

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, September 26, 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, Medor, North, Osborn, Rauch.

Absent: King (excused).

Others Present: Christopher Wren, Assistant City Manager; Les Bland, Director of Public Works;
Dennis Smith, Fire Chief.

MINUTES

Moved by Rauch, seconded by North to approve the minutes of the September 6, 2005 work session and the September 12, 2005 regular meeting. Motion carried by voice vote.

ACCOUNTS PAYABLE

Moved by Medor, seconded by Hammond to authorize payment of invoices in the amount of \$110,987.86.

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

NAYS:None.

ABSENT: King. Motion carried.

CORRESPONDENCE, MINUTES & REPORTS

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

- Minutes of the August 15, 2005 Brownfield Redevelopment Authority meeting.
- Minutes of the August 16, 2005 Downtown Development Authority meeting.

Motion carried by voice vote.

CITIZENS COMMENTS - None.

TYRONE TOWNSHIP FIRE CONTRACT

Wren reviewed contracts A and B which would provide Fire service to Tyrone Township from the City of Fenton, collectively, until March 31, 2010. A motion was made by Angeluski to table Contracts A & B until Tyrone Township settles their law suit with the Hartland Fire Authority. The motion died due to lack of support. Wren introduced Tyrone Township Clerk Dave Kuzner to update the Council on the lawsuit. Kuzner reported that after a previous court date on the Thursday prior to this meeting, as well as a hearing held that morning, Livingston County has ruled in favor of Tyrone

Township. So, in effect, any contracts approved on this night will be valid and binding to Tyrone Township. A motion was made by Rauch and seconded by Hammond to approve Contract A beginning October 1, 2005 through March 31, 2006 and Contract B beginning April 1, 2006 through March 31, 2010 to provide Fire service to Tyrone Township.

North feels she did not have enough information to vote on the contracts this evening, and was waiting for more information about the cause of the Fire budget increases. North inquired if the contracts could be split up and voted on separately. Wren stated that the contracts could be split up, however the contracts reflect what both municipalities are agreeable to, and would not change much if their approvals were delayed. North stated that Fenton Township is getting more money up front in the contract, which comes out to \$27,000 versus the \$17,500 that City of Fenton is receiving up front. Wren stated that the City will still receive the same amount of money for the contract as Fenton Township, we just won't be receiving it in advance. North questioned the guarantee of the number of runs and expressed that she would feel more comfortable with this contract if the City were to receive the \$27,000 in advance as well. Fire Chief Dennis Smith explained the monetary figures were arrived at by choosing a number of runs that would be "pre-paid", Fenton Township chose 25 runs as their number, which is how they arrived at the total of \$27,000 in advance. Smith communicated with Tyrone Township representatives about this matter, and Tyrone Township was in agreement that the contracts for the City and Fenton Township should be devised in the same manner, furthermore, Tyrone Township did not have any problems with setting up the City's contract the same way as Fenton Township. North stated that the City should get the \$27,000 in advance and earmark those funds for equipment.

Angeluski questioned if the Judgements from Livingston County pertaining to Tyrone Township and the Fire Authority were documented. Kuzner could not provide written documentation but he made a verbal statement affirming the Judgements. Angeluski went on to discuss his concerns about the composition and structure of the Fenton Fire Board. Rauch and Hammond explained the function of the Fire Board to Angeluski.

North questioned the area of Tyrone Township to be covered, as well as the response times. Smith explained that the Fenton Fire Department would cover approximately half of Tyrone Township, and the response times were very good.

Medor suggested amending the motion to change the advance amount of the contracts from \$17,500 to \$27,000, to be earmarked for the equipment fund. Rauch and Hammond were agreeable to this amendment of their motion. Schultz stated that the \$27,000 needs to be split up between the two contracts, and the Council agreed that \$7,000 would be advanced for Contract A and \$20,000 would be advanced for Contract B.

Angeluski questioned why the contracts were not changed to include a 5% increase in addition to a cost of living increase at a yearly review. Schultz stated that the contracts are both written with the ability to be terminated with 30 days notice if providing this service becomes a burden to the City. Angeluski proposed an amendment to the motion providing for a 5% increase plus a cost of living increase at the time of review, however this proposition was not supported. North was uncomfortable with the lack of information she has about the increase in the Fire Budget and proposed that the Council

table Contract B and focus on Contract A for the time being. Rauch and Hammond withdrew their original motion from the table. A motion was made by Rauch and seconded by Hammond to Approve Contract A, which begins October 1, 2005 and ends March 31, 2006 to provide Fire Service to Tyrone Township, providing for a \$7,000 lump sum to be delivered in advance of service, and earmarked for the Equipment Fund. Motion carried by voice vote with Angeluski dissenting.

ROLLER BIDS

Bland reviewed his memo stating the bid process for the roller, as well as the specifications for the new roller. After sending Del Murphy to conduct a full review of the equipment from AIS in Lansing, Bland recommended that the Council accept the bid from AIS Construction of Lansing. Osborn asked if Bland was confident about this equipment, given the price difference, and Bland stated that he was, in fact confident after it had been inspected. Medor questioned if the equipment would be used in conjunction with the existing trailer the City has for the old roller, and Bland answered that the new roller will work on the old trailer.

A motion was made by Medor and seconded by North to award the roller bid to AIS Construction of Lansing, at a cost not to exceed \$15,600.00. Motion carried by voice vote.

BEAUTIFICATION COMMISSION APPOINTMENT

A motion was made by North and seconded by Rauch to appoint Lorraine Sprague to be appointed for a first term, expiring September 1, 2009. Motion carried by voice vote.

CALL TO AUDIENCE

Howard Gibson, of 223 Meadow Pointe Drive, expressed his displeasure about the City's position about granting funding for Nancy Stockham. Schultz explained the liability of the position the City was in, as well as the timeline under which the City was left to make no other choice but the decision that was made regarding Stockham's funding. Schultz stated that it is illegal for the City to fund a non-profit organization using City tax dollars. Schultz also explained that the City found legal aid and an accounting firm to donate their services in order to set Stockham up as a corporation, therefore eliminating the liability to herself, and to obtain a 501c3, in order to achieve a legal non-profit status. All of this was done in order to enable Stockham to continue doing the good works that she does for the community. Schultz stated that there was a meeting with Stockham one year ago where all of this was explained to her. Osborn stated that Stockham was informed of when her funding would end. Schultz further stated that there was no ill intent towards Stockham, it was just a matter of legality for the City.

Rebecca Hardesty, of 206 Meadow Pointe Drive, expressed her appreciation of Stockham's work and questioned if there was any way the City could sustain her work. Schultz stated that Stockham was offered the opportunity to contract with the City if she could service Fenton residents only, however, Stockham declined that offer.

Linda Primeau, of 927 State Road, addressed the Council concerning the end of Stockham's funding. Primeau also expressed her displeasure about the manner in which the Council has approached the fire contracts with Tyrone Township.

Sharon Howell, of 107 South East Street, along with Elaine Eldred, of 111 South East Street, addressed the Council about the property located at 109 South East Street. They inquired if there had been any progression of the situation. Schultz updated them on the status of the case and assured them he would be in contact with them if there were any new developments.

ASSISTANT CITY MANAGER'S REPORT

Wren reported that there will be upcoming improvements to the programming on Channel 19, due to newly generated interest.

COUNCIL MEMBER COMMENTS

Medor stated that he had consulted Kim Hicks from the Chamber of Commerce, and after some deliberation with other business owners, the Chamber has decided to fund Nancy Stockham through the year 2005, and may develop plans to fund her in the future. Medor asserted that the Chamber should be highly commended for stepping in and aiding Stockham's services, and the Community as a whole should embrace her endeavors and try to engage in aiding her as well. Medor stated that the City should offer some assistance to the Chamber if they create a program for her. Medor also stated that a protege needs to be identified to replace her, so that she can work under her and learn from her success.

North commended Police Chief Rick Aro and Detective Ron Skarzynski for working so diligently towards getting the conviction for the recent murder case. Osborn stated that the Genesee County Prosecutor's Assistant commended them as well.

Rauch stated that he would like to see the Council discuss the idea of a consent agenda during one of the work sessions because he feels they should move in that direction. Rauch also agreed that the Chamber's generosity for Nancy Stockham is an outstanding situation.

Angeluski stated that the foremost problem in the entire situation with Nancy Stockham was a question of communication, or lack thereof. Angeluski was under the impression that the City was waiting for responses from other municipalities before cutting the funding. Angeluski feels that if there is ever a situation like this again, it would be appropriate to send a letter to explain the situation.

Hammond commended Nancy Stockham for all the work that she has done over many, many years, and spoke very highly of her character, human compassion, and generosity.

LEGAL COUNSEL REPORT - None.

MAYOR'S COMMENTS

Osborn thanked everyone for a good meeting.

Meeting adjourned at 8:55 PM.

Mayor Sue Osborn

Deputy City Clerk, Jennifer Wills