

CITY OF FENTON COUNCIL PROCEEDINGS

**Monday, March 17, 2014
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; Stephen Schultz, Legal Counsel; Carmine Avantini, City Planner; Tim Juidici, City Engineer; Mike Burns, Assistant City Manager; Brad Hissong, Building and Zoning Administrator and Dan Czarnecki, Director of Public Works.

MAYOR'S COMMENTS

Osborn stated she and Councilwoman Lockwood attended the National League of Cities (NLC) conference in Washington D.C. She gathered a lot of good information and will forward it to Council. She met with Senators to get letters signed and stated it was a very good conference. She was appointed to the Michigan Municipal League (MML) Property and Liability Pool Board and will be going to San Diego and noted expenses will be paid by MML.

CITY MANAGER'S REPORT

Markland reported the following:

- Work has started on the next budget. The five year financial forecast has been sent to Paul Stauder and should be ready for review at the April work session.
- He gave a status update on the streetscape project and stated he is continuing to work on the financing for the project.
- He has met with the homeowners association for the townhomes at Eagle on the Waters Edge regarding the special assessment district and stated the assessment district may expand and he will bring this to Council for discussion at a later date.

COUNCIL MEMBER COMMENTS

Jacob stated he is happy to see the Cornerstone project moving along.

Grossmeyer commented he was appointed to the FARR Board last week.

Lockwood stated last week's Beautification Commission meeting was cancelled due to the weather and has been rescheduled to this Thursday at 5:30 p.m. She stated a sub-committee meeting has already taken place regarding the community planting day. She commented the NLC Conference was great and she has a lot of information to share with Council. She met with the D.P.W. Director regarding the removal of tree limbs and he will be working on this issue.

King gave an update on activity at the Loose Senior Center. She stated the building is back to 100%. Classes at the Center are growing and forty three people signed up for activities during the recent expo.

LEGAL COUNSEL REPORT

Schultz stated he will be working with the City Clerk to streamline the process for handling FOIA requests.

CITIZEN COMMENTS

None.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$181,997.86.
- Approve and place on file the minutes of the January 14, 2014 Parks and Recreation Board meeting, the January 23, 2014 Planning Commission meeting, the February 10, 2014 and February 24, 2014 City Council meetings.
- Approve a proclamation for Law Day.
- Appoint John Strayer to a first term on the Library Board.
- Appoint Mark Hamel to a first term on the Downtown Development Authority.

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

NAYS: None.

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

PUBLIC HEARING – AMENDMENT TO WHISPERING PINES PRELIMINARY PUD PLAN

Craig McAra, Attorney for JRDC Land Company, stated he is seeking approval to amend the Whispering Pines PUD Plan to allow for development of single family homes. The original plan called for the development of duplexes but due to changes in HUD standards for approving financing for duplex units, it's nearly impossible to secure financing to build duplexes. The plan for the three duplex units that have already been sold is to put them into their own association independent of the rest of the Whispering Pines development.

Mayor Osborn opened the Public Hearing at 7:48 p.m.

Marlo Howieson, 120 Whispering Pines, stated the road was never completed and asked if the road will be finished before construction begins. He'd like to know by separating the existing units into their own association, how that will affect those properties.

Avantini responded this plan still has to go to the Planning Commission for final site plan approval, where conditions can be placed upon the approval. It is his understanding the road will be patched and once the homes are constructed, the top coat would be installed.

McAra clarified the three existing units would be separated off into their own association, which would not be responsible for paying any sort of special assessment to complete the roads for the rest of the development.

Markland asked if the developer is assuming responsibility for completing the road. McAra responded that is correct. Markland asked what assurance the City would have that this will happen.

Hissong stated this is going back to the Planning Commission and they will most likely request a bond.

Lockwood asked for clarification as to who will be responsible for completing the roads, the developer or the homeowners. McAra responded moving forward, there would be two associations, the association that does not include the existing three units would be responsible for any special assessments that now fall to the association as a whole, which the three units are now a part of.

Lockwood clarified that the existing units would not be responsible for the road. McAra responded that is correct. Lockwood asked how it would be explained to the next development phase that they are responsible for the first phase's roads.

Avantini stated he believes the road will be dedicated as a public road. The developer will ensure the road is paved and brought up to City standards to be turned over to the City and would become the City's responsibility.

Bland asked if something could be added to the plan that indicates there would be no occupancy until the roads are finished. Hissong responded that would be difficult to do as the developer is trying to sell homes; the roads could be finished now, but would probably be damaged during construction and would need to be redone.

Avantini stated having a financial guarantee in place to cover road construction is a way to address these concerns. He stated there are some developments that once a certain percentage of units are constructed, the top coat is installed.

Hissong stated he will relay the Council's concerns to the Planning Commission and they can address them during the final site plan approval process.

Bland stated he wants to make sure if the City is going to take over a street, that it is completed and likes the suggestion of installing the top coat once a certain number of units are constructed.

Avantini stated another option is to have a bond in the beginning but once each house is built, have them put money into an escrow account and at some point in time, the bond can be withdrawn. Osborn asked that the escrow account option be brought up at the Planning Commission meeting.

Mr. Howieson stated the undercoat of the road was in bad shape in the fall and it has been a tough winter and asked when the basecoat will be fixed. He stated there are several streetlights out.

McAra responded it is difficult to set an established timeline to fix the road. The existing units are right off the main road so there could be an agreement to pave that portion of road, and then it would possibly be damaged as construction continues.

Bland stated regardless of when it's done, it will be done to City specifications. Before any work is done, it will be inspected and if repairs are needed to the basecoat, they will be done before the finished coat is put on.

Markland commented if the road is impassable, many houses won't sell and thinks the developer would be willing to fix that as their main objective is to sell houses.

Mayor Osborn closed the Public Hearing at 8:10 p.m.

A motion was made by Bland and seconded by Grossmeyer to approve the amendment to the Whispering Pines Preliminary PUD Plan, conditioned up the recommendations as outlined in CIB Planning's letter dated January 14, 2014.

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

NAYS: None.

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

RESOLUTION 14-6

Czarnecki stated this resolution is to support holding a goose round up. The round up would take place in June when the geese are molting. They would be penned up and taken off site and either relocated back to the wild or euthanized. He noted the last two years a round-up was performed none of the geese were euthanized. In order to apply for a permit to remove the geese, the application requires a resolution approving the round up.

A motion was made by Grossmeyer and seconded by King to approve resolution 14-6; a resolution in support of holding a goose round up on the Mill Pond in 2014.

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

NAYS: None.

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

AGREEMENT FOR TRAFFIC SIGNAL CONTROL WORK

Czarnecki stated as part of the streetscape project, it was looked at to make the downtown more walkable and safer for pedestrian traffic. The proposal is to upgrade the pedestrian signals at the intersection of Silver Lake Road and Leroy Street and install a signal similar to that at the intersection of Adelaide and Shiawassee, which is a countdown type signal. The signals are maintained by the Genesee County Road Commission, whom he contacted for a cost estimate. The estimate is \$8,000 per intersection, and the City is responsible for the cost of installation. He stated the intersection of Caroline and Leroy Street would be upgraded as well.

Bland asked where the funds to pay for this would come from. Markland responded it would be part of the streetscape project.

Lockwood asked how this fits into the proposed streetscape project and if this would impact anything. Czarnecki responded not to his knowledge as the signal poles themselves are not moving.

A motion was made by Bland and seconded by Jacob to approve the Cost Agreement for Traffic Signal Control Work with the Genesee County Road Commission for the pedestrian signal upgrades at the intersections of Leroy/Caroline and Leroy/Silver Lake Road and authorize the City Manager to sign the agreement. Motion was carried by a voice vote.

AGREEMENT FOR ELECTION SERVICES WITH OAKLAND COUNTY

City Clerk Renee Wilson commented this was discussed at the last work session and is necessary due to the land that was annexed from Oakland County. The agreement is for ballot layout and programming services at a cost of \$300 per election and the agreement only applies to even year primary and general elections.

A motion was made by McDermott and seconded by King to approve the Agreement for Election Services between Oakland County and the City of Fenton and Miscellaneous Resolution #13322 and authorize the City Manager to sign the agreement. Motion was carried by a voice vote.

CALL TO THE AUDIENCE - None.

CLOSED SESSION

A motion was made by Osborn and seconded by King to enter into Closed Session for the purpose of discussing ongoing labor negotiations.

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 8:32 PM.

Council reconvened to Open Session at 9:01 PM.

Meeting was adjourned at 9:02 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: April 14, 2014