

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, July 24, 2006
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, King, Moffitt, North, Osborn, Rauch.
Absent: None.
Others Present: Michael Senyko, City Manager; Christopher Wren, Assistant City
Manager; Stephen Schultz, Legal Counsel; Richard Aro, Police Chief.

MINUTES

Moved by Rauch, seconded by North to approve the minutes of the June 26, 2006 regular meeting as corrected. Motion carried by voice vote.

ACCOUNTS PAYABLE

North had some questions pertaining to invoices from Michigan Petroleum and the costs associated with the amount budgeted for fuel for this fiscal year and next. Senyko answered her questions to her satisfaction. Moffitt inquired about the reimbursement amount for mileage for employees and Senyko stated that the City reimburses this expense according to the IRS standard. King inquired about the DDA sponsoring a Chamber of Commerce event in the amount of \$7,000 and Senyko responded that the DDA has a contract of sponsorship with the Chamber to sponsor events for one year.

Moved by Hammond, seconded by Rauch to authorize payment of invoices in the amount of \$368,799.43.

YEAS: Hammond, King, Moffitt, North, Osborn, Rauch, Angeluski.
NAYS: None.
ABSENT: None. Motion carried.

CORRESPONDENCE, MINUTES & REPORTS

King requested that the DDA be given the opportunity to review the City's budget for possible assistance with City projects and Senyko stated that he would follow up with Brent Morgan, Economic Development Director, to see if this has been done.

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

- Minutes of the May 9, 2006 Parks and Recreation Board meeting.
- Minutes of the June 20, 2006 Downtown Development Authority meeting.

Motion carried by voice vote.

CITIZENS COMMENTS - None.

US 23 BUSINESS ROUTE

Senyko stated that the City of Fenton has been presented with the opportunity to acquire control of the US 23 Business Route (US23 BR), more commonly known as Owen Road and Silver Lake Road from the Michigan Department of Transportation (M-DOT). Senyko stated that taking control of US23 BR would enable the City to have control over certain attributes of the roads, particularly, paving, signage, maintenance, and drainage. With this acquisition, the City could also complete a major improvements project for Silver Lake Road which would consist of widening Silver Lake Road to three lanes with curb and gutter to provide for increased drainage, better accommodation for traffic flow, and improve safety. Senyko expressed that the overall estimated project cost is 4.1 million dollars, however, the City has already secured virtually all of the funding to complete this project through M-DOT assistance and other grant funding, so there would be little or no cost to the City. In addition to the road project, the City will also receive Act 51 monies for road improvements every year for these roads, which could also be used to repair local streets. Senyko informed the Council that if they left control of the route's jurisdiction to M-DOT--Silver Lake Road is not on schedule for improvements until 2009 for a mere re-paving and then would most likely not be improved for an additional ten years after that. If this project is approved, it could begin in the Spring of 2008.

North expressed concern for the accuracy of the estimate and Senyko stated that the design had been reviewed by Hubbell, Roth & Clark, and their opinion was that the estimate was right in line. North also questioned if the funding was guaranteed. Senyko explained that 1.5 million dollars of the cost is guaranteed because it is coming from M-DOT directly. The City will also be receiving money from the Genesee County Transportation Improvement Plan to cover most of the additional cost. Senyko received confirmation by mail that the City will also be receiving funding from an initiative from Governor Granholm. In addition, Senyko added that Representative Robertson was able to secure a meeting with M-DOT in order to try and generate more funding.

North expressed concern for parking issues along Silver Lake Road, because the project will have an impact and residents and businesses in that area. Senyko stated that it would be appropriate to hold a public hearing to receive comments from the citizens, however, the Council should continue to act in the best interest of the entire City.

King expressed her concerns for the local streets that are also in need of repair and questioned if the City could stop the project if the funding does not come through. Senyko stated that M-DOT's 1.5 million was guaranteed and would be enough to pay for at least a minimum project for Silver Lake Road, if nothing else. Hammond stated that it would be the best situation if the City were able to gain control over these roads.

North questioned why the project would not begin until 2008 and Senyko explained that it would take time for the design and engineering to be completed. North questioned if the receiving of a specific dollar amount of Act 51 monies for the two roads is included in the agreement and Senyko explained that the dollar amount is not specific because a formula is used to generate the amount every year, but this item is included in Section A-1, part 83 in the contract.

King questioned if the City would be able to choose its own contractors for the project and Senyko explained that since the roads would not be under M-DOT's jurisdiction anymore, the City would not be obligated to follow the selection made in a State bid. The choice would be entirely up to the City.

Angeluski questioned what would happen if the City did not agree to take control of the

roads and Senyko explained that nothing would happen and the road would be re-paved according to M-DOT's schedule in 2009 with no drainage improvements, with no further improvements for at least ten years after that. Angeluski asked if the citizens had been surveyed about this issue and Senyko explained that he had received some complaints, but for the most part he has received very positive feedback about the project. Rauch stated that he had also received positive feedback about this project. Hammond stated that Silver Lake Road is a major road and this has become a safety issue. Angeluski stated that the road is in poor condition and this project would be a huge benefit.

A motion was made by Hammond and seconded by King to approve the transfer of jurisdiction of US 23 Business Route (Owen Road and Silver Lake Road) from the Michigan Department of Transportation to the City of Fenton, authorize the City administration to execute the documents and implement the transfer according to the agreement. Motion carried by voice vote.

2006 MARKET NIGHT

Chief Aro delivered the background information for this request and North requested that these types of items come to the Council sooner for approval.

A motion was made by North and seconded by Moffitt to approve the request of the State Bank and Citizens Bank to hold their annual Farmer's Market on five consecutive Thursday nights beginning August 3, 2006. Motion carried by voice vote.

PARKS AND RECREATION BOARD APPOINTMENT

Senyko informed the Council of the resignation of Sandra Jones from the Parks and Recreation Board and relayed the request of the Board to appoint Ben Smith to fill the position. North commented that she was sad to see Sandra go, but the Board needs at least one new member and had only received one application.

A motion was made by Osborn and seconded by North to accept the resignation of Sandra Jones and appoint Benjamin Smith to fill the subsequent vacant term to expire January 1, 2007. Motion carried by voice vote.

CALL TO THE AUDIENCE

Cherie Smith, of 200 Union Street, expressed that business signs are still a very large and on-going problem. Osborn stated that the Code Enforcement official is working on this situation. King stated that the Planning Commission is looking into reviewing the sign ordinances. Schultz quickly reviewed the zoning ordinance pertaining to signs in the right of way and stated that the Planning Commission can tighten up the ordinance, however, there is a process they must adhere to. Osborn suggested getting someone in on the weekends to enforce against the offenders.

CITY MANAGER'S REPORT - None.

COUNCIL MEMBERS COMMENTS

Moffitt stated that he feels the spending habits in the City should be addressed due to the impending possibility of the new water main projects. North expressed her appreciation for the reports received from Munfahk and Hubbell, Roth, and Clark in the Friday Memo. Rauch

announced that he would be out of town for the August 7th and August 14th meetings.

Angeluski expressed that he has serious concerns with the possibility of in-ground arsenic being moved around at the new Orchard Hills development and stated that the Council needs to pay close attention to this matter, due to the seriousness of the consequences. Osborn stated that this matter is regulated by the State of Michigan. King feels that the arsenic should be capped rather than sealed and the Department of Environmental Quality (DEQ) should be brought in to investigate this matter. Osborn stated that Chuck Barbieri, of Foster, Swift, Collins, and Smith is involved in the matter on behalf of the City's interest. Schultz stated that Barbieri is in the process of reviewing the proposals from Orchard Hills to make sure they are safe and compliant. Senyko stated that he has not received and proposals or permit applications from the developer as of this point. Angeluski stated that the health of the citizens is priceless. Senyko stated that the City is waiting on the developer to present a proposal to be reviewed, further, that proposal will be reviewed by two separate environmental consultants, as well as the State and the DEQ. Senyko also wanted to clarify that the arsenic present is in the ground and not the water supply.

Hammond announced that Genesee County Small Cities and Villages will be holding their annual summer picnic on August 2, 2006 at 6:00 PM at Elms Park in Swartz Creek and all are encouraged to attend.

LEGAL COUNSEL

Schultz stated that Walmart filed an appeal with the Zoning Board of Appeals, even though being advised not to do this. The appeal was subsequently returned to Walmart.

MAYOR'S COMMENTS

Osborn suggested holding a special work session where the sole topic of discussion would be water rates. The general consensus of the Council was that the special work session would be held on July 31, 2006 at 6:30 PM in the City Hall Conference Room. Senyko stated that he has requested information which would show comparables for the rates and how they relate to consumption, increased sewer rates, and the possible water main project.

King questioned if anyone had addressed Dawn Overmyer's concerns at 826 Southwood Drive. Dawn Overmyer informed the Council that DPW Director, Les Bland came out to inspect the drain and concluded that it is deteriorating. Senyko stated that the current pipe there is undersized, however there is a water main project concerning both sewers in that neighborhood in the Spring of 2007. Overmyer stated that she would like to view the design for the project when it is complete.

Osborn stated that the Open House for the Tri-County Times will be held on August 26, 2006 from 8:00-10:00 PM. Osborn also announced that she has appointed Councilman Moffitt to replace Councilman Hammond on the Fire Board.

Meeting adjourned at 9:00 PM.

Sue Osborn, Mayor

Jennifer Wills, Deputy City Clerk