

## **CITY OF FENTON COUNCIL PROCEEDINGS**

**Tuesday, May 27, 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 reminded everyone Saturday is the Community Planting Day and those interested in volunteering should be at City Hall by 9 a.m. She commented she will be attending a FANG meeting this Thursday at 10:00 a.m.

### **CITY MANAGER'S REPORT**

Markland commented the construction at the Community Center is ongoing and so far, there have been no issues.

### **COUNCIL MEMBER COMMENTS**

Jacob commented the Shiawassee River Clean-up is scheduled for June 28<sup>th</sup> and will start at Bush Park and continue to the highway. Typically it is the 3<sup>rd</sup> weekend in June but was moved back a week this year to accommodate other river clean-ups and festivals in the area.

Grossmeyer commented the Chamber of Commerce moved into their new office today. He stated the Planning Commission has started the process to update the Master Plan.

Lockwood congratulated Fenton High School seniors and stated their graduation ceremony is this Sunday. She stated Southern Lakes Parks & Recreation has a meeting scheduled tomorrow morning. She thanked the Beautification Commission for their work, and Gerych's for their guidance and help with the Community Planting Day. She provided an update on the non-motorized bike trail meeting that was held at the County last week. She commented the Parks Board approved the use of Silver Lake Park for the Ski Show during the Freedom Festival and that there will be no charge to anyone using the park that night.

McDermott stated he attended the Memorial Day parade and the ceremony held at Oakwood Cemetery and commented the cemetery looked beautiful.

King commented she attended the Memorial Day parade and spoke on behalf of the City at the VFW ceremony and stated the ceremony was very moving. She commented the Loose Senior Center fundraiser is scheduled for October 18<sup>th</sup>. She stated she will be planting at the Museum on the Community Planting Day. She commented the City's Building and Zoning Administrator Brad Hissong is retiring and wished him well.

## **LEGAL COUNSEL REPORT**

Schultz commented he will have drafts of the anti-discrimination, food truck and possibly the therapy animal ordinances ready for the next work session. He has communicated with Administration on the proposed amendments to the Whispering Pines master deed. He stated the resolutions regarding Sunday liquor sales were sent to the Michigan Liquor Control Commission.

## **CITIZEN COMMENTS**

None.

## **CONSENT AGENDA**

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$183,381.20.
- Approve and place on file the minutes of the April 8, 2014 Parks and Recreation Board meeting, the April 15, 2014 Downtown Development Authority Meeting, the April 24, 2014 Planning Commission meeting, the April 28, 2014 and May 12, 2014 City Council meetings and the May 5, 2014 and May 14, 2014 City Council work sessions.
- Approve request to close First Street between Oak and Lemen Streets on Saturday, June 28, 2014 from 1:00 PM to 6:00 PM.
- Approve a request from the Fenton Fourth of July Freedom Festival Committee to conduct the annual Fenton Fourth of July Freedom Festival, which requires use of various City parks as well as street closures to conduct the Freedom Festival Parade and the Firecracker Road Race.
- Approve a fireworks display permit for Zambelli Fireworks Mfg. for a display to be held July 4, 2014 for the Fenton Freedom Festival.

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

NAYS: None.

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

## **DOWNTOWN DEVELOPMENT AUTHORITY (DDA) PUBLIC HEARING**

Burns stated the Tax Increment Financing (TIF) Plan currently expires in 2030. Over the past few years the DDA has completed several projects, but many projects remain. Due to current and upcoming debt service and the many investments made in the past few years, the remaining projects will not be completed when the DDA is scheduled to expire. Council is being asked to extend the plan from 2030 to 2040. Burns stated the DDA approved a resolution at their April meeting to request City Council to extend the DDA TIF Plan from 2030 to 2040.

Osborn opened the public hearing at 7:44 p.m.

Brian Udell, Manager of Silver Lake Car Wash, asked for an explanation of what is being asked for tonight.

Burns responded what is being asked for tonight is to extend the current TIF plan from 2030 to 2040. Schultz commented under the statute that applies to DDAs, there has to be a plan

with various development activities and initiatives set forth. If the DDA feels there isn't enough time to accomplish those activities and initiatives, the DDA can ask for an extension to allow more time to complete projects that are laid out in the plan. He stated the extension does not increase anyone's taxes, but reallocates taxes between the DDA and the City and other taxing entities so the DDA can achieve their goals.

Osborn closed the public hearing at 7:46 p.m.

### **ORDINANCE NO. 678**

A motion was made by Jacob and seconded by Grossmeyer to adopt Ordinance No. 678, an Ordinance to approve an amendment to the City of Fenton Downtown Development Authority's Development and Tax Increment Financing Plan. Motion carried by a voice vote.

### **LOCAL DEVELOPMENT FINANCE AUTHORITY (LDFA) PUBLIC HEARING**

Burns stated in the approved fiscal year 2014 budget, both the City Council and LDFA approved in their budgets a revenue share of \$171,000 from the LDFA Fund to the General Fund. Before the transfer occurs, a formal agreement between the City Council and LDFA, along with a resolution, must be approved and both are presented tonight for consideration. Burns stated the LDFA took the necessary steps to approve the agreement at their April meeting.

Osborn opened the public hearing at 7:48 p.m.

Osborn closed the public hearing at 7:49 p.m. due to lack of comment.

### **RESOLUTION NO. 14-13**

A motion was made by Lockwood and seconded by McDermott to approve Resolution No. 14-13, which amends the Local Development Finance Authority Resolution.

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

NAYS: None.

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

### **LOCAL DEVELOPMENT FINANCE AUTHORITY REVENUE SHARING AGREEMENT**

A motion was made by Grossmeyer and seconded by McDermott to approve the proposed revenue sharing agreement for \$171,000 from the Local Development Finance Authority to the City of Fenton General Fund for Fiscal Year 2014. Motion carried by a voice vote.

### **SILVER LAKE SKI CLUB (SLSC) AGREEMENT**

Czarnecki stated the SLSC performs their water ski shows on Silver Lake just off-shore from Silver Lake Park. In the past, the SLSC received permission from the City to utilize a small portion of Silver Lake Park for storage of their equipment and as their home base for show practices and performances. The Club wishes to continue using the park in the same manner. In order to utilize the park, the City and SLSC have an "Agreement for Use" that needs approval. The proposed agreement is the same as years past and SLSC has submitted insurance information and a schedule of performances. Czarnecki stated the Parks Board approved the agreement at their May 13, 2014 meeting. Czarnecki further stated the SLSC helped put out the

boundary ropes for the swim area and have helped with painting and general clean-up in the past and are good stewards of the area.

Sean Affrica representing SLSC thanked the Council for allowing use of the park and updated Council on the Club's activities.

A motion was made by McDermott and seconded by Bland to approve the Agreement for Use of Silver Lake Park between the City of Fenton and the Silver Lake Ski Club and authorize the Mayor and City Clerk to sign the agreement. Motion carried by a voice vote.

### **SALE OF PROPERTY TO HABITAT FOR HUMANITY**

Markland stated the City obtained the property at 703 E. Main Street through the Neighborhood Stabilization Program (NSP). The property can only be sold to someone who meets the qualifications of the NSP. Genesee County Planning suggested selling the property to Habitat for Humanity. Details of the home to be built were provided in the Council packet and he recommends Council approve the sale of the property to Habitat for Humanity.

King asked if the concerns brought up at prior meetings regarding the size and look of the house have been addressed. Margaret Kato, Executive Director of Genesee County Habitat for Humanity, responded the construction supervisor for Habitat for Humanity met with Building and Zoning Administrator Brad Hissong to make sure the proposed house met both the requirements of the lot and Habitat for Humanity guidelines. King confirmed the property will not be tax exempt. Ms. Kato responded the people moving in are buying the home from Habitat for Humanity, they will obtain a mortgage and will pay the taxes.

A motion was made by Bland and seconded by McDermott to approve the sale of 703 E. Main Street to Habitat for Humanity for \$1. Motion carried by a voice vote.

### **CALL TO THE AUDIENCE**

Dawn Overmyer, 826 Southwood Drive, commented regarding the ongoing drainage problems in her neighborhood stating her basement flooded during the recent rainfall and requested Council fix the broken drain in her subdivision. She stated every time rain water comes up over the sidewalks, she gets water in her basement. Council discussed what could be done to help alleviate the problem, including making the storm sewer bigger, which would involve engineering costs, or cleaning out the existing drains; the DPW can use cameras to see if the storm sewers need to be cleaned. Overmyer commented when new roads are put in, the infrastructure needs to be redone as it is no longer doing what it is supposed to do. The City Manager will discuss this with the D.P.W. Director and will follow up with Mrs. Overmyer.

### **CLOSED SESSION**

A motion was made by Osborn and seconded by Lockwood to enter into Closed Session to review the City Manager's performance evaluation and reconvene to Open Session.

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

NAYS: None.

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

Council recessed to Closed Session at 8:18 p.m.

Council reconvened to Open Session at 9:08 p.m.

A motion was made by Lockwood and seconded by McDermott to approve the City Manager's evaluation at 4.71 out of a possible 5, congratulate him for the work he has done and approve a raise consistent with other City employees effective July 1. Motion carried by a voice vote.

Meeting was adjourned at 9:10 PM.

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Mayor Sue Osborn

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City Clerk, Renee Wilson

Date approved: June 9, 2014