

# City of Fenton

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301 South Leroy Street • Fenton, Michigan 48430-2196 • (810) 629-2261 • FAX (810) 629-2004

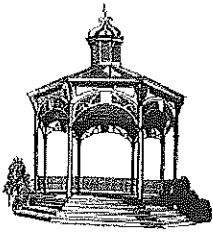
## COUNCIL WORK SESSION AGENDA

Monday, August 7, 2017  
City Hall Conference Room  
301 South Leroy Street  
7:30 PM

**\*\*REVISED\*\***

1. Call to Order.
2. Roll Call.
3. Citizen Comments: Request by citizens to speak on specific agenda items.
4. Discussion regarding Lead & Copper Monitoring.
5. Discussion regarding Charter Amendment Ballot Language.
6. Discussion regarding Demolition of 324 W. Caroline Street.
7. Discussing regarding transfer of CDBG funds.
8. *Request from Applefest Committee.*
9. Council Member Comments.
10. Call to the Audience.
11. Adjournment.

IF ACCOMMODATIONS ARE NEEDED DUE TO A DISABILITY, PLEASE CONTACT THE CITY CLERK'S OFFICE.



# City of Fenton

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**Date:** August 4, 2017  
**To:** Lynn Markland *JHM*  
**From:** Stephen D. Guy *SDG*  
**RE:** Lead & Copper Monitoring

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This year the City of Fenton is required to sample and test for lead and copper which is phase twelve of the program. The Michigan Department of Environmental Quality (MDEQ) has put in place updated requirements for the program.

The program requires twenty samples to be taken from homes that are termed tier one sites. Tier one sites are those with the most potential to leach lead or copper into the tap water of the home which is why they are used for monitoring.

The program requires participating residents to take the samples from a kitchen or bathroom faucet that is commonly used for drinking that does not run through a home treatment device like a water softener. The samples must be a first draw sample after six hours of inactivity.

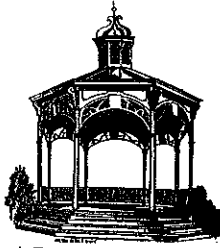
For this phase of testing the MDEQ is requiring communities to meet with residents prior to sampling and train them on sampling techniques, verify the materials in their home plumbing, and fill out a survey after the testing is complete.

Since phase one of the program in 1992 there have been about 60 different homes that have assisted the city with the monitoring. Letters were sent out in June of this year to the residents that were used for phase eleven testing. We have received limited responses back at this time and the deadline of September 30 is fast approaching. As of this time there are only three confirmed testing sites for this phase.

Since the inception of the lead & copper rule in the early 1990's it has always been challenging for communities to gather samples due to the inconvenience to home owners who do the sampling. The residents that Fenton has used have been gracious enough to help the city in meeting its monitoring requirements. At the end of the monitoring period the residents receive the test results in a letter from the city thanking them for their cooperation.

Because we are having difficulties getting a sufficient number of residents to volunteer their home for the testing, I would like to provide a small compensation for those who are selected to participate in the program to complete the sampling as required. I would request to offer a \$30.00 visa card to the twenty residents that are willing to help the city with monitoring for the lead & copper program each monitoring period. For sampling to be really effective the same sites should be used every period so that a history of the site is built.

# Memorandum



THE CITY OF  
FENTON

**DATE:** August 3, 2017

**TO:** Mayor Osborn and City Council

**FROM:** Lynn Markland, City Manager *LHm*

**RE:** Charter Amendment Ballot Language

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The City Council has been discussing a street millage and in order to be effective the millage will need to be levied for a number of years. The City Charter allows a special millage to be levied for a period not to exceed three years. The street program as proposed would require a millage for a period of ten years. In order to place a ten year millage on the ballot, the City Charter needs to be changed first. The City Attorney has prepared a resolution and ballot language for the City Council to consider. The ballot language is for an amendment to the City Charter that would allow a special millage not to exceed ten years. The voters would still have to approve the millage in a separate election. However, in order for the voters to vote on the millage, the Charter Amendment must be approved first. I request that the City Council discuss the proposal and then approve the submittal of the proposed amendment to the voters at the general election to be held on Tuesday, November 7, 2017.

The City Council should discuss the resolution and ballot language and if it pleases the City Council, approve the resolution and the ballot language for the Charter Amendment to be placed on the November ballot.

**RESOLUTION TO APPROVE CHARTER AMENDMENT NO. 1 AND THE BALLOT  
LANGUAGE FOR CHARTER AMENDMENT NO. 1  
City of Fenton, Genesee County**

**Resolution Number 2017-\_\_\_\_\_**

**WHEREAS**, the City Council of the City of Fenton wishes to amend its City Charter, specifically, Chapter XI, Section 11.1, in order to allow the City to levy general ad valorem taxes for periods of up to 10 years; and

**WHEREAS**, the City is currently limited to levying general ad valorem taxes for periods of no more than three (3) years pursuant to City Charter, Chapter XI, Section 11.1; and

**WHEREAS**, section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend a city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election; and

**WHEREAS**, the resolution must set forth the ballot language for the proposed charter amendment with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition; and

**WHEREAS**, section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment; and

**WHEREAS**, the City Council wishes to submit a charter amendment to the city's voters;

**NOW, THEREFORE, BE IT RESOLVED**

**CHARTER AMENDMENT PROPOSAL NO. 1**

1. The City Council resolves to submit to the city's voters the following charter amendment:

The Fenton City Charter, shall be amended to read as follows:

Chapter XI, §11.1 – Power to tax; tax levy, limitation.

The city shall have the power to assess taxes and to lay and collect taxes, rents, tolls, and excises, excepting a flat rate by a majority vote of the electors of the city voting on the proposition.

The levy of taxes for municipal purposes in any year shall not exceed one and three tenths per cent (13 mills) of the assessed value of all real and personal property in the city, unless the proposition to approve and increase above the tax rate so limited is first approved by a majority vote of the electors of the city voting on the proposition. No such increase shall be for a period of more than 10 years. Nor shall it or any combination of such increases cause the total tax rate in any one year for municipal purposes to exceed two per cent (20 mills) of the assessed value of all real and personal property in the city.

2. The current City Charter section being altered by this amendment provides as follows:

Chapter XI, §11.1 – Power to tax; tax levy, limitation.

The city shall have the power to assess taxes and to lay and collect taxes, rents, tolls, and excises, excepting a flat rate by a majority vote of the electors of the city voting on the proposition.

The levy of taxes for municipal purposes in any year shall not exceed one and three tenths per cent (13 mills) of the assessed value of all real and personal property in the city, unless the proposition to approve and increase above the tax rate so limited is first approved by a majority vote of the electors of the city voting on the proposition. No such increase shall be for a period of more than 3 years. Nor shall it or any combination of such increases cause the total tax rate in any one year for municipal purposes to exceed two per cent (20 mills) of the assessed value of all real and personal property in the city.

3. The ballot language for the proposed amendment shall be as follows:

CHARTER AMENDMENT PROPOSAL NO. 1

The Fenton City Charter, §11.1 allows the City to levy taxes imposed upon real and tangible personal property in excess of 13 mills for periods not to exceed 3 years, if approved by the voters. The City of Fenton desires to change its City Charter to allow any voter approved increase in taxes in excess of 13 mills to be for a period not to exceed 10 years.

Shall the amendment as proposed be adopted?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. The City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).
5. The proposed amendment shall be submitted to the qualified electors of the City of Fenton at the general election to be held in the City on November 7, 2017, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the charter amendment to a vote of the electors as required by law.
6. The proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

Motion made by \_\_\_\_\_ and supported by \_\_\_\_\_.

Roll call vote:

Yes: \_\_\_\_\_

No: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

**CERTIFICATE**

I, Renee Wilson, the duly qualified and acting Clerk of the City of Fenton, hereby certify that the foregoing resolution was adopted by the City Council by a roll call vote at a regular meeting of the

Council held on \_\_\_\_\_, 2017, at \_\_\_\_\_ pm, at which meeting a quorum was present; and that this resolution was ordered to take immediate effect.

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Renee Wilson, City Clerk

CITY OF FENTON  
MEMORANDUM



DATE: August 7, 2017

TO: Lynn H. Markland, City Manager

FROM: Michael A. Hart, Assistant City Manager & DDA  
Executive Director

M.H.

RE: 324 W. Caroline Street Demolition Project

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The City of Fenton has worked through a number of issues recently with the residential property located at 324 W. Caroline Street. We completed and received the May 30, 2017 environmental phase 1 assessment of the location and took title to the property on Wednesday, August 2, 2017.

Per the RFP process for demolition of the house, we received one bid on June 28, 2017. The bidder was Milford Salvage Iron & Metal Company, Inc. for an amount of \$28,130. With this project, there is a relatively substantial amount of asbestos abatement work, the basement will have to be pumped out, and after the basement is excavated, the area will need to be backfilled. **Please see the attached bid tabulation sheet and formal bid submission.**

In discussion with Milford Salvage Iron & Metal Company, Inc., they have submitted a revised bid dated August 1, 2017 with a reduced price of \$19,910. This is a cost reduction of \$8,220.

Additionally, in prior discussion with Council, we have had recent options presented to us through the Genesee County Treasurer's Office and Land Bank Authority. These options create either substantial delays in time or do not provide substantive benefit in cost reduction with demolishing the blighted property.

***I recommend the selection of Milford Salvage Iron & Metal Co., Inc. to be awarded the demolition project of 324 W. Caroline Street, for the amount of \$19,910.***





**BID PROPOSAL FOR THE  
DEMOLITION OF 324 W. CAROLINE STREET  
FOR THE CITY OF FENTON**

The following is the bid proposal of:

    Milford Salvage Iron & Metal Co Inc.    

(an individual)    (a partnership)    (a corporation duly authorized)

The undersigned hereby declares that this bid is made in good faith without fraud or collusion with any person or persons bidding on the same Contract; that he/she has carefully read and examined the Contract Documents, including the Request for Bid (RFB), General Requirements, and Program Guidelines for the designated work and understands all of the same; that he/she, or his/her representative, has made such personal investigation at the sites as is necessary to determine the character and difficulties attending the execution of the proposed work. Bidder proposes and agrees that if this Proposal is accepted, bidder will contract with the City, provide necessary machinery, tools, apparatus and transportation services necessary to do all the work specified or referred to in the RFB and Contract Documents in the manner and time therein prescribed, and according to the requirements of the City as therein set forth, to furnish the insurance required of the Contractor by the RFB and Contract Documents, and that he/she will take in full payment, the unit prices set forth in the bid proposal for the demolition of 324 W. Caroline St., Fenton, Michigan.

All bidders understand that the City reserves the right to accept or reject any and/or all bids, to waive any irregularities and/or errors in the bids, negotiate with any bidder, or to select the bid(s), or portions thereof, most advantageous to the City.

As required by Public Act 517 of 2012, the undersigned certifies that it is not an "Iran linked business" as that term is defined herein. An "Iran linked business" is defined in the Act but generally means a person engaging in investment activities in the energy sector of Iran, or a financial institution that extends credit to another person, if that person will use the credit to engage in investment activities in the energy sector of Iran.

The Successful Bidder agrees that this bid shall be good, may not be withdrawn and may be accepted by the City for a period of ninety (90) calendar days after the scheduled closing time for receiving bids.

Upon receipt of a written Notice of Award of the Bid, the Successful Bidder shall execute a formal Contract Agreement within ten (10) calendar days. In the event that the Contract is not executed within the time set forth above, the Bid Proposal shall become the property of the City as liquidated damage for the delay and additional expense to the City caused thereby.

Pursuant to demolition request for bids dated June 7, 2017, I submit the following as my Company's bid, with the understanding that if my bid, or portion thereof, is accepted, I will execute a written contract with the City of Fenton which will embody the terms as outlined in the request for bids.

I will meet all of the requirements and provide all of the services for the amounts listed as outlined in this bid proposal.

Section 5.13 of the Fenton City Charter provides that "no contract or purchase involving an amount in excess of one hundred dollars shall be made by the city in which any elective or appointive officer or any member of his [or her] family has any pecuniary interest, direct or indirect" unless the City Council determines, by unanimous vote, that it is in "the best interests of the City" to enter into such contract. Section 5.13 further provides that "an officer shall be deemed to have a pecuniary interest in a contract if he [or she] or any member of his [or her] family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made, or of a sales representative of such person, firm or corporation."

In accordance with Section 5.13, the bidder shall disclose and describe any business, financial, pecuniary or familial relationship existing between the Bidder (or any officer, agent, or employee of the Bidder) and any officer, employee, or agent of the City. For purposes of this provision, "familial relationship" and "relative" are defined as: father, mother, husband, wife, son, daughter, sister, brother, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law.

In the space provided below, list and describe all existing conflicts of interest or check the box, indicating that there are no known conflicts of interest.

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To the best of my knowledge, no conflict of interest exists.

In submitting this bid, it is understood that the right is reserved by the City to reject any or all bids and to award the contract as may best serve the interests of the City of Fenton. IT IS FURTHER AGREED THAT THIS BID MAY NOT BE WITHDRAWN FOR A PERIOD OF NINETY (90) DAYS AFTER THE DATE SET FOR OPENING OF BIDS.

IN WITNESS WHEREOF, the undersigned have set their hands this 26 day of June, 2017.

Company Milford Salvage Iron & Metal Co Inc

Address 2823 E Burn Rd

Milford MI 48381

Phone 248 360 2425

Authorized Agent Joe Bruz

Signature John A. Giff  
Title Project Manager  
Date 6/26/17

Total Materials and Labor - Bid Amount \$ 28,130.00

Twenty eight thousand one hundred thirty & 00/100 —

**BID PROPOSAL FOR THE  
DEMOLITION OF 324 W. CAROLINE STREET  
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IN WITNESS WHEREOF, the undersigned have set their hands this 1<sup>st</sup> day of August, 2017.

Company Milford Salvage Iron & Metal Co Inc

Address 2823 E Bruno Rd

Milford MI 48381

Phone 313 360 2425

Authorized Agent Joe Bruz

Signature Joseph A. Byrd  
Title Project manager  
Date 8-1-17

Total Materials and Labor - Bid Amount \$ 19,910.<sup>00</sup>

Nineteen thousand nine hundred ten & 00/100

**CITY OF FENTON**  
**MEMORANDUM**



**DATE:** August 7, 2017

**TO:** Lynn H. Markland, City Manager

**FROM:** Michael A. Hart, Assistant City Manager & DDA  
Executive Director

M.H.

**RE:** ADA Sidewalk Ramps for W. Shiawassee Ave.,  
Community Development Block Grant (CDBG)

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The City of Fenton applied for and obtained CDBG grant money as administered by Genesee County to demolish the blighted residential property at 206 E. Caroline Street next to the public library. The total amount of the grant award was \$31,475. With the demolition bid coming in at \$27,425 and the project now completed, we have a remainder of \$4,050.

In communication with Genesee County, they are in tentative agreement with the City and are recommending we transfer the \$4,050 of CDBG demolition grant money to the existing CDBG grant project for ADA sidewalk ramps on W. Shiawassee Avenue. There are four intersections that we are slating for improvement as follows: George Street, S. West Street, Davis Street, and Colfax Street.

With the transfer, the additional \$4,050 would add to the existing total amount of \$31,474, for a new grand total of \$35,524. This will help the City's budget for completion of this project utilizing the existing grant money combined with the left over demolition grant money. Ultimately, the project will benefit our residents and visitors with improved sidewalk accessibility.

***I recommend transferring the 206 E. Caroline Street demolition project remaining balance of \$4,050 from the CDBG demolition money as originally awarded to the City per contract dated September 30, 2016, to the ADA Sidewalk Ramps Project on W. Shiawassee Avenue as originally awarded to the City per contract dated September 30, 2016 (Genesee County Metropolitan Planning Commission is the named Grantee of federal funds under Title 1 of the Housing and Community Development Act of 1974 and the City of Fenton is the named Sub-recipient).***

***\*This issue requires a roll-call vote...***





To: Mayor Sue Osborn, Fenton City Council  
From: Sara McDermott, St. John Applefest General Chair  
Re: Request use of city lot; temporary noise permit  
Date: August 7, 2017

On behalf of St. John Church and the Applefest Committee, we would like to extend a thank you to the City Council and entire City of Fenton for your ongoing support of the annual St. John Applefest. Last year's Applefest was a huge success, attracting over 20,000 visitors to our community.

As part of our annual planning process, we would request approval from City Council for the following:

- Temporary noise permit allowing Applefest activities to continue until the midnight hour during the weekend of September 14 – 17, 2017.
- Permission to hold the annual Applefest Road Race in the City of Fenton on the morning of Saturday September 16, 2017 at the approval of Chief Slater.
- Use of Bush Park for Applefest parking.
- Use of the city owned lot located at the corner of Lincoln Street and Jefferson Street for Applefest parking.

Please let me know if I can provide any additional information regarding this request.

Sincerely,

Sara McDermott  
248-408-9413  
[saramariemcdermott@gmail.com](mailto:saramariemcdermott@gmail.com)