

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, April 13, 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 the Lord's Prayer and was followed by the Pledge of Allegiance.

Present: Bland, Grossmeyer, Jacob, King (via telephone), Lockwood, McDermott, Osborn.
Absent: None.
Others Present: Lynn Markland, City Manager; Mike Reilly, Building and Zoning Administrator; Carmine Avantini, City Planner and Stephen Schultz, Legal Counsel.

MAYOR'S COMMENTS

Osborn reminded Council there is a meeting Thursday at 5:30 PM with Lew Bender and the budget work session is scheduled for April 25th.

CITY MANAGER'S REPORT

Markland commented on the following:

- Gave an update on the Streetscape project.
- Work on the budget will finish up this week.
- The structural engineer will be at the Seminary tomorrow to perform a structural review of the building.

COUNCIL MEMBER COMMENTS

Jacob commented sixty three people participated in the disc golf tournament at Silver Lake Park and the event went really well.

Grossmeyer gave an update on the Genesee County Board of Commissioners meeting where court consolidation was voted on. He stated the FARR Board is having a benefit dinner at the Loose Senior Center on May 15th at 6 PM and hopes it will become an annual event.

Lockwood stated the Beautification Commission meeting is this Wednesday and reminded all that May 30th is the Community Planting Day and volunteers are needed.

McDermott commented May 2nd is the annual Park Clean Up.

LEGAL COUNSEL REPORT – Schultz commented his office is working on union negotiations.

CITIZEN COMMENTS – Rick Kershaw, 648 Shoreline Drive representing the Waters Edge Village Association commented he thought the solid waste contract would be acted on tonight but understands that it is not on tonight's agenda. He submitted a list of questions regarding the proposed changes to solid waste and recycling collection for Council to consider.

Dawn Overmyer, 826 Southwood Drive, asked if she can comment on a consent agenda item. Schultz responded if a Council member wants to remove an item from the consent agenda, it can be discussed and a separate vote taken on that item.

Bland requested that 'Approve request from the Fenton High School Project Graduation Committee to collect donations at the intersections of Silver Lake Road and Adelaide Street and North Road and Adelaide Street on May 1st and May 2nd, 2015 be removed from the consent agenda to be acted on separately.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$159,008.84.
- Approve and place on file the minutes of the February 27, 2015 Planning Commission meeting, the March 16, 2015 and March 23, 2015 City Council meetings.
- Accept the resignation of Stacy Walsh from the Beautification Commission.
- Appoint Scott Grossmeyer, Doug Tebo, Patric Parker, John Wiley, Nancy Draves and Sue Osborn to the Brownfield Redevelopment Authority.

Osborn noted that Doug Tebo and Patric Parker will be new members of the Brownfield Redevelopment Authority, everyone else is being reappointed. She asked that Council be provided with the applications of the individuals who were appointed to the Brownfield Redevelopment Authority.

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

Dawn Overmyer stated recently there have been several articles in the Flint Journal that indicate it is against the law to stand in the street and collect donations and asked why the City is allowing it. Schultz responded the issue the articles refer to are private individuals soliciting funds who are obstructing traffic and there is a legal issue if the individual is not part of an approved event. The issue in front of Council tonight is an organization asking permission to collect donations and there is no legal issue as to the ability of Council to authorize this type of solicitation. As long as the solicitation is permitted, state law is not being violated. The City has the ability to grant permission to individuals to solicit in intersections.

Bland stated he has never had an issue with soliciting donations at intersections, but he is concerned with the intersections where the donation collection is to take place because of the additional traffic in those areas due to the construction downtown. He is not against the request but wants to make the people soliciting aware that those intersections are now handling three times the traffic than what they normally handle and he doesn't want to see anyone get hurt.

Lockwood stated she knows there are concerns with having people out in the street but stated it will be parents collecting donations, not students and stated she will support this request because she knows how hard it is for the Committee to raise funds.

Grossmeyer commented the suggested intersections were recommended by the Police Chief and supports the request.

Rick Orłowski, Chairman of Project Graduation, confirmed the Police Chief helped set the intersections and time for collection. He stated this is their main fundraiser but they are open to change if needed.

King stated she is not in favor of people soliciting in intersections as she feels it is an unsafe practice.

A motion was made by Lockwood and seconded by McDermott to approve the request from the Fenton High School Project Graduation Committee to collect donations at the intersections of Silver Lake Road and Adelaide Street and North Road and Adelaide Street on May 1st and May 2nd, 2015. Motion carried by a voice vote with King dissenting.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT

A public hearing to accept public comment on a proposed rezoning request to consider rezoning properties in the vicinity of the Silver Lake Road/Poplar Street intersection from GBD, General Business District and IND, Industrial to GBD, General Business District/PUD Planned Unit Development. The tax identification numbers for the properties are 53-26-553-021, 53-26-553-014, 53-26-553-020, 53-26-300-016, 53-26-552-040, 53-26-552-041, 53-26-552-021, 53-26-552-039, 53-26-555-001, 53-26-555-002. The purpose of the request is to encourage a unified commercial/R&D/office development through the use of design guidelines, along with the associated flexibility provided by the PUD designation.

Mayor Osborn opened the public hearing at 7:57 PM.

Rick Kershaw, 648 Shoreline Drive, stated if the property in question is rezoned to a PUD, that a performance bond be required to avoid issues like those that were encountered with Eagles on the Waters Edge townhomes where the developer did not finish the roads. Avantini confirmed the Zoning Ordinance contains language that requires performance bonds.

Mayor Osborn closed the public hearing at 8:00 PM.

Grossmeyer commented the Planning Commission, along with the City Planner spent a lot of time looking at the boundaries and permitted uses and feels confident this rezoning will lead to quality developments in the future.

A motion was made by Grossmeyer and seconded by Jacob to approve an amendment to the Zoning Ordinance to rezone properties in the vicinity of the Silver Lake Road/Poplar Street intersection from GBD (General Business District) and IND (Industrial) to GBD/PUD Planned Unit Development along with the associated table of permitted uses and design guidelines. The tax identification numbers for the properties are 53-26-553-021, 53-26-553-014, 53-26-553-020, 53-26-300-016, 53-26-552-040, 53-26-552-041, 53-26-552-021, 53-26-552-039, 53-26-555-001, 53-26-555-002. Motion carried by a voice vote.

PAVING BID FOR EAGLES ON THE WATERS EDGE TOWNHOMES

Czarnecki stated bids were accepted late last year for the paving work in the Eagles on the Waters Edges townhomes development. The low bid is from Allied Construction for \$375,264.70 and he is recommending the bid be accepted.

Markland stated he spoke to Bond Counsel today who indicated any approval be contingent on funding for the project being approved. Council previously approved a Notice of Intent for the bonds, but there is a 45 day referendum period and the bonds cannot be secured until the referendum expires.

A motion was made by Lockwood and seconded by Bland to award the Eagles on the Waters Edge Townhomes paving project to Allied Construction Co. Inc. for work as specified in the construction documents and specifications in the amount of \$375,264.70 and authorize the City Manager to sign the appropriate documents, contingent upon funding approval for the project. Motion carried by a voice vote.

EAGLE ON THE WATERS EDGE CONSTRUCTION ENGINEERING SERVICES

Czarnecki stated the Eagles on the Waters Edge paving project will need engineering oversight during construction. OHM has provided a scope of services for this work which includes observation of the proposed work, daily documentation of construction activities and pay item quantities, resolving any issues with the work and coordinating material testing. They will also handle contract administration and construction staking. He is recommending approval of the scope of services.

A motion was made by Lockwood and seconded by McDermott to approve the Eagles on the Waters Edge Scope of Services with OHM as outlined in their scope of construction services dated December 1, 2014 at a cost not to exceed \$49,000 and authorize the City Manager to sign the agreement, contingent upon funding approval for the project. Motion carried by a voice vote.

OVERHAUL OF WELL #5

Czarnecki stated over the years, well #5 has slowly lost its full operational capacity. Capacity was designed for 750 gallons per minute and is currently operating around 550 gallons per minute. A few years ago, an alternate water source was looked for and if one had been found, well #5 would have been discontinued but a sufficient water source was not found. When well #5 is used, it is typically used in conjunction with another well and pump to achieve the needed capacity. Peerless Midwest provided a proposal to upgrade the operational capacity of the well by installing a variable frequency drive (VFP), which will operate the well pump in a more energy efficient manner. He stated \$35,000 was budgeted in the current budget to overhaul well #5 and Peerless Midwest performed the last well overhaul and did a very good job. Czarnecki briefly overviewed efforts that have been taken to find other water sources.

A motion was made by McDermott and seconded by Bland to approve the quote from Peerless Midwest for the overhaul of Well #5 at the Water Treatment Facility at a cost not to exceed \$32,000 and authorize the City Manager to sign the agreement. Motion carried by a voice vote.

SALE OF 603 MAIN STREET

Markland stated the property at 603 Main Street was tax reverted to the City in December 2012 and was subsequently demolished. Neighbors on each side of the lot would like to expand their own lots and have each agreed to pay \$10,000 for ½ of the lot. The property has been surveyed and the City Attorney has prepared the deeds and closing paperwork. Council agreed to sell the property in April 2013 but issues with the survey have been delaying the sale and those issues have now been satisfied.

King asked if the sale price will cover what the City paid for demolition. Markland responded he does not know the exact cost of the demolition but it was less than what the property will be sold for.

A motion was made by Bland and seconded by Jacob to approve the sale of the lot at 603 Main Street for \$20,000 or \$10,000 for each half. Motion carried by a voice vote.

CALL TO THE AUDIENCE – Lyle Chapman, 1216 State Road commented regarding possible changes to the solid waste program. He expects his costs to double under the new program and thinks the change would negatively affect a lot of one and two person households. He thinks the program needs to be better explained to the community and asked if recycling and yard waste is included in the new program. He asked if the annual 3% increase is based on the first year's rate or compounded and asked what the amount of the administrative costs will be. He asked how the new system would result in the doubling of collection recyclables, which is what the article in the newspaper stated and wants to know what will be done with the recycling bins currently being used.

Markland responded he will get the amount of the administrative costs and follow up with Mr. Chapman. He stated recycling and yard waste collection are included in the cost of the new program. The statement regarding doubling the amount of recyclables collected was based on information from an MDEQ study.

Gary Hicks of Republic Services stated the larger carts provided as part of the new program will allow for more recycling and there has been an uptick in the amount of recycling in communities that switched to this program. He stated the recycling bins currently being used can be recycled.

Lockwood stated there will be several opportunities at community meetings for the public to learn about the program and provide input. She stated other items are being looked into such as how to handle billing for residents that live elsewhere during the winter months. She stated two years of research was done by the sub-committee to present a new program. She stated there are many residents that do not partake in the current program which has caused the price of bags and tags to increase over the years.

Markland stated the Code Enforcement Officer has found instances of renters that stored trash in a garage or basement which caused other issues the City had to address. He stated this change is not something that was rushed into and has been discussed at prior Council meetings. He stated the price of bags and tags have increased once or twice since he's been with the City and at one time the program was losing money and was being subsidized by the general fund. He cannot guarantee if the City stays with the current program that the prices of bags and tags won't increase again.

Lois Chapman, 1216 State Road commented the article in the paper indicates most 'average' residents will see a reduction in costs and commented many residents would not fit the definition of average and will see an increase in costs and asked if that was taken into consideration.

Dawn Overmyer, 826 Southwood Drive stated previous discussion took place as to whether solid waste and recycling would be billed on the tax bill or the quarterly utility bill. She thinks billing it quarterly may be difficult for some people to budget and asked if there is a reason it was put on the utility bill instead of the tax bill.

Osborn stated bill options are still being discussed.

Dawn Overmyer stated she is in favor of the new program because it will get every house in the City paying a fair share. She is not happy with the 3% annual increase and stated people could be paying a lot more for the program a few years down the road. She thinks billing for solid waste and recycling on the tax bill will be easier for people to budget.

Doug Tebo, 409 Bent Oak, stated he is not in favor of changing systems and does not like the size of the proposed carts. He stated if recycling goes to every other week collection, Republic's fuel costs will decrease by 25% and those reductions should be reflected in the contract.

Amy Freeman-Rosa, 809 Williams Street, commented this change will result in an increase to her and many other citizens. She would like to see a more fair approach to a solid waste program.

CLOSED SESSION

A motion was made by Osborn and seconded by Grossmeyer to enter into a Closed Session to discuss union negotiations.

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

NAYS: None.

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

Council recessed to Closed Session at 8:37 PM.

Council reconvened to Open Session at 9:25 PM.

Council continued discussing options for billing residents for solid waste and recycling collection. Public meetings will be held at a later date to explain all aspects of the new program with residents.

Meeting was adjourned at 9:27 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: