

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, April 24, 2017
City Hall Council Chambers
301 South LeRoy Street

Mayor Osborn called the meeting to order at 7:32 PM.

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

Present: Draves, Grossmeyer, Jacob, Lockwood, McDermott, Osborn, Smith.

Absent: None.

Others Present: Lynn Markland, City Manager; Stephen Schultz, Legal Counsel; Michael Hart, Assistant City Manager; Dan Czarnecki, Director of Public Works and Jason Slater, Interim Police Chief.

MAYOR'S COMMENTS – Osborn thanked everyone for their work on the budget.

CITY MANAGER'S REPORT – Markland reported the budget is finished and will be presented for approval at the May 8th City Council meeting. Several projects are being worked on and items related to those projects are on tonight's agenda. Administration is also working on selling City owned property.

COUNCIL MEMBER COMMENTS

Lockwood stated this Friday the Beautification Commission will be giving away 150 seedlings in honor of Earth Day. She gave an update on the recent Freedom Festival meeting.

LEGAL COUNSEL REPORT – None.

CITIZEN COMMENTS – Cheryl King asked to speak on Ordinance No. 703 and questioned why there are minutes on the consent agenda from 2016.

Markland responded some boards and commissions only meet once a year and they have to approve their minutes before they come to City Council for approval.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

Smith asked that the appointment of Skip Bancroft to the Library Board be removed from the Consent Agenda to be acted on separately.

A motion was made by Lockwood and seconded by McDermott to approve the consent agenda containing the following items:

- Authorize payment of invoices in the amount of \$455,951.95.
- Approve and place on file the minutes of the May 19, 2016 Local Development Finance Authority meeting, the September 13, 2016 Zoning Board of Appeals meeting, the October 18, 2016 Election Commission meeting, the January 18, 2017,

February 15, 2017 and March 15, 2017 Beautification Commission meetings, the March 14, 2017 Parks and Recreation Board meeting, the March 28, 2017 Downtown Development Authority meeting and the March 27, 2017 City Council meeting.

- Appoint Sonja Brooks as the Fenton Area Public Schools representative to the Parks Board.
- Appoint Robert Carnes to the Parks Board.
- Accept the resignation of Stan Young from the Election Commission.

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

NAYS: None.

ABSENT: None. Motion carried by a roll call vote.

Smith stated she opposes the appointment of Skip Bancroft to the Library Board. This appointment would make him a member of three boards. She was denied a seat on the Oakwood Cemetery Board in the past and feels that she was discriminated against.

A motion was made by Grossmeyer and seconded by McDermott to appoint Skip Bancroft to the Library Board.

YEAS: Grossmeyer, Jacob, Lockwood, McDermott, Osborn, Draves.

NAYS: Smith.

ABSENT: None. Motion carried by a roll call vote.

ORDINANCE NO. 703

Slater stated this amendment pertains to non-profit groups soliciting within street intersections. This issue was tabled at the last City Council meeting amid concerns of the legality of allowing individuals to solicit within the roadway.

Schultz reviewed proposed Ordinance No. 703 stating the Attorney General (AG) issued an opinion in 2016 indicating in-street soliciting violates both the Motor Vehicle and Uniform Traffic Codes. The City put on hold allowing the practice while it investigated if it was advisable to allow in-street solicitation to continue. His office provided an opinion and draft ordinance that would allow Council to approve in-street solicitations under specific conditions as set forth in the ordinance. After researching the Motor Vehicle and Uniform Traffic Codes, it is his opinion that Council has the authority to allow for in-street solicitation.

Cheryl King, 14432 Appletree Lane, commented she does not like the idea of people soliciting in street intersections and feels there is a safety issue and commented many area businesses allow non-profit groups to solicit at their locations.

Stephanie Pytlowanyj, 409 2nd Street, asked if the permit that would be issued under the proposed ordinance minimize any liability the City may have. Schultz responded governmental immunity would apply to the City; the City does not have the liability for any possible negligence by anyone in the roadway.

Smith asked Slater since he opposed this issue last time, has his opinion changed since this was last addressed. Slater responded he was initially opposed to it due to the AG opinion. He has concerns for the safety of the volunteers but thinks with common sense practices, utilizing safety devices and the City choosing the locations, dates and times when in-street solicitation can occur, the City can allow the practice under these circumstances.

A motion was made by Lockwood and seconded by McDermott to introduce Ordinance No. 703, an ordinance that amends Chapter 23, Article I, Section 23-5 of the Code of Ordinances to establish a permit process to authorize non-commercial soliciting in the public right-of-way. Motion carried by a unanimous voice vote.

RESOLUTION NO. 17-6

Czarnecki stated preventative maintenance is needed on the bridges within the City. OHM has compiled information to make application for state and federal bridge funding. The City will be responsible for 5% of the costs. In order to make application, a resolution must be passed by City Council indicating the City has the 5% matching funds available.

A motion was made by Smith and seconded by McDermott to adopt Resolution 17-6, a resolution requesting MDOT include the Caroline Street, East Street, Leroy Street, North Road and Torrey Road bridges on the Local Bridge Fund List for preventative maintenance.

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

NAYS: None.

ABSENT: None.

RESOLUTION DECLARED ADOPTED.

RIGGS STREET WATER MAIN PROJECT

Czarnecki stated Riggs Street currently has a water main that runs off of East South Holly Road. The existing watermain is galvanized pipe that varies in size from 2-inches to 1 ¼ inches in diameter and services about twenty five homes. There are a lot of complaints about low pressure and low flow from area residents. A new, 8-inch watermain was engineered to replace the existing watermain. Bids were accepted on April 12, 2017 and DiPonio Contracting provided the low bid in the amount of \$653,745. As part of the bid process, the City asked for the project to be bid utilizing PVC pipe instead of ductile iron. If PVC pipe is utilized, the bid amount is reduced by \$28,176.

Osborn asked if PVC pipe has the same longevity as ductile iron. Czarnecki responded yes. He also stated the service lines from the watermain to the shutoff will be copper.

AWARD BID FOR WATERMAIN WORK

A motion was made by Grossmeyer and seconded by Draves to approve the low bid from DiPonio Contracting for the Riggs Street watermain project, utilizing PVC pipe, in the amount of \$625,569 and authorize the City Manager to sign the contract documents. Motion carried by a unanimous voice vote.

CONSTRUCTION AND DESIGN SERVICES

A motion was made by Lockwood and seconded by Jacob to approve the Scope of Construction and Design Services with OHM Advisors for the Riggs Street watermain project in an amount not to exceed \$102,000 and authorize the City Manager to sign the document. Motion carried by a unanimous voice vote.

GEOTECHINCAL SERVICES

A motion was made by McDermott and seconded by Grossmeyer to approve the Scope of Services with G2 Consulting Group for the Riggs Street watermain project in an amount not to

exceed \$18,000 and authorize the City Manager to sign the document. Motion carried by a unanimous voice vote.

“+1 PROGRAM” FOR SANITARY SEWER LIFT STATIONS

Czarnecki stated this was discussed at the last Council work session. Under this program, Kennedy Industries will maintain the City’s lift stations pumps over a five year period.

A motion was made by McDermott and seconded by Smith to approve the quote from Kennedy Industries for inclusion into their “+1 Program” for sanitary lift station pump maintenance program in the amount of \$21,833 per year for five years and authorize the City Manager to sign the agreement. Motion carried by a unanimous voice vote.

RELAY FOR LIFE AT SILVER LAKE PARK

Czarnecki stated this was tabled at the last Council meeting until a revised recommendation was received from the Parks Board. At the April 11th Parks meeting, a recommendation was made to approve the event without waiving any fees.

A motion was made by Grossmeyer and seconded by McDermott to approve the request from the American Cancer Society to hold their Relay for Life Fenton-Lake Fenton-Linden at Silver Lake Park on June 3, 2017, subject to the following conditions:

- Event hours are from 3 PM to midnight.
- Utilize park as indicated on their map, including both pavilions.
- Any speakers are to face south.
- No swimming allowed after 8:45 PM.
- No fees will be waived.

Motion was carried by a unanimous voice vote.

FUNDING FOR POPLAR STREET PROJECT

Czarnecki stated the City has been informed that MDOT does have the federal funding for the Poplar Street project. It is anticipated the funding will become available once the federal government approves their new appropriation bills. The City has the option of waiting until funding is appropriated and then have MDOT bid out the project, or the City can have MDOT bid the project with the City paying for the work until such time as the appropriations become available, at which time the City would be reimbursed from federal funding; this option is known as Advance Construct. Should the City choose to proceed with the Advance Construct option, the City will be responsible for paying for the entire project if funds are not made available at the federal level.

Administration has discussed this situation with OHM and the Genesee County Metropolitan Planning Commission (GCMPC) who indicated that while a wait for funding from the federal government is not typical, it does happen on occasion. Czarnecki stated there are concerns if the City waits until appropriations are available, an opportunity will be missed to complete the project during the current construction season. He would like a consensus as to how Council would like to proceed with the project.

Lockwood stated she has been on the GCMPC for a long time and it is a pretty consistent thing for the money to be available, but for there to be timing issues with the appropriation of funds. She stated there are safety issues with Poplar Street and she is in favor of moving forward.

After discussion, consensus was to move forward with the project and get reimbursed when federal funds become available.

BOND APPROPRIATION FOR CAROLINE STREET EXTENSION PROJECT

Hart stated the bid opening is complete for the Caroline Street extension project and there is adequate funding to move forward with the project.

Markland stated bonds have been sold and the DDA is repaying the bonds. The construction portion of the project is \$326,270.56 but there will be other costs associated with the project.

A motion was made by Lockwood and seconded by Jacob to approve the DDA 403 Bond Construction Fund, Caroline Street Extension Project bond appropriation of \$510,000. Motion carried by a unanimous voice vote.

SET PUBLIC HEARING DATE

A motion was made by Osborn and seconded by Grossmeyer to set a public hearing on the 2016-2017 amended budget and the proposed 2017-2018 fiscal budget for Monday, May 8, 2017. Motion carried by a unanimous voice vote.

CALL TO THE AUDIENCE – Stephanie Pytlowanyj, 409 2nd Street, expressed concerns about water quality at her house and provided pictures to Council. She commented on the poor condition of City roads and code enforcement activity in her neighborhood.

Ron Donajkowski, 980 Plumtree Lane, inquired if the Riggs Street project is the first project to use PVC pipe within the City. Czarnecki responded yes.

Stacia Taylor, 813 Southwood inquired as to what plan is in place if a roads millage does not pass.

Cheryl King, 14432 Appletree Lane, commented the special assessment district process is an option for road and infrastructure repairs if a millage is not approved. She inquired about Loose Center funding and feels when music is allowed outdoors at a business that a public hearing should be held to inform adjacent neighbors.

Meeting was adjourned at 9:05 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: May 22, 2017