

CITY OF FENTON COUNCIL PROCEEDINGS
Tuesday, May 29, 2018
City Hall Council Chambers
301 South LeRoy Street

Mayor Osborn called the meeting to order at 7:30 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; Chris Patterson, City Counsel; Jason Slater, Chief of Police; Bob Cairnduff, Fire Chief.

CITIZEN COMMENTS – None.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

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 \$75,547.20.
- Approve and place on file the minutes of the Fenton Downtown Development Authority meeting of April 17, 2018 and the City Council meeting of May 14, 2018.
- Approve the request from the Old Newsboys of Flint to conduct the annual "Old Newsboys Paper Sale" on December 14, 2018 from 9:00 AM – 3:00 PM.
- Approve the request from Mark Hamel, representing Habitat for Humanity authorization to conduct The 17th Annual Bastille Day 15K Run and 5K Run/Walk on Saturday, July 14, 2018 beginning at 7:30 AM.
- Approve the renewal of the City's membership in PROTEC at a cost of \$1,469.50.
- Approval to conduct the 28th Annual Fenton Freedom Festival, Wednesday, July 4, 2018. Authorize the Freedom Festival Parade and the Fenton Firecracker Road Race. Contingent upon Parks Board approval.

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

SUPPORT VEHICLE PURCHASE

A motion was made by Smith and seconded by McDermott to purchase a 2018 Chevrolet Equinox, AWD, LS from Vic Canever Chevrolet at the purchase price of \$23,007.60. **Motion carried by unanimous voice vote.**

POWER WASHER REPLACEMENT

A motion was made by McDermott and seconded by Smith to approve the quote to replace the pressure washer from Hotsy Midwest Cleaning Systems in the amount of \$11,457.50.

Motion carried by unanimous voice vote.

FREEDOM FEST FIREWORKS PERMIT

A motion was made by Grossmeyer and seconded by Bottecelli to approve Zambelli Fireworks Mfg. fireworks permit application for the 4th of July Freedom Festival Fireworks display.

Motion carried by unanimous voice vote.

MML LEGAL DEFENSE FUND

A motion was made by McDermott and seconded by Smith to make a contribution to the Michigan Municipal League Legal Defense Fund and designate it for the MML LDR-Escanaba Fund in the amount of \$1,000.00.

Motion carried by unanimous voice vote.

CALL TO THE AUDIENCE

John Pensler requested Southern Lakes change the location for the Farmer's Market. Lockwood advised they have been talking about possible options and invited him to attend a Parks and Recreation meeting.

Shaun Shumaker introduce himself and advised he is running for County Commissioner.

INVESTIGATION INTO DAMAGE TO THE CEMENT SURROUNDING "THE GAME" SCULPTURE

Osborn stated at the budget worksession, it was requested to have the cameras checked on the sculpture to find out who did the damage to the cement surrounding the sculpture. It was found to be Councilwoman Smith who placed her handprint in the cement. Markland distributed still photos taken from the video camera that was placed on the sculpture to council. There are two sets of photos; one set is of a couple who appear to be putting an imprint into the concrete with her shoe. The other photo is of Cherie Smith putting her handprint into the cement.

Smith stated it was a bad impulse and apologized for her actions.

Each Council Member expressed their displeasure regarding the incident stating it is the duty and responsibility of each City Council member to uphold the moral and respectable character of the City. Smith's actions represent a lack of good judgment that reflect poorly on the City of Fenton and the City Council. City Council members are expected to be leaders in a community and stewards of the City's buildings, property, parks, statues and sculptures. Smith's actions failed to fulfill the high standard of conduct that is expected of the City's elected officials, and further set bad examples for the residents of the City of Fenton, but particularly the youth of the City of Fenton.

McDermott inquired if there was a cost incurred by the city to repair the cement. Markland stated the company was still onsite and did not believe there was an additional charge to for the repair.

Lockwood stated she believes the council needs to show the public that we do not condone these actions and asked for a censure of Smith which would require a resolution to put a censure in place.

Smith stated she was sorry for her behavior and would write a letter of apologize to be published in the newspaper. Lockwood requested to review the letter prior to publication. Smith agreed.

Patterson advised a public censure is a formal reprimand memorializing the comments made by council over the proceeding minutes and then by majority vote approves a written document through a resolution that would then be a written record of that reprimand.

Lockwood made a motion and was seconded by McDermott to institute the process of a resolution of censure against Councilwoman Cherie Smith for the vandalism of public and private property in the City of Fenton.

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

NAYS: None.

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

ABSTAIN: Smith

Patterson stated Smith could abstain from the vote, her original vote was changed from YEAS to ABSTAIN.

Osborn made a motion and was seconded by Lockwood to remove Councilwoman Smith from all boards and commissions until the end of her term.

YEAS: Draves, Grossmeyer, Lockwood, Osborn.

NAYS: Bottecelli, McDermott

ABSENT: None.

ABSTAIN: Smith. **Motion was carried by a roll call vote.**

MAYOR'S COMMENTS

Thanked all who attended and participated in the visioning session on Thursday night and reminded all of the follow up meeting on Thursday at 1:00 PM.

CITY MANAGER'S REPORT

Markland stated Thursday was a success and a good turnout. He was surprised roads were not the main issue and was pleased they were looking at the future.

Markland advised he has been working on the following:

- Interviewing today for the DPW Deputy Director.
- Took a look at moving the front desk position to part-time.
- Elizabeth Street connector was started, but has pulled off on the project.

COUNCIL MEMBER COMMENTS

Bottecelli thanked the Bayview Club for the donation of \$200 for foundation planting at the Museum. They spoke to Lil House of Carpets to replace the carpet in the Victorian Room.

Grossmeyer stated Thursday was an outstanding evening and looked forward to Thursday's meeting to review the results. The garden at the museum and library are beautiful. Small Cities meeting is next week.

Lockwood advised Saturday is the Community Planting Day. DIA bus trip will be on June 10th. Advised the glasses have been repaired on "The Game". Thanked both Chiefs are their hard working on the 4th of July.

Smith stated people at the Thursday night session were there for solutions not to complain, they are looking to the future.

McDermott stated roads were addressed in his group on Thursday. Planning Commission meeting this week and invited all to attend as there are many new developments coming to the Board.

Draves found Thursday to be a fantastic event. The library garden is in place and just waiting for the stone to be put in place. ArtWalk will be a fun event with lots of new ideas.

LEGAL COUNSEL REPORT

Patterson advised his office has been working on:

- Labor issues.
- Real-estate closing Eagles on the Water's Edge.
- Retiree Healthcare.

Meeting was adjourned at 8:48 PM.

Mayor Sue Osborn

City Clerk, Sue Walsh

Date approved: July 9, 2018