

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, March 27, 2006
City Hall Council Chambers
301 South Leroy Street

Mayor Osborn called the meeting to order at 7:30 P.M.

The Lord's Prayer was recited, 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; Brad Hissong, Building Official; Jerry Tomczak, Rhoads & Johnson; Anthony Patric, API; Richard Aro, Police Chief.

PROCLAMATION

Proclamation recognizing Monday, May 1, 2006, as Law Day in the City of Fenton.

MINUTES

Moved by Hammond, seconded by King to approve minutes of the March 6, 2006 work session as corrected and minutes of the March 13, 2006 regular meeting as corrected. Motion carried by voice vote.

ACCOUNTS PAYABLE

King raised questions regarding an invoice for Stantec, noting some outstanding issues with the South Long Lake sidewalk project. Senyko informed her that it is a contractor issue and recommended paying the engineering invoice. Senyko will investigate and report in the Friday Memo.

Moved by Rauch, seconded by North to authorize payment of invoices in the amount of \$53,074.58.

Yeas: King, Moffitt, North, Osborn, Rauch, Angeluski, Hammond.
Nays: None.
Absent: None. Motion carried.

CORRESPONDENCE, MINUTES & REPORTS

Moved by Rauch, seconded by King to place on file the following minutes:

- Minutes of the November 21, 2005 Brownfield Redevelopment Authority.
- Minutes of the February 21, 2006 Downtown Development Authority meeting.
- Minutes of the February 22, 2006 Development Area Citizens Council meeting.
- Minutes of the February 23, 2006 Planning Commission meeting.

Motion carried by voice vote.

RHOADS & JOHNSON REZONING

Hissong provided a report on previous discussions of the proposed use of this property and how it relates to the Master Plan. The property is located on Torrey Road directly behind the Fenton Millenium Center and is currently zoned Medium Density Residential. Project Manager Jerry Tomczak presented the proposed project and explained the request to re-zone the property to Office Service District. He informed Council that a wetlands determination has not yet been done and that there is an existing detention pond in place.

Mayor Osborn opened the public hearing. Hearing nothing from the audience, the hearing was closed.

King asked if the applicant would be agreeable to addressing the Torrey Road Baptist Church's request to provide fencing along the back and Tomczak felt they would be.

Moved by Hammond, seconded by North to approve the re-zoning of Parcel Number 53-26-100-018 from Medium Density Residential to Office Service District which better defines the intent of the Fenton Master Plan.

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

Nays: None.

Absent: None. Motion carried.

PRELIMINARY PUD APPROVAL

Hissong explained this is a request from Anthony Patric, Inc. for preliminary PUD approval on property located at 3238 & 3240 Owen Road, which will expand the existing BP gas station and convenience store. The proposed plan will correct existing drainage issues and provide for the elimination of left turns except at the new traffic light.

Anthony Patric, 8445 S. Saginaw, Grand Blanc, defined the proposal by addressing each item separately. Mr. Patric is proposing a 3000 square foot convenience store and 1500 square foot restaurant with a drive thru window. He noted the proposed configuration provides much needed improvement with traffic circulation on Owen Road. The new turning radius will allow for all emergency equipment and the existing pumps will remain in place. Hissong also explained that the owner has purchased the Atlas Oil property which will allow them to eliminate the existing tanks and set the building further back on the property. Hissong and Patric went on to address Council members' concerns regarding adequate parking, increased traffic and number of curb cuts. Angeluski suggested waiting to see if the existing and future traffic would be controlled adequately by the new traffic signal.

Senyko stated that what is being proposed is an improvement to the existing situation and the original Target approvals. He noted that administration is very sensitive to the traffic issues and reminded Council that the project must go back to the Planning Commission for the site plan approvals.

At this time Mayor Osborn opened the public hearing.

Thom North, 401 W. Elizabeth, expressed concerns regarding the traffic created in the Owen Road area, but noted the proposed plan does not look too bad. He also questioned what the traffic situation would be if improvements were not made.

Justin Sprague, 15200 Silver Parkway, felt it might be feasible to remove the right turn curb cut with the new traffic signal in place.

Hearing nothing further from the audience, the public hearing was closed.

Angeluski stated that it is his feeling that this project, if approved, would be injurious to the community and City Council will some day regret granting its approval. He also stated that serious problems will be created if the new traffic light does not control traffic properly.

North stated she is concerned about adding more traffic and business to that area.

Moffitt stated he felt that area would be a mess some day.

Senyko noted that most of the previous discussion was related to site plan issues. He suggested giving administration direction and concerns to take to the Planning Commission.

Hammond reminded Council that this traffic circulation plan was approved by City Council when they approved Target. He cannot think of a better plan, noting what is existing is terrible.

Moved by Hammond, seconded by King to approve the Preliminary PUD and rezoning request of API for property located at 3238 & 3240 Owen Road, with conditions to be address by the Planning Commission at site plan review.

Yeas: Osborn, Rauch, Hammond, King.

Nays: North, Angeluski, Moffitt.

Absent: None. Motion carried.

ORDINANCE NO. 634

Chief Aro explained that this ordinance adds the terminology “dating relationship” to the current domestic abuse ordinance, bringing it more in line with the state law.

Osborn opened the public hearing at this time. Hearing nothing from the audience, she closed the hearing.

Moved by Rauch, seconded by North to adopt Ordinance No. 634 amending the City of Fenton Code of Ordinances Section 20-23, Domestic Assault and Domestic Assault and Battery. Motion carried by voice vote.

LIQUOR LICENSE RESOLUTION NO. 06-08

Aro explained that Kim Hicks, the owner of Across Town Café, has applied to transfer ownership of a Class C liquor license from escrow to her business at 2461 North Road. The existing restaurant name will be changed and remodeling will take place with the addition of a small bar for liquor service. Kim Hicks assured Council that the main focus remains on food service and the liquor license was for restaurant use only and would not be used for her catering business. New restaurant hours will be 11:00 AM to 10:00 PM. Aro explained the close proximity to gas pumps and LP tanks will be part of the Liquor Control Commission investigation.

Moved by Rauch, seconded by Hammond to adopt Resolution No. 06-08 approving the transfer of ownership of a class C liquor license from Walli’s West Inc. to Kimberly Hicks, 2461 North Road, Fenton.

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

Nays: None.

Absent: None. Resolution declared adopted.

MAILLOT JAUNE ROAD RACE & TOUR DE LACS BIKE TOUR

Senyko reminded Council that this request was tabled at a previous meeting in order to obtain feedback from area businesses on the race route. He reported that the majority of the responses were positive. Aro has met with the race sponsors and has been assured there will be enough volunteers to help with traffic control. Mark Hamel stated they will be hanging banners announcing the event, but will attempt to obtain additional ground signs. Schultz stated there is no liability for the city due to governmental immunity.

Moved by King, seconded Rauch to approve the Maillot Jaune Road Race and the Tour De Lacs Bike Tour to be held July 29 and July 30, 2006. Motion carried by voice vote.

EAGLE SCOUT PROJECT

Senyko explained that a local Eagle Scout, Adam Carey, is proposing improvements to the play area behind the Old Fire Hall as his community project. This property has been removed from the Park Master Plan and therefore, requires City Council approval. He went on to add that the DDA has provided \$5000 toward the project, but no additional city funds will be used.

Moved by Angeluski, seconded by Rauch to approve the Eagle Scout Project of Adam Carey to perform improvements to the play area behind the Old Fire Hall. Motion carried by voice vote.

CALL TO AUDIENCE

Thom North, 401 W. Elizabeth, felt there was good discussion at the Planning Commission meeting regarding Target. He noted valid concerns were expressed by residents. He was puzzled over what appeared to be concern for businesses over the citizens. He also questioned the appropriateness of the City administration bringing forth a recommendation at a public meeting.

CITY MANAGER'S REPORT - None.

COUNCIL MEMBER COMMENTS

North reported that audience members complain about not being able to hear at the Planning Commission meetings. Wren stated this issue will be addressed when the renovation of the Council Chamber is done. King is also concerned about this. Also, North reported that there was a large amount of dirt in Owen Road from the Target site which was effecting visibility. Senyko explained the City can request that the contractor put down water on the roadway to lay the dust.

Rauch thanked all those who called him during his recent illness.

King reported there is a meeting on March 28th for the upcoming Loose Center event. She also stated there will be a press release.

Hammond reported the Board of Review is finished for the year and reported less than 100 applicants. He also noted that the Assessor and Deputy Assessor do an outstanding job.

LEGAL COUNSEL REPORT

Schultz reported being busy with Walmart and the paint issues at the water plant.

MAYOR'S COMMENTS

Osborn informed Council that Small Cities will be held April 5th at Brady's in Linden. She encouraged everyone to visit the nature reserve on Dauner Road, noting how pleasant it is. She then appointed King and Hammond to serve on a committee with her to provide input on the council chamber renovations.

CLOSED SESSION

Moved by Osborn, seconded by Hammond to enter into closed session for the purpose of discussing strategy related to the negotiation of collective bargaining agreements.

Yeas: Rauch, Hammond, King, Moffitt, Osborn.

Nays: Angeluski, North.

Absent: None. Motion carried.

Recessed to closed session at 9:50 P.M.

Reconvened to open session at 10:15 P.M.

Meeting was adjourned at 10:16 P.M.

Sue Osborn, Mayor

Melinda Carrier, City Clerk