

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, May 12, 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, Mike Burns, Assistant City Manager and Dan Czarnecki, Director of Public Works.

MAYOR'S COMMENTS

Osborn stated she was at the V.F.W. today to present a proclamation to the National Commander-in-Chief of the V.F.W. She reminded everyone Council meetings are scheduled for Wednesday to address maintenance and funding for roads and Thursday to address the proposed food truck ordinance.

CITY MANAGER'S REPORT

Markland commented he attended the ceremony at the V.F.W. this afternoon. Last week he attended a meeting regarding the library renovations and there is an item on tonight's agenda in regards to the renovations. He commented a little bit of flooding occurred around the City due today's rain.

COUNCIL MEMBER COMMENTS

Lockwood thanked those that volunteered for the upcoming Community Planting Day. She stated this weekend members of the V.F.W. will be planting the two beds by the monument and the following weekend the Boy Scouts will be doing prep work for the planting day.

McDermott reminded Council the parks clean-up is scheduled for this Saturday.

King commented she was sorry she unable to attend the V.F.W. ceremony today. She gave an update on the Loose Center and stated a fundraiser is scheduled for October 18th.

Bland commented he was glad he could attend today's ceremony at the V.F.W. He thanked the D.P.W. for their work and commented there hasn't been much flooding considering the amount of rain.

LEGAL COUNSEL REPORT

Schultz commented he is continuing work on the non-discrimination and food truck ordinances. He has drafted three resolutions regarding Sunday morning liquor sales that are in front of Council tonight for consideration.

CITIZEN COMMENTS

Chris Palmer asked to speak on the resolutions regarding Sunday morning liquor sales.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda. King commented about the noise permit and asked if music will be kept at a certain decibel and asked if there have been complaints.

Sara McDermott, St. John Applefest General Chair, responded bands play from 8 p.m. – 12:00 a.m. and they are shut down right at midnight so as to not exceed the timeframe that was approved. She commented if there were complaints, the noise issue would be addressed and the City has never approached the committee indicating any complaints.

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 \$148,111.75.
- Approve and place on file the minutes of the March 11, 2014 Parks and Recreation Board meeting, the March 13, 2014 Oakwood Cemetery Board meeting, the April 14, 2014 City Council meeting and the April 26, 2014 City Council Budget Work Session.
- Approve a proclamation for the V.F.W.
- Approve invoice for membership dues for the Michigan Municipal League in the amount of \$4,711.00.
- Approve the following requests from the St. John's Applefest Committee:
 - Use of Bush Park for event parking.
 - Use of the vacant lot at Lincoln and Jefferson Streets for parking.
 - Temporary Noise Permit to allow activities to continue until midnight during the event from September 18-21, 2014.
 - Authorize various street closures to conduct the Applefest Road Race on Saturday, September 20, 2014 between the hours of 9:00 a.m. and 11:00 a.m.
- Approve the request from the Curtis-Wolverton VFW Post 3243 to conduct the annual Memorial Day Parade on Monday, May 26, 2014.

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

NAYS: None.

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

MASS TRANSIT AUTHORITY (MTA) PRESENTATION

Dennis Maxheimer, Manager of the MTA Service Center in Fenton, stated a renewal of MTA's operating millage of .4 mill will be on the August 2014 ballot. He stated locally the Fenton office has 18 employees and overall there are about 520 MTA employees in Genesee County.

King asked if residents are given rides to areas outside the City for work. Mr. Maxheimer responded yes and that MTA has service agreements with Livingston, Oakland, Saginaw and Shiawassee counties. King asked what fees they pay. Mr. Maxheimer responded they pay the Your Ride rate that is in effect for a fixed route bus.

Mr. Maxheimer gave an overview of the MTA Your Ride program in place within the City. He will forward a resolution of support for the millage renewal for Council's consideration at a future meeting.

PUBLIC HEARING ON THE PROPOSED 2013-2014 AMENDED BUDGET AND THE 2014-2015 FISCAL BUDGET AND SUPPORTING MILLAGE RATE OF 10.6226 MILS.

Osborn opened the public hearing at 7:52 p.m.

Osborn closed the public hearing at 7:53 due to lack of comment.

RESOLUTION NO. 14-8

A motion was made by King and seconded by McDermott to approve Resolution No. 14-8, which approves the amended budget for fiscal year 2013-2014 for the City of Fenton.

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

NAYS: None.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

RESOLUTION NO. 14-9

A motion was made by Bland and seconded by McDermott to adopt Resolution No. 14-9, which approves the budget for the 2014-2015 fiscal year for the City of Fenton, and sets the supporting millage rate for the City at 10.6226 mils.

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

NAYS: None.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

RESOLUTION NO. 14-10

Schultz commented at last week's work session he was asked to prepare three separate resolutions to address Sunday sales of beer and wine, Sunday sales of spirits and mixed spirit drinks for consumption off-premises, and Sunday sales of spirits and mixed spirit drinks for consumption on-premises.

Osborn commented the issue of Sunday morning liquor sales was brought to Council after they were made aware local businesses were suffering due to the resolution currently in place that prohibits Sunday morning liquor sales.

Christopher Palmer, 6015 Wendy Drive, Flint, representing VG's, commented people come in most Sundays before noon trying to purchase alcohol and a lot of people still don't know that you cannot purchase alcohol before noon on Sunday within the City. He doesn't think it is right to send business outside the City. He stated lost sales total \$100,000 per year, per store and he is in favor of allowing Sunday morning sales.

Lockwood stated at last week's work session, other area business owners indicated sales are also lost on items that are purchased at the same time. Palmer stated the \$100,000 in lost sales is just for alcohol and doesn't take into account sales lost from items that may have been purchased at the same time. King commented she previously voted in favor of not allowing Sunday morning sales, but did not realize how much in sales local businesses were losing.

Schultz stated Michigan law currently allows sales from 7:00 a.m. Sunday morning until 2:00 a.m. Monday morning. In order for there to be a limitation on that, municipalities have to adopt a resolution to reduce those hours. Currently, the City has a resolution in place that allows sales from noon on Sunday until 2:00 a.m. on Monday but does not allow sales from 7:00 a.m. until noon on Sundays. The resolutions tonight would rescind the resolution that prohibits the 7:00 a.m. – noon sales. By doing that, Michigan law, as it currently exists, would apply to all sales on Sunday.

A motion was made by Jacob and seconded by Lockwood to adopt Resolution No. 14-10, a resolution to repeal prohibition of Sunday sales of spirits and mixed spirit drinks for consumption off premises.

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

NAYS: Bland.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

RESOLUTION NO. 14-11

A motion was made by McDermott and seconded by Grossmeyer to adopt Resolution No. 14-11, a resolution to repeal prohibition of Sunday morning sales of beer and wine.

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

NAYS: Bland.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

RESOLUTION NO. 14-12

A motion was made by Lockwood and seconded by Jacob to adopt Resolution No. 14-12, a resolution to repeal prohibition of Sunday sales of spirits and mixed spirit drinks for consumption on premises.

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

NAYS: Bland.

ABSENT: None. **RESOLUTION DECLARED ADOPTED.**

Schultz commented once the Michigan Liquor Control Commission (MLCC) receives certified copies of the resolutions, licensees that want to sell during the morning hours will have the opportunity to apply to the MLCC for a permit to engage in those sales.

CONSTRUCTION MANAGEMENT FOR LIBRARY UPGRADES

Burns stated the City hired Chris DeBear from Library Design Associates to assist with project/construction management of the library upgrades. Prior to moving forward Mr. DeBear is asking the City to allow him to seek costs on the City's behalf rather than publicly bidding each task for the library; he is requesting this due to furniture and materials specific to libraries. He will seek out manufacturers in many instances with the exact specifications needed for the library, which will lower the purchasing costs in many cases. Mr. DeBear has done this for other communities and was able to significantly reduce costs and provide a better end product. Burns stated section 14.1 of the City Charter allows for public improvements without competitive bidding.

Schultz stated the Charter provides that the City has to seek bids when contracts go over a certain threshold but that the bidding requirement is not required by state law. It is a charter issue and the charter allows the Council to waive the bidding requirement when it makes sense to do.

Mr. DeBear commented his firm has created budgets for the improvements including carpeting, moving of items, painting, shelving, circulation desks and light demo work for the old post office counter. They go directly to mills to get carpet and directly to factories for hard goods. Mr. DeBear gave an overview of the services his company provides. What he deals with are more specialized items that help execute the full plan.

Osborn asked since the library was at one time the post office and is a historical building, would there be any significance to the historical aspect of the building if the counter is taken out.

Mr. DeBear responded he has not been aware that it would and asked if the building is on the state historical registry. Osborn stated it is not and asked that whatever part of the counter is taken out, that it be saved so if at a later date someone wants to have the look of the original counter, it can be reconstructed. Mr. DeBear stated the proposed construction work is not very substantial and any items that are removed that the City wants can be saved.

Bland commented the material in the Council packet doesn't provide a monetary figure and asked what the budget is. Burns responded an estimate was provided at the last Council work session. The work performed by Library Design Associates is estimated at \$150,000.00 and is just for interior work. King asked if a not-to-exceed amount should be established. Burns responded there is \$300,000 budgeted for library upgrades in the upcoming fiscal year and all that is being asked for tonight is permission to bid.

A motion was made by Bland and seconded by McDermott to authorize Library Design Associates to seek proposals on the City's behalf for Library upgrades and furniture. Motion carried by a voice vote.

MOSQUITO CONTROL PROGRAM

Markland commented Advanced Pest Management (APM) asked to extend the current contract until June 30th. This extension will allow APM to stay on top of larval development during the earlier part of the spring hatch. In addition APM has submitted a proposal for a mosquito control program for the next fiscal year in the amount of \$35,623.00 and the program will be the same as last year.

A motion was made by McDermott and seconded by King to extend the current contract until June 30, 2014 and approve the fiscal year contract with Advanced Pest Management for the Mosquito Control Program. Motion carried by a voice vote.

PAVEMENT MARKINGS

Czarnecki commented it has been several years since all the street lane lines and miscellaneous pavement markings were last painted. In the past, DPW crews would do the miscellaneous markings but have not been able to do so the last few years due to low manpower and the need to perform other job assignments. Czarnecki contacted M&M Pavement Marking, who have performed the striping work in the past and also do the line painting for Genesee County, for a quote. They indicated they will perform the work for the same price they charge Genesee County Road Commission for the same work. The line painting will cost about \$10,250 and pavement markings will cost \$27,000. The final cost is based on actual footage of paint placed and actual number of markings painted. Czarnecki stated funds are budgeted in the Street Funds and the DDA Fund to cover the cost of this work and he is recommending approval of the quote.

Lockwood asked if this is something that can wait as roads are in dire need of having potholes repaired and the budget is tight. Czarnecki responded the striping needs to be done for the safety of the streets and users of the roadway. Markland commented it can become a safety issue. Bland stated if streets aren't properly striped, it can be a liability issue for the City.

A motion was made by Bland and seconded by King to approve the quote from M&M Pavement Marking, dated 5/1/2014, for the painting of street lane lines and pavement markings for a "not-to-exceed" amount of \$37,250.00. Motion carried by a voice vote.

Czarnecki updated Council on the D.P.W.'s ongoing efforts to patch potholes and brush clean-up.

CARPET CLEANER PURCHASE

A motion was made by Grossmeyer and seconded by Bland to approve the purchase of a new carpet cleaning machine in the amount of \$3,256.00. Motion carried by a voice vote.

WORKER'S COMPENSATION INSURANCE RENEWAL

A motion was made by Bland and seconded by McDermott to approve payment of \$72,732.00 to the Michigan Municipal League Workers' Compensation Fund for workers' compensation insurance. Motion carried by a voice vote.

CALL TO THE AUDIENCE

Chris Smigielski, 736 Elmwood Drive, stated he is trying to resolve an issue with his water bill. He has lived in his home for almost eighteen years and the bill is usually \$200-\$250. His last bill was over \$500 and indicated over thirty thousand gallons of water was used. Someone from the City Water Department came out to his house and a plumber was out twice and no leaks have been found. The City informed him the meter could be checked, but if nothing is wrong, he would be responsible for the payment and the charge to test the meter. Bland asked if the meter was checked. Mr. Smigielski responded no; if there is nothing wrong, he doesn't want to pay the meter test charge. Markland commented he believes the Ordinance states if the City checks the meter and there are no problems, there is a charge to the homeowner because the City has to pay to get the meter tested. Bland suggested waiving the meter test fee and also suggested the homeowner read the meter each week.

Some Council members expressed concerned about setting a precedent but after discussion agreed this is an extreme case. Osborn took a consensus of Council and it was decided to waive the meter test fee.

Sheila Barr, 8304 Pleasant Court, Goodrich, candidate for State Representative for the 51st District introduced herself to Council and reviewed her background and qualifications.

Meeting was adjourned at 8:56 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: May 27, 2014