

**CITY OF FENTON COUNCIL PROCEEDINGS**  
**Monday, August 28, 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; Robert Cairnduff, Fire Chief; Richard Aro, Police Chief.

**MINUTES**

Moved by King, seconded by Rauch to approve the minutes of the July 31, 2006 special work session, the August 7, 2006 regular work session, and the August 14, 2006 regular meeting as corrected. Motion carried by voice vote.

**ACCOUNTS PAYABLE**

North had a question pertaining to the responsibility of the Haddon Nursery invoice and Senyko informed her that the billing was for planting the trees donated by the Rotary Club in various places around the City. North also questioned if the Ellen Street project should be going through an Escrow account and Senyko explained that there is no escrow for a special assessment project because the City will be getting reimbursed for the cost of the project over a specific period of time.

King stated that there is still standing water where the sidewalks were constructed on South Long Lake Road and she expects these problems to be resolved before the contractor receives final payment for the job. When asked if these issues were an engineering mistake, Senyko responded that it could be either a design flaw or bad decisions in the field. It is unclear at this point.

Moved by Rauch, seconded by North to authorize payment of invoices in the amount of \$158,934.81.

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

**CORRESPONDENCE, MINUTES & REPORTS**

King commented that the refund from Consumers Energy is a good idea and Schultz explained that Consumers Energy is reconciling with their customers for over-collection.

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

- Notice of public hearing to the customers of Consumers Energy.

- Minutes of the July 17, 2006 Downtown Development Authority meeting.  
Motion carried by voice vote.

**CITIZENS COMMENTS - None.**

**NATIONAL INCIDENT MANAGEMENT SYSTEM (RESOLUTION NO. 06-16)**

Fire Chief, Robert Cairnduff, explained that the National Incident Management System (NIMS) was developed in response to the events of September 11, 2001 by Federal agencies in order to create more uniform processes for handling emergencies. Cairnduff stated that NIMS offers an extra measure of precaution, and the City must be compliant with NIMS in order to be eligible for grant funding. North questioned what the City needed to comply with and Cairnduff responded that the Fire Department would go through periodic updated training, as well as the impending adoption of Resolution No. 06-16.

King asked if the response times for the department would be affected and Cairnduff explained that NIMS is merely a management level for a large scale incident which means that everyone could tap into service and supplies from each other. Angeluski asked if a training program was already set up and Cairnduff answered him affirmatively, stating that they will have updated training every year that is coordinated with the County and State in order to coincide with the City's local emergency plan. Moffitt questioned if FEMA was involved with this and Cairnduff explained that in 2006 emergencies went to local control so that they could not come in and take over. Osborn requested a practice run for the City's emergency plan.

Angeluski asked why there were no Fire Board meeting recently and Osborn explained that there have been scheduling difficulties and a lack of content for discussion.

A motion was made by Rauch and seconded by Angeluski to approve Resolution No. 06-16, which adopts the National Incident Management System.

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

NAYS: None.

ABSENT: None. Resolution declared adopted.

**ELLEN STREET CURB & GUTTER SPECIAL ASSESSMENT (RESOLUTION NO. 06-17)**

Senyko explained that Resolution No. 06-17 is the fourth step in the special assessment process for the curb and gutter improvements to Ellen Street, which sets the public hearing for September 25, 2006. Senyko also stated that the majority property owner stated that he did not want to continue with the process at the higher bid, even though he had initiated the project.

King questioned if the City would be wasting time and money by continuing this process.

Osborn stated that she felt it was best to continue on with the assessment until written documentation was provided by the property owner to halt the process.

A motion was made by Osborn and seconded by Hammond to adopt Resolution No. 06-17 and set a public hearing to review the special assessment roll on September 25, 2006.

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

NAYS: None.

ABSENT: None. Resolution declared adopted.

## **SOUTHERN LAKES PLANNING INITIATIVE**

Senyko conveyed the request to the Council to approve the resolution of support for the Southern Lakes Planning Initiative. King explained the vote of approval from the Planning Commission, citing that two of the Yea votes were cast in that manner so that more information could be gathered about the project. Osborn commented that this is just a resolution of support that would allow the initiative to continue gathering information.

A motion was made by Angeluski and seconded by Rauch to deny support of the Southern Lakes Planning Initiative's efforts. Schultz interjected and offered suggestions on a better way to phrase the motion in order to protect the City's interests. After some discussion, Rauch rescinded his support of the original motion. The original motion died due to lack of support. A motion was made by Osborn and seconded by Rauch to approve Resolution No. 06-18 supporting the efforts of the Southern Lakes Planning Initiative.

YEAS: Osborn.

NAYS: Angeluski, Hammond, King, Moffitt, North, Rauch.

ABSENT: None. Resolution failed.

## **LABOR CONTRACT**

Senyko reviewed the tentative contract with the Patrol Officers Association of Michigan (POAM), citing the major point of the contract being funeral leave for grandparents-in-law, a three year retroactive contract set up for patrol officers to receive a 3% raise each year and the dispatch to receive a 3.5% raise each year for the duration of the contract, adding President's Day to the list of holidays, agreement to investigate better insurance coverages (language provided by Steve Schultz, Legal Counsel), one week of additional vacation when 25 years of service is reached, and language allowing management more discretion concerning promotions. When Rauch questioned how many weeks of vacation would be received at 25 years of service, Senyko answered that there would be five weeks attained.

A motion was made by Angeluski and seconded by Hammond to ratify the proposed tentative agreement for labor negotiations with the Patrol Officers Association of Michigan and authorize the City Manager and City Clerk to sign the resulting agreement incorporating the terms agreed to by the Union and the City and take other appropriate steps related to its implementation.

King praised the police officers for their job performance, but expressed her concerns with wage increases due to the many projects the City needs to complete, including the water infrastructure improvements. King questioned if wage freezes could be an option for future contract negotiations. Osborn requested Schultz to speak on this matter. Schultz stated that budget cuts cause the options of re-negotiation or layoffs where union matters are concerned. Schultz also stated that the wage increase that has been settled upon in this particular contract is very reasonable and fair. Moffitt added that it is very important that the Union agreed to come to the table to discuss health care options, which could prove to be very beneficial for the City financially. Senyko added that POAM is still protected by binding arbitration, however they are willing to work with the City. Moffitt asked if the same health care coverage could be attained at a lower cost and Senyko expressed that he had been informed that this was the case by an insurance agent, and the issue up to this point was the language in the union contracts.

Angeluski stated that the Police do a good job and it is important to be fair with them because they are an important asset to the City.

The Council voted on the previous motion at this time and the motion was carried by voice vote. Agreement ratified.

### **ST. JOHN APPLEFEST ROADRACE**

Chief Aro presented the request of the St. John the Evangelist Catholic Church to conduct the annual road race held in conjunction with the St. John's Applefest. Osborn recognized that the subdivision on North Road was removed from the route. King questioned if the Church had gotten volunteers for security for the Applefest, and Aro stated that he was not sure how many there were, but the Police would be in the vicinity to monitor the events, primarily for the race and for aid during the operation of the Beer Tent.

A motion was made by North and seconded by Moffitt to approve the request of the St. John's Applefest Committee to conduct its annual Applefest roadrace on September 16, 2006. Motion carried by voice vote.

### **TOOTSIE ROLL DRIVE**

Chief Aro presented the request of the Knights of Columbus to conduct their annual Tootsie Roll sale. King questioned if they would be selling the candy anywhere else besides the streets and a representative of the Knights responded that the candy would also be sold in and around area merchants as well. King stated that she supported the cause, but could not support the locations on the streets due to safety concerns.

A motion was made by Angeluski and seconded by Moffitt to approve the request of the Knights of Columbus to conduct their annual "Tootsie Roll" drive on October 6,7 & 8, 2006 at the intersections of Adelaide Street and North Road, and Adelaide and High Streets. Motion carried by voice vote with King opposing.

### **TRAFFIC CONTROL ORDER NO. 06-03**

A motion was made by Rauch and seconded by Hammond to approve Traffic Control Order No. 06-03 to place a "stop" sign on northbound Lincoln Street at the intersection of Jefferson Street. Motion carried by voice vote.

### **BROWNFIELD REDEVELOPMENT AUTHORITY**

A motion was made by Osborn and seconded by Hammond to approve the appointment of Jennifer Keane to the Brownfield Redevelopment Authority, to fill a vacant term expiring February 1, 2007. Motion carried by voice vote.

### **CALL TO THE AUDIENCE**

Dawn Overmyer, of 826 Southwood Drive, addressed the Council about the many illegal signs that were placed throughout the town over the past weekend. Senyko stated that the Code Enforcement Official was out over the weekend and has sent letters to those who are offending the ordinance. In addition, Senyko stated that he would get specifics from the Building Department and follow up on this matter.

Cherie Smith, of 200 Union Street, also addressed the Council about illegal signs. King

stated that the Planning Commission is working on the best way to amend the sign ordinance in a manner that will best serve the community. Moffitt questioned if police could be used to enforce the ordinance and Senyko stated that enforcement would be difficult because the approval of signs goes through the Building Department. Aro stated that the best way for police to enforce these violations is to catch individuals when they are initially placing the signs out. Smith added that these ordinances should be summarized and published in all of the local papers so that people who live outside of the City will know the rules about signage as well. Osborn suggested putting information about the signs on the City's web page and Channel 19.

### **CITY MANAGER'S REPORT**

Senyko informed the Council that he and Wren would not be at the next Council meeting on September 11, 2006 due to their presence at the City Manager's Conference. Senyko assured the Council that all pertinent department heads would be present for the meeting. Senyko also stated that action will have to be taken to set the public hearing for the possible water rate increase, and that public hearing will be set for September 25, 2006.

### **COUNCIL MEMBERS COMMENTS**

Moffitt questioned if Southern Lakes Parks and recreation was planning on moving into the new Cultural Center when it is complete. Osborn stated that they will not be moving in there.

North stated her approval of the removal of the islands near the connector. North requested that the Council enter into discussion about the prospect of contracting a new traffic engineer. North added that she will be unable to attend the Beautification Commission meetings in September and October and a short discussion amongst the Council ensued to establish an alternate representative for the two meetings.

North inquired about the letter received from the Loose Center. King stated that it was in reference to the recent millage that was passed for Senior Citizens, and a request to commit to working towards their prospective interests. Rauch understood the letter to be a job description for a Board member and King stated that this letter is just encouraging support from the communities.

Angeluski stated that he wants a microphone placed back on the podium. He also stated that the practice of cross table discussion amongst the Council during meetings should stop. Angeluski also thanked everyone for their cards and encouragement for the recovery of his injury.

King stated that she felt that illegal parking was becoming a serious issue on Appletree Lane and a Traffic Control Order should be made to alleviate it. King also requested to discuss the City Manager evaluation after the Work Session. King expressed her concern about the steep ditch and drain pipe issues on East Street that need to be addressed because they are a public safety hazard.

Hammond stated that Genesee County Small Cities and Villages will be meeting on Wednesday, September 6, 2006 in Gaines.

### **LEGAL COUNSEL**

Schultz informed the Council that they may see increased billings from Foster, Swift, Collins, and Smith, due to the increased volume of prosecutions in the City. More legal assistance has been required due to the caseload.

Moffitt questioned if the City of Fenton considered doing the warrant sweeps and participating in night court. Aro responded that the Police Department has participated in two sweeps thus far and he will get some statistics for the Council to follow up.

**MAYOR'S COMMENTS**

Osborn discussed the idea of using old water trucks for the purpose of watering flowers for the beautification Commission. She had seen this concept in action while in Manistee. Rauch expressed his concern that the liability would be an issue.

Meeting adjourned at 8:45 PM.

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Sue Osborn, Mayor

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Jennifer Wills, Deputy City Clerk