

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, June 11, 2018
City Hall Council Chambers
301 South LeRoy Street

Mayor Osborn called the meeting to order at 7:31 PM.

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; Steve Schultz, City Counsel; Dan Czarnecki, DPW Director; Steve Guy, Water Plant Supervisor; Jason Slater, Chief of Police; Chris Patterson, City Counsel.

MAYOR'S COMMENTS - Osborn stated she has worked with Steve Schultz for the past 18 years and appreciates his guidance and all he has done for the city.

CITY MANAGER'S REPORT – Markland stated he has worked with Steve for 10 years and has relied on his advice and friendship. He appreciates all he has done for the city.

Markland reported on the following:

- The ArtWalk billboard on US23 looks good and expects the event to be great.
- Connector between Elizabeth and Shiawassee is moving forward.
- Congratulated Beautification Commission on the work done in the downtown area.
- Police negotiations have started with POAM.

Markland advised an item has been added to the agenda for the use of Rackham Park.

COUNCIL MEMBER COMMENTS

All members offered their best to Steve in his retirement and expressed what a pleasure it was to have him as legal counsel.

Grossmeyer advised last week was Small Cities meeting.

Lockwood thanked the Beautification Commission for the wonderful job with the flowers. She thanked all involved with ArtWalk and DIA for all their hard work.

Smith advised- Thursday the Fenton Community Orchestra will have their concert at the Fenton Community Center and Cultural Center on the back lawn.

Draves advised there will be a public event regarding the garden and sculpture at the library some time at the end of August.

LEGAL COUNSEL REPORT

Schultz thanked all for their well wishes and stated he has enjoyed his time working with such an amazing city.

Schultz reported they have been working on the POAM negotiations and advised COAM will begin negotiations on June 20th. His office has also been working on personnel issues.

Schultz advised he was looking into the City Charter regarding a vacancy on the Oakwood Cemetery Board. While researching this issue, he came across a provision related to a motion

regarding Councilwoman Smith. Schultz stated he had a concern that the motion may have been of no force or effect to remove Councilwoman Smith from the City Cemetery Board. Schultz advised, the Code and Charter address the City Cemetery Board, which is one of the few boards and commissions that is created by the City Charter. Section 8-22 of the Ordinance covers the process for filling the board. Generally, the rule is that the same power to appoint and fill a vacancy impliedly allows for removal of that member using the same process. This would allow removal of a member of the City Cemetery Board by vote. After looking at this other issue and reading all of the provisions together, the City Charter has a specific provision on removal that would apply to the City Cemetery Board. Section 5.4 of the Charter deals with removals from office which states removal can only occur after the member has been given written notice and has been given the opportunity for a hearing. According to Section 4.21, the independently created City Cemetery Board would fall within the scope of Section 5.4. Section 5.4 requires certain procedural requirements, which did not happen prior to the motion, making it out of order. Schultz recommended, even though the motion likely had no force and effect, a motion be made to rescind the motion that was adopted two weeks ago to remove Councilwoman Smith from the City Cemetery Board in order to make the record clear.

A motion was made by Lockwood and supported by Grossmeyer to rescind the motion to remove Councilwoman Smith from the Cemetery Board.

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

NAYS: None.

ABSENT: None

ABSTAIN: Smith

Motion carried by majority voice vote.

CITIZEN COMMENTS – None.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$ 502,294.30
- Approve and place on file the minutes of the April 18, 2018 Beautification Commission meeting, the May 7, 2018 Council Work Session meeting and the May 24, 2018 Council Special meeting.
- Appoint Patti Halligan to the Oakwood Cemetery Board for her first term to fill the vacant board seat.

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

NAYS: None.

ABSENT: None.

Motion carried by a roll call vote.

PRESENTATION OF SOUTHERN LAKES PARKS AND RECREATION

Vince Paris with Southern Lakes Parks and Recreation gave an overview of upcoming programs and events for 2018 along with presenting the 2017 Annual Report.

Osborn thanked him for all their work. McDermott also thanked the board and staff.

APM MOSQUITO CONTROL CONTRACT

Markland advised the City has been using APM for approximately 30 years and have been pleased with their service. There have been no increases to the contract since 2014 and would recommend a two year contract.

A motion was made by Lockwood and seconded by Osborn to approve a two (2) year contract with APM Mosquito Control in the amount of \$38,375.00 for the 2018-2019 and 2019-2020 seasons and authorize the City Manager to sign the contract.

Motion carried by a unanimous voice vote.

LIME POND CLEANOUT QUOTE

Guy reviewed the quote. Markland inquired if during this contract the disposal of the lime would be any different. Guy advised, no. Markland thanked Guy for his work on this project stating the pricing for this service has gone down dramatically over the past few years.

A motion was made by McDermott and seconded by Smith to approve the quote from Prolime to clean out the Water Treatment Facility north lime pond in 2018-2019 for a cost of \$96,075.00, and the south lime pond in 2020-2021 for a cost of \$98,175.00, and authorize the City Manager to sign the agreement.

Motion carried by unanimous voice vote.

SAW GRANT OHM SCOPE OF SERVICES

A motion was ~~was~~ made by Grossmeyer and seconded by Bottecelli to approve the SAW Grant – Wastewater Asset Management Plan project with OHM Advisors, as outlined in their scope of services dated, May 31, 2018 for a not to exceed amount of \$216,866.00, and authorize the City Manager to sign the document.

Motion carried by unanimous voice vote.

SAW GRANT OHM SCOPE OF SERVICES

A motion was made by McDermott and seconded by Smith to approve the SAW Grant Stormwater Asset Management Plan project with OHM Advisors, as outlined in their scope of services dated, May 31, 2018 for a not to exceed amount of \$187,775.00, and authorize the City Manager to sign the document.

Motion carried by unanimous voice vote.

WELLHEAD PROTECTION GRANT FUNDING 2019

A motion was made by McDermott and seconded by Grossmeyer to approve applying for the ~~the~~ Wellhead Protection Grant for 2019, and authorize the City Manager to sign the required documents.

Motion carried by unanimous voice vote.

LIBRARY PARKING LOT

A motion was made by Draves and seconded by Smith to approve entering into a Scope of Engineering Services Agreement dated May 10, 2018 as presented by OHM Advisors, for the Jack R. Winegarden Public Library parking lot project and authorize the City Manager to sign the required documents.

Motion carried by unanimous voice vote.

DOWNTOWN SIDEWALK MAINTENANCE VEHICLE PURCHASE

A motion was made by Grossmeyer and seconded by Lockwood to approve the quote from Raaj Tractor, Taylor MI dated, June 6, 2018 for the purchase of a Steiner F450 tractor (75-75032) including; enclosed cab, v-plow, snow blower, hydro drive sweeper, and safety equipment for an amount of \$34,236.58.

Motion carried by unanimous voice vote.

DPW 2019 PICKUP TRUCK REPLACEMENT PURCHASE

A motion was made by Smith and seconded by Draves to approve the purchase of a 2019 Chevrolet Silverado 1500 double cab w/t 4wd pickup truck from Berger Chevrolet, Grand Rapids, MI, utilizing the State of Michigan MiDEAL program as specified for a total amount of \$28,198.00.

Motion was carried by unanimous voice vote.

USE OF RACKHAM PARK

Chief Slater reviewed his memo stating Mark Hamel requested authorization to use a portion of the lawn within Rackham Park for the service of alcoholic beverages during the ArtWalk event on July 14, 2018 from 12:00PM – 8:00 PM. As Rackham Park is owned by the City, the Michigan Liquor Control Commission requires written permission to obtain a Temporary Outdoor Service permit to serve alcohol during this event.

Osborn questioned the distance from the church. Slater advised the Liquor Commission will require they obtain consent from the church. Slater added, he will ask that the city be added to their liability insurance.

Sean Sage stated he believes this sets a bad presides for other businesses and stated this should not be a money making venture. Jim Lengel stated, usually a substantial payment is made to the event by the vendor. Smith stated this would be no different than Taste In Fenton.

A motion was made by McDermott and seconded by Draves to approve Hamel use of a portion of Rackham Park during ArtWalk, on July 14, 2018 from 12:00 PM – 8:00 PM for the service of alcoholic beverages, contingent upon obtaining a Temporary Outdoor Service permit from the Michigan Liquor Control Commission and that the city be added to the certificate of liability insurance as an additional insured.

Motion carried by unanimous voice vote.

CALL TO THE AUDIENCE

Dawn Overmyer, 826 Southwood Dr. gave an overview of the DIA tour she took and thanked the Council for the opportunity.

Jim Lengel, 308 W. Shiawassee Ave. would like to have the food truck ordinance revisited. Osborn stated she would like to speak to him after the meeting. Lengel asked if he could take the old sidewalk out from in front of his house. Markland advised he and Czarnecki would take a look at the project.

Richard McNally introduced himself and advise he is running for Circuit Court Judge.

Elizabeth Kelly introduced herself and advise she is running for Circuit Court Judge.

Meeting was adjourned at 8:56 PM.

Mayor Sue Osborn

City Clerk, Sue Walsh

| Date approved: July 9, 2018