

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, June 27, 2005
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 the Lord's Prayer, followed by the Pledge of Allegiance.

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

Absent: None.

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

MINUTES

Moved by North, seconded by Medor to approve the minutes of the June 6, 2005 Work Session and the June 13, 2005 regular meeting. Motion carried by voice vote.

ACCOUNTS PAYABLE

North and King had some questions about accounts payable that were answered to their satisfaction. Moved by Rauch, seconded by North to authorize payment of invoices in the amount of \$131,675.46.

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

NAYS:None.

ABSENT: None. Motion carried.

CORRESPONDENCE, MINUTES & REPORTS

Moved by North, seconded by King to place on file the following correspondence, minutes and reports:

- Minutes of the March 16, 2005 regular meeting of the Beautification Commission.
- Minutes of the April 20, 2005 regular meeting of the Beautification Commission.
- Minutes of the May 17, 2005 regular meeting of the Downtown Development Authority.
- Minutes of the May 25, 2005 regular meeting of the Development Area Citizens Council.
- Minutes of the May 26, 2005 regular meeting of the Planning Commission.

Motion carried by voice vote.

CITIZENS COMMENTS

Two members of the audience requested to address the Council regarding the Public Hearing

for the Sidewalk Special Assessment.

PUBLIC HEARING FOR THE SOUTH LONG LAKE ROAD SIDEWALK SPECIAL ASSESSMENT

Senyko described the process for the Special Assessment, as well as a description of the project, a completion date, and fiscal impact.

Mayor Osborn opened the Public Hearing at 7:42.

Kevin Harris, of 2095 South Long Lake Road, expressed his concern about existing drainage issues, and an impending County project that could conflict with the construction of the new sidewalks. Harris also addressed parking issues along the street. Senyko stated that he has been talking with Jeff Wright from the Genesee County Drain Commissioner's office, and they are working together to try and coordinate the two projects, so there is not a waste of time or money. King stated that there was a designated parking place in that area many years ago, but there was some undesirable activity taking place there, so the parking area was removed, making law enforcement easier. Rauch stated that the Park Board is looking into improving Adams Park, and he feels that there is a need for parking there.

North asked if there was a date commitment from Jeff Wright for their project and Senyko stated that he had not received that information yet, and it will depend on how the Council chooses to proceed.

Jenny Shilley, of 2071 South Long Lake Road, expressed her concerns about drainage, as well as questioned the liability of the sidewalks. Shilley also questioned the location of the sidewalks. Schultz explained that the sidewalk is City property, so the City will most likely be responsible, however, if the resident should be named in a law suit, then the homeowner's insurance policy should cover the damages. Senyko stated that virtually all City sidewalks are installed the same way—one foot away from the property line. Senyko also stated that, likely, there will only be one tree lost during this process. North questioned how long the homeowners will be assessed and Senyko answered her with a time limit of ten years, which is the maximum amount of time the City can allow for this project. Shilley asked who would be responsible for the repairs and Senyko stated that the homeowner would be responsible. Senyko also felt it was important to note the drainage project is a County project, so any assessments the homeowner might incur from that project will be from the County. The City will have to pay the County as well.

Shilley expressed her discouragement about the project because the sidewalk will be so close to her home. Medor stated that many properties on South Long Lake Road have right of way issues, and this is a result of how the original street was laid out by the township.

Randy Gilliland, of 2075 South Long Lake Road, expressed concern about the proximity of the sidewalk as well. He also expressed his disappointment about some landscaping that he has done in his yard that will be destroyed. Gilliland also questioned if the driveways would be moved. Bland stated that they do not, and will not, move driveways.

Harold Blackburn, of business address 2117 South Long Lake Road, was concerned about the parking lot of his business getting torn up. Bland stated that they will cut into the asphalt to create the sidewalks, they will not rip it out. North expressed her concern about customers parking over the new sidewalk in front of the business. Schultz stated that the sidewalk will be in the City's right of way, so it

will become an issue of improper usage of the right of way.

Osborn closed the public hearing at 8:12.

Senyko stated that the assessment roll will be a ten installment special assessment. King inquired if the residents could pay it up front, and Senyko stated that they could do this. North asked about interest, and Senyko stated that the residents will only accrue interest if they are late paying the installment.

King expressed concern about completing this project before the County completes their project. Bland stated again that he has already been in contact with Wright about doing both the County project, and the City project in conjunction with one another. Gilliland asked where the residents will park while the concrete is curing across their driveways. Senyko stated that the contractors will work that out during construction. Mabel Blackburn, of business address 2117 South Long Lake Road, asked if their business would have to be closed while the concrete is setting because nobody will be able to drive across it to enter their parking lot. Bland stated that they may close portions of the drive, but they will not block off the entire entrance to the business.

RESOLUTION NO. 05-20

A motion was made by Hammond, and seconded by King, to adopt Resolution No. 05-20 and accept the special assessment roll for the South Long Lake Road and Hickory Street Sidewalk Improvements, pending combined efforts with the Genesee County Drain Commission's Project.

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

NAYS:None.

ABSENT: None. Resolution declared adopted.

RESOLUTION NO. 05-21

Senyko offered a brief explanation of the MERS retirement system offered to employees of the City of Fenton, and the change in the administration of the program, which will now be completed by ICMA. Senyko stated that the passing of this resolution will actually save the City some money, due to the nature of the program. A motion was made by Rauch, and seconded by North to adopt Resolution No. 05-21 and authorize the City Manager to begin administering a defined contribution program through the Michigan Employees Retirement System.

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

NAYS:None.

ABSENT: None. Resolution declared adopted.

BID FOR TWO FORD EXPEDITIONS

Bland explained the bids that were received for two Expeditions, and that an excellent price was received for the vehicles that falls within the budget. Rauch questioned why there was a need for two of these vehicles. Bland explained the plowing capabilities of the Expedition, as well as the useful passenger space for the DPW crew. Senyko explained the vehicle replacement schedule and stated that the City typically gets very good use out of it's vehicles by switching them to different departments.

Angleuski stated that he feels the DPW's request should be supported. Medor stated that he bid is an exceptional price for this type of vehicle. Medor stated that the blade can still be kept off of the old truck to be used on a back-up plow truck.

A motion was made by Angeluski and seconded by King, to award the bid for two Ford Expeditions to Lasco Ford of Fenton for an amount not to exceed \$63,588.72. Motion carried by voice vote.

POLICE DEPARTMENT FEES

Chief Aro explained that the fees charged to the public for copies of criminal reports needs to be updated so that they fall in line with the fees that other authorities are charging. Aro recommended that the fee be increased from \$2.00 to \$7.00 per copy. Schultz questioned if Aro felt that this fee was justifiable, and Aro responded affirmatively. King sparked some discussion amongst the Council and they were in general agreement that the fee should be raised to \$10.00 per copy, because they felt this was an appropriate amount as well. A motion was made by King, and seconded by North to authorize an increase in the fee for copies of criminal and accident reports from \$2.00 to \$10.00. Motion carried by voice vote.

PUSHCART LICENSE

In light of new information presented by the applicant, Senyko requested that the Council consider tabling this item until Chief Aro has had adequate time to make an accurate recommendation on this matter. Rauch stated that the Park Board is in the process of creating some types of regulations for these types of vendors in the parks. King suggested that the vendors stay on the sidewalks for solicitation. North suggested not having vendors with the same item, so as not to cause competition and disruption to the public. The Council agreed by general consensus to table the matter of the Pushcart License request for Corene Johnson.

SET PUBLIC HEARING

A motion was made by King, and seconded by Medor to introduce Ordinance No. 629 amending the City of Fenton Code of Ordinances by adding Sec. 20-112. Consumption or possession of alcohol by minors or controlled substances at social gatherings and set a public hearing for July 11, 2005. Motion carried by voice vote.

CALL TO AUDIENCE

Elizabeth Evans, of 607 South Adelaide, expressed her concern about a construction company that she feels is violating the truck traffic ordinance. Senyko stated that he had talked to Schultz earlier in the day and the situation was handled as of late this afternoon. Schultz stated that the practice of this particular company is not permitted under the ordinance and should not re-occur.

Cherie Smith, of 200 Union Street, addressed her concerns about the lack of enforcement for sign violations in the City. Smith feels it is becoming a very serious problem, and it is detracting from the atmosphere of the City.

CITY MANAGER'S REPORT

Senyko announced that he will be out of town for the August Work Session and the July 25th Council Meeting. Wren will act in his absence. Senyko also asked for confirmation on the July 25th date for the Council photo to be taken.

COUNCIL MEMBER COMMENTS

Medor agreed with the comments about signage in the City and suggested help with this matter on the weekends. Medor also announced the reception to be held for John Gerych and encouraged Council representation at the event.

North stated that the sign issue is becoming a big problem and suggested stricter enforcement with the help of a fine structure for violations.

North questioned Senyko to see if anything could be done to lower the water rate increase that the residents will be seeing this quarter. Senyko stated that, after several deliberations with Mayor Osborn, they were unable to find any adjustments that would counteract with the increase.

North discussed the condition of the Main Street Connector. North asserted that it is appropriate to demand action to re-synchronize the traffic signals in the City. North feels that with all of the added construction, in addition to the opening of the connector and the closing of Main Street, it is no longer possible to navigate safely through the City. Senyko stated that M-DOT's recommendation is to re-stripe the paint on the roads near the connector, and possibly make the light at Main Street a flashing light for the time being. Rauch stated that the repainting needs to be done right away. King suggested putting the asphalt down in the intersection at night.

North inquired about the concept of Eminent Domain, as it pertains to a recent case in Connecticut. Schultz stated that the provisions of Michigan's Constitution are much stricter about this practice, which would make it extremely difficult for this type of situation to occur in Michigan.

North reported on the Shiawassee River Clean-up, stating that twenty-four people volunteered to help and the event was completed by 2:00 PM. North also expressed her thanks to King and Angeluski for their help. North also suggested that the Clean-up be placed on the City Calendar and in the Friday Memo.

Rauch stated his disapproval of the service that Charter Communications has been giving to the Fenton area lately. Rauch also discussed details of the Council's involvement in the upcoming Parade for the Fenton Freedom Festival.

Angeluski praised everyone for the success of the Shiawassee River Clean-up.

King inquired about the two new firefighters that were to be hired for inspecting, and Senyko stated that they have not been hired as of yet. King also asked for an update about Consumers Energy and Fenton Township. Osborn stated that she will try to meet with Bonnie Mathis, and Senyko stated that Consumers requested to be placed on the agenda for the July Work Session.

King agreed that the paint striping needs to be done soon. She also requested that the intersection of North Road and North Leroy Street needs to be cleaned. King also expressed that the Riverplace Development has been revised and she was curious if it had to come back to the Council for a public hearing. Medor stated that the developer revised the plans to scale it down, however, the content of the development is the same.

LEGAL COUNSEL REPORT

Schultz urged the Council to carefully read Ordinance No. 629 before the public hearing, because it can be misinterpreted. This Ordinance does not apply to family gatherings, it applies to gatherings where family members are not present. Schultz also stated that he will be gone for the July 11, 2005 meeting.

MAYOR'S COMMENTS

Mayor Osborn thanked everyone for a good meeting.

Meeting adjourned at 9:25 PM.

Mayor Sue Osborn

Deputy City Clerk, Jennifer Wills