

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, September 14, 2015
City Hall Council Chambers
301 South LeRoy Street

Mayor Sue Osborn called the meeting to order at 7:32 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; Mike Burns, Assistant City Manager; Dan Czarnecki, Director of Public Works; Steve Guy, Water Plant Supervisor; Mike Reilly, Building and Zoning Administrator and Stephen Schultz, Legal Counsel.

MAYOR'S COMMENTS – Osborn commented last week's public meeting regarding the new solid waste and recycling program went well. She stated there was a Board of Governors Oversight Committee meeting last week and the work at the Community Center is complete except for a few touch-up projects.

CITY MANAGER'S REPORT

Markland commented on the following:

- The LDFFA has agreed the island on Fenway Drive needs to be re-landscaped and a new sign installed. There is an item on tonight's agenda to approve renaming the industrial park.
- Gave an update on the Streetscape project.
- The demolition of the Seminary is scheduled to begin September 21st.

COUNCIL MEMBER COMMENTS

Grossmeyer gave an update on the F.A.R.R. reorganization.

Lockwood extended condolences to the family of Ron Wagner, who was a founding member of the Loose Senior Center. She gave a Beautification Commission update. She commented there has been interest in establishing a local Arts and Cultural Commission and she would like to discuss this at an upcoming work session.

McDermott commented Applefest is this upcoming weekend. He stated the Parks Board is creating their top 5 priorities and asked if anyone has any items they want the Board to look at, to let him know.

King commented on the passing of Ron Wagner stating she served on the Loose Board with him for many years and he was a great person. She is glad to see that LED lighting will be used in the downtown area and would like to see it used throughout the City.

Bland stated he thinks last week's public meeting to explain the new solid waste program went well.

LEGAL COUNSEL REPORT – Schultz commented he has been busy working on various development projects throughout the City. He gave an update on an ongoing code violation issue with a property of Shiawassee Avenue stating there was another court date this past Friday and the court ordered the property owner to pay court costs and fines. The property owner was given thirty days to bring the property into compliance or the City is authorized to take compliance action on behalf of the property owner, bill the property owner for the work and if the bill remains unpaid, place those amounts on the tax roll.

CITIZEN COMMENTS – None.

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

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

- Authorize payment of invoices in the amount of \$169,663.68.
- Approve and place on file the minutes of the July 9, 2015 Local Development Finance Authority meeting, the July 23, 2015 Planning Commission meeting, the August 11, 2015 Parks and Recreation Board meeting and the August 24, 2015 City Council meeting.
- Approve the request from the Knights of Columbus Council #7418 to solicit money during the annual “Tootsie Roll” Drive.
- Appoint Nicholas Tanton to a vacant term on the Parks & Recreation Board expiring January 1, 2016.

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

NAYS: None.

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

PUBLIC HEARING

Osborn stated the Council will hold a public hearing to consider establishing a Commercial Redevelopment District on the property commonly known as 234 N. Leroy. After the public hearing, Council will consider action on Resolution 15-21 to establish the District.

Burns commented Skypointe Ventures has asked the City to consider a Commercial Redevelopment Act abatement for restoration of the Fenton Bean Company as Red Fox Outfitters. This abatement is allowed under Public Act 255 of 1978 to encourage the replacement, restoration and new construction of commercial property by abating the property taxes generated from the new investment for a period of up to 12 years. Since this would be a restored facility, the additional school operating tax and state education tax would be exempt on the new investment; land and personal property cannot be abated under this Act.

Burns commented the City has never provided this type of abatement, but the project is eligible under state statute and differs from an Industrial Facility Tax Credit (IFTTC) in the sense that besides a different type of business and use, the abatement is 100% on the new investment whereas an IFTTC is a 50% abatement on new investment.

Burns further commented the district must be formed before the applicant can submit a request for abatement. If the district is approved the next step is for the applicant to submit paperwork for the abatement, which is planned for the October 12th Council meeting. The

abatement must be approved and all paperwork must be completed and submitted to the Michigan Department of Treasury by October 31, 2015.

Burn stated the City may want to consider developing a policy regarding Commercial Redevelopment Districts as the City may receive requests in the future for this type of abatement. This will restrain the potential to gain additional tax revenue from future projects for a possible twelve year period. In this instance, Skypointe Ventures is building a municipal parking lot adjacent to the site.

Bland asked what length of time the abatement will be for. Burns responded action taken tonight is just to form the District. The abatement period will be addressed at a subsequent Council meeting.

Osborn opened the Public Hearing at 7:52 PM.

Osborn closed the Public Hearing at 7:53 PM due to lack of comment.

RESOLUTION 15-21

A motion was made by McDermott and seconded by Jacob to approve Resolution 15-21, which establishes Commercial Redevelopment District No. 1 for restoration of the Fenton Bean Company by Red Fox Outfitters.

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

NAYS: None.

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

RESOLUTION 15-22

Burns stated this was discussed at the last work session and Council was supportive of moving forward with a name change. At that meeting, the question was asked if the word 'industrial' must be in the park name since the Park is certified through the State of Michigan. Burns confirmed with the Michigan Economic Development Association that the name change will not affect the Park's status as a Certified Michigan Business Park.

Osborn commented she has spoken to Nick Popa and he supports the name change.

A motion was made by Lockwood and seconded by King to approve Resolution 15-22, which renames the Fenton US-23 Industrial Park to Fenton Business and Technology Park.

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

NAYS: None.

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

ZONING ORDINANCE TEXT AMENDMENTS

Reilly commented the proposed amendments will allow for administrative approval for outdoor seating for restaurants and cafes. Previously, such approvals were granted by the Planning Commission.

A motion was made by Grossmeyer and seconded by Bland to approve amendments to the Zoning Ordinance to allow for administrative approval of outdoor seating for restaurants and cafes. Motion carried by a voice vote.

REPUBLIC SERVICES CONTRACT AMENDMENT

Markland stated City Council agreed to use cart service for solid waste and recycling collection. Republic Services has provided an amendment to the current contract that Council needs to approve so the carts can be ordered. He stated the size of the carts will generally be sixty-five gallons but there will be a combination of sizes, which is reflected in the contract.

McDermott commented at last week's public meeting the contract prices were mentioned. He stated it is not until the fifth year of the contract will the cost exceed the baseline cost in effect today.

Grossmeyer referred to line 4 in section 4.6 of the contract and stated he thinks it should read 32-gallon can instead of 30-gallon can.

A motion was made by Bland and seconded by McDermott to approve the First Amendment to the Solid Waste Agreement between the City of Fenton and Republic Services of Flint and authorize the City Manager to execute the Amendment. Motion carried by a voice vote.

REPAIRS TO WELL #8

Guy commented well #8 is equipped with a variable frequency drive unit (VFD) which allows the pump to operate at varying speeds. He stated well #8 is unique and serves as the back up to supply the distribution system if the water plant becomes disabled. The original VFD has become inoperable and needs to be replaced as parts are not available for the existing VFD. He stated Peerless Midwest recently overhauled well #5 and they have given a price of \$12,965 to perform the work needed on well #8 and he is recommending approval of the proposal submitted by Peerless Midwest to install a new VFD in well #8.

A motion was made by Bland and seconded by King to authorize Peerless Midwest to replace the Variable Frequency Drive in well #8 at a cost not to exceed \$12,965.00. Motion carried by a voice vote.

WATER TREATMENT PLANT ROOF WARRANTY

Guy stated when the plant was built in 2004, a membrane rubber roof made by Firestone was installed. The roof warranty recently ran out and the roof is in need of repairs. He stated the Royal Roofing Company is a Firestone roofing contractor and they have submitted a proposal to extend the warranty for five years. Part of this program will include two semi-annual inspections and minor repairs are covered as part of the program. An inspection was recently completed and repairs in the amount of \$1,675 are needed. He is recommending approval of the repairs and enrolling in the total guard extra warranty program. He is also recommending Royal Roofing Company be authorized to perform the roofguard program and commented the replacement cost of the roof is \$130,589.76.

Bland commented the water plant is a \$7 million facility that is twelve years old and will start needing more and more repairs. He thanked Steve Guy for finding a solution to keep costs down and still perform needed maintenance.

Markland thanked Steve Guy for his work on this issue and for work he has done on other water plant issues that have saved the City a substantial amount of money.

A motion was made by Bland and seconded by Jacob to authorize the roof repairs at the water treatment plant in the amount of \$1,675.00, enroll in the total guard extra warranty program at a cost of \$380.00 and authorize Royal Roofing Company to perform the roofguard program at a cost of \$1,400.00 per year for the next five years. Motion carried by a voice vote.

CALL TO THE AUDIENCE – None.

Meeting was adjourned at 8:08 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: September 28, 2015