

CITY OF FENTON COUNCIL PROCEEDINGS
Tuesday, May 26, 2015
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 (via telephone) Lockwood, McDermott, Osborn.
Absent: None.
Others Present: Lynn Markland, City Manager; Mike Burns, Assistant City Manager; Stephen Schultz, Legal Counsel and Dan Czarnecki, Director of Public Works.

MAYOR'S COMMENTS

Osborn commented she attended the 25th anniversary celebration of the State Bank's Trust Department held at the Community Center and stated it was a wonderful evening. She encouraged all to help with the Community Planting Day scheduled for this Saturday.

CITY MANAGER'S REPORT

Markland commented on the following:

- He has been working on the Cornerstone parking issue and stated the residential portion of the building is close to having the Certificate of Occupancy issued.
- A press conference is scheduled for 4 PM tomorrow regarding redevelopment plans for the grainery.
- He gave an update on the Streetscape and Silver Lake Road Bridge projects.

COUNCIL MEMBER COMMENTS

Jacob commented the Shiawassee River Clean-up is scheduled for June 27th and asked for volunteers. He stated Riverfest is the annual fundraiser for the Keepers of the Shiawassee and it will be held on June 28th from 12PM-6PM.

Grossmeyer thanked Councilwoman Lockwood for her work on the donor reception at the Community Center.

Lockwood commented on the passing of Gerry Durocher stating he was a founding member of the Silver Lake Ski Club and offered condolences to his family. She met with the family of Nash Schupbach. The family will be working with the City Manager to purchase a bench to be placed in the community at a location to be determined. She thanked the Council and DDA for their support on the Community Center project. She gave a Freedom Festival update.

McDermott commented he attended the Memorial Day parade and the VFW did a great job with the parade. He thanked Councilwoman Lockwood for her work on the Community Center opening ceremony.

LEGAL COUNSEL REPORT – Schultz commented his office has been working on the ordinance and resolutions that are on tonight’s agenda and commented the sale of 603 Main Street was finalized today.

CITIZEN COMMENTS – Ghassan Saab and David Goldstein asked to speak on Resolution 15-14.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$318,760.03.
- Approve and place on file the minutes of the May 4, 2015 City Council work session and the May 11, 2015 City Council meeting.
- Approve a request to close Oak Street between Main and First Streets for a neighborhood BBQ on Saturday, June 6, 2015.

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

ORDINANCE NO. 694

Markland stated this is an amendment to Chapter 10 of the Code of Ordinances regarding nominating petition due dates for odd year general elections. Changes to Michigan election law change the filing deadline to 4 PM the 15th Tuesday prior to the election. This amendment will bring the ordinance in line with state law.

Markland stated an asterisk will be placed on the online edition of the City Charter informing people that state law has changed and an ordinance is now in place that complies with state law and the date petitions are due as listed in the Charter, is no longer valid. He stated the main reason for this is so anyone going to the City’s website that may look at the City Charter for petition due dates will be made aware of the change in law.

Schultz stated Municode has asked that a note be created to be inserted into the Code of Ordinances and the Charter to make it very clear that the Charter language is no longer controlling and is superseded by changes in state election law.

Lockwood commented as people call City Hall inquiring about petitions, that all questions be referred to the Clerk’s office to avoid any miscommunication.

A motion was made by Grossmeyer and seconded by Jacob to adopt Ordinance No. 694, an Ordinance to amend Chapter 10 of the Code of Ordinances which changes the date nominating petitions are due for an odd year general election. Based on changes to the Michigan election law, the time for filing a nominating petition is no later than 4:00 p.m. on the 15th Tuesday prior to the date of the City election. Since state law preempts inconsistent provisions in a city charter, this resolution adopts the provisions of election law related to the timing of nominating petitions, which are declared to be controlling and supersede the timing requirements provided in section 3.10 of the City Charter, and is consistent with amendments made to the City Code by the passage of Ordinance No. 694. Motion carried by a voice vote.

RESOLUTION NO. 15-11

Markland stated this resolution confirms the special assessment district for the paving project for the Eagles on the Waters Edge townhomes. This resolution was passed at the last City Council meeting, but a couple of the dates listed in the resolution were incorrect. This version of the resolution corrects that error.

A motion was made by Bland and seconded by McDermott to adopt Resolution 15-11, as revised, which accepts the special assessment roll for the Eagles on the Waters Edge Townhome Improvements.

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

NAYS: None.

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

RESOLUTION 15-13

Markland stated this resolution would impose an administrative fee for the collection of property taxes. This fee is currently imposed on the winter taxes and has been for many years. This resolution authorizes the administrative fee for summer taxes. The fee is 1% of the tax levy and would generate about \$27,000 in additional revenue for the General Fund.

McDermott asked what additional costs has the City incurred, that hadn't been previously incurred that requires the collection of an administrative fee. Markland stated no additional costs have been incurred, rather this fee would cover the City's costs to collect taxes, which has been paid for by the General Fund.

Osborn asked what other communities levy this fee. Markland responded he hasn't done a survey of other communities but stated it is common practice in most municipalities.

Lockwood asked if a public hearing would be required because the fee is an increase. Schultz responded no, this is a fee and not a tax.

A motion was made by Bland and seconded by Grossmeyer to approve Resolution No. 15-13, a resolution to impose a Property Tax Administration Fee.

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

NAYS: None.

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

RESOLUTION 15-14

Burns stated at the February work session, parking for the Cornerstone Building was discussed and tabled as the City Council requested a parking consultant review the proposed parking plan to see if it was the most suitable plan. At the time, Council discussed leasing parking spaces to Corlin Builders for them to distribute to their tenants. The proposal was to lease twenty three parking spaces for residents, three fifteen-minute parking spaces for The Rough Draught and two spots for Sawyer Jewelers. This would be completed by an agreement with the property association, who would oversee the parking. The City would issue permits and signs would be installed. Burns noted the fifteen-minute parking spaces for The Rough Draught would only be designated fifteen-minute spaces from 5AM-11AM. After that, the spaces are available for any use.

Burns stated he spoke with Bill Surna from Carl Walker Parking Consultants to review the proposal. Mr. Surna informed him the proposal, as developed by City Administration and Corlin Builders was a good one but indicated when a parking agreement is drafted, that the agreement state the Association is to enforce parking rules. His concern was that while parking is designated

for tenants, they will not use the designated spots and find parking closer to the building, which would create less parking as the parking for non-tenants is now being used by tenants.

Burns stated there was discussion about what signs would be placed to designate reserved spots. He provided pictures of signs similar to those used by the City of Ferndale, which are low to the ground but visible to a driver parking a vehicle and feels this is the best way to address concerns with signage.

A one year agreement with Corlin Builders was proposed and after one year, to review the status of this leased spaced program. An amount of \$100 per space was agreed upon, for a total of \$2300. This money would be used to pay for the reserved parking signs and Corlin has agreed to pay any additional costs. An additional concern that was not originally considered was the recent purchase of 132 N. Leroy and the potential for future development. An agreement has been made between City Administration and Corlin that the leased spaces will be moved if that development begins within the next year.

Burns stated Corlin has been made aware of the concerns of the parking consultant and has assured the City they will strictly enforce the parking as developed between them and the City. A resolution has been drafted by the City Attorney to address the proposed parking lease. He is recommending approval of the resolution and stated revisions are needed to address the potential redevelopment of 132 N. Leroy.

Ghassan Saab of Corlin Builders commented the biggest concern of potential tenants is parking. He doesn't see the building being as successful if parking is not provided for tenants and stated he is losing reservations for the residential units due to the parking issue.

Lockwood asked what the agreement was between Corlin and potential residential tenants. Mr. Saab responded prospective tenants were told there may be a potential lease agreement with the City to provide twenty three spots. A number of people put money down as a deposit then check the status of the parking issue a few months later and when told nothing has been put into place, they back out. Lockwood clarified that potential residents were never guaranteed a spot. Mr. Saab responded that is correct.

Markland stated if Council were to approve the resolution the plan is to put in short, black decorative posts to match the outdoor furniture that will be placed as part of the Streetscape project and to install as few signs as possible.

Osborn asked if each vehicle will have a sticker to match the parking sign. Burns stated he plans to order decals specifically for that purpose. Bland suggested looking at placards instead of decals.

King asked how other communities handle parking. Markland responded different communities handle it different ways and it really depends on the community and the specific development.

Mr. Saab stated the homeowners association would monitor the parking situation and one option may be to have a contractual agreement with a local towing company.

McDermott asked how to prevent tenants from parking in non-designated spots. Mr. Saab stated people would have to be on their honor as he doesn't know how to stop someone from parking in a non-designated spot. Markland stated tenants have to understand that the best way for the building to be successful is if everyone follows the rules.

Grossmeyer commented he had these same concerns when this was previously discussed and is glad to see the lease agreement is only for a year to see how well the program worked. He would like the signs to be temporary, and not drilled into the concrete, in case the signs aren't needed a year from now. He asked if the signs could be placed in the landscaping as opposed to

the concrete and still be visible. Czarnecki stated there are concrete blocks the signs can be placed on.

David Goldstein of RE/MAX Platinum commented he represents a potential buyer of a residential unit in the Cornerstone Building and stated parking is an issue. He feels anyone investing money in one of the residential units will want a guaranteed parking space and encouraged Council to approve a parking agreement. He also stated because more than twenty five percent of the Cornerstone Building is commercial, the condo units are not available for any government backed mortgages.

Lockwood stated she would like to see something in writing from the parking consultant if the City paid to get a recommendation. Burns responded the City was not charged. Lockwood stated she thinks it's a good idea to have on record that the City talked to a parking consultant.

A motion was made by Bland and seconded by McDermott to approve Resolution No. 15-14, to lease twenty three parking spaces to Corlin Builders for tenants at the Cornerstone Building at a lease rate of \$100 per parking space.

Grossmeyer asked if anything needed to be modified in the resolution regarding the potential redevelopment of 132 N. Leroy. Schultz responded those items can be incorporated into the lease when it is put together.

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

NAYS: None.

ABSENT: None. Motion carried by a roll call vote

PROPERTY AND LIABILITY INSURANCE RENEWAL

Burns stated the Property and Liability insurance renewal would begin July 1, 2015 and costs \$132,674, which is an increase of \$2,258. The increase is due to an increase in premium and the addition of two vehicles to the policy. If the City renews their policy, it will receive a dividend of \$17,813 and he is recommending renewing the policy with the Michigan Municipal League.

A motion was made by McDermott and seconded by Grossmeyer to renew the property and liability insurance contract to the Michigan Municipal League at a cost not to exceed \$132,674.00. Motion carried by a voice vote.

FULL MATRIX MESSAGE BOARD

Czarnecki stated with the current construction project there is a need to put out additional notification to motorists. He would like to utilize a full sized changeable message board to inform motorists of the construction project and possible detours. A remote programmable full matrix message board would allow the City to place the sign before the construction zone and inform motorists of upcoming work.

Czarnecki stated he looked at renting vs. purchasing a message board. The rental cost is \$6000 per board for the construction season. To purchase a message board the cost is \$17,130 and stated two boards are needed to inform motorists approaching from the east and west through the construction area. He stated with the upcoming Silver Lake Road Bridge replacement scheduled for 2016, the boards will be used again and by purchasing the boards, they can be used by other departments and City events as needed. He also stated if private festivals or events, or neighboring communities would like to use them, the City could charge a fee to do so. He is recommending purchasing two boards.

Osborn asked if this was budgeted for. Czarnecki responded no, but there are funds available in the Equipment Fund.

Lockwood asked if this could be paid for out of the DDA Marketing budget. Markland responded he is not sure that is an appropriate expenditure as the boards may be used for other projects and an equipment rental rate will be charged to projects such as the Streetscape and Silver Lake Road Bridge projects.

A motion was made by Bland and seconded by McDermott to approve the quote from Poco, Inc. dated May 12, 2015 for the purchase of two Wanco NTCIP Full Matrix Message Boards with modem for a total cost of \$34,260.00.

CALL TO THE AUDIENCE – None.

CLOSED SESSION

A motion was made by Osborn and seconded by Lockwood to enter into a closed session at the request of the Executive Director to consider the confidential trade secrets and financial information pursuant to Section 13(1)9f) of the FOIA and Section 8(h) of the Open Meetings Act.

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

NAYS: None.

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

Council recessed to Closed Session at 8:22 PM

Council reconvened to Open Session at 8:56 PM

Meeting was adjourned at 8:57 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: June 8, 2015