

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, February 4, 2019
Rescheduled from January 28, 2019
City Hall Conference Room
301 South LeRoy Street
6:30PM

Mayor Osborn called the meeting to order at 6:30PM.

The invocation for the evening was the Lord's Prayer and was followed by the Pledge of Allegiance.

Present: Bottecelli, Draves, Grossmeyer, Lockwood, McDermott, Osborn, Smith.
Absent: None.
Others Present: Lynn Markland, City Manager; Chris Patterson, City Counsel; Ross Bower, City Counsel; Daniel Czarnecki, DPW Director; Tonya Lall, Assessor; Michael Hart, Assistant City Manager/DDA Director.

MAYOR'S COMMENTS – None.

CITY MANAGER'S REPORT

Markland advised City Hall closed at 2:00 PM on Monday due to weather conditions.

COUNCIL MEMBER COMMENTS

Lockwood advised the Trailways meeting was at 5:30 today, they discussed and are planning for the May 7th election. Flannel and Furs raised \$20,000 which was matched by an anonymous donor. Thursday is the first in the Cabin Fever Winter Concert Series and encouraged all to attend.

Grossmeyer expressed his condolences to Ron Harris' family due to his passing. Small Cities meeting is Wednesday. Justin Sprague and Carmine Avantini will be the speakers. Grossmeyer requested an update regarding the liquor license request from A Joyful Noise. Patterson will check and advise.

LEGAL COUNSEL REPORT

Patterson advised he has been working on the following:

- Working with DPW and Genesee County Drain Commission.
- Building and Planning questions.
- Closed session item.

CITIZEN COMMENTS - None.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.
Bottecelli advised the minutes of the January 14th meeting needed to be corrected from Planning Board to Parks Board in Smith's comments.

A motion was made by Lockwood and seconded by Smith to approve the consent agenda containing the following items with the correction to the January 14, 2019 meeting minutes:

- Authorize payment of invoices in the amount of \$532,895.90.
- Approve and place on file the minutes of the October 17, 2018 Beautification Commission meeting; and the January 14, 2019 City Council meeting.

YEAS: Draves, Grossmeyer, Lockwood, McDermott, Osborn, Smith, Bottecelli.
NAYS: None.
ABSENT: None. **Motion carried by a roll call vote.**

RESOLUTIONS:

RESOLUTION NO. 19-01

A motion was made by Grossmeyer and seconded by Smith to adopt this resolution and policy to meet the AMAR requirement, if the city chooses to continue not to levy the penalty fee.

YEAS: Grossmeyer, Lockwood, McDermott, Osborn, Smith, Bottecelli, Draves.
NAYS: None.
ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

RESOLUTION NO. 19-02

A motion was made by McDermott and seconded by Draves to adopt this resolution to provide that a resident taxpayer may file their protest of property assessment by letter without an appearance by the taxpayer or his/her agent at the Board of Review meeting.

YEAS: Lockwood, McDermott, Osborn, Smith, Bottecelli, Draves, Grossmeyer.
NAYS: None.
ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

RESOLUTION NO. 19-03

A motion was made by Smith and seconded by Grossmeyer to adopt this resolution on reviewing and granting Poverty Exemptions that are allowed by MCL 211.7u.

YEAS: McDermott, Osborn, Smith, Bottecelli, Draves, Grossmeyer, Lockwood.
NAYS: None.
ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

RESOLUTION NO. 19-04

A motion was made by McDermott and seconded by Grossmeyer to adopt this resolution in support of the Lake Fenton Property Owners Association's application to the MDNR to participate in the Canada Goose Nest and Egg Destruction Program 2019 through 2023, with no cost to be borne by the City of Fenton.

YEAS: Osborn, Smith, Bottecelli, Draves, Grossmeyer, Lockwood, McDermott.

NAYS: None.
ABSENT: None.

RESOLUTION DECLARED ADOPTED.

RESOLUTION NO. 19-05

A motion was made by McDermott and seconded by Bottecelli to adopt this resolution in support of the Lake Fenton Property Owners Association’s application to the MDNR to participate in the Mute Swan Nest and Egg Destruction Program 2019 through 2023, with no cost to be borne by the City of Fenton.

YEAS: Smith, Bottecelli, Draves, Grossmeyer, Lockwood, McDermott, Osborn.
NAYS: None.
ABSENT: None.

RESOLUTION DECLARED ADOPTED.

RESOLUTION NO. 19-06

A motion was made by Smith and seconded by McDermott to adopt this resolution in support of Lake Fenton Property Association’s application to the MDNR to participate in the Mute Swan Removal Program 2019 through 2023, with no cost to be borne by the City of Fenton.

YEAS: Bottecelli, Draves, Grossmeyer, Lockwood, McDermott, Osborn, Smith.
NAYS: None.
ABSENT: None.

RESOLUTION DECLARED ADOPTED.

REQUESTS:

RATE INCREASE OAKWOOD CEMETERY

Czarnecki advised Covenant Cemetery Service (Fenton Memorials) requested a rate increase which was reviewed by the Cemetery Board and found to be reasonable. The rate proposal is for a two year period, 2019-2021. The last rate increase for Covenant was ten years ago. The new proposed rate for openings and closings (burials) at Oakwood Cemetery:

Adult	\$600
Child	\$300
Infant	\$200
Indigent	\$425
Cremains	\$225
Foundations	\$0.65 per square inch.

A motion was made by Smith and seconded by Grossmeyer to approve the proposed rate increase for openings and closings (burials) at Oakwood Cemetery, effective February 1, 2019.

Motion carried by unanimous voice vote.

FACT GRANT

Markland explained the FACT Consortium has recommended the approval of a grant request from the three school districts and Southern Lakes Parks & Recreation. The cost to the City of Fenton is \$11,654.43. The money will come from our PEG Funds. The grant will fund

equipment that will allow students to create content for our access channel and SLPR will be able to create videos for community events.

A motion was made by Lockwood and seconded by Bottecelli to approve the FACT Grant request at a cost not to exceed \$11,654.43.

Motion carried by unanimous voice vote.

CALL TO THE AUDIENCE – None.

CLOSED SESSION

A motion was made by Osborn and seconded by Lockwood to enter into closed session under Sections 8 (e) and (h) to consult with the City Attorney, including review of a confidential legal opinion regarding settlement strategy in connection with Citizen Storage Fenton North, LLC v City of Fenton, MTT No. 18-00787, as well as the City’s process for tax appeals.

YEAS: Draves, Grossmeyer, Lockwood, McDermott, Osborn, Smith, Bottecelli.
NAYS: None.
ABSENT: None. **Motion carried by a roll call vote.**

Recessed to Closed Session at 7:03 PM.

Reconvened into Open Session at 7:34 PM.

A motion was made by Lockwood and seconded by Grossmeyer to adopt the City Attorney’s recommendation regarding settlement of Citizen Storage Fenton North, LLC v City of Fenton, MTT Docket Number 18-000785; and Citizen Storage Fenton South, LLC v City of Fenton MTT Docket Number 18-00787.

YEAS: Grossmeyer, Lockwood, McDermott, Smith, Bottecelli, Draves.
NAYS: Osborn.
ABSENT: None. **Motion carried by a voice vote.**

Meeting was adjourned at 7:33 PM.

Mayor Sue Osborn

City Clerk, Sue Walsh

Date approved: 2/25/2019