

CITY OF FENTON COUNCIL PROCEEDINGS

**Monday, June 9, 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 commented she attended the Local Development Finance Authority (LDFA) breakfast last Wednesday where the study done by the University of Michigan was presented and the event went well.

CITY MANAGER'S REPORT

Markland commented the D.P.W. has been through the entire City picking up brush from December's ice storm. Brush being picked up now will be collected as part of the normal brush pick up schedule. He commented the street striping is almost completed.

COUNCIL MEMBER COMMENTS

Jacob commented the street striping looks good. He commented the Shiawassee River Clean-up is scheduled for June 28th and asked for volunteers.

Grossmeyer commented he attended the Genesee County Small Cities and Villages meeting and they asked for the City to appoint an alternate to the Board. He stated there is a FARR Board meeting tomorrow where strategic planning will be discussed.

Lockwood thanked the Beautification Commission and Gerych's for their help with the Community Planting Day. She commented there is no Land Bank meeting this month. She stated the Holiday Decorating Committee will start work in July and the Freedom Festival Committee meeting has been moved to next Wednesday.

King thanked the Beautification Commission for their work. She commented she also attended the LDFA breakfast and it was very informative and she is looking forward to working with the businesses in the LDFA area.

LEGAL COUNSEL REPORT

Schultz commented a draft of the Medical Marijuana ordinance will be ready for review at the next work session. He has also been working with the Assistant City Manager on an RFP. Osborn asked about the Food Truck ordinance. Schultz responded the Food Truck, and Therapy Animal ordinances will be forthcoming.

CITIZEN COMMENTS

Patrice Martin, Sheila Barr, Marie Tino, Lindsey Fielding and Mark Hamel asked to speak regarding Ordinance 679.

STUDENT PRESENTATION REGARDING BANNING THE USE OF CELL PHONES WHILE DRIVING

Winston Stoody, Social Studies Teacher at St. John's Middle School, commented every year, students participate in the Project Citizen program and they are here to present their project tonight. He thanked City Council for their ongoing support. Several students addressed Council on why using cell phones while driving should be banned within the City of Fenton and presented accident statistics along with the results of a student survey to support their point. Council thanked the students for their presentation.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$113,151.41.
- Approve and place on file the minutes of the April 16, 2014 Beautification Commission meeting, the May 15, 2014 City Council Work Session and the May 27, 2014 City Council meeting.
- Approve a peddler's license for Joshua Franzen.
- Approve request from Southern Lakes Parks and Recreation along with organizers from the "Back to the Bricks" event to conduct the "Back to the Bricks Tune-Up Event" on August 7, 2014 from 3:00 p.m. to 8:30 p.m. requiring the closure of South Leroy Street from Silver Lake Road to West Shiawassee.
- Appoint Pat Lockwood, Cheryl King, Jon Gerych, Steve West, Dee Dickens, Dawn Overmyer, Les Beare, Steven Melchor and Dan Czarnecki to the 2014 Holiday Decorating Committee.

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

NAYS: None.

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

ORDINANCE NO. 679

Schultz commented there is currently no state or federal law that addresses discrimination based on sexual orientation or gender identity. He stated a number of cities and states have adopted state law, or local ordinances, that prohibits all forms of discrimination including those listed in state and federal law, as well as discrimination based on sexual orientation or gender identity. The ordinance presented tonight tracks ordinances adopted by a number of cities with respect to protected classifications and adds sexual orientation and gender identity to that list. Where the ordinance differs from state and federal law is the enforcement mechanism, it doesn't create a basis for private lawsuits but provides a mediation process through the City Manager's office. If that does not adequately address a claim of discrimination, the matter would be referred to the City Attorney's office. He noted that if state or federal law covers the matters set forth in the ordinance, those laws are controlling and the City ordinance does not apply.

Patrice Martin, 208 First Street, thanked Council for addressing this issue. She stated this is about neighbors and colleagues who want the same chances as everyone else and encouraged Council to pass the ordinance.

Marie Tino, 604 South Leroy Street, urged the Council to pass the ordinance, stating the ordinance is needed and thanked Council for considering this issue.

Sheila Barr, 8304 Pleasant View Court, Goodrich, candidate for State Representative - 51st District, thanked the Council for considering the ordinance and commented she thinks it will help the lesbian, gay, bisexual and transgender (LGBT) community and will also help promote diversity and inclusion for all people that are looked at as different.

Lindsey Fielding, 201 East Elizabeth Street, commented she is against this ordinance and stated it is not anyone's business what goes on in someone's home and doesn't feel an employer should know an employee's sexual orientation. She commented she is a Christian and follows the Bible and feels this ordinance tells her she has to go against her faith. She thinks this Ordinance will cause division and doesn't think because other communities have passed laws, means the City has to.

Mark Hamel, 717 West Shiawassee, commented the Ordinance only addresses discrimination and is not about changing anyone's religion or view on marriage. He stated the LGBT community is the only group in America that can legally be discriminated against. He thanked Council for considering the ordinance.

Beverly Gray, 201 East Elizabeth, Apt. #301, commented she feels seniors are discriminated against and informed the Council of issues at Millpond Manor regarding problems with parking, noise and nearby churches that begin mowing lawns at a very early hour. She thanked Council for listening to her issues. Administration was directed to follow up.

Jacob thanked Council, Administration and the City Attorney for moving quickly on this issue. He thinks this issue is important and is not taking anything away from anybody while adding protection to a group of individuals that everyone else already enjoys.

King feels this is a civil rights situation and stated the ordinance deals with discrimination and has nothing to do with religion and feels everyone should have the same rights.

McDermott commented it is great to see the City moving forward and thanked Councilman Jacob for bringing this topic to the Council's attention.

Bland stated he wanted to let the Council know he had several phone calls today from individuals not wanting Council to vote on this ordinance tonight. He stated he is not in favor of not voting on the ordinance tonight, but wanted to make Council aware of the calls he received.

A motion was made by Jacob and seconded by McDermott to adopt Ordinance No. 679 - an Ordinance to amend the City of Fenton Code, to add Chapter 15 Human Rights to secure the public health, safety and general welfare of the residents and property owners of the City of Fenton by regulating discrimination based on race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation or gender identity, to provide a civil fine for the occurrence of such discriminatory acts, and to repeal all ordinances or parts thereof in conflict therewith. Motion was carried by a voice vote.

PATROL VEHICLE PURCHASE

Aro commented he is requesting approval to purchase and equip for service two 2015 Chevrolet 2WD, pursuit rated Tahoes at a cost not to exceed \$37,500 each, which includes the cost of the vehicle and emergency equipment. He stated the vehicles have not been available for purchase since early 2013 so the Police Department has not been able to obtain a replacement

vehicle for the current fiscal year until now. He was informed that inventory at dealers will no longer be maintained and the vehicles must be ordered. The purchase of both vehicles will complete the 2013-2014 and 2014-2015 fiscal year budget requests.

King asked if a warranty is included and what would be done with the vehicles being replaced. Aro responded they get the same warranty as any other Chevrolet and the current vehicles will be sold.

A motion was made by Lockwood and seconded by McDermott to purchase, and equip for service, two 2015 Chevrolet 2WD Tahoes, at a cost not to exceed \$37,500 each. Motion carried by a voice vote.

COMMUNITY CENTER ELEVATOR BID

Burns stated at the March 20, 2014 joint meeting of the City Council, Downtown Development Authority and the Fenton Community Center Board of Governors, the City Council approved all bids for all tasks presented, as recommended by Construction Manager Kevin Johnson of Rhodes and Johnson, to proceed with construction of the Community Center expansion. Great Lakes Elevator was awarded the bid to install the elevator, but the Council did not award each task specifically, rather all that were presented. He further stated since the elevator is being awarded funds from the Community Development Block Program (CDBG) in the amount of \$68,585, the Genesee County Metropolitan Planning Commission is requiring the City Council take specific action on the elevator to have CDBG funds allocated.

A motion was made by Bland and seconded by McDermott to award the Fenton Community Center Elevator bid to Great Lakes Elevator at a cost not to exceed \$69,900. Motion carried by a voice vote.

ACTUARIAL VALUATION OF THE CITY OF FENTON RETIREE HEALTH CARE PLAN

Markland stated the City is required by the Governmental Accounting Standards Board (GASB) to have an actuarial valuation of the retiree health care benefits every three years. The valuation must be in compliance with GASB Statement No. 45. The City Treasurer has solicited the costs for the actuarial from Gabriel, Roeder, Smith & Company. The cost to provide this service is \$9,500, which is a 20% discount. Markland noted this would be the third valuation they have done for the City.

A motion was made by Jacob and seconded by Grossmeyer to approve the proposal from Gabriel, Roeder, Smith & Company to prepare an Actuarial Valuation of the City of Fenton Retiree Health Care Plan at a cost of \$9,500. Motion carried by a voice vote.

AMENDMENTS TO NATIONWIDE RETIREMENT PLAN

Markland stated the City offers self-funded retirement plans through Public Act 457 which is deferred compensation employees elect to participate in through payroll deduction. Some employees in the Nationwide program have requested they be able to borrow from their plan and have a Roth IRA account, which is designed for after tax contributions. He commented this was discussed at last week's work session and he is recommending approval of adding loan and Roth IRA account options to the Nationwide plan.

A motion was made by McDermott and seconded by King to approve the Roth Contribution Amendment to the Deferred Compensation Plan for Public Employees 457

Governmental Plan and Trust and authorize the City Manager to execute the necessary documents. Motion carried by a voice vote.

A motion was made by McDermott and seconded by Bland to approve the Deferred Compensation Program Participant Loan Administrative Procedures and authorize the City Manager to execute the necessary documents. Motion carried by a voice vote.

CDBG FUNDING TRANSFER

Burns stated this item was discussed at last week's work session and pertains to the City's CDBG public service funds. The City receives \$4,035 each year. Administration is requesting that \$1,257 of that funding which was to be used for the FARR Needs Assessment Study be transferred to the Loose Center for their operations. He commented this transfer does not negatively impact funding for either the Loose Center or the Needs Assessment Study.

King commented she will bring up the concerns discussed at the work session to the Loose Board and stated money go towards programs and thinks it may have been misstated that money goes towards salaries. Lockwood commented she thinks the money is used for operations, not necessarily programs. King commented the money is supposed to go towards programs and she will check into it.

A motion was made by Bland and seconded by Grossmeyer to transfer \$1,257 of current year CDBG public service funds from the FARR Needs Assessment Study to Loose Senior Center Operations. Motion carried by a voice vote.

SET PUBLIC HEARING DATE FOR DDA REVENUE SHARING AGREEMENT

A motion was made by Osborn and seconded by King to set a Public Hearing for Monday, July 14, 2014 at 7:30 p.m. to accept public comments on the proposed Revenue Sharing Agreement for \$350,000 from the Downtown Development Authority to the City of Fenton General Fund for Fiscal Year 2015. Motion carried by a voice vote.

APPOINT ALTERNATE TO GENESEE COUNTY SMALL CITIES AND VILLAGES ASSOCIATION

A motion was made Osborn and seconded by King to nominate Councilwoman Lockwood as the alternate to the Genesee County Small Villages and Cities Association. Motion carried by a voice vote.

CALL TO THE AUDIENCE

Justin Sprague, 15200 Silver Parkway, stated he has seen a lot of positive changes in the City since he moved here in 2005 and thanked the Council for their work.

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 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 8:25 p.m.
Council reconvened to Open Session at 8:36 p.m.

Meeting was adjourned at 8:37 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: July 14, 2014