

CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS
Monday, March 5, 2018
City Hall Conference Room
301 South LeRoy Street
7:30 PM

Mayor Osborn called the meeting to order at 7:30 PM.

ROLL CALL

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

Absent: None.

Others Present: Lynn Markland, City Manager; Michael Hart, Assistant City Manager; Mike Reilly, Building/Zoning Administrator; Jason Slater, Police Chief.

CITIZENS COMMENTS – None.

VACATE MAXWELL STREET

Reilly stated at the January 25, 2018 City Planning Commission meeting, the Commission voted unanimously to recommend the denial of Gwendolyn Graham's request to vacate the Maxwell Street easement from Bent Oak to Franklin Streets. Reilly advised the recommendation from Carmine Avantini stated they recommend the denial of the right-of-way vacation for these reasons; 1) it would eliminate future access for up to three (3) platted lots; 2) elimination of the right-of-way would disrupt the planned grid pattern for the area; and 3) information has not been provided indicating that site features make improving Maxwell Street impractical.

Gwendolyn Graham advised in 2015 she requested Maxwell Street be vacated. She owns three parcels of property along the right-of-way. Graham purchased her home at 819 W. Shiawassee Ave. in 1977, in 2011 purchased 813 W. Shiawassee Ave. for her disabled son along with a vacant lot. They have been maintaining the right-of-way up to and a bit beyond Maxwell Street as it has not been a maintained street by the city. Graham has taken care of the trees, having them trimmed and had two trees taken down due to the trees condition, at their personal expense.

A memorandum from Planning Commission dated September 16, 1977 contained in the meeting packet was reviewed. The memorandum stated "*A legal opinion was received from the city attorney stating that if there is value to having lots front on Maxwell Street it would be illegal to vacate the street as it would be taking private property without just compensation and would therefore be unconstitutional.*"

After discussion, Osborn stated the City Attorney will review the information and this item will be brought back to the April work session.

109 W. HIGH STREET VIOLATIONS

Reilly stated a Notice of Violation letter was sent to the homeowner at 109 W. High Street on January 25, 2018. After meeting with the homeowner, finding he was injured along with

current weather conditions, Mr. Forest was asked for a timeline he would like to have to make the corrections. At this time, nothing has been received. Mr. Forest has requested to speak to Council regarding the issue of the temporary structure violation.

Osborn reviewed a letter received from the owner/resident of 109 W. High Street, Mark Forest regarding the notice of violation sent by the Code Enforcement Officer. Forest requested the City approve his temporary canvas structure he has erected on his property to store items.

After discussion, the council unanimously denied changing the ordinance to allow temporary structures.

DIA INSIDE/OUT PROGRAM

Hart reviewed the DIA (Detroit Institute of Art) Inside/Out Program coming to Fenton stating there will be eight (8) to ten (10) pieces of art that will be installed beginning April 9, 2018. The pieces will be displayed for ninety (90) days, April thru July which will coordinate with the ArtWalk event. The pieces are chosen by DIA to complement the city and areas the art will be placed.

Lockwood advised there is no cost to the City and the pieces are insured by DIA. There will be a map of the art locations giving visitors the ability to go on a walking tour viewing the DIA pieces, along with the city's sculptures.

All council members agreed this is a wonderful opportunity for the City of Fenton and are excited for the opportunity to become the "Art Go To" destination in Genesee County.

MICHIGAN CYCLE FOR LIFE

Slater stated Caitlin Ulrich, development Director for the Michigan Chapter of the Cystic Fibrosis Foundation, has requested authorization to conduct their "Michigan Cycle for Life" bicycle event on the morning of Saturday, October 6, 2018. This is the fourth year for this event. The event, for the past three years was held in the Ann Arbor area, and the group is excited to bring this event to Fenton. There are three bicycle routes that will start and finish at the Community Center. The police will facilitate the start of each bicycle course along with getting the cyclists in and out of the city safely. The only road closure will be River Street which is needed for staging. Upon completion of the courses, lunch and entertainment will be provide in various tents on the grounds of the Community Center. A DJ is planned to provide music along with event announcements. A one day liquor license will be obtained to cover the distribution by licensed bartenders of one (1) beer only, per adult. The event proceeds will go towards the awareness and the search for a cure for those battling Cystic Fibrosis.

McDermott advised to go to the Parks & Recreation Board for approval to use the park.

This item will go to the March 19, 2018 meeting for approval.

FACT GRANT

Markland stated the FACT (Fenton Area Cable Television) Consortium which consists of Tyrone Township, City of Fenton, Fenton Township and City of Linden has recommend the approval of a grant request from the three school districts (Fenton, Fenton Township and Linden). The cost to the City of Fenton is \$83,688.77. The money does not come from the general fund

or tax dollars, the money come from the PEG (Public Education in Government) Funds. The grant will fund equipment that will allow students to create content for our access channel.

After favorable discussion, this item will go on the March 19, 2018 meeting for approval.

METRO ACT APPLICATION

Markland reviewed an email with Chris Patterson, Legal Counsel regarding a Metro Act Application that was submitted requiring action. Patterson advised to deny the application on the basis the application allows for a DAS (Digital Antenna Site). Antennas are excluded from the Metro Act.

A motion was made by Lockwood and seconded by Grossmeyer to deny the METRO Act application filed by Fibertech due to a lack of completeness by not submitting any diagrams or drawings related to the three DAS sites identified on its January 2018 City of Fenton Map and, because even if complete information were provided, the METRO Act application includes installation of DAS sites within the City ROW. This is not permitted under MCL 484.3102 (j) of the METRO Act or Section 1.8 of the state approved bi-lateral permit.”

Motion was carried by unanimous voice vote.

COUNCIL MEMBER COMMENTS

Smith stated the Expo was well received and a good event.

Bottecelli enjoyed the Expo. Attending Small Cities on Wednesday.

Lockwood thanked everyone that worked on the Expo. A lot of nice compliments on the Expo and the City of well represented. Reminded all the Council meeting for Monday, March 12th has been moved to March 19th.

Grossmeyer enjoyed the Expo and thought it was the most attended to date. Thanked everyone regarding their work on the DIA Exhibit.

McDermott was pleased with the turnout for the Expo.

Draves thought the Expo booth was fantastic. The Library had a booth, there were donors that stopped by regarding the sculpture fundraising.

Osborn thanked everyone for their hard work on the Expo. The DIA project is going to be exciting and will be a real plus for the City and ArtWalk.

CALL TO THE AUDIENCE – Joshua Wittenbach of 101 S. Pine Street spoke regarding concerns over on-street parking in the neighborhood.

Meeting adjourned at 9:20 PM.

Mayor Sue Osborn

City Clerk, Sue Walsh

Date Approved: March 19, 2018