

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, November 25, 2013
City Hall Council Chambers
301 South LeRoy Street

Mayor Sue Osborn called the meeting to order at 7:31 PM.

The invocation for the evening was given by Attorney Stephen Schultz. A flag ceremony was conducted by Boy Scout Troop #219.

Present: Bland, Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn.
Absent: None.
Others Present: Lynn Markland, City Manager; Stephen Schultz, Legal Counsel; Tim Juidici, Engineer; Mike Burns, Assistant City Manager; Daniel Czarnecki, Director of Public Works.

MAYOR'S COMMENTS

Osborn stated she recently attended the National League of Cities (NLC) conference in Seattle where she received the Diamond Leadership Award. She attended a lot of good sessions. She stated Councilwoman Lockwood was elected to the NLC Board of Directors and extended congratulations to her. She stated Jinglefest is scheduled for December 7th and more information will be distributed in the City Manager's Friday memo. She asked that the City Manager call a Compensation Committee meeting together as soon as possible. She wished everyone a Happy Thanksgiving.

CITY MANAGER'S REPORT

Markland reported the following:

- The construction of the water main on Leroy Street is expected to be completed at the end of this week or early next week.
- Work is continuing on the Fire Hall project and Cornerstone building.
- The draft of the annual audit has been received and he is working on the management letter that will be included in the document.
- The Department of Public Works is continuing to prepare for Jinglefest.
- The consultant for reconfiguring the Library layout provided the City with a preliminary draft and he is working preparing budget costs before presenting the study.
- The City is hosting the December meeting of the Genesee County Small Cities & Villages Association which will be held on December 4th at Lucky's on Silver Parkway.
- The preparations for the Community Center addition are ongoing. The project work has been bid out and there should be more information on the bids later this month. Bids are due December 17th.
- Congratulated Mayor Osborn on receiving the Diamond Award from the NLC.
- Congratulated Councilwoman Lockwood on being elected to the NLC Board of Directors.
- Wished everyone a Happy Thanksgiving.

COUNCIL MEMBER COMMENTS

Jacob thanked Markland for providing construction updates to the Council. He thanked Boy Scout Troop #219 for the flag ceremony and attending tonight's meeting.

Grossmeyer commented that next week's Genesee County Small Cities & Villages Association meeting, the gathering time starts at 6:30 p.m. and the meeting is at 7:00 p.m.

Lockwood thanked Boy Scout Troop #219 for coming to tonight's meeting and for participating in Jinglefest. She gave an update on the tree lighting ceremony that will take place after the parade. She thanked the DPW for their work on the holiday decorations. She inquired regarding yard pick up and stated that due to last week's storm, there are several homes with branches out at the curb. She stated the NLC Conference was a great experience and she gathered a lot of information. She wished everyone a Happy Thanksgiving.

McDermott commented the State Road Elementary School Parent Teacher Organization held their annual fundraising craft show. There were over 200 vendors and about \$25,000 was raised, which offsets costs for supplies, programs, etc.

King thanked the DPW for their work on the holiday decorations. She will be attending the Genesee County Small Cities & Villages Association meeting on December 4th. The Loose Senior Center will be opening on December 9th and there will be a donor luncheon on December 10th and an open house on January 31, 2014 from 3 p.m. – 7 p.m. She wished everyone a Happy Holiday.

Bland suggested that next year perhaps some local service organizations could help with the holiday decorations.

Council congratulated Mayor Osborn for receiving the Diamond Leadership Award from the NLC and Councilwoman Lockwood on being elected to the NLC Board of Directors.

LEGAL COUNSEL REPORT

Schultz thanked the Boy Scouts for presenting the colors at tonight's meeting. He stated he will not be able to attend Jinglefest. He has been working on the moratorium ordinance and quit claim deed that are on tonight's agenda. He attended the last Planning Commission meeting to address the proposed therapy animal ordinance and the Planning Commission referred it to City Council. He wished all a Happy Thanksgiving.

CITIZEN COMMENTS

None.

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 \$95,591.97.
- Approve and place on file the minutes of the October 28, 2013 City Council meeting and the November 4, 2013 City Council Work Session meeting.
- Approve request for peddler's license from Solcomm Communications.
- Accept and place on record request from the Community Center Board of Governors to allow Doran Kasper to represent the Board of Governors on the Oversight and Restoration Committee.

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

ORDINANCE NO. 676

Schultz stated the Council previously adopted a moratorium on land uses connected with the use of medical marihuana. Before adopting an ordinance to address this use, the City is awaiting a decision from the Supreme Court regarding this issue and this is probably the last time the moratorium will be extended. The Supreme Court took up the case of Ter Beek v. City of Wyoming which will present the court with the opportunity to clarify what the proper scope and extent of municipal regulation of medical marihuana can be under the law. That decision is not out yet. He expects a decision will be made by the spring, if not before. He is recommending the moratorium be extended an additional six months.

A motion was made by Grossmeyer and seconded by King to enact Ordinance No. 676. Motion was carried by a voice vote.

RESOLUTION 13-15

Czarnecki stated the Genesee County Parks and Recreation Commission is working on their Community Park, Recreation, Open Space and Greenway Plan. They are developing a new section within their County plan that will show the action plans of all communities within the County that have a Park Master Plan. They are offering to allow the City of Fenton to provide their action plan for inclusion.

Czarnecki stated the idea behind this is to show cooperative planning efforts that are being encouraged by the State in several of their initiatives. While there are no guarantees, it is hoped that by working together, additional resources for improvements may become available for the individual communities in the Genesee County region. The County has noted that inclusion into their plan would not replace the City's need to have its own Park Master Plan, nor will it give the County any authority over the City's parks. The Fenton Park and Recreation Board addressed this topic at their November 12, 2013 meeting. A motion was made to approve the resolution and was unanimously adopted.

A motion was made by Jacob and seconded by Grossmeyer to adopt Resolution No. 13-15, a resolution to authorize including the City of Fenton in the Genesee County Parks and Recreation Commission Parks, Recreation, Open Space and Greenway Plan.

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

RESOLUTION 13-16

Czarnecki stated the Michigan Department of Environmental Quality has a new grant program beginning this year called S.A.W. (Stormwater, Asset Management and Wastewater) grants. The grants are available to help communities learn more about their infrastructure and to plan long term improvements and maintenance activities. The grant program has a community cap of \$2 million. The grant split is 90%/10%, with the local match only being 10% of the total cost of the program. If successful in receiving a grant, the City has three years to perform the work. He stated this is a great opportunity to perform a great deal of work at a low cost.

With the assistance of the City's engineers, OHM, programs for both sanitary asset management and storm asset management have been developed. The deadline for the application is December 2, 2013. Included in the grant applications are the resolutions being presented tonight that identify the City Manager as the authorized representative for the grant, approve the S.A.W. Grant Agreement, allow the City Manager to execute the agreements and for the City to agree to repay the grant with interest if the City receives a grant but does not perform the work within three years.

Czarnecki stated two resolutions are being presented tonight. One authorizing the S.A.W. Grant Agreement for a Storm Asset Management Plan and one for the Sanitary Asset Management Plan. The estimated amount of grant funds the City is asking for is \$399,191 for the Storm Asset Management Plan and \$495,873 for the Sanitary Asset Management Plan.

A motion was made by Bland and seconded by McDermott to approve Resolution No. 13-16, a resolution to authorize the S.A.W. Grant Agreement for Storm Asset Management Plan.

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

RESOLUTION 13-17

A motion was made by Grossmeyer and seconded by Bland to approve Resolution No. 13-17, a resolution to authorize the S.A.W. Grant Agreement for Sanitary Asset Management Plan.

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

FIRE HALL PARKING LOT QUIT CLAIM DEED

Burns stated in 2006, the City quit claim deeded the Old Fire Hall to the Downtown Development Authority (DDA). It was understood by the DDA, City staff and Council that the Pump House and parking lot behind the Fire Hall were owned by the City and not the DDA. When Attorney Schultz began drafting the agreement for the Pump House, it was discovered the DDA was unintentionally quit claim deeded the parking lot and the Pump House. Another error that was noticed was that in January, the City Council approved easements for landscaping and refuse to Union Joints near the property. Those easements are on property that is unintentionally owned by the DDA.

Once it was realized these errors occurred, Attorney Schultz recommended the following actions take place so Union Joints can move forward in opening the Pump House:

1. The DDA approve the lease purchase agreement with Union Joints for the Pump House.
2. The DDA approve easements to Union Joints so they can extend water and sewer lines underneath the parking lot property to the Pump House.
3. The DDA approve the easement agreements previously granted to Union Joints for the refuse station and landscaping surrounding the Fire Hall site.
4. The DDA agree to quit claim deed the parking lot back to the City Council. This will include that the easement agreements made by the DDA for the landscaping and refuse station be assumed by the City Council.

Burns stated the first three items were acted on by the DDA on July 31, 2013. The fourth item was acted on last Tuesday so the City can relinquish the property they are still intended to own. At this time the proposed utility easement connecting the Fenton Pump House to the Fenton Fire Hall will not be transferred to the City, the DDA will still be in ownership of that easement.

Attorney Schultz stated while it's the DDA quit claim deeding property back the City, he is recommending City Council approve the quit claim so there isn't a situation where the DDA takes action to transfer the land to the City and there is nothing on record accepting the quit claim deed. What this means is that the parking lot behind the Fire Hall would come back to the City, subject to the easements that have been granted to Union Joints for water and sewer access out to the Pump House, their landscape easement around the building and the refuse easement. Assuming Union Joints completes their obligations, they will own the Pump House site and the Fire Hall and they will have the right to use the easements, but the City will own the parking lot and the area around it.

Burns stated the easements vanish if the owners of Union Joints are no longer involved in the property.

Lockwood asked what the error was. Schultz responded the error occurred years ago when the property was transferred to the DDA so they could move forward to develop the Fire Hall. The legal description included the parking lot, which wasn't intended.

A motion was made by King and seconded by Jacob to accept the Quit Claim Deed to the Fire Hall Parking Lot from the Downtown Development Authority. Motion carried by a voice vote.

CHANGE OF ICMA PLAN COORDINATOR

Markland stated this change is being requested in an effort to have all benefits coordinated by the Clerk's office. Currently, the ICMA-RC coordinator is the City Treasurer. In order to change the coordinator from the City Treasurer to the City Clerk, a motion is needed from City Council approving the change.

A motion was made by Bland and seconded by Grossmeyer to authorize the City Clerk, Renee Wilson, as the Plan Coordinator for ICMA-RC for the City of Fenton. Motion was carried by a voice vote.

CALL TO THE AUDIENCE

Doug Tebo, 409 Bent Oak Street, stated this will be the 5th year a memory tree will be going up at Oakwood Cemetery. The DPW will cut the tree down tomorrow and they are using one of the trees being eliminated from the parks. He commented last year there was an Eagle Scout project in the cemetery and wished good luck to Boy Scout Troop #219

Ben Smith, 200 Union Street, wished all a Happy Thanksgiving.

Meeting was adjourned at 8:17 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: December 9, 2013