<sup>nd</sup>. He stated members of the Zoning Board of Appeals recently went through training with the City Planner.

Bland commented he enjoyed working the Expo and stated a lot of people were interested in what is going on downtown. He stated he is leaving town Wednesday and will miss the next Council meeting.

## **LEGAL COUNSEL REPORT**

Schultz commented he is working on union negotiations and with the Police Department on a personnel matter. His office has prepared a Freedom of Information Act fee policy which has to be in place by July 1<sup>st</sup> and will come to Council at a later date for consideration.

**CITIZEN COMMENTS** – None.

## **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 \$161,875.05.
- Approve and place on file the minutes of the January 8, 2015 Oakwood Cemetery Board meeting, the January 22, 2015 Planning Commission meeting, the February 10, 2015 Parks and Recreation Board meeting, the February 23, 2015 City Council meeting and the March 2, 2015 City Council work session.
- Approve Traffic Control Order 14-05 which installs a sign indicating 8:00 AM-4:00 PM below the ‘No Left Turn’ sign at the North Road Elementary west driveway.
- Approve request from the Fenton Shrine Club and Elf Khurafeh Shrine Temple to conduct their annual Shrine Paper Sale in the City of Fenton on June 5<sup>th</sup> and June 6<sup>th</sup>, 2015.

Lockwood inquired about Traffic Control Order 14-05 stating she didn’t have time to speak to the Police Chief prior to the meeting and stated the area around North Road Elementary becomes a bottleneck and traffic backs up at certain times of day. Grossmeyer stated the ‘No Left Turn’ sign is already in place and all that is being considered is approving the addition of the sign that indicates the hours of 8:00 AM-4:00 PM.

Markland stated if Council has concerns, the item could be tabled. Lockwood asked if the Order could be adopted and then changed at a later date. Schultz confirmed the Order could be revised at a later date, but would have to go through the process of adopting a Traffic Control Order.

Osborn commented she has concerns with the Shrine Paper Sale taking place at the intersection of North Road and Adelaide since it is such a busy intersection. Lockwood stated any concerns can be conveyed to the Police Chief and applicant before the sale takes place.

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

NAYS: None.

ABSENT: King. Motion carried by a roll call vote.

## **ORDINANCE NO. 691 and 692**

Markland stated this ordinance is for the PILOT (Payment in Lieu of Taxes) for Mill Pond Manor. A PILOT is already in place and this Ordinance is to extend it. He asked that this Ordinance, along with Ordinance 692, which the PILOT Ordinance is for Dauner Haus IV be tabled until the next meeting in order to negotiate a Municipal Services Agreement with both Dauner Haus and Mill Pond Manor.

A motion was made by Osborn and seconded by Grossmeyer to table Ordinance No. 691 and Ordinance No. 692. Motion carried by a voice vote.

## **FIRST READING OF ZONING ORDINANCE AMENDMENT AND SET PUBLIC HEARING DATE**

Carmine Avantini stated this is a City initiated rezoning request. The Planning Commission expanded the area of the rezoning to include the abutting shopping center. One of the reasons for the request is because there are currently two different zoning classifications (commercial and industrial) attached to individual parcels in the area. The thought was in order to encourage redevelopment of those parcels in a way that is beneficial to both the City and residents was to have a Planned Unit Development with a commercial zoning designation and establish a list of permitted uses in the district. He stated there is a set of design guidelines which is for the benefit of anyone looking to develop these properties and many of these standards are already in the Zoning Ordinance.

Avantini stated there will not be much impact on the existing shopping centers in the area and the changes are primarily aimed at the undeveloped and underdeveloped properties on the south side of Silver Lake Road opposite the Poplar Street intersection. Another thing that was looked at was making the main entry way to the development off of the light at Silver Lake Road and Polar Street. There would be access drives off the main entryway to avoid multiple entrances off of Silver Lake Road.

Avantini stated meetings were held with property owners and no negative feedback was received. At the public hearing held at the Planning Commission meeting, a real estate agent requested automobile sales lots be allowed. The Planning Commission discussed this and decided it would not be allowed in this area as there are other locations in the City available for that use.

Avantini stated this change would add a wide variety of commercial uses that currently are not permitted and would eliminate industrial uses that would have a difficult time fitting on the parcels affected by this proposed change.

A motion was made by Osborn and seconded by Bland to set a Second Reading and Public Hearing for Monday, April 13, 2015 for the Zoning Ordinance Amendment regarding changes to the Silver Lake Road Planned Unit Development and guideline changes for the Silver Lake Road/Poplar Street area. Motion carried by a voice vote.

## **RESOLUTION 15-4**

Markland stated Proposal 1 will be voted on at the May 5, 2015 election. If the proposal is approved, sales tax will increase by one cent and all taxes collected at the gas pump will go towards roads. The money the City will receive from the state if Proposal 1 passes will allow the City to ask for a lower local roads millage which, when added to the state funds, will allow for a sustainable road maintenance program.

Bland stated he is not in favor of a tax increase but is in favor of fixing the roads and as long as the money is used for roads, he is 100% in favor of it. He thinks this is the best option available to get the streets within the City fixed.

A motion was made by Lockwood and seconded by Jacob to adopt Resolution 15-4, a Resolution in support of Proposal 1.

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

NAYS: None.

ABSENT: King. **RESOLUTION DECLARED ADOPTED.**

## **RESOLUTION 15-5**

Czarnecki stated this resolution is to support holding a Goose Round Up on the Mill Pond in 2015. In order to apply for a permit to remove the geese, the MDNR application requires a

resolution from the local governing body approving the round-up and the resolution must indicate that some of the geese removed may be killed. He is recommending Council approve the resolution and noted none of the geese removed from the Mill Pond last year were euthanized.

A motion was made by Bland and seconded by McDermott to adopt Resolution 15-5, a Resolution in support of holding a goose round up on the Mill Pond in 2015.

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

NAYS: None.

ABSENT: King. **RESOLUTION DECLARED ADOPTED.**

### **EXTENSION OF EMS CONTRACT**

Cairnduff stated the joint agreement between the Cities of Fenton and Linden with STAT EMS needs to be extended. Language in the contract allows for one year extensions after the initial three years of the contract and noted extensions have been approved for the two previous years. He stated the joint agreement has worked well for the community and response times by STAT EMS to medical emergencies remains impressive and they have met the response requirements of the contract since its inception. He is recommending approval of the contract extension.

Joseph Karlicheck, Chief Operating Officer of STAT EMS reviewed the 2014 Response Time and EMS Report and gave an overview of ongoing education and training efforts for both First Responders and members of the community. He stated this is the 5<sup>th</sup> year STAT-EMS has worked with the City and he thanked the Council, Administration and members of the community for their support.

A motion was made by Bland and seconded by McDermott to approve a one year contract extension with STAT-EMS for Emergency Medical Services, effective February 1, 2015. Motion carried by a voice vote.

### **SEMINARY BUILDING STRUCTURAL REVIEW**

Czarnecki stated the Seminary became the property of the City in January 2015. The structure is unsafe due to a partial building collapse in 2014. To determine if repairing the building is feasible, a structural review is needed. He contacted Cheryl Early from Fitzpatrick Structural Engineering, PC. A quote was provided to inspect the building in order to form an opinion of the condition of the structure and provide a general recommendation for repairs. Ms. Early also provided information for Historic Restoration Consulting Group who would inspect the building and provide the City a written estimate for the work involved to save the structure. Once the structural assessments are completed and the reports received, the City will have the necessary information needed to determine the feasibility of saving the Seminary and all the options could be presented to Council for a determination on how to proceed.

Czarnecki stated he is recommending that Fitzpatrick Structural Engineering PC be hired to perform a structural review as described in their fee proposal letter dated March 10, 2015 and include a site visit assessment from Historic Consulting Group. Czarnecki stated Ms. Early has provided an estimated minimum fee of \$1,050 but it is difficult to set a “not to exceed” cost for the structural review due to the difficulty of the review and the many unknown conditions of the building. Historic Restoration Consulting Group has provided a cost of \$1,000 to come on site and make their assessment.

Osborn clarified this is not an assessment to remove the structure and stated she'd be nervous about letting anyone inside the building because it's in such bad shape. Czarnecki responded the assessment is to determine whether the building should be repaired or removed.

Grossmeyer asked if this is necessary since the building is on the historic registry. Czarnecki responded it does not have to be done, but it will provide Council with the information to make a decision as to what to do next.

Markland stated he asked the DPW Director to get a proposal for a structural review because the Seminary is a historical structure. He thought before a decision was made to demolish the building that Council have the opportunity to investigate options to see if it is feasible to save the structure.

Bland stated he is not in favor of tearing the building down without having a professional look at it to see if it can be saved because it is a historical structure. He thinks money spent on a structural review is money well spent.

Jacob stated spending this money will put the issue to rest and the decisions the Council makes will be based on facts gathered during the review.

Lockwood asked what the time frame is to complete the review as there are a lot of concerns from residents in the area. Czarnecki responded Ms. Early indicated she is available to perform the review within the next few weeks.

Grossmeyer stated if the decision is made to demolish the building, having a review done by a Structural Engineer may also help in that process.

Osborn stated she would like to know if any of the stone from the building could be saved.

McDermott stated he is not in favor of spending money because he thinks the building is beyond repair. He stated it was a beautiful building at one time but does not see the City ever investing the money to get it back to that point. He thinks if it's necessary for a review to proceed with demolition and to show the State Historical Society that due diligence was done, then he is okay with it but does not want the City to spend any more money on this property than what is necessary.

Czarnecki stated the review is more of an informational gathering for Council to make a final decision and be able to take that information to residents to explain whatever decision is made.

A motion was made by Grossmeyer and seconded by Bland to hire Fitzpatrick Structural Engineering, PC to perform a structural review of the Seminary building. Motion carried by a voice vote.

## **ENERGY BILL AUDIT**

Will Stiverson of Consumer Energy Options stated the audit is no cost to the City if no savings are found. Energy Cost Recovery Services, Inc. (Ecore) will audit the Consumers Energy bills and see if there have been any overcharges. The audit will cover 4 years of billing. If funds are recovered, Ecore's fee is 45% of the recovered funds.

McDermott stated at the last meeting it was discussed that Ecore's fee would be 45% of the recovered funds plus 45% of the first year of future savings but the contract still states there is no fee for future cost reductions.

Mr. Stiverson responded the agreement presented tonight covers the prior four years. Another agreement could be done at a later date that addresses future savings.

McDermott clarified that all that is being approved is 45% of recovered funds from the previous four years of billing. Mr. Stiverson responded that is correct.

A motion was made by Bland and seconded by Grossmeyer to approve an energy bill audit with Energy Cost Recovery Services, Inc. Motion carried by a voice vote.

## **LAWN CARE SERVICES BID**

Burns stated bids were received for the 2015 mowing season with the option of extending the agreement for the 2016 and 2017 seasons. Bids were accepted from CJ Callaghan and Sons (Fenton) and C & R Lawn Care (Burton). The lowest qualified bidder is CJ Callaghan and Sons who have provided law care services to the City for 11 years. The total cost to the City is \$63,983.40 for 2015 and 2016 (\$55,763.40 from General Fund and \$8220 from DDA) and \$65,099 for 2017 (\$56,879 from General Fund and \$8220 from DDA). He is recommending selecting CJ Callaghan and Sons to provide lawn care services in an amount not to exceed \$63,983.40 for the upcoming mowing season and to reevaluate in one year and possibly extend the contract.

Osborn stated there were some issues around the City with lawn maintenance last year. Burns responded Administration is aware of the issues and has spoken to CJ Callaghan and Sons about this who indicated those issues would be remedied this year.

Lockwood commented regarding watering and stated she doesn't want services the Beautification Commission and the lawn care provider to be duplicated.

Burns commented the contract presented tonight is strictly for mowing and doesn't include items such as watering; that would be addressed in the landscaping contract.

A motion was made by Grossmeyer and seconded by Jacob to select CJ Callaghan and Sons to provide lawn care services at a cost not to exceed \$63,983.40 for 2015. Motion carried by a voice vote.

## **CALL TO THE AUDIENCE**

Vince Paris from Southern Lakes Parks and Recreation (SLPR) stated that SLPR is in the final stages of the Recreational Master Plan process. The plan has been worked on for 18 months and was placed in twelve places for public review and a number of public meetings were held to receive input. The plan was designed to address DNR applications for grant dollars. He stated the plan does not need official approval from City Council but he would appreciate a letter of support and apologized for any miscommunication regarding the need for official approval. McDermott commented the plan came before the Parks Board, who supported the plan. Paris also commented the sponsorships for the Farmers Market and Concert Series were approved by the DDA. Back to the Bricks is still being worked on because the location for the event hasn't been determined.

Doug Tebo, 409 Bent Oak, stated there are many Baptist ministers that once lived in the Seminary who are buried at Oakwood Cemetery. He asked if any material is salvaged from the Seminary that some of it be used to construct a memorial at the Cemetery.

Will Stiverson, Fenton Township, spoke about the recent drug overdose death of a teenager in the community and reminded all while there are a lot of positive changes going on in the community everyone needs to be aware of what is going on around them as many people don't realize how big of a problem drug use can be.

Meeting was adjourned at 8:42 PM.

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Mayor Sue Osborn

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City Clerk, Renee Wilson

Date approved: April 13, 2015