

**CITY OF FENTON COUNCIL PROCEEDINGS**  
**WORK SESSION**  
**Monday, March 6, 2006**  
**City Hall Conference Room**  
**301 South Leroy Street**

Meeting was called to order at 7:30 by Mayor Osborn.

Present: Angeluski, Hammond, King, Moffitt, North, Osborn.

Absent: Rauch (excused).

Others Present: Michael Senyko, City Manager; Christopher Wren, Assistant City Manager; Brent Morgan, Economic Development Director; Les Bland, DPW Director.

**OLD FIRE HALL RESTRICTIVE COVENANTS**

Senyko provided a memo outlining what the Council direction has been in regards to the potential uses of the Old Fire Hall building. The most prevalent suggestion was restaurant use. He went on to explain that only a three year lease is allowed by City Charter. Further, all restaurants which were contacted preferred to either own the property or obtain a long-term lease. In order to hold a long-term lease, the City must sell the property to the Downtown Development Authority which would then be required to abide by the proposed restrictive covenants.

Schultz reviewed the proposed restrictive covenants, noting that when property is sold, the seller loses effective control unless they place on the property restrictive covenants. He noted that this agreement will be legally binding and will run with the land forever. He then reviewed the permitted and also prohibited uses and restrictions set forth in the document. The document will be recorded so that a title search would reveal the deed restrictions.

North inquired about the possibility of breaking the covenants. Schultz explained there is a legal clause which restricts setting them for too long a period. This document is written for only twenty years and will renew continually each ten years.

Hammond asked if the City could buy back the property if the DDA decided to sell. Adkison assured Council that the DDA has given no consideration to selling the property, but there can be a "right of first refusal" clause written into the document. Adkison also stated that if the DDA is dissolved, the council would step into the DDA role at that point, and the City Charter would not come into play at that time.

King stated she would like to see something written in the covenants preserving the fire tower clock.

Osborn asked if there would be any effect on potential mortgages or loans. Adkison didn't see a problem.

North asked why the DDA was only looking at restaurant use for the building. Senyko explained that the most favorable comments have been for that use and it seems to make sense for the area. He also noted that the document states "any other use approved in writing by the City of

Fenton”, which gives the Council full control over the use of the property.

Angeluski suggested a public survey for use ideas.

Hammond stated that the Projects Committee and DDA need direction on what they feel the use should be. He suggested authorizing RFP’s to see what response is received regarding restaurant use.

Moffit expressed concerns over the Methodist Church being so close to a facility serving alcohol. He felt it was important to keep them informed and bring them into discussions regarding potential development. Senyko stated it is against the church doctrine to support any business with a liquor license, however, they would have the choice as to whether or not to oppose it. Stiles noted that DDA member Brent Williams is a member of the church and has spoken with pastor. Schultz pointed out it is the liquor commission which has the control to approve the license. He recommended getting the covenants in place, see what interest is there and then see what the reactions are from the Methodist Church.

Angeluski reminded Council that the purpose of this meeting was to give the DDA some direction. Senyko sensed the direction from Council was to proceed. He assured Council that contacts will be numerous with the church throughout the process.

North expressed concerns over loss of control of the building upon the sale to the DDA. Schultz pointed out that the property is part of the Downtown PUD plan, and the City has complete control over what happens to the property. Stiles also noted that the DDA is part of the City.

Council directed Senyko to proceed with the restrictive covenant process; including wording to protect the clock and give the City “first right of refusal”.

## **FY 2007 LOCAL STREET PROGRAM**

Senyko provided Council with a spreadsheet of the proposed 2007 local street projects in order of importance. He noted that streets left over from FY06 were placed first on the list. The FY 2007 project list includes Barnes, Second, Thurber, Center, Third, Fourth, Lemen, Sixth and East Streets. These are the ten worst streets or sections of streets in the city. One adjustment they would like to make administratively is based on the bids to be able to get the most paving done for the money which might involved taking some streets out of order. Bland reviewed the cost of each street repair, noting the figures are very tentative. Bland also recommended making East Street a priority in order to provide all new paving from the southern city limits to Caroline Street. MSO, last years contractor, is offering to do this year’s program for less per square yard than last year. Council directed management to address as many streets as possible for the budgeted \$250,000 and place any remaining streets on the top of next year’s list.

North asked when her portion of Elizabeth Street would be paved. Senyko informed her it is not on the list yet.

## **CITY COUNCIL GOALS**

Senyko provided a chart from Lynn Harvey which was based on Council’s comments and requested goals from the last goal setting session and retreat. He noted there were a couple items

which would require Charter revisions. He also stated that some of the Council goals could not be addressed without direction from the Council. Osborn felt there is a need for an additional meeting to discuss the list. The suggestion was made to bottle Fenton water and sell it to supplement the water fund. Hammond stated he would like to see a followup list at the end of six months to check on the progress of the goals. He also suggested making the list an ongoing process and cover one item at each meeting. Moffitt suggested that all members prioritize the goals list and discuss it at the next meeting.

### **CULTURAL CENTER**

Senyko had nothing to report at this time. Osborn reported on her attendance at a dinner and play to benefit the cultural center.

### **OTHER**

Osborn asked about interest in attending the MML Legislative Conference on March 22<sup>nd</sup> in Lansing. All council members except North will attend.

King inquired about the new code enforcement officer. She also reminded Senyko to notify residents and businesses when Torrey Road will be closed. Senyko stated bids have been received, however MDOT has not yet chosen a contractor. As soon as the information is available, it will get to the residents and businesses through the newspaper.

Moffitt asked if the nuisances referred to in the restrictive covenants were given in City ordinances Senyko informed him that they were.

Meeting was adjourned at 9:38.

---

Sue Osborn, Mayor

---

Melinda Carrier, City Clerk