



City of Fenton

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

COUNCIL WORK SESSION AGENDA

Monday, July 5, 2011
City Hall Conference Room
301 South Leroy Street
7:30 PM

1. Call to Order.
2. Roll Call.
3. Citizen Comments: Request by citizens to speak on specific agenda items.
4. Discussion on Retiree Health Care.
5. Discussion on the acquisition of three properties in the Genesee County Tax Reversion process.
6. Discussion on the proposed amendments to the Zoning Ordinance regarding the regulation of Lighting Standards.
7. Discussion on the proposed amendments to the Zoning Ordinance regarding the Storage and repair of Vehicles.
8. Discussion on the proposed changes to the Zoning Ordinance regarding the regulation of Retail Sales of Adult Novelties.
9. Council Member Comments
10. Call to the Audience.
11. Adjournment.

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



Memorandum

DATE: July 1, 2011

TO: Lynn Markland, City Manager 

FROM: Jennifer Naismith, City Clerk 

CITY OF FENTON

RE: Changes To Retiree Health Care

The past three fiscal years have presented the City of Fenton with a great deal of financial challenges. Due to the drastic decline in tax revenue and revenue sharing, the City has had to work diligently to find ways to reduce expenditures, yet still serve our public to the best of our ability. A great deal of time and effort has been expended reviewing our health care costs and the manner in which we provide health care to our employees and our retirees.

This year, our employees were asked to switch their health care plans to a high deductible plan, through Health Plus, and the City would subsidize their deductibles using an HRA account to be administered by AmeraPlan. Even though the City has taken on the liability of the subsidy, it will still be able to experience a significant savings through the reduction in the costs of premiums. Additionally, a portion of the active employees have agreed to contribute 20% of their health care premiums, every month, back to the City. This collaboration of efforts will result in a much needed level of cost reduction for the City, yet still keeps the health benefits intact for our employees.

Administration has decided to consider a different approach to the manner in which we provide retiree health care. For our retirees who are under the age of 65, we would like to provide them with the same plan choices that our active employees have. The high deductible plan is comprised of a \$1500/\$3000 deductible, to be accountable for. The active employees are contributing 20% of their premiums and, in keeping in the spirit of equality, we are proposing that the retirees under 65 be responsible for paying the first \$750 of their deductible. They will still enjoy the same coverage as the active employees, however, their contribution to the cause will be assumed through their responsibility for the first \$750 of their deductible rather than trying to collect 20% of their premiums.

For our retirees over the age of 65, we are proposing that they be enrolled in a true supplemental policy. The City has always required that the retirees enroll in Medicare Part B for their primary coverage once they reach age 65 and have subsequently provided a supplemental insurance policy to provide coverage for what Medicare does not address. Many changes have been made in the insurance business and companies are offering more competitive options for supplemental insurance. We are proposing that the retirees over the age of 65 be provided with a supplemental policy through Health Plus. By doing this, the City will reduce the expense of the premiums for this age group while still providing them with a supplemental policy to Medicare, which was what we understand to be the

intent of providing health coverage to retirees over the age of 65. In addition to providing a supplemental policy to the retirees over 65, the City will also supplement the cost of prescription drugs for those retirees who enter into the “donut hole” of their Medicare Part D prescription coverage, up to the amount of \$1000, per member, per year.

Jeff Phillips, of Fenton Insurance Group, and Donnell Masak, of Brown & Brown Insurance, are available to explain the proposed changes in greater detail. The changes in cost for the proposed changes to retiree health care have been approved through our budget process for this year. These proposed changes have enabled the City to continue to provide retiree health care while exercising fair and fiscally responsible judgement.

At this time, we are requesting that the City Council provide some direction as to how you would like administration to proceed with the management of retiree health care.

Memorandum



THE CITY OF
FENTON

DATE: June 24, 2011

TO: Mayor Sue Osborn and City Council

FROM: Lynn Markland, City Manager 

RE: Tax Reverted Property

Attached is a copy of a communication from Jill McKenzie, Chief Deputy Treasurer for Genesee County. The memo provides information regarding the tax reversion of property that is available to the City of Fenton by July 8, 2011. I have included copies of the maps of the properties included. They are outlined in blue. I am unaware of any environmental issues with these properties, which are mostly residential in nature.

Administrative Recommendation: It is the recommendation of the administration that the City accept these properties from Genesee County through the tax reversion process.



**GENESEE COUNTY
OFFICE OF THE TREASURER**

1101 Beach Street, Suite 144
Flint, Michigan 48502-1475
Telephone (810) 257-3059
Fax (810) 257-3885

Deborah L. Cherry, Treasurer

DATE: May 26, 2011
TO: Local Unit Clerks
FROM: Jill McKenzie, Chief Deputy Treasurer *Jm*
SUBJECT: Tax Reverted Property

MCL211.78m directs that all parcels foreclosed by a County Treasurer's Office (foreclosing governmental unit) are available to be purchased by the State of Michigan, City, Village, Township or County in which they are located. The acquisition must be made prior to the foreclosed parcels being taken to public auction.

Sec 78m (1) is excerpted below:

Sec. 78m.

- (1) Not later than the first Tuesday in July, immediately succeeding the entry of judgment under section 78k vesting absolute title to tax delinquent property in the foreclosing governmental unit, this state is granted the right of first refusal to purchase property at the greater of the minimum bid or its fair market value by paying that amount to the foreclosing governmental unit if the foreclosing governmental unit is not this state. If this state elects not to purchase the property under its right of first refusal, a city, village, or township may purchase for a public purpose any property located within that city, village, or township set forth in the judgment and subject to sale under this section by **payment to the foreclosing governmental unit of the minimum bid**. If a city, village, or township does not purchase that property, the county in which that property is located may purchase that property under this section by payment to the foreclosing governmental unit of the minimum bid. If property is purchased by a city, village, township, or county under this subsection, the foreclosing governmental unit shall convey the property to the purchasing city, village, township, or county within 30 days.

Please find attached a list of foreclosed properties in your governmental unit that are available for purchase for the minimum bid. Note that a few foreclosures might be reversed, as allowed by law. Please check with me as to the current status of any individual parcel on your list.

If you are interested in acquiring any of the parcels in your unit, contact me and the agreement that must be signed will be forwarded.

The deadline to acquire property from the 2011 foreclosures is July 8, 2011.

If you have any questions, please feel free to call.

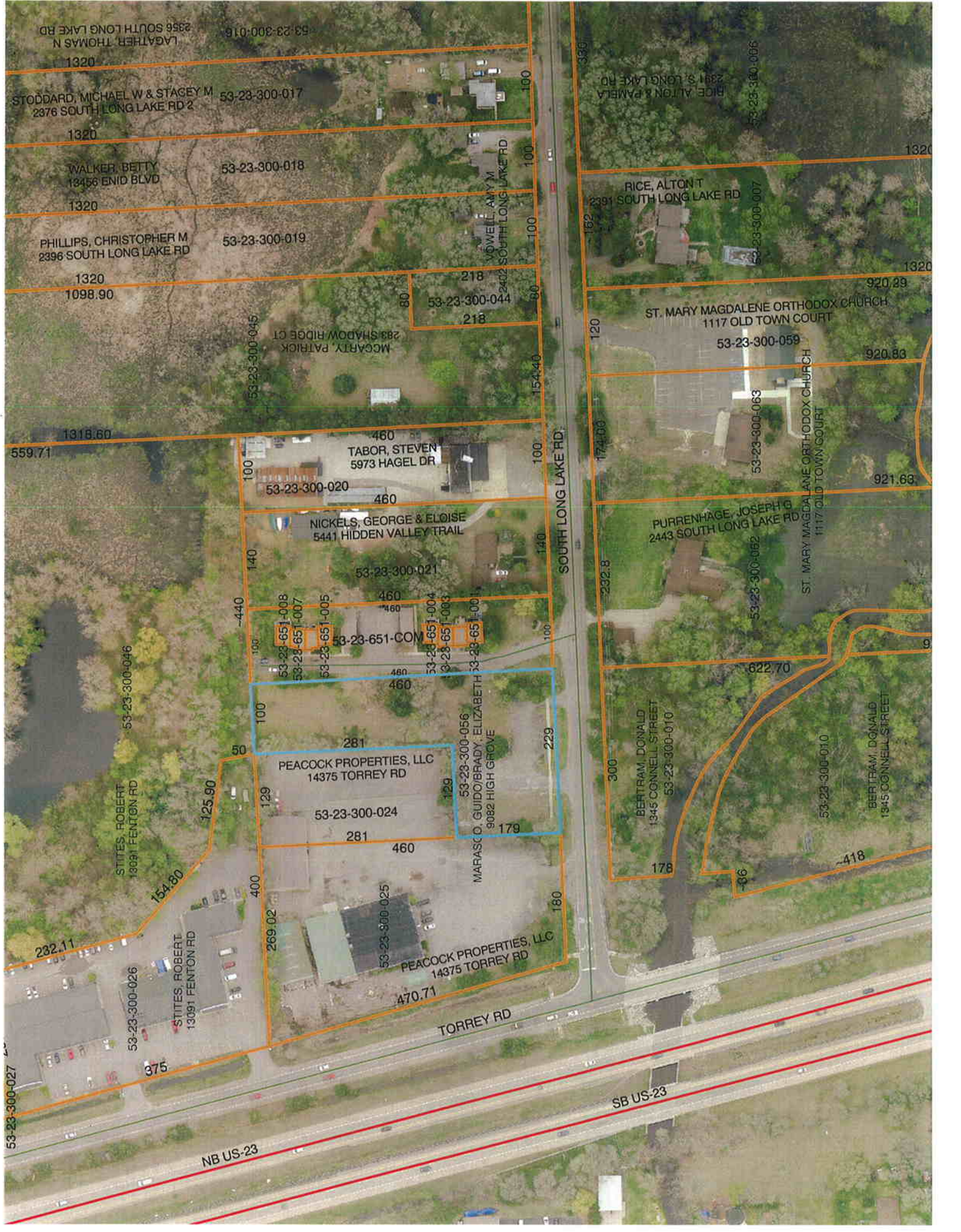
cc: Unit Treasurer

05/09/2011
10:05 AM

FORECLOSURE LIST FOR GENESEE COUNTY
For 2011 Foreclosures of 2008 and prior taxes
Fenton City

B\

PARCEL	TAX DUE	INT/FEES DUE	Interest Computed As Of Foreclosure Date TOTAL DUE TAX YEARS DELINQUENT
53-23-300-056	8,490.86	1,474.66	9,965.52 2010 2009 2008
53-24-576-007	2,073.31	808.11	2,881.42 2010 2009 2008
53-36-552-039	2,229.44	846.65	3,076.09 2010 2009 2008



LAGATHER, THOMAS N
2356 SOUTH LONG LAKE RD
53-23-300-016
1320

STODDARD, MICHAEL W & STACEY M
2376 SOUTH LONG LAKE RD 2
53-23-300-017
1320

WALKER, BETTY
13456 ENID BLVD
53-23-300-018
1320

PHILLIPS, CHRISTOPHER M
2396 SOUTH LONG LAKE RD
53-23-300-019
1320
1098.90

MCCARTY, PATRICK
283 SHADOW RIDGE CT
53-23-300-045
1318.60
559.71

TABOR, STEVEN
5973 HAGEL DR
53-23-300-020
460

NICKELS, GEORGE & ELOISE
5441 HIDDEN VALLEY TRAIL
53-23-300-021
460

PEACOCK PROPERTIES, LLC
14375 TORREY RD
53-23-300-024
281

STITES, ROBERT
13091 FENTON RD
53-23-300-026
375

STITES, ROBERT
13091 FENTON RD
53-23-300-027

PEACOCK PROPERTIES, LLC
14375 TORREY RD
53-23-300-025
470.71

MARASCO, GUIDO/BRADY, ELIZABETH
9082 HIGH GROVE
53-23-300-056
179

53-23-651-COM
53-23-651-008
53-23-651-007
53-23-651-005
53-23-651-004
53-23-651-003

53-23-300-044
218
218

RICE, ALTON & PAMELA
2391 S. LONG LAKE RD
53-23-300-006

RICE, ALTON T
2391 SOUTH LONG LAKE RD
53-23-300-007

ST. MARY MAGDALENE ORTHODOX CHURCH
1117 OLD TOWN COURT
53-23-300-059
920.89

ST. MARY MAGDALENE ORTHODOX CHURCH
1117 OLD TOWN COURT
53-23-300-063
920.83

PURRENHAGE, JOSEPH G
2443 SOUTH LONG LAKE RD
53-23-300-062
921.66

BERTRAM, DONALD
1345 CONNELL STREET
53-23-300-010
178

BERTRAM, DONALD
1345 CONNELL STREET
53-23-300-010
418

622.70

174.00

292.8

180

154.40

100

100

100

100

TORREY RD

SOUTH LONG LAKE RD

NB US-23

SB US-23

LEE, CHRISTOPHER
14476 EDDY LAKE RD
53-24-576-006

80
125
80

KRIEG, WILLIAM & JULIE
1380 RAY RD
53-24-576-007

552.50
80
125
80

FROST, FRED JR
14490 EDDY LAKE RD
53-24-576-008

80
125
80

ANDERSON, RICHARD
14496 EDDY LAKE RD
53-24-576-009

80
125
80

STEWART, DOROTHY
14506 EDDY LAKE RD
53-24-576-010

45
80
170
125
80

FINK, DAVID M
14518 EDDY LAKE RD
53-24-576-011

197.24
147.26
170
146.75

BARDEN, TODD & JUMANA
1100 DAUNER RD

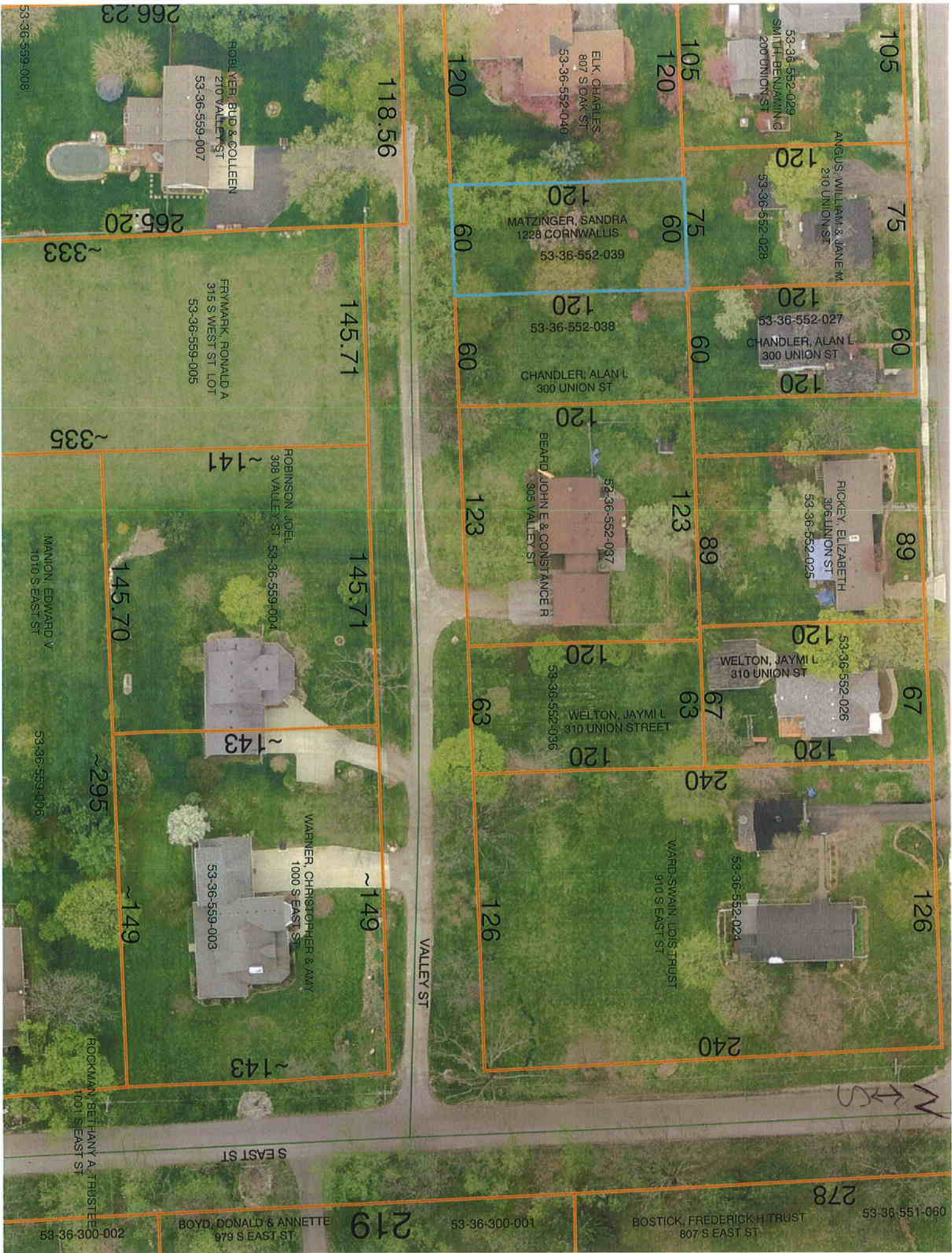
53-24-400-027

539.73

DAUNER RD

EDDY LAKE RD







Memorandum

DATE: May 9, 2011

TO: Mr. Lynn Markland, City Manager

FROM: *NBH*
N. Bradley Hissong, Zoning & Building
Administrator

CITY OF FENTON

RE: Zoning Ordinance amendments, LIGHTING
STANDARDS

Please review the attached Ordinance draft, staff has found it necessary to suggest certain Ordinance amendments as to promote public health, safety and general welfare of the community. The Planning Commission has recommended approval at its regular Meeting held April 28, 2011. In order for this Ordinance amendment to be considered it will be necessary for the City Council to hold a Public Hearing. I have attached a copy of the Ordinance draft for your review.

If you have any questions regarding the above information, please contact me at your earliest convenience.

City of Fenton
Proposed Zoning Ordinance Amendment
Lighting Standards

Revise *Sec. 36-23.05. Lighting standards* as indicated below:

Sec. 36-23.05. Lighting standards

Unless exempted under section 36-23.06, Exemptions, all lighting must comply with the following standards:

- a. Freestanding pole lighting.
 1. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed, metal halide **or LED** shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
 2. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line. The only exception is for ~~gas station canopy and~~ automobile dealership lighting, where a maximum of 20 footcandles is permitted *in display areas* within the site but the above standards shall apply to intensity at the property line.
 3. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
 4. The maximum height of parking lot light fixtures shall be 20 feet, except that the planning commission may permit a maximum height of 30 feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.
 5. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
 6. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within nonresidential zoning districts shall be turned off between 11:00 p.m. and sunrise, except where such use continues after 11:00 p.m. but only for so long as such use continues.
- b. Building-mounted lighting.
 1. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed, metal halide fixtures shall

be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."

2. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line.
3. The planning commission may approve decorative light fixtures ***or internally illuminated architectural bands*** as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site ***or is necessary for security purposes***.
4. ***The intensity of lighting under roof eaves, canopies, porticos, or other structural projections shall not exceed twenty (20) footcandles. The internal illumination of building-mounted awnings is prohibited.***
4. ~~Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. The planning commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.~~

c. Gas Station Canopy lighting.

1. ***The intensity of lighting under gas station canopies shall not exceed thirty-two (32) footcandles or have an average intensity greater than twenty-two (22) footcandles.***
3. ***All fixtures must be recessed into the canopy and the lens shall not extend below the lowest part of the fixture.***

ed. Window lighting.

1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
2. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of *ARTICLE XXII, SIGNS*, of this chapter.

d e. Other lighting.

1. ~~The internal illumination of building-mounted awnings canopies is prohibited.~~
2. Indirect illumination of signs, canopies and buildings is permitted provided a maximum 125 watt bulb is utilized and there is no glare.
3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.

4. Lighting shall not be of a flashing, moving or intermittent type.
5. Luminous tube and exposed bulb fluorescent lighting is prohibited, except as part of a sign meeting the requirements of *ARTICLE XXII, SIGNS*.



Memorandum

DATE: May 9, 2011

TO: Mr. Lynn Markland, City Manager

FROM: *NBH*
N. Bradley Hissong, Zoning & Building
Administrator

CITY OF FENTON

RE: Zoning Ordinance amendments, Storage and
Repair of Vehicles

Please review the attached Ordinance draft, staff has found it necessary to suggest certain Ordinance amendments as to promote public health, safety and general welfare of the community. The Planning Commission has recommended approval at its regular Meeting held April 28, 2011. In order for this Ordinance amendment to be considered it will be necessary for the City Council to hold a Public Hearing. I have attached a copy of the Ordinance draft for your review.

If you have any questions regarding the above information, please contact me at your earliest convenience.

City of Fenton
Proposed Zoning Ordinance Amendment
Commercial Vehicles in Residential Districts

Revise item b. of *Sec. 36-2.30. Storage and Repair of Vehicles* to delete subsections b.4. and b.7., as indicated below:

- b. Commercial vehicles shall not be permitted in a Residential District except as permitted below:
1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
 2. The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
 3. No part of the vehicle may exceed seven (7) feet in overall height, measured from grade.
 4. ~~The vehicle shall not have outside brackets or holders for ladders, tools, pipes, or other similar equipment.~~
 5. The vehicle shall not have more than four (4) rear wheels.
 6. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
 7. ~~The vehicle shall not display markings or advertising identifying a company, firm, corporation, or other place of business. Such vehicles are permitted if all advertising markings are covered while the vehicle is on the residential premises.~~
 8. In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.
 9. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.



Memorandum

DATE: May 9, 2011

TO: Mr. Lynn Markland, City Manager

FROM: ^{NBH} N. Bradley Hissong, Zoning & Building
Administrator

CITY OF FENTON

RE: Zoning Ordinance amendments, Regulating
Retail Sales of Adult Novelties

Please review the attached Ordinance draft, staff has found it necessary to suggest certain Ordinance amendments as to promote public health, safety and general welfare of the community. The Planning Commission has recommended approval at its regular Meeting held April 28, 2011. In order for this Ordinance amendment to be considered it will be necessary for the City Council to hold a Public Hearing. I have attached a copy of the Ordinance draft for your review.

If you have any questions regarding the above information, please contact me at your earliest convenience.

City of Fenton
Proposed Zoning Ordinance Amendment
Regulating Retail Sales of Adult Novelties

ARTICLE 14 SPECIAL LAND USES

Amend *Sec. 36-14.08. Special land use specific requirements* to add a new regulated use, "Retail Businesses with Adult Novelties":

Retail Businesses with Adult Novelties (subsection dd.)

Add the following specific requirements as item dd. (and renumber subsequent items accordingly):

dd. Retail Businesses with Adult Novelty Items.

1. Intent. Same as Section 36-14.08(a)(1).

2. Definitions.

(a) Adult materials: one or a combination of more than one of the following types of materials: adult books and adult novelty items.

(b) Adult books: books, magazines, newspapers, advertisements, displays, posters, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy.

(c) Adult novelty items: devices of simulated human genitals or devices designed for sexual stimulation.

(d) Retail Businesses with Adult Novelty Items: See Section 36-28.10 (Retail Businesses with Adult Novelty Items)

3. Requirements and regulated uses. *The following requirements and regulated uses are included this subsection and defined for purposes of regulating retail businesses with adult novelty items:*

(a) Except for transitory movement by customers to the cash register and exiting the store, and except for temporary movement for delivery of inventory into the store and subsequent shelf placement, adult materials shall not be visible to the public, except for within a designated area meeting the following requirements:

(i) A separate room (hereinafter referred to as adult material room) with a minimum of six (6) foot high walls that screen or substantially limit view by persons in the remaining areas of the store.