



City of Fenton

301 South Leroy Street · Fenton, Michigan 48430-2196 • (810) 629-2261 • FAX (810) 629-2004

CITY OF FENTON COUNCIL AGENDA

Monday, January 10, 2011

City Hall Council Chambers

301 South LeRoy Street

7:30 PM

Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

PRESENTATION OF POLICE DEPARTMENT MERITORIOUS SERVICE AWARD

COMMENTS & REPORTS

- City Manager's Report
- Council Member Comments
- Legal Counsel's Report
- Mayor's Comments

CITIZEN'S COMMENTS: IF YOU WISH TO ADDRESS ANY AGENDA ITEMS, PLEASE IDENTIFY YOURSELF AND YOU WILL BE CALLED ON WHEN THAT ITEM IS REACHED. COMMENTS ON ITEMS NOT ON THE AGENDA MAY BE MADE AT THE CALL TO THE AUDIENCE.

A. CONSENT AGENDA:

- Approve the minutes of the November 22, 2010 regular meeting, the December 13, 2010 regular meeting, and the December 15 special meeting.
- Council Authorize payment of invoices in the amount of \$157,252.97.
- Approve and place on file the minutes of the November 9, 2010 Parks and Recreation Board meeting.

B. RESOLUTION No. 11-01

Administration recommends that the Fenton City Council approve Resolution No. 11-01, which directs the City Manager to compile a report on the improvements, estimates of cost, description of the special assessment district, and other pertinent information for the City Council, concerning the special assessment for road improvements within Waters Edge Townhomes.

C. ENGINEERING SERVICES BIDS

Administration recommends that the Fenton City Council select OHM as the Engineering consultant for all entities pertaining to the City of Fenton.

D. BCI CONTRACT FOR SERVICES FOR THE WATER PLANT

Administration recommends that the Fenton City Council approve change order #1 of Project #17332.2 from BCI Engineers and Scientists, extending their contract for services until the new groundwater discharge permit is issued from the State of Michigan, and hiring Wildlife Management and Rescue to address wildlife issues in and around the Water Treatment Plant.

CLOSED SESSION

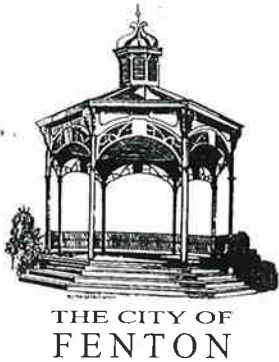
Request of the City Manager to enter into Closed Session for the purpose of discussing labor negotiations.

RECONVENE TO OPEN SESSION

CALL TO AUDIENCE

ADJOURNMENT

IF ACCOMMODATIONS ARE NEEDED DUE TO A DISABILITY, PLEASE CONTACT THE CITY CLERK'S OFFICE.



Memorandum

DATE: January 5, 2011

TO: Lynn Markland, City Manager *AM*

FROM: Rick Aro, Chief of Police *RA*

RE: Departmental Award
Presentation

The following Police Officer has been selected to receive a departmental award for his actions in the events outlined below, which occurred during the past year. I am requesting an opportunity to present these awards, along with Mayor Osborn, at the 1st City Council Meeting of 2011.

Detective Scott Townsend 09-2666 Meritorious Service Award

On April 16, 2009 our department was contacted by an individual who alleged that he had been scammed out of hundreds of thousands of dollars. Detective Scott Townsend investigated the matter. On March 23, 2010, the suspect, David Broecker pled "No Contest" to Larceny under False Pretences, a ten year felony.

Detective Townsend's perseverance and dedication in this case was far beyond that which is normally expected of a police officer and worthy of a Meritorious Service Award.



ISO 9001 Registered

June 29, 2010,

Chief Richard Aro
City of Fenton Police Department
311 South Leroy Street
Fenton, MI 48430-2162

Re: Detective Scott Townsend, Felony case, David John Broecker, convicted on False Pretenses - \$20,000.00 or more. Case No.: 09-025591-FH.

Dear Chief Aro,

If your workday is anything like mine, often times what you hear from people/customers is how things have gone wrong, the system didn't work, no care is taken on the job, and how expectations were not met. At this time, I want to take the time necessary to express my gratitude to your department and specifically to Detective Scott Townsend for just the opposite reasons.

When no one else wanted to hear the details and see the undeniable proof of what had happened to me, Detective Townsend did take the time to listen, put together a plan, and pursue my case relentlessly for approximately 1 year. His action resulted in a guilty plea by the perpetrator to the felony of False Pretenses-\$20,000.00+. Detective Townsend displayed professionalism throughout the entire ordeal, and had a caring attitude while navigating the case forward through the justice system. He kept me up to date on all details of the case as they occurred and he answered all my calls timely on the few occasions I needed to speak with him. ***Detective Townsend is a great example of what went right, making the system work, with much care to carry out justice, and fulfilling all my expectations.***

I will never see a dime of the money that was conned out of me, but it is good to know the David Broecker is behind bars unable to do this to anyone else, as we found out he most certainly was continuing to do. This guy's past and present activity of conning people out of money, which was revealed during Detective Townsend's investigation, is nothing less than *unbelievable*. I am certain when he is released from prison that his life destructing behavior will continue. I fear for his future victims if I am correct.

In any event, I felt it necessary to bring this hard, diligent work performed by Detective Townsend to your attention. He is a credit to the City of Fenton Police Department and your leadership.

If there is anything I can ever do for the Fenton P.D., please do not hesitate to contact me anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Denton", written over a light blue horizontal line.

Michael Denton
President

Cc: *Detective Scott Townsend*
Office of David S. Leyton, Prosecuting Attorney

Mailing Address

17195 Silver Parkway, #303
Fenton, MI 48430

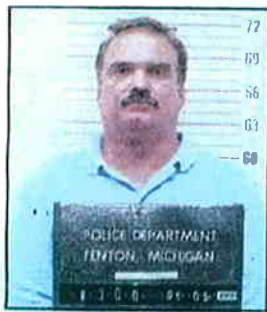
Plant Address

1471 Alloy Parkway
Highland, MI 48356

Phone 248-889-9210 • Fax 248-889-9215

www.dtmanufacturing.com

Local man bilked out of \$356,000 by scammer



David John Broecker

TRI-COUNTY TIMES
FENTON POLICE DEPARTMENT

By Sharon Stone
ssstone@tclimes.com; 810-433-6786
Fenton — A 51-year-old Orion man will be sentenced for defrauding an Argentine Township man out of hundreds of thousands of dollars, after pleading no contest in Genesee County

Circuit Court on March 23. After a year of giving David John Broecker thousands of dollars with the promise of making many times more than his investment, the victim, who has asked to remain anonymous, went to Fenton police
See SCAMMER on 12A

“Broecker is just a con man.”

Det. Scott Townsend
Fenton Police Department

SCAMMER

Continued from Front Page

to file a complaint after realizing he would never see the money. Most, if not all of the financial transactions took place inside a Fenton bank, according to police.

Det. Scott Townsend of the Fenton Police Department investigated the case. He said Broecker and the victim knew each other through past sales work. He said Broecker presented an offer to the victim and claimed he had made a deal with a pharmaceutical company in Oakland County to provide stainless steel parts to, for a manufacturing plant.

Townsend said, apparently, Broecker told the victim that he had a supplier for high-grade stainless steel and a machinist to make the parts. All Broecker needed was funding to make it all happen.

Between April of 2008 and January of 2009, Broecker received approximately \$356,000 from the victim, according to Townsend's investigation. “Broecker is a just a con man,” said the detective. Throughout the course of the relationship, payments were given to Broecker for various reasons. “It was all a scam,” he said.

On July 22, 2009, Townsend and Oakland County Sheriff detectives went to Broecker's Orion home and found him sitting inside his car, parked in the garage and talking on his cell phone. “We surprised him in his car,” Townsend said. Broecker was arrested for probable cause and later released pending further investigation.

About one week later, with an authorized arrest warrant, Townsend, Det. Ron Skarzynski and the Oakland County detectives went back to Broecker's home and took him into custody. On Aug. 6, 2009, Broecker was arraigned on a 10-year felony of larceny under false pretences of \$20,000 or more.

After pleading not guilty, on Sept. 16, 2009, Broecker's case was bound over to circuit court for a jury trial. The prosecution also sought habitual offender status as Broecker had past embezzlement convictions.

On March 23, as Broecker's trial was to begin, he pleaded no contest to the charge with the condition that the habitual offender status be dropped. He will be back in court on May 10 for sentencing.

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, November 22, 2010
City Hall Council Chambers
301 South Leroy Street

Mayor Sue 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: Faricy, Jacob, King, North, Osborn, Rauch, Smith.
Absent: None.
Others Present: Lynn Markland, City Manager; Michael Burns, Assistant City Manager;
Stephen Schultz, Legal Counsel; Les Bland, Director of Public Works;
Bob Cairnduff, Fire Chief.

CITY MANAGER'S REPORT

Markland reported that he has been meeting with 3Sixty Interactive to discuss the City's website and the improvements that will allow for online payments and easier navigation. Markland also reported that he has been working with Paul Stauder to refinance the bond on the DPW Garage and the Fire Hall. This process would save the DDA approximately \$25,000 per year in debt service payments. Markland and Burns have met with the Fenton Area Schools Superintendant to discuss joint marketing opportunities and are looking forward to collaborating with them on this venture.

Markland and Burns visited the Republic Waste Services to review their offices and equipment and they were able to meet many of their administrative staff and see some of their equipment in use.

Markland informed the Council that the Fairfield Inn is now under construction and the administration has worked out an agreement with the developer that they will pay their tap-in fees in payments, but will not be issued occupancy until the fees are paid in full. Markland has requested that the DDA help them as well as the existing hotel in the City with marketing.

Markland informed the Council that the City will be receiving a piece of steel that was a part of the former World Trade Center in New York City.

Markland stated that he has been scheduling interviews with proposed engineering firms for services. Markland has also been reviewing the applicants for the DPW Director's position. Markland added that the City has received the draft copy of the audit and will be presenting the findings to the Council at the January work session.

COUNCIL MEMBER COMMENTS

North wished everyone a Happy Thanksgiving and reminded everyone that the Jinglefest would be taking place on December 4, 2010. Rauch also wished everyone a happy holiday and encouraged everyone to be thankful for the people serving in our military. Osborn confirmed with Markland that the Council would have a car in the Jinglefest parade. Smith thanked the Beautification Commission and the DPW for all of the work they have done decorating the City for the holidays. King encouraged everyone to be safe during the holiday season and to count their blessings and be positive. Faricy wished everyone a happy Thanksgiving as well.

LEGAL COUNSEL REPORT

Schultz reported that the DDA is working on getting some easements released in the "Fenton Square" area by Genesee County. Schultz added that he is working on this issue with Commissioner Lockwood. Schultz stated that he reviewed the impending contract to receive the 9/11 artifact and did not find any issues with it. Schultz further wished everyone a Happy Thanksgiving.

MAYOR'S COMMENTS

Osborn wished everyone a Happy Thanksgiving and also offered her condolences to the Rockman family for the passing of Glenn Rockman.

CITIZENS COMMENTS – None.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda. A motion was made by King and seconded by Smith to approve the consent agenda containing the following items:

- Approve and place on file the minutes of the November 1, 2010 Council work session, and the November 8, 2010 regular Council meeting.
- Authorize payment of invoices in the amount of \$150,415.41.
- Approve and place on file the minutes of the August 18, 2010 Beautification Commission, the September 9, 2010 Oakwood Cemetery Board meeting, the October 12, 2010 Parks and Recreation Board meeting, and the October 26, 2010, 2010 Downtown Development Authority meeting.
- Accept the resignation of Ken Brant from the Downtown Development Authority.

YEAS: Osborn, Rauch, Smith, Faricy, Jacob, King, North.

NAYS: None.

ABSENT: None. Motion carried by roll call vote.

PUBLIC HEARING FOR THE PARKS AND RECREATION MASTER PLAN

Bland stated that the revision of the Parks and Recreation Master Plan for the City of Fenton is a project that he wanted to see completed before he retires. Bland explained that the Parks and Recreation Board has met several times with Rowe Engineering in order to make the necessary enhancements to the plan. The plan itself has been open for public review for 30 days. Bland stated that the Park Board has passed a Resolution approving the new plan and is hoping to apply for some grant funding for projects once the new plan is in place.

Mayor Osborn opened the public hearing at 7:48 PM.

Mayor Osborn closed the public hearing at 7:49 PM due to lack of comment.

Faricy confirmed that the City has not been a recipient of any DNR grants at this time and questioned who would be responsible for the task of seeking grant funding once Bland retires. Bland stated that the City Manager will have to designate a responsible party, whether it is the new DPW Director, the Park Board, Rowe Engineering, or someone else. Faricy stated that value of this plan is the City's increased eligibility for grant funding. Markland stated that the City would be eligible, however, grant funding is quite competitive and the City would probably have to put up 50% matching funds. Faricy stated that Genesee County is discussing

the implementation of trail ways and thought maybe the City could get some financial assistance for this type of project.

A motion was made by North and seconded by Rauch to adopt Resolution No. 10-20, which approves the 2011-2015 Parks and Recreation Master Plan.

YEAS: Faricy, Jacob, King, North, Osborn, Rauch, Smith.

NAYS: None.

ABSENT: None. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARING FOR AMENDMENTS TO THE LDFA DEVELOPMENT PLAN AND TIF PLAN

Burns explained that the LDFA's TIF Plan is set to expire on December 31, 2010 and needed to be extended and updated in order for the entity to continue its tax capture. North questioned if the LDFA would dissolve and possibly just overlay with the DDA District. Markland stated that the tax capture would change and explained that the LDFA has a larger capture than the DDA.

Mayor Osborn opened the public hearing at 7:53 PM.

Mayor Osborn closed the public hearing at 7:54 PM due to lack of comment.

A motion was made by North and seconded by Faricy to approve Resolution No. 10-21, which approves amendments to the Local Development Finance Authority Development and Tax Increment Financing Plan.

YEAS: Smith, Faricy, Jacob, King, North, Osborn, Rauch.

NAYS: None.

ABSENT: None. RESOLUTION DECLARED ADOPTED.

RESOLUTION NO. 10-22

A motion was made by Rauch and seconded by Jacob to approve Resolution No. 10-22, which displays the method of securing funds for principal and interest payments for bond obligations for water and sewer facilities during 2011.

YEAS: Faricy, Jacob, King, North, Osborn, Rauch, Smith.

NAYS: None.

ABSENT: None. RESOLUTION DECLARED ADOPTED.

AT & T RIGHT OF WAY EXTENSION

Markland informed the Council that AT & T is requesting that the City approve the extension of their right of way permit within the City. Osborn questioned if the City could require AT & T to take better care of their service boxes and Schultz stated that we could not tie that issue to this contract and added that if the City does not approve the extension it will renew automatically anyway after 30 days due to State law. Osborn and King expressed their concern about coordinating road projects with any maintenance they may have to complete, so to avoid tearing up brand new paving projects. Markland stated that he could send them a letter to this effect but they have no legal obligation to coordinate with the City. Faricy questioned what effect a denial of the extension would send. Schultz stated that, essentially, the consequence may be that the City does not receive its permit fees and the extension is granted anyway.

A motion was made by North and seconded by Rauch to approve the Metro Act Right of Way Permit Extension as requested by Michigan Bell Telephone Company d/b/a AT & T, and

authorize the City Manager to sign the Extension Letter on behalf of the City of Fenton. Motion carried by voice vote.

AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY FOR RECEIVING A 9/11 WORLD TRADE CENTER ARTIFACT

Cairnduff explained that this document was just an agreement for the Port Authority to release the artifact to the City. Cairnduff explained that they would be shipping the object to the City at our cost. Cairnduff further explained that the artifact is supposed to be a 36" piece of steel. Osborn thanked Cairnduff for working on this and added that it truly is an honor for the City to have it.

A motion was made by Osborn and seconded by Faricy to approve the agreement with the Port Authority of New York and New Jersey to receive a 9/11 artifact from the World Trade Center and authorize the Fire Chief to execute the necessary documents. Motion carried by voice vote.

GENESEE COUNTY METROPOLITAN ALLIANCE MEMBERSHIP DUES AND DESIGNATION OF REPRESENTATIVES.

Faricy stated that he has attended the meetings for this organization and it is an integral part of getting funding through M-DOT for projects. Faricy further stated that he felt the dues were reasonable for this organization and he would be willing to continue serving the City in this capacity. King stated she would be willing to serve as the alternate.

A motion was made by Osborn and seconded by Jacob to approve the membership of the City in the Genesee County Metropolitan Alliance for the 2011 year at a cost not to exceed \$125, and designate Faricy as the representative and King as the alternate to represent the City of Fenton for this group. Motion carried by voice vote.

CALL TO THE AUDIENCE – None.

Meeting adjourned at 8:20 PM.

Mayor Sue Osborn

City Clerk, Jennifer Naismith

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, December 13, 2010
City Hall Council Chambers
301 South Leroy Street

Mayor Sue 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: Faricy, Jacob, King, Osborn, Rauch, Smith.
Absent: North.
Others Present: Lynn Markland, City Manager; Michael Burns, Assistant City Manager;
Matthew Drake, Legal Counsel; Brad Hissong, Zoning Administrator;
Tonya Molloseau, Assessor.

CITY MANAGER'S REPORT

Markland reported that the Genesee County EDC has approved the request to remove walking easements that were placed on the downtown property following the urban renewal. The removal of these easements will better suit the type of development that would like to be achieved in the downtown area.

Markland extended his congratulations to Councilman Rauch, who was recently named as the Chairman for the Genesee County Small Cities and Villages Association. Markland also reported that a preconstruction meeting was held for the Walnut Street project and it is slated to commence in April 2011.

Markland stated that the committee has interviewed several engineering firms for the recent service bid. These firms included OHM, C2AE, HRC, Rowe Professional Services, and Fleis & Vandenbrink. On another note, Markland and DPW Director Bland have met with HRC, the City's current engineer, to discuss the newly required Bridge Scour Plan of Action. A plan will be presented to the Council once it is fully developed.

Finally, Markland reported that the City's computer server had crashed on Friday morning, however, the "mirror" server was used to restore the system and no loss of data occurred. The server has been replaced and everything is functioning as normal.

COUNCIL MEMBER COMMENTS

Rauch wished everyone a safe and happy holiday season. Smith wished everyone a Merry Christmas and commented that the film series at the Fenton Community Center is really great entertainment and is free to the public who would like to attend. King reviewed the report from the Loose Senior Citizens Center and commended them for all of the good work they do. King also wished everyone Happy Holidays.

Faricy questioned what the need for the Bridge Scour Report was for, and Markland explained that the report would be checking for the possibility of wash-outs and did not have anything to do with bridge sustainability. Faricy confirmed that there has been no resolution to the issues of condition with the Silver Lake Road Bridge.

LEGAL COUNSEL REPORT

Drake stated that they have been busy trying to secure the release of easements in the downtown from Genesee County. Drake stated that they have also been working on a personnel

matter, the Tax Exemption for Creative Foam, and drafting resolutions. Drake wished everyone a Merry Christmas.

MAYOR'S COMMENTS

Osborn stated that the Jinglefest was a great time and added that the visit from Santa was a lot of fun. Osborn wished everyone a Merry Christmas and a safe holiday.

CITIZENS COMMENTS

Malvin Walden wished to speak on Resolution No. 10-26. Justin Sprague requested to speak on Resolution No. 10-26. Sean Orzol requested to speak on Resolution No. 10-26, as well as the City's website services.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda. A motion was made by Rauch and seconded by Jacob to approve the consent agenda containing the following items:

- Authorize payment of invoices in the amount of \$145,056.52.
- Approve the 2011 meeting schedule for the Fenton City Council.
- Appoint Carl Hammond to the City of Fenton Board of Review.
- Appoint Mark Kennedy as the Mott Community College representative on the Local Development Finance Authority.

YEAS: King, Osborn, Rauch, Smith, Faricy, Jacob.

NAYS: None.

ABSENT: North. Motion carried by roll call vote.

PUBLIC HEARING FOR ORDINANCE NO. 657

Burns stated that the two previous issues with the TIF Plan for the DDA were with the Façade Improvement Program and offering assistance with the Library. Burns presented an amended copy of the DDA TIF Plan that has been reviewed and approved by the DDA already. Smith questioned how stringent the rules for the Façade Improvement Program would be for area businesses now. Burns stated that the primary focus of the Façade Improvement Program would be for historic preservation at this time. Burns further explained that any properties located in the Dibbleville district are eligible, as well as buildings within the DDA District that were constructed in the late 19th Century or early 20th Century.

Mayor Osborn opened the public hearing at 7:45 PM.

Craig Schmidt, Chairman of the DDA, spoke on behalf of the DDA and expressed their desire to execute this plan.

Mayor Osborn closed the public hearing at 7:48 PM.

A motion was made by King and seconded by Smith to adopt Ordinance No. 657, which is an amendment to the City of Fenton Downtown Development Authority's development and tax increment financing plan. Motion carried by voice vote. **ORDINANCE DECLARED ADOPTED.**

TAX REVERSION OF PROPERTIES

Molloseau explained that the Genesee County Treasurer's Office has sent a notice to the City concerning the tax reversion of several parcels in the City. Molloseau explained that these

parcels were in the custody of the County for the purpose of tax sale, but were unable to be sold. At this point, the City will take possession of the parcels unless a written objection is filed with the County by December 17, 2010. Molloseau further explained that some of the undeveloped parcels in the listing are in the development known as Orchard Hills and there are some arsenic contamination issues with a select group of the parcels.

Rita Ball, of 601 Main Street, stated that she is in favor of the City taking the properties, as it presents an opportunity to alleviate some of the blight in the City.

Chuck Barbieri, an environmental attorney from Foster Swift, was present to answer any questions the Council may have on this matter. Barbieri explained that the City will experience some level of risk if they acquire the property and further, it will be the City's responsibility to make sure that they practice due care in responsibility in order to prevent any unacceptable exposure to the contaminants. Barbieri stated that the City should conduct due diligence on this matter and get a Phase I environmental study completed before the title to the properties is actually transferred to the City. Barbieri added that the contamination in this area should be consolidated and covered in order to contain it.

Osborn confirmed that the arsenic would not spread if it is left undisturbed and reviewed that the City would have the responsibility to make sure that accessibility to these areas is denied in order to keep the general public safe. Faricy stated that this issue needs to be addressed and expressed his concern that surrounding property values may be affected because of this issue. Faricy stated his agreement in taking on the properties. Osborn stated that the City has a responsibility to the existing residents, not to disturb the contamination, but to contain it. Barbieri stated that the City would have to prevent access to the contaminated areas because the arsenic is too close to the surface. Rauch stated that the surrounding residents are concerned.

Carmine Avantini, of LSL Planning, stated that if the City desires to accept the property they need to address the contamination, get the site developed, and get it on the City's tax rolls. Avantini further stated that there could be EPA grants available to assist with the clean-up and the site could be designated as part of the Brownfield Redevelopment Authority's TIF Plan to make a project more feasible for a developer. Osborn added that access to infrastructure is much more readily available than on some of the other Brownfield properties.

Douglas McDowell, an environmental consultant for the City, arrived later and was available for questions from the Council. Osborn questioned what the City would have to do to provide protection to the residents. McDowell stated that the City would have an obligation to protect those who would come into contact with the contaminated area. Osborn suggested that the City could cap the area and then fencing it would not be required. McDowell stated that the City could put an 18" cap on the area for an approximate cost of \$50,000, however, once the area is capped, it cannot be moved. King questioned if the arsenic could become an airborne contaminant if it is moved and McDowell stated that, at the level of the arsenic contaminant, it is too low to become an ambient air problem. McDowell also stated that a 12" cap would suffice. Smith questioned if the arsenic could migrate through the ground and McDowell stated that it is a very remote possibility, but not likely because the arsenic tends to bond to organic compounds. Barbieri stated that the County is requesting a decision by the 17th of December, but if the City could get a Phase I study done before the title actually changes hands, then the City would be far less liable. Molloseau expressed her concern about the December 17th deadline adding that the Phase I could not be completed before that date and she did not feel that the County would allow an extension on this matter. Osborn stated that she would speak to Deb Cherry, the County Treasurer, about this matter. Drake stated that all concerns are valid and a date of property transfer really needs to be established.

A motion was made by Osborn and seconded by Faricy to table this matter until a special meeting of the Council can be held on Wednesday, December 15, 2011 at 6:00 PM, at Fenton City Hall in the Council Chambers.

YEAS: King, Osborn, Rauch, Smith, Faricy, Jacob.

NAYS: None.

ABSENT: North.

RESOLUTION NO. 10-24

Molloseau informed the Council that Matrix Enterprises is requesting an extension of their Industrial Facilities Tax (IFT) exemption, for an additional seven years, with the intent of creating 12 to 20 full time jobs. Molloseau stated that the value of the tax revenue for this extension would be approximately \$3,000 annually.

Osborn stated that she thought the extension should only be allowed for five years. Osborn cited that past practice of the Council has been to only extend an IFT for five years because they want it to coincide with the City's Five Year Financial Forecast and Jacob agreed. Faricy clarified that the \$3,000 that would be lost in tax revenue is money that the City is not receiving now anyway. King stated that this would be a way to create more jobs and keep people employed.

A motion was made by Faricy and seconded by King to approve Resolution No. 10-24, which extends an existing Industrial Facilities Tax Exemption for Matrix Enterprises for a period of five (5) years.

YEAS: Rauch, Smith, Faricy, Jacob, King, Osborn.

NAYS: None.

ABSENT: North. RESOLUTION DECLARED ADOPTED.

RESOLUTION NO. 10-25

Burns delivered background information to the Council regarding the request for tax exemption of new personal property by Creative Foam. Bruce Graham, a representative of Creative Foam explained that the 1.5 million dollar expansion that they are proposing will allow them to expand into the alternative energy field and generate the need for production of core kits, blades, and turbines for windmills. Graham explained that the company hopes to increase their workforce by at least 63 full time employees over the next five years. Molloseau added that this exemption would only be on new personal property acquired and it would be the responsibility of the Assessor's office to audit the business just like every other business is audited for personal property.

A motion was made by Rauch and seconded by Faricy to approve Resolution No. 10-25, which approves a tax exemption of new personal property under Public Act 328 for Creative Foam.

YEAS: Smith, Faricy, Jacob, King, Osborn, Rauch.

NAYS: None.

ABSENT: North. RESOLUTION DECLARED ADOPTED.

RESOLUTION NO. 10-26

Markland explained that the Liquor Control Commission (LCC) has now approved the ability for small business to apply for an additional permit to allow for the Sunday morning sale of alcohol. Markland further explained that the City Council needs to make a decision as to whether or not they want to allow these additional permits in the City or ban them. Drake

clarified that the initial legislation is written to either ban sales all day Sunday or allow for sales all day on Sundays. Drake explained that the full day ban was not the intent of the legislation and the LCC will accept a ban of Sunday morning sales only. Faricy confirmed that the LCC is in favor of this practice and Markland stated that the individuals would have to apply for an additional permit in order to sell alcohol on Sunday mornings, however, the City Council could ban Sunday morning sales within the City, which would not allow the LCC to issue the additional permit to vendors within the City.

Malvin Walden, proprietor of Walden's Lounge, questioned if the City was voting to ban sales all day or just the morning. Drake clarified that the City would just be voting on Sunday morning sales, and the resolution is designed to keep things as status quo. Walden agreed with this practice. Justin Sprague, a resident of the City, implored the Council to not ban the sale of alcohol on Sunday mornings in the City so that small business could remain competitive and not lose their potential profits to neighboring communities. Sean Orzol, also a resident of Fenton, echoed Sprague's remarks and questioned why the Council would override a state law according to what a personal preference would be.

King stated that the lack of Sunday morning sales has been a law for many years and it has not driven anyone out of business. King stated that the City should keep things the way they are because it is working out just fine. Faricy stated that this is an issue of competition and the Council should support the ability of small businesses to be competitive with one another. Smith stated that if an owner of an establishment that sells alcohol is saying that things should stay the same as they have always been, the Council should listen to this advice.

A motion was made by Rauch and seconded by Jacob to approve Resolution No. 10-26, which bans the sale of alcohol on Sunday mornings within the City of Fenton.

YEAS: Jacob, King, Osborn, Rauch, Smith.

NAYS: Faricy.

ABSENT: North. RESOLUTION DECLARED ADOPTED.

RESOLUTION NO. 10-27

A motion was made by Smith and seconded by Jacob to adopt Resolution No. 10-27, which adopts the Complete Streets policies and practices for development within the City of Fenton.

YEAS: Faricy, Jacob, King, Osborn, Rauch, Smith.

NAYS: None.

ABSENT: North. RESOLUTION DECLARED ADOPTED.

WEBSITE SERVICES

Burns reviewed the background information about a provider for the City's website services. Burns stated that at a previous work session, the administration was charged to go out for bids on website service. Burns reported that it would be very costly for the City to switch to a different service provider because, while the City owns the information that is posted on the website, the layout and building of a new website would have to occur. Burns reported that, after a meeting with the current service provider (3Sixty Interactive), the option of upgrading the current website would be much less costly than having to rebuild a new one. Burns stated that the cost of building a new website could range from \$15,000 to \$34,000. 3Sixty Interactive could make vast improvements to the site for a flat fee of \$6,000. Burns also stated that it is necessary for the City to utilize a third party to administer the website, as the administrative staff would not have the time required to complete all the uploads. Burns stated that 3Sixty Interactive would offer their administrative services for a fee of \$650 a month that would be split

equally between the City, the DDA and the LDFA. This is the same amount that the City currently pays.

Osborn stated that the current site is not user friendly. Dean Keipert, of 3Sixty Interactive, stated that the City's site is six years old and there is a lot of room for improvement. Smith questioned if the City could move further towards on-line payments and added that the communication between the City and 3Sixty Interactive has been poor. Smith further stated that he is reluctant to enter into a new contract if the level of service does not change. Keipert stated that there is always room for improvement and added that he meets with the City administration quarterly to discuss improvements and features, however, they talk on a much more regular basis than that. Keipert added that the newly updated design would be much more functional. Osborn stated that the contract should include the standard 30 day opt-out clause. Faricy questioned how the department heads contribute to the site and keep it current if they are too busy. Keipert explained that he primarily deals with the City Manager and the Assistant City Manager. Keipert further explained that the \$650 per month covers many facets of administration to the website from small uploads to major video projects. Keipert stated that the current site is old and in need of a facelift.

Orzol stated that he is not satisfied with the website and has not been for quite some time. Orzol stated that the site is not user friendly and the City needs to take the time to fix it. Orzol further stated that the City of Linden's website is much better to navigate. Osborn stated that the navigation of the site needs to be easier and pertinent information needs to be brought more to the forefront. Keipert stated that there are lots of things that can be done, although they have minimal control over incorporating the BS & A software. However, Keipert stated that they could conduct stakeholder interviews to determine exactly what is desired.

A motion was made by Rauch and seconded by Faricy to extend the agreement with 3Sixty Interactive for a period of three years, which includes a maintenance cost of \$650 a month and a flat fee of \$6,000 to make the necessary changes to the City's website. Motion carried by voice vote.

The Council requested that a greatly improved level of communication between the City's Administration and 3Sixty Interactive be established. The Council also requested that a 30 day opt-out clause be added to the contract.

SOLID WASTE REMOVAL BID

Osborn stated that this issue has been reviewed quite extensively by the Council over the last couple of months, and stated that administration is recommending that the Council select a service provider for waste removal and recycling.

A motion was made by Smith and seconded by Faricy to approve Republic Waste Services as the City's waste hauler for 2011 with an option to extend their contract for 2012 and 2013. Motion carried by voice vote.

Osborn stated that the City has enjoyed their relationship with Waste Management, however, the decision was primarily influenced by pricing.

CALL TO THE AUDIENCE

Gary Hicks, of Republic Waste Services, thanked the City Council and residents for the opportunity to serve them.

Meeting adjourned at 9:45 PM.

Mayor Sue Osborn

City Clerk, Jennifer Naismith