

**CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS**  
**Monday, December 3, 2018**  
**City Hall Conference Room**  
**301 South LeRoy Street**  
**7:30 PM**

Mayor Pro Tem Lockwood called the meeting to order at 7:30 PM.

**ROLL CALL:**

Present: Bottecelli, Draves, Grossmeyer, Lockwood, McDermott, Smith.  
Absent: Osborn (excused).  
Others Present: Matthew Kuschel, City Attorney; Lynn Markland, City Manager; Dan Czarnecki, DPW Director; Mike Reilly, Building/Zoning Administrator.

**CITIZENS COMMENTS – None.**

**NORTH/TORREY ROAD INTERSECTION ADDITIONAL INFORMATION**

Czarnecki gave an overview of the layout for the North and Torrey Roads intersection outlining two different options. The first option was the installation of a traffic signal which would require the driveway to Matt & Terry's Party Store to be closed. This would require a formal cross-access agreement between all parties involved. The current party store sign would need to be relocated or replaced to comply with current ordinance rules. The cost would be approximately \$250,000 for the signal and the intersection construction. There would be ongoing costs with signal maintenance. Traffic flow would remain the same. Traffic crashes would mostly be angle type crashes. Access to businesses will change with closed driveways.

The second option utilized a roundabout without a traffic signal. All driveways would remain, although would need some adjustments. The cost would be approximately \$650,000 with most of the cost being used for the realignment for the streets. There would be no electrical or signal operations or maintenance costs. Traffic can flow continuously and at a slow and steady pace which reduce delays to motorists. Traffic crashes are low speed and mostly sideswipes that result in less severe injuries. The access to businesses would stay the same with better flow into the driveways.

Czarnecki stated, he and OHM are looking into possible funding/grant opportunities the city may be able to apply for.

Grossmeyer advised the Planning Commission rules do not allow that many driveways as there are now. A cross access agreement would have to be in place so other businesses could not close their driveway access.

Markland inquired if a roundabout would impact the North and Popular intersection. Juidici from OHM stated he would run a model to find out but didn't believe there would be any impact as there should be enough separation.

Matt Cormier, from Matt & Terry's Party Store voiced his concerns regarding safety at the present intersection. He is concerned regarding access for deliveries along with vehicles towing boats and trailers with the first option. Cormier stated a roundabout would be a plus.

All council members, with the exception of Osborn stated their agreement to a roundabout. Markland advised Osborn voiced she was not in favor of a roundabout prior to the meeting and wanted it noted.

Czarnecki stated there are a lot of “ifs” at this time. More information will be brought to a future meeting for further discussion and/or action.

### **RESOLUTION TO VACATE NORTH ROAD EASEMENT**

Reilly advised a development is being planned for parcel #53-26-100-014, which is immediately west of The Barn restaurant. When US-23 was constructed, North Road was moved to the south to fit under the overpass. A title search found the easement was deeded from MDOT to the City of Fenton. A records search by the Clerk did not show the right-of-way had been vacated by the City of Fenton.

Markland advised the prospective buyer would need the right-of-way for parking and cannot see a reason it would be needed as a public right-of-way. Reilly advised the setback for the building would not be able to pass through the Planning Commission without the right-of-way vacation.

Consensus was to move the item to the next council meeting for a first reading of the resolution to vacate a portion of North Road.

### **RESOLUTION SETTING CITY WATER AND SEWER RATE CAPITAL CHARGES**

Markland stated the water fund needs an increase in revenue to prevent the fund from going into a deficit for the fiscal year. It is recommended to decrease the first Capital Charge REU in the sewer charge by \$10.00. The quarterly Capital Charge for water can then be increased by \$10.00 for each meter size. Customers will not see an increase in their bill.

Consensus was to bring this item to the next council meeting for action.

**A motion was made by Lockwood and seconded by Smith to add an item for discussion regarding an ordinance prohibiting marihuana establishments to the agenda.**

**Motion was carried by unanimous voice vote.**

### **ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS**

Kuschel reviewed the ordinance and gave an overview of the law. He advised Michigan Department of Licensing and Regulatory Affairs (LARA) has one year to set the rules. Kuschel stated Section 7.3 of the City Charter permits the City Council to declare that an ordinance is immediately necessary for the preservation of the public peace, health or safety and that thereupon, the ordinance may be enacted at the meeting at which it is introduced. After discussion, City Councils consensus was that the immediate adoption of the ordinance is necessary to preserve the public peace, health and safety by preventing the establishment of businesses related to recreational marihuana without proper time for the City to study the new state law and properly determine how to effectuate appropriate regulation regarding it.

Residents Brad Jacob and Damien Siwik stated in their opinion, the voters wanted to be able to legally use marihuana and didn't necessarily think about marihuana establishment concerns.

Mayor Osborn was reached via telephone and advised that the ordinance was being introduced and voted on.

A motion to adopt Ordinance No. 706 to prohibit marihuana establishments within the boundaries of the City of Fenton, and amend Section 5.2, 5.4, & 5.5 wording from “Township” to City.

YEAS: Bottecelli, Draves, Grossmeyer, Lockwood, McDermott, Osborn (via telephone), Smith.

NAYS: None.

ABSENT: None.

**Ordinance adopted by a roll call vote.**

### **COUNCIL MEMBER COMMENTS**

All members commented that Jinglefest was a great event and were surprised at the large attendance in spite of the weather and that the fireworks were amazing. Council thanked all that work so hard on the event and acknowledged the support of the DDA.

Lockwood attended the critique meeting this morning for Jinglefest.

Draves stated there was recap of last year and plans for the next year for the Dog Park.

Smith advised she marshalled the Jingle Jog, there were 374 runners.

**CALL TO THE AUDIENCE** – None.

Meeting adjourned at 9:20 PM.

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Mayor Pro Tem Lockwood

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City Clerk, Sue Walsh

Date Approved: December 10, 2018