

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, November 28, 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, Moffitt, North, Osborn, Rauch.

Absent: King. (Excused)

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

INTRODUCTION

Chief Rick Aro introduced a new police officer, Adam Lape to the Fenton City Council. Lape stated that he is very happy to be working for the City of Fenton.

MINUTES

Moved by Rauch, seconded by North to approve the minutes of the November 7, 2005 Work Session and the November 14, 2005 regular meeting, as corrected. Motion carried by voice vote.

ACCOUNTS PAYABLE

North had some questions about a billing from Waste Management and Wren informed the Council that this particular billing was caused by the need for some clean-up required by a code enforcement issue. Moved by Hammond, seconded by Rauch to authorize payment of invoices in the amount of \$139,824.01.

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

NAYS:None.

ABSENT: King. Motion carried.

CORRESPONDENCE, MINUTES, & REPORTS

A motion was made by Hammond and seconded by North to approve and place on file the following minutes:

- Minutes of the May 19, 2005 Local Development Finance Authority.
- Minutes of the September 8, 2005 Oakwood Cemetery Board meeting.
- Minutes of the October 17, 2005 Brownfield Redevelopment Authority meeting.

Motion carried by voice vote.

CITIZENS COMMENTS

Leo Langford requested to address the Council on behalf of the Compensation Commission, regarding an increase in Council's pay.

PUBLIC HEARING FOR ORDINANCE NO. 630

Senyko reviewed the prospective franchise renewal with Consumers Energy, which would be approved through Ordinance No. 630. Senyko also stated that this franchise is also governed by state and Federal authority, and has been reviewed extensively by Stephen Schultz. This agreement will have no fiscal impact on the City of Fenton. Senyko introduced Kevin Keane, of Consumers Energy, to answer any and all questions concerning this matter.

Mayor Osborn opened the Public Hearing at 7:39 PM.

Mayor Osborn closed the Public Hearing at 7:40 PM due to lack of comment.

North questioned if the City really had a choice in approving this franchise and Senyko offered that the Council certainly has the ability to turn it down and it will go back into negotiation, however, this franchise is heavily regulated by state and Federal guidelines, and negotiation is very difficult. North questioned why there is a two year gap between the last franchise agreement and the new one and Senyko replied that the reason is that the City entered into negotiations with Keane's predecessor, and have been unable to complete it fully until this point. Schultz stated that Police and Fire Service fees were negotiated to be paid, as well as some other fees to be reimbursed, and finally a minuscule dealing with some tree removal, however, other than the aforementioned changes, the franchise remains basically the same. Angeluski asked how this agreement will impact the potential building of a new sub-station in the City and Senyko answered that, to his knowledge, Consumers will not be locating that station within the City, and furthermore, this agreement would have no bearing on that endeavor.

A motion was made by Rauch and seconded by Hammond to adopt Ordinance No. 630 pursuant to public comment and authorize the Mayor, City Manager and City Clerk to execute any necessary documents. Motion carried by voice vote. Ordinance approved.

CDBG SIDEWALK IMPROVEMENT BID

Wren delivered background information for the bids for CDBG funded sidewalk improvement and recommended that the Council award the bid to Keway Construction. Rauch questioned how the CDBG funds were going to be used for this project and Wren answered that \$28,000 of this cost was budgeted out of CDBG funds specifically for this project, however the City can draw the additional funding from planned street improvements using CDBG funds.

Osborn inquired about individual grants for residents to make improvements to their homes and Wren replied that the residents will have the ability to apply through the County for funding these types of projects and will not have to pay it back. Hammond inquired about using some of these funds for the sidewalks on South Long Lake Road, however Wren stated that South Long Lake Road does not demonstrate the requirements necessary to use CDBG funding. Angeluski asked if Keway was a local

firm to Fenton and after Wren affirmed this fact, Angeluski stated that he feels it is important for the Council to begin reviewing the bidders to see if they will be using local labor and/or resources, in order to provide a boost for this community.

A motion was made by North and seconded by Moffitt to award the bid for CDBG Sidewalk Improvements to Keway Construction Co., Fenton for a fee not to exceed \$34,600. Motion carried by voice vote.

TREE TRIMMING AND REMOVAL BID

Bland delivered the background information in this bid and stated that it is late in coming due to the City getting involved in the State bidding process. Bland stated that the price of the bids will experience a raise due to the recent wind damage sustained by some more trees. Bland recommends that the City award the bid to Randy Owen Tree Service.

Rauch asked if the State was funding the Ash tree removal and Bland stated that they weren't, however, the City is experiencing a greatly reduced price, due to the State bidding process, which will eventually be offered to the residents of the City to give them a price break for ash trees that need to be removed on their personal property. Bland stated that all the Ash trees cut will be chipped and the other tree types will be left intact for those who wish to use it. Moffitt confirmed that this process will aid in the halt of the spread of the Emerald Ash Borer.

Pat Lockwood was on hand to answer questions regarding the State program. North questioned if there was money budgeted to replace the trees that need to be cut down. Lockwood answered that a \$20,000 matching grant is available for the City to use to replace the trees and if the Council approves this bid tonight, the City will receive \$4500 just for being a part of the program. Lockwood thanked the City for working on this project and was optimistic that next year, the City residents will be able to benefit from these savings as well.

A motion was made by Hammond and seconded by North to award the 2005 Tree Trimming and Removal Bid to Randy Owen Tree Service for all identified trees on the City of Fenton's tree list, as well as additional trees that are not currently on the list but will be subsequently added due to those impacted by inclement weather. Motion carried by voice vote.

Lockwood discussed the plan of the State to take the initiative to explain to residents what is happening to all the trees that are going to be cut down, as well as provide materials to notify the residents of the changes. Lockwood repeated that the cost involved for the removal of these diseased trees will be solely incurred by the homeowners, but at a very reduced rate. Angeluski suggested holding an informational meeting for the public to better educate them about this project. Lockwood stated that she and Bland have tentatively set up a public meeting in January, where experts in horticulture from Michigan State University will also be present to answer questions.

LIVESCAN ELECTRONIC FINGERPRINTING SYSTEM PURCHASE

Chief Aro delivered the background of the purchase of an electronic fingerprinting system, which has stemmed from the mandate of the State of Michigan that all fingerprints are to be transmitted in this manner. Aro also informed the Council that they were able to secure a \$7500 reimbursement grant to offset the cost of this new technology.

A motion was made by Rauch and seconded by North to approve the purchase of a Livescan Electronic Fingerprinting system for a total cost of \$16,130.00. Motion carried by voice vote.

TRAFFIC CONTROL ORDER

Senyko reviewed Traffic Control Order No. 05-03, which provides for a “No Parking Between Signs” sign on Walnut Street. North questioned what the sign was needed for and Aro answered that due to the traffic generated by a business in that area, a vision obstruction has developed for the residents near the business. A motion was made by Hammond and seconded by Moffitt to permanently approve Traffic Control Order No. 05-03. Motion carried by voice vote.

COUNCIL COMPENSATION

Leo Langford, of the Compensation Commission, was on hand to answer any questions the Council may have about how the Compensation Commission arrived at the figures for increase that it did. No action was taken by Council on this matter, which results in an increase to both the Council and the Mayor’s per meeting pay to \$63.00, not to exceed 36 meetings and to increase the lump sum payment to \$999.00 for Council Members and \$1,627.00 for the Mayor.

BOARD AND COMMISSION APPOINTMENT

The Council had a discussion pertaining to the possible disbandment of the LDFA, and Senyko discussed the benefits of having the LDFA, as well as the DDA in the City. Bland further stated that the LDFA is not quite done with their projects as of yet.

A motion was made by Osborn and seconded by Rauch to reappoint Nicholas Popa and Jim Williams for terms to expire September 15, 2009. Motion carried by voice vote.

TYRONE TOWNSHIP FIRE SERVICES

Senyko reviewed the background of Tyrone Township Fire Services, concerning contract B, which if approved, would be effective starting April 1, 2005 through March 31, 2010. Senyko stated that there has been a great deal of discussion concerning this contract thus far and added that Mike Lewis, Tyrone Township Supervisor, was present this evening to address any questions or concerns the Council may have.

Angeluski expressed his disappointment that the Fire Chief was not present for this discussion, however, he was happy to see representation from Tyrone Township. Angeluski has reviewed conflicting information during the course of his research on this matter and desired clarification on the accurate details of the contract and he requested Lewis to speak on this matter.

Lewis reviewed the problems that Tyrone Township has experienced with being a member of the Fire Authority and explained why the Township felt it was necessary to seek other means of Fire protection. Lewis was hopeful that City of Fenton and Tyrone Township can continue a good relationship of fire protection in the future. Angeluski questioned why the contract is written so that Tyrone Township will pay the City half the amount that it paid the Fire Authority per run and Lewis responded that the rates in the contract were in line with what the Township was paying the City prior to their involvement with the Fire Authority. Angeluski questioned whether or not this monetary amount was sufficient to cover the cost of maintaining the City’s equipment. Osborn stated that the \$1,100 fee

would cover the City's costs.

North stated that based on the information she was given, her calculations show a 13% increase in costs for the Fire Department in the past 10 years but this contract is only offering a 5% increase every year. North also contacted the Fire Chief of the City of Lapeer, which is similar to the City of Fenton, and discussed the fees they charge for similar services, and she found their fees to be significantly higher than Fenton's, while they maintain a lower budget for their Fire Department. Senyko maintained that the formula the administration has used to develop the \$1,100 figure was to take the budget for the Fire Department and divide it by the number of runs, but he stated to Council if there is another way they would like to proceed to develop a figure, they can do that as well. Senyko reviewed that there is a guaranteed 5% increase every year with the ability to add the CPI and the mandate to review and renegotiate the terms every two years. Osborn also added that the City can terminate the contract with just 30 days notice if it is determined that the cost is causing Fenton a hardship. The City is well protected in the language of this contract. North still did not feel the charge for service was appropriate. A discussion ensued concerning the scale of what each run costs when discussing a medical run, which is far less expensive, or a full out fire run, which costs considerably more. North suggested considering a graduated scale of payment, and Lewis was open to that idea, but felt the current contract would benefit the City on a better level. Lewis further stated that the Township averages approximately 200 runs per year, and most are medical runs.

Schultz attempted to clear up some of the confusion on this matter by summarizing the information. Schultz stated that the Fire Authority charges a flat fee per run, which is also what the City is proposing. Medical runs are much cheaper than rolling out the fire trucks, and the majority of the runs are medical runs. Schultz stated that they tried to cover every possible angle by including the fail safes equivalent to the 5% minimum increase, the automatic 2 year review, and the 30 day termination notice. Schultz expressed that this is the safest way for the City to engage in this contract.

Moffitt stated that he felt the \$1,100 fee is close to what it needs to be but is still a little low. Moffitt also inquired about false alarms. Lewis stated that false alarms are to be charged to the Township in the same manner that a true run is charged. Moffitt is concerned that the taxpayers are not being protected in this situation. Moffitt expressed that he has not had enough time in office to conduct a full review of all the information about this issue and would like this item to go back to a work session for further discussion. A motion was made by Moffitt and seconded by North to recess Contract B, pertaining to Tyrone Township Fire Protection, back to a work session for further discussion. Motion carried by voice vote.

Angeluski asked why the CPI applicable to Livingston County was used in this contract instead of Genesee County. Schultz answered that it was undetermined at the time which CPI would be the most accurate to use, but it has since been decided that this CPI is the most accurate. Hammond stated that he has no problem taking this back to a work session so Moffitt can take the necessary time to prepare, however, a decision needs to be made on this matter at the December 12, 2005 meeting because it is not fair to keep Tyrone Township from negotiating a contract with someone else if Fenton does not accept their offer. Hammond feels that we have had enough time to make this decision. Osborn stated that this item will be on the agenda for the December 5, 2005 work session and subsequently the December 12, 2005 regular meeting.

CALL TO AUDIENCE

Jimmy Naum, proprietor of Bubba O'Dooley's, approached the Council concerning a permanent entertainment permit for his establishment located on North Leroy Street. Senyko stated that he would need to speak to Chief Aro directly about this matter and it could probably be placed on the December 12, 2005 Council Agenda for consideration.

CITY MANAGER'S REPORT

Senyko updated the Council on the progress being made towards the inception of the City's web site. The site is still in the planning stages, however, after several productive meetings with the staff, the goals of the site are becoming much more defined. Osborn stated that it would be beneficial for the Council to receive a list of the ideas that the staff has come up with for the project and Wren will create a synopsis of the information and distribute it to the Council members before they have their meeting concerning the web site.

COUNCIL MEMBER COMMENTS

Moffitt reported that there is a large hole near South Long Lake Road near a driveway that has been filled incorrectly and needs to be remedied. Wren stated that he met with the property owner earlier that day to address their concerns.

North reminded the Council that Nancy Stockham will be holding the annual Christmas Wrap-In on Thursday, December 8, 2005 if any Council members can attend.

Rauch inquired about enforcement of a "No Parking Here To Corner" sign that is on Leroy Street and Senyko stated that he would follow up on this issue. Angeluski made mention of an item that was pulled off of the agenda and wondered when it would be back on the agenda. Osborn stated that it would be slated for the December 12, 2005 meeting. Hammond inquired if the renovations made to the Council Chambers would allow it to be technology friendly, for instance, for the use of laptops. Wren assured Hammond that the improvements would include technological aspects.

LEGAL COUNSEL REPORT

Schultz discussed the future use of the Old Fire Hall and assured the Council that the discussions that he, Senyko, and Wren have had with the DDA were very conservative with regard to who will maintain control of the property and its use. The DDA will review concepts, but they will come back to the Council for final approval.

Schultz reported that the litigation with Lovegrove has been settled and the property will be in compliance from this point forward. Schultz also stated that there is litigation set up with Teamsters for the next day.

Schultz elaborated on the language in the Tyrone Township Fire Contract and stated that the objective with the language was to make every effort for the City to reserve all opportunities to protect itself.

MAYOR'S COMMENTS

Osborn reminded the Council that the Jinglefest will be held downtown this weekend. The parade is on Saturday at 7:00 PM and Council members should be at the starting point at 6:30 PM prior.

Meeting adjourned at 9:25 PM.

Mayor Sue Osborn

Deputy City Clerk, Jennifer Wills