

**CITY OF FENTON COUNCIL PROCEEDINGS**  
**Monday, August 24, 2015**  
**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; Mike Burns, Assistant City Manager; Dan Czarnecki, Director of Public Works and Stephen Schultz, Legal Counsel.

**MAYOR'S COMMENTS** – Osborn commented the corner where the old Action Auto building was looks great now that the building is gone. She stated the demolition of the Topps property is a big move for the City and the redevelopment happening at the old beanery building looks good.

**CITY MANAGER'S REPORT**

Markland commented on the following:

- Gave an update on the Streetscape project.
- The concrete has been poured for the parking lot at the beanery building.
- Gave an update on the demolition at the Topps property.

**COUNCIL MEMBER COMMENTS**

Grossmeyer expressed his gratitude to Officer Forbush for his actions during a recent incident that occurred in the City.

Lockwood reminded all there is a Run through the Colors 5k race this Saturday that benefits the Fenton Education Foundation and Fenton Firefighters Charities. There was a Back to the Bricks wrap up meeting today and a lot of good feedback was received. She gave an update on Beautification Commission activities and stated the next Beautification Commission meeting will be September 9<sup>th</sup>.

McDermott commented the fall programs offered through Southern Lakes Parks and Recreation are now out.

King gave an update on the Loose Center. She would like to discuss Franklin D. Adams Park at a work session while she is still on City Council.

**LEGAL COUNSEL REPORT** – Schultz commented most items his office has been working on are on tonight's agenda and he will address them as they come up on the agenda.

**CITIZEN COMMENTS** – Bob Zientek, Cherie Smith, Rudy Mora, Amy Freeman and Lyle Chapman asked to speak on the Solid Waste and Recycling Contract agenda item.

**CONSENT AGENDA**

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$622,097.26.
- Approve and place on file the minutes of the June 23, 2015 Zoning Board of Appeals meeting and the August 10, 2015 City Council meeting.

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

NAYS: None.

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

## **EAGLE SCOUT PRESENTATIONS**

Czarnecki introduced Noah Maier and Chris Harper to City Council and stated each individual is working on obtaining the rank of Eagle Scout and are here to present their community project.

Noah Maier commented his service project was to improve the area around Millpond Park. The project included power washing the deck area, sanding spindles, tops of rails and staining the deck. In addition, the two smaller platforms the flower pots sit on were re-built and will be stained at a later date. He commented thirty-five people helped him with this project and a total of 454 hours were worked and he recognized all those that helped with the project.

Chris Harper commented his service project is to construct flag retirement boxes and place them at the Police and Fire stations to provide the public with a place to dispose of flags. Members of Troop 212 will then collect the flags and conduct proper flag ceremonies. The Troop will collect flags every 2-3 weeks and perform maintenance every 3-6 months. He plans on starting this project and completing it by late September or early October.

Council thanked Noah and Chris for their projects.

## **RESOLUTION 15-18**

Burns stated a request has been received to establish a Commercial Redevelopment District at 234 N. Leroy from Skypointe Ventures. The site is being redeveloped to become Red Fox Outfitters. A public hearing must be held to accept comments on the proposed redevelopment district. The resolution sets the public hearing date.

A motion was made by Grossmeyer and seconded by Lockwood to approve Resolution 15-18, which sets a public hearing date of Monday, September 14, 2015 to consider the establishment of a proposed Commercial Redevelopment District for the property located at 234 N. Leroy.

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

NAYS: None.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

## **MDOT PROJECT – SILVER LAKE ROAD BRIDGE REPLACEMENT**

Czarnecki stated the City received funding through MDOT to replace the Silver Lake Road Bridge over the Shiawassee River. The project is scheduled to be completed in the summer of 2016 and the project estimate is \$972,900 with the City scheduled to receive \$924,300 in Local Bridge Fund money from MDOT. The remainder (about \$48,600) is the City's responsibility. Contract documents and a resolution authorizing an official to sign the documents is required by MDOT to move the project forward.

Lockwood asked how long the project will take. Czarnecki responded about two months.

Bland asked if MDOT is aware there is a sewer crossing in the area. Czarnecki responded yes.

King asked where trucks will be diverted. Czarnecki responded more than likely traffic will be diverted to North Road. Osborn stated she would like to discuss an ordinance that addresses truck traffic in the downtown area at a work session.

A motion was made by Bland and seconded by McDermott to approve the contract with the Michigan Department of Transportation for the Silver Lake Road Bridge Replacement Project (Contract #15-5420). Motion carried by a voice vote.

### **RESOLUTION 15-19**

A motion was made by Lockwood and seconded by Bland to approve Resolution 15-19, which authorizes the City Manager to sign the Contract with MDOT for the Silver Lake Road Bridge Replacement Project (Contract #15-5420).

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

NAYS: None.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

### **DPW UNIFORM CONTRACT**

Czarnecki stated the current contract is set to expire in October and the new contract would be for five years. Each DPW worker receives 11 sets of uniforms. Included with the rental agreement are terry towels, uniform advantage and seasonal sleeve changes. The program costs roughly \$120/week for all DPW employees. He stated Cintas has provided adequate service and their uniforms seems to hold up. The uniform advantage program helps keep bills consistent while replacing worn uniforms as needed and he is recommending approval of the contract.

A motion was made by Lockwood and seconded by Bland to approve the uniform contract with Cintas for a five year period beginning October 2015, as outlined in the rental agreement and authorize the City Manager to sign the agreement. Motion carried by a voice vote.

### **SOLID WASTE AND RECYCLING CONTRACT**

Markland stated the City Council Committee on Solid Waste has completed their fact finding regarding the collection of solid waste and recycling. The City received a proposal from Republic Services for a five year contract extension. The cost for service in the first year will be \$10.39 per month for trash service (the same rate the City currently pays) with unlimited trash and yard waste collection and recycling being picked up every other week. Republic will provide carts for the new service and the City will charge an administrative cost of \$1.00 per quarter. The annual cost for a resident will be \$128.68 in the first year. A copy of the proposal was provided as part of the meeting packet.

A PowerPoint presentation was shown that highlighted various issues with trash throughout the City.

Gary Hicks of Republic Services explained the proposed new program which consists of a 2-cart system similar to systems used in many surrounding communities. Track records have shown success in other communities where this program has been implemented. He feels the addition of recycling carts will grow recycling participation within the City and by offering unlimited solid waste collection, it will encourage people to bring trash to the curb which will help clean up the City. He understands there are concerns from senior citizens and commented Republic is willing to work with individuals to find what's best for them.

King commented for anyone concerned with the size of the carts, there are two sizes of bins on display at City Hall. Osborn commented the size of carts will not be decided tonight.

Lockwood gave a brief overview of the work done by the Solid Waste Committee stating the Committee worked diligently with other communities to look at the pros and cons of different systems. They have talked to communities that opposed the program in the beginning who now like it. She stated one of the bigger issues is fairness and stated there are residents who don't participate in the current system and a new system was picked that best meets the needs of the entire community. She clarified that additional solid waste that does not fit into the bin provided can be set out and picked up at no additional cost and it has been looked at how to handle residents who are out of town for months at a time. A system is currently being worked on to address residents who are gone thirty or more days in a row to initiate a water shut off and those residents will not have to pay for the solid waste program for those months. She thanked the Council for allowing the Committee and Administration the time to come up with a recommendation.

McDermott asked what would prevent a resident from indicating to City Hall they are out of town, stopping service and then trash starts piling up. Markland responded most communities require the water to be shut off in order to not be billed for solid waste.

McDermott commented residences that use one solid waste tag per week, the annual cost under the new program is approximately \$11 cheaper per year.

King commented a lot of work went into researching programs. She thinks the proposed program is a good one and balances out with the current program in terms of cost and it will help clean up the City. She commented she will not support residents not being charged for solid waste during periods they are out of town unless the water is shut off as she feels this could lead to misuse of the system; if water shut off is not required, there would be nothing to force people to contact City Hall to start up trash collection once they return to town.

Bland commented he is not against a water shut off policy but there should be an option if a resident doesn't want their water shut off, to provide some sort of notice to City Hall that they will be out of town.

Lockwood stated should the Council choose to move forward with the program, public informational meetings will be held to familiarize residents with the new program. She agreed with Councilman Bland's comments because there are individuals that go out of town that do not want to shut their water off. She thinks once a decision had been made to change systems, this item can be discussed further.

Jacob commented he has done carpentry work on houses in the City and has seen homes where the garage is filled with trash and commented trash is dumped on his employer's property on a regular basis. He thinks the new program will take care of a lot of issues that occur with the current program.

Bob Zientek, 300 Union Street, commented he likes the current system and has no problem with it. He only puts out solid waste twice a month and is concerned his costs will increase.

Cherie Smith, 200 Union Street, commented some of the items shown as part of the PowerPoint presentation such as cement and tires would not be picked up as part of the solid waste collection. Gary Hicks confirmed that was correct. She stated some of the issues depicted in the photos shown earlier is more of a code infraction issue and not issues with trash. She commented Rose Township residents contract independently for waste pick up and there was still an issue with large items being dumped. She commented there is fee charged any time water is turned on or off and while the City would get this fee, it will also increase the water department budget because employees will be doing more work. She thinks there will be a water deficit created by the shutoffs

done by people that leave town and commented a lot of people that leave town will not shut their water off because of boilers.

Rudy Mora, 402 W. Shiawassee, commented he is a fifty-plus year resident and thinks the current system is a good one and does not want it to change. He was told there would be hearings on the issue and he was never informed of any public hearings. He does not think proper notice was given for residents to voice their opinion. He commented while traveling Linden Road, he noticed the blue bins and thinks they look messy. He stated Shiawassee Avenue has many Victorian homes and feels the bins will disturb the landscape. He thinks the small bins currently used are easy to handle and because they're open, a driver can tell if people are putting items in the recycle bin that they shouldn't be. He does not think the senior, veteran or invalid population will like the new program.

Amy Freeman, 809 Williams Street, commented the pictures shown earlier tonight depict a code enforcement issue and not a trash issue and doesn't think a change in programs will fix that. She disagrees with the program proposed and prefers a "pay as you throw" system, which does not have to be a bag and tag system, just a user based program. She commented the new program will result in a price increase for her and does not provide incentives to reduce solid waste and thinks those individuals that put out more trash, should pay more. She stated the containers are too large and will not fit in her garage and commented the new contract does not provide for education on the new program. She suggested keeping a "pay as you throw" system, reduce the size of the containers and charge accordingly. She commented the Committee and Council in place when the "pay as you throw program" was implemented had a vision to institute an innovative and forward thinking program and urged the Council to not take twenty step backwards.

Lyle Chapman, 1216 State Road, commented when he attended the City Council meeting in April, it was his understanding there would be public meetings to explain the program. He commented the average person may save money under the new program, but he will not. He has a thirty two gallon container that he fills every three to four weeks and doesn't feel it is fair to charge everyone the same rate. He would prefer to stay with the current system. He asked about the cost increases in the contract.

Markland responded the first year, the rate will be the same as the one currently in place. Then a 4% increase the next year and a 3% increase each year after that.

King commented Council has addressed this issue many times in the past and those meetings were open to the public and public comment was always accepted.

Grossmeyer commented he believes the current system is broke and stated there are several basements, backyards and garages in town full of garbage. He believes if the current system is kept, the rates would have to increase.

King commented she believes if everyone has to pay the same rate, those that do not participate in the current program now will as there would be no reason to dispose of their trash outside the City.

Bland commented it doesn't matter what program is utilized, there will be people that use it and people that won't and the hope with the new program is that more people will utilize it than don't.

A motion was made by Lockwood and seconded by Jacob to approve a five year contract extension with Republic Services to provide residential solid waste, yard waste and recycling collection in the City of Fenton.

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

NAYS: None.

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

Lockwood clarified there was never an official public hearing but the Committee and Council listened to the concerns of residents and stated all meetings have been open to the public. Two public educational meetings will be held and have been tentatively scheduled for September 2<sup>nd</sup> and September 30<sup>th</sup> at 6 PM. If there is a need for a 3<sup>rd</sup> meeting, Republic Services is available. She stated the dates were picked in order to tentatively reserve the Community Center, but if those dates don't work for anyone on Council, to please let the Mayor know and the meetings can be rescheduled.

Osborn thanked the Solid Waste Committee for their hard work the last few years.

### **BUSINESS ASSOCIATE AGREEMENT WITH BROWN & BROWN**

Markland stated Brown & Brown has represented the City for several years and currently the agents for health care, vision, dental, life and long term disability insurances. This agreement allows them to assist employees and administration with claims and service and can be terminated upon 30 days written notice by either party.

A motion was made by Bland and seconded by McDermott to approve a Business Associate Agreement between Brown & Brown and the City of Fenton. Motion carried by a voice vote.

### **PARKING AGREEMENT WITH 234 N. LEROY, LLC.**

Burns stated Administration has been working with 234 N. Leroy LLC and Red Fox Outfitters in their redevelopment of the beanery property, which includes building a municipal lot on City owned property. In addition, a connecting parking lot of eleven spaces is planned and four of the eleven spaces are on City property. 234 N. Leroy, LLC has requested a quit-claim deed to transfer ownership of a 2,747 square foot strip of property from the City to 234 N. Leroy LLC; the remaining portion of the proposed parking lot would be owned by the City and this transfer provides a consistent property line separating the parcels. Burns further stated there would be a \$1 sale for the property and commented 234 N. Leroy LLC is building a municipal parking lot on the City's property at their expense. He is recommending approval of the quit-claim deed and purchase agreement.

Attorney Schultz commented because this involves a sale of property, per the Charter, five affirmative votes are needed to approve the sale. He also noted although Burns stated the sale price is \$1, it is \$1 and "other good and valuable consideration", which would include the value of construction of the municipal parking lot. The City is transferring the property in exchange for \$1 plus the construction of the adjacent parking lot. He clarified when a public entity sells property, it cannot be given away and must be exchanged for fair market value; the cost of the construction of the municipal parking lot far exceeds the value of the 2,747 square feet of land being transferred.

A motion was made by McDermott and seconded by Bland to enter into a quit-claim deed sale of 2,747 square feet of property owned by the City of Fenton for \$1 and "other good and valuable consideration" to 234 N. Leroy, LLC at the proposed Red Fox Outfitters site and to

approve the real estate purchase agreement associated with the transaction and authorize the City Manager to execute both the quit-claim deed and real estate purchase agreement on behalf of the City.

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

**SKYPOINTE VENTURES PARKING SPACE AGREEMENT – RESOLUTION 15-20**

Attorney Schultz commented a revised resolution and parking lease agreement was provided to Council prior to tonight’s meeting. The revision added the hours the spots are reserved and indicate 3 spaces are being reserved for Fenton Florist.

Burns commented in the process of reconstructing Caroline Street through the Savage Building (132 N. Leroy), Skypointe Ventures is working with the tenant, Fenton Florist, in the unit planned for demolition to move them to the north end of the building; they have asked that 3 parking spaces be reserved for Fenton Florist until their lease expires in February 2017. In order to expedite the construction of Caroline Street in that area, Administration is recommending Council approve the agreement. He stated the spaces would be reserved Monday through Friday from 9 AM to 6 PM and Saturday from 10 AM to 3 PM and noted the spaces would not be reserved until Fenton Florist moves to the new location.

A motion was made by Bland and seconded by McDermott to approve Resolution 15-20, which allows the leasing of three parking spaces to Skypointe Ventures until February 2017.

YEAS: McDermott, Osborn, Bland, Grossmeyer, Jacob, King, Lockwood.  
NAYS: None.  
ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

**CALL TO THE AUDIENCE** – None.

Meeting was adjourned at 9:17 PM.

---

Mayor Sue Osborn

---

City Clerk, Renee Wilson

Date approved: September 14, 2015