

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, April 28, 2014
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: Bland, Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn.
Absent: None.
Others Present: Lynn Markland, City Manager; Stephen Schultz, Legal Counsel and Mike Burns, Assistant City Manager.

MAYOR'S COMMENTS

Osborn commented Saturday's budget session went well. She thanked all involved with the budget for their work. There was a FACT Committee meeting last week which went well and she asked the City Manager to forward information regarding the City's PEG fees to Tom Broecker at Fenton Township. She encouraged all to vote at the May 6, 2014 school bond election. She attended the World of Wonder Early Learning Center open house this morning and commented it was very informative.

CITY MANAGER'S REPORT

Markland commented on the following:

- Administration has been in discussions with the Michigan Department of Transportation and the Federal Highway Administration regarding the streetscape project. Another meeting will be held this week in an attempt to resolve the issue of when the project should begin.
- He met with Genesee County to discuss CDBG funds. The City has about \$29,000 leftover from the demolition of the house on Mill Street. He has requested the County allow the City to use those funds to purchase the old seminary to determine what will be done with the building. It is currently owned by the County Treasurer's office who has indicated they will allow the City to take ownership for the payment of back taxes; otherwise the City would have to wait until the property goes through tax sale. If nobody purchased the property, the City would likely end up with it at the end of the year. Purchasing it now would get the property cleaned up faster and allow more time to decide what to do with the property. A fence has been placed around the property as there is potential for further collapse.
- The Assistant City Manager and himself had a conference call with Chris DeBear last week to discuss the library improvements and will be meeting with GDL this week to discuss the project. Mr. DeBear indicated the library would have to be closed for about 30 days to complete the improvements. Work would likely be done in August, after the summer reading program is complete and before school starts.

- The Community Center project is getting ready to begin; fencing is up and there is a pre-construction meeting scheduled this week and work should start within the next few weeks.
- He thanked the Treasurer's office for their work on the budget.

COUNCIL MEMBER COMMENTS

Grossmeyer stated Saturday's budget session was his first one as a Council member and commended those that put the budget document together as it was easy to read and understand. He also attended the World of Wonder open house this AM and commented they have a lot of impressive programs available.

Lockwood commented she also attended the World of Wonder open house and noted over 500 students go through that facility in a week's time. She attended a Superintendents meeting today on behalf of Southern Lakes Parks and Recreation where use of school buildings and the expansion of programs was discussed. She will be participating in a webinar hosted by the National League of Cities regarding education and will forward information to Council. She stated the Community Planting Day is scheduled for May 31st and encouraged area non-profit organizations to inform their members that volunteers are needed.

McDermott commented the Little League program started today and all fields at the middle and high schools were utilized. There will be a program tomorrow night at 6 p.m. at the Community Center geared toward high school and early college students; an instructor from Mott Community College and a financial aid professional from U of M Flint will be present to talk about successfully pursuing scholarship opportunities. He stated the parks clean up is scheduled for May 17, 2014.

King commented the budget session went well. She gave an update on the Loose Center and stated she will be volunteering for the Community Planting Day.

Bland thanked all for their work on the budget session and commented the next four years needs to be looked at to see what can be done to help the budget. He commented invitations to the Lion's Club 50th Anniversary celebration were sent out.

LEGAL COUNSEL REPORT

Schultz stated he will be providing the City Manager with updated drafts of the Therapy/Service Animal and Medical Marihuana ordinances. He commented this morning the Department of Agriculture formally revised the rules with respect to urban farming to provide that compliance with Generally Accepted Agricultural Management Practices (GAAMPS) no longer provides an exemption to local zoning. There had been controversy over the years that if the GAAMPS were complied with in a residential district, there may be an exemption to local residential zoning and that is no longer the case. He stated this does not affect the chicken ordinance, but would affect a request to engage in any kind of urban farming in a residential district. He commented regarding Sunday liquor sales stating Michigan Liquor Control Commission rules provide that Sunday liquor sales are not allowed if a municipality passes a resolution prohibiting them. If the municipality wishes to have Sunday liquor sales after 12 noon, a resolution has to be passed to that effect. If the City wants to allow liquor sales from 7 a.m. – 12:00 p.m. on Sundays, one resolution is needed to address sales and consumption on-premises (i.e. restaurants, bars, clubs, etc.) and another resolution is necessary to allow packaged liquor sales between 7:00 a.m. – 12:00 p.m. and each resolution needs to be considered independently.

CITIZEN COMMENTS

None.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda. King asked that the request from the Curtis-Wolverton VFW Post 3243 be removed from the consent agenda to be acted on separately. She supports the cause, but does not like people collecting donations at street intersections.

Lockwood asked if peddler's licenses are something the City's ordinances allow. Schultz responded yes. Constitutionally, the City's ordinance has to provide for peddlers and solicitors of legitimate businesses. Lockwood asked if the law allows for a business to solicit door to door without maintaining a business in the City or paying City taxes. Schultz responded yes and that peddling and soliciting cannot be prohibited but the ordinance allows residents to post "no soliciting" signs and peddlers are not allowed to approach those homes. Discussion ensued regarding the hours of operation, limiting the number of permits issued and the associated fee schedule. Schultz stated the fee schedule has not been reviewed in quite some time and that peddler's and solicitor's licenses should be reviewed to take into account items like food trucks and mobile businesses.

A motion was made by Grossmeyer and seconded by McDermott to approve the consent agenda containing the following items:

- Authorize payment of invoices in the amount of \$389,472.60.
- Approve and place on file the minutes of the April 11, 2013 Local Development Finance Authority meeting, the February 19, 2014 Beautification Commission meeting, the March 25, 2014 Downtown Development Authority meeting, the March 27, 2014 Planning Commission meeting, the April 7, 2014 and April 14, 2014 City Council work sessions.
- Approve request for peddler's license from Paul Dilles.
- Approve request for peddler's license from Daniel Viener.

YEAS: Bland, Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn.

NAYS: None.

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

A motion was made by Lockwood and seconded by Grossmeyer to approve the request from the Curtis-Wolverton VFW Post 3243 to conduct the annual Buddy Poppy Campaign on May 8th, 9th and 10th, 2014.

YEAS: Grossmeyer, Jacob, Lockwood, McDermott, Osborn, Bland.

NAYS: King.

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

AGREEMENT WITH GISD FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES IN 2014

Markland stated annually the City enters into an agreement to collect summer property taxes for Fenton Area Public Schools and the Genesee Intermediate School District. Under the agreements, each district will pay the City 1% of all summer taxes collected by the City Treasurer.

A motion was made by Lockwood and seconded by Jacob to approve the Agreement with the Genesee Intermediate School District for the City to collect summer school property taxes in 2014 and authorize the City Manager and City Clerk to execute the necessary documents. Motion carried by a voice vote.

AGREEMENT WITH FENTON AREA PUBLIC SCHOOLS FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES IN 2014

A motion was made by King and seconded by McDermott to approve the Agreement with Fenton Area Public Schools for the City to collect summer school property taxes in 2014 and authorize the City Manager and City Clerk to execute the necessary documents. Motion carried by a voice vote.

SET PUBLIC HEARING FOR 2013-2014 AMENDED BUDGET AND 2014-2015 FISCAL BUDGET

A motion was made by Osborn and seconded by Lockwood to set a public hearing for May 12, 2014 for the 2013-2014 Amended Budget and the proposed 2014-2015 Fiscal Budget. Motion was carried by a voice vote.

SET PUBLIC HEARING DATE FOR LOCAL DEVELOPMENT FINANCE AUTHORITY REVENUE SHARING AGREEMENT

A motion was made by Osborn and seconded by Lockwood to set a public hearing for Tuesday, May 27, 2014 on the Local Development Finance Authority Revenue Sharing Agreement. Motion carried by a voice vote.

CALL TO THE AUDIENCE – None.

CLOSED SESSION

A motion was made by Osborn and seconded by McDermott to enter into Closed Session for the purpose of discussing ongoing labor negotiations.

YEAS: Jacob, King, Lockwood, McDermott, Osborn, Bland, Grossmeyer.
NAYS: None.
ABSENT: None. Motion carried by a roll call vote.

Council recessed to Closed Session at 8:07 PM.

Council reconvened to Open Session at 8:33 PM.

Meeting was adjourned at 8:35 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: