

**CITY OF FENTON COUNCIL PROCEEDINGS**  
**Monday, July 11, 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 offered by Pastor Mascow of the Tyrone Covenant Presbyterian Church, 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; Michael Homier, Legal Counsel; Les Bland, Director of Public Works; Brad Hissong, Zoning Administrator; Richard Aro, Police Chief.

**MINUTES**

Moved by Rauch, seconded by North to approve the minutes of the June 27, 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 Medor, seconded by Hammond to authorize payment of invoices in the amount of \$199,609.38.

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

NAYS:None.

ABSENT: None. Motion carried.

**CORRESPONDENCE, MINUTES & REPORTS**

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

- Minutes of the May 26, 2005 regular meeting of the Planning Commission.

Motion carried by voice vote.

**CITIZENS COMMENTS - None.**

**PUBLIC HEARING FOR ORDINANCE No. 629**

Police Chief, Richard Aro delivered information about Ordinance No. 629, which pertains to minors participating in alcohol consumption or drug use at social gatherings. Aro stated that the passing of this ordinance would allow his department to more effectively deal with curbing these activities.

Mayor Osborn opened the public hearing at 7:36 PM.

Mayor Osborn closed the public hearing at 7:37 PM, due to lack of comment.

King discussed some of the penalties of these actions with Homier, and inquired if parents could be charged in these instances as well. Homier answered that it is the responsibility of that person who is considered to be in control of the premises. Angeluski expressed his concern about using the term “social gathering” because he feels it could be too loosely interpreted.

A motion was made by Rauch and seconded by Medor to adopt Ordinance No. 629 which amends the Fenton Code of Ordinances by the addition of Sec. 20-112, pertaining to consumption or possession of alcohol by minors or controlled substances at social gatherings. Motion carried by voice vote.

### **RESOLUTION NO. 05-22**

Wren delivered information about a franchise extension for Charter Communications to operate in the City’s right-of way.

Rauch stated that he has not been happy with Charter’s service for quite some time, and inquired about alternatives. Wren explained the operations of cable companies and the process they undertake to create new service. Angeluski explained that negotiations with Charter have been known to be very heated, but the only alternative for cable is a satellite dish. Wren suggested speaking to elected representatives about this matter because it plagues citizens all across the country. North questioned future expansion, and Wren stated that he had only limited knowledge of scheduled programming. North asked about a reduction in PEG fees due to the increase in satellite customers. Wren stated that there has been a reduction. North questioned why new companies don’t want to come in, and Wren explained that the cost of developing new lines, or buying out competitors is very high. Senyko stated that other cable companies around the county experience the same criticisms from varying communities. North inquired about the 3% revenue given back to the City, and Wren explained that it is earmarked for improvements to the right-of-ways. Wren further explained that the money goes into the local street fund.

A motion was made by North and seconded by Angeluski to adopt Resolution No. 05-22, extending the current franchise with Charter Communication until January 1, 2006.

YEAS: Angeluski, Hammond, North, Osborn.

NAYS: Rauch, King, Medor.

ABSENT: None. Resolution declared adopted.

North inquired what would happen if the Resolution had failed and Wren explained that Charter could continue to operate without protection, or they could discontinue service here. King stated that she hopes this vote sends a message.

### **RESOLUTION NO. 05-23**

Hissong explained the updated list of fees for the Building Department. Hissong also announced three errors on the schedule that will be corrected before it is permanently recorded.

Hammond had a few questions about permits for schools and Hissong stated that they are governed by state regulations, not locally. King expressed her concern about covering the City’s cost for these inspections, and Hissong stated that Fenton is financially right in line with other communities.

A motion was made by Rauch and seconded by Medor to adopt Resolution No. 05-23, setting the Zoning and Building Department Fee Schedule.

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

NAYS:None.

ABSENT: None. Resolution declared adopted.

King asked how code enforcement is handled if residents are in violation of keeping their lawns up, and Hissong, along with Homier, explained their policy and process for dealing with such violators.

King also engaged Homier and Hissong in a discussion about what they are planning to do about the house at 109 East Street. King expressed that she felt it was taking a long time to get this situation under control. Hissong stated that the City has been successful with other houses in the same condition, but this is a very sensitive issue, and Homier agreed that it is crucial that this process be completed correctly.

### **USED VEHICLE BID**

A motion was made by King and seconded by Hammond to accept the bids of Bill Kelley for the 1993 F-700 Dump Truck for \$2,500.00 and the 1973 Champion Motor Grader for \$5,000.00. Motion carried by voice vote.

### **2005 STREET PAVING BID**

Bland delivered information about the 2005 street paving project, which is to include portions of Jennings Road, Lincoln Street, Jefferson Street, Mary Court, Sinclair Street, and Parallel Street. Bland is suggesting using the same contractor that was used for Forrest Street and Oak Street, as well as the same method of milling up the existing pavement to create a better base for the road. Bland assured the Council that residents will be notified of the projects, and business will not be stalled for Burger King. Medor asked where the staging areas would be, and Bland was not sure of this detail yet, but he believes that MSO can begin the projects in early August.

A motion was made by King and seconded by North to award the 2005 Street Paving Project to MSO Paving for a cost not to exceed \$212,079.20. Motion carried by voice vote.

### **CITY VEHICLE POLICY**

Senyko presented a revised policy to the Council for the City's vehicle policy, which would prohibit City volunteers and unpaid employees from using City vehicles. King expressed that she is very happy to see this policy being put in to place. After Osborn questioned him, Senyko stated that the Explorers would fall under this category. King suggested adjusting the policy to require that all drivers of City vehicles, be employees of the City and over the age of 18. Bland and Senyko stated that changing the policy to that effect would prohibit all volunteers for the Shiawassee River Clean-up, volunteers after major natural disasters, Co-Op's, interns, and seasonal employees from using the vehicles, which in some instances, it is necessary for them to use the vehicles. After much discussion and clarification of the policy by Homier, the Council came to a collective agreement about the policy.

A motion was made by King and seconded by Rauch to adopt the proposed revision to the

City's driving policy, which is that the City prohibits volunteers and non-paid employees working on behalf of the City under the age of 18 from driving City vehicles. Motion carried by voice vote.

### **CALL TO AUDIENCE**

Sharon Howell, of 107 South East Street, had some questions for Homier regarding the process involved for 109 South East Street. Homier explained the proper steps that the City will have to take in order to make sure that this process is done right and that the City will be successful in its endeavor. Howell asked if there was a court date set yet, and Homier stated that there was not. Howell expressed her frustration with this situation. Homier explained that there were several things that needed to occur before the City could proceed, such as ordinance amendments. Homier did suggest to Howell that if she has photos of the disrepair of the home, it would be very helpful for the case. Howell will be happy to give Homier photos she has taken of the property. Homier stated that his intention is to ask the Court to order the house to be torn down.

### **CITY MANAGER'S REPORT**

Senyko reported that he will not be present at the July 25<sup>th</sup> meeting or the August Work Session, but announced that Wren would be there to sit in his place.

Senyko updated the Council about the road closings and detours for the connector. Senyko stated that the intersection could be under construction for nearly a month, due to the concrete processing involved. Bland stated that it was important to keep traffic moving in the City. Rauch asked about synchronization, and Senyko stated that this is still in progress. Osborn expressed her concerns about the traffic and larger trucks through that intersection.

### **COUNCIL MEMBER COMMENTS**

Medor thanked everyone for coming to the reception for John Gerych Sr., and thanked everyone for their support of the Freedom Festival.

North suggested dimming down the street lights near the connector because they are so bright, that they could be considered a distraction.

Angeluski expressed his distress over a letter that was written to the Tri-County Times about the Main Street program and Council's involvement with it. Angeluski feels that the Chamber of Commerce has initiated this attack on his position on this matter. Angeluski stated that he will not vote for something that he does not have sufficient information for. Furthermore, Angeluski stated his position about helping small businesses, and how he is not in favor of all the big business coming to the community. Angeluski feels that the Chamber should contact him directly about such matters.

King stated that she was also contacted by Tri-County Times about this issue. King stated that she makes her decisions with integrity, and is not likely to back off her position. King feels the Council should move forward.

### **LEGAL COUNSEL REPORT**

Homier stated that the police department has been very busy, and therefore keeping him very busy. As of this point, there has \$11,000 generated in fines from drivers ticketed for violating the Truck

Ordinance.

**MAYOR'S COMMENTS**

Osborn thanked everyone for the success of the Fourth of July activities. Osborn also stated how nice the parks look right now, and that Southern Lakes should be commended. Osborn reported that she, King, and North have met and discussed the parking situation by The French Laundry, but will comment on their discussion at a later time.

Osborn announced that the Genesee County Small Cities and Villages Annual Picnic will be held in Fenton this year at Silver Lake Park on August 3, 2005, at 6:00 PM.

Senyko reminded the Council that pictures will be held at 7:00 m before the next Council meeting.

Meeting adjourned at 9:25 PM.

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Mayor Sue Osborn

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Deputy City Clerk, Jennifer Wills