

**CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS****Monday, May 5, 2014****City Hall Conference Room****301 South LeRoy Street****7:30 PM**

Mayor Sue Osborn called the meeting to order at 7:30 PM.

Present: Bland, Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn.  
Absent: None.  
Others Present: Lynn Markland, City Manager and Mike Burns, Assistant City Manager.

**CITIZENS COMMENTS**

Mark Hamel, Ward Lindsay, Marie Tino, Sara Tino and Mike Green asked to speak on the Proposed Non-Discrimination Ordinance. Renee Remelard and Tony Elias asked to speak on the Sunday Morning Liquor Sales agenda item.

**FOOD TRUCKS DISCUSSION**

Schultz stated this was discussed last October and believes it was referred to the Planning Commission. Osborn stated since the last time Council addressed this, information has been gathered from the Michigan Municipal League and the National League of Cities. She thinks a special meeting should be held to address this or that it be brought to the June work session. She stated she has a problem with the competition food trucks pose to the brick and mortar restaurants in town. Grossmeyer commented when he checked with area restaurants, it was about a 50/50 split of who was in favor of, and who was opposed to, food trucks.

King commented she would like to see information from other communities that have ordinances in place. Lockwood stated it really varies from community to community. She stated it was previously discussed about holding a food truck event and she would like that conversation to continue at a future meeting. Bland commented the fee issue also needs to be addressed. Jacob agreed a special meeting is needed and is in favor of the trucks being restricted to a specific area in town.

A special work session meeting was scheduled for Thursday, May 15, 2014 at 6:00 p.m. to discuss this topic more in-depth and address issues such as permit fees, distance from festivals and City sponsored events and in what areas of the City to potentially allow food trucks. Information will be forwarded to Council for review prior to the meeting.

**LIBRARY UPDATE**

Burns stated a few months ago City Council approved George Ananich of H2A Architects to complete a conceptual design for a possible library expansion to include a handicap accessible restroom and elevator.

Mr. Ananich reviewed conceptual drawings and the costs involved with the proposed upgrades to the Library. The current elevator is not compliant with current codes and the restrooms on the first floor do not meet current barrier free requirements. One of the options presented was a proposed addition to the back of the building which would include a new, enclosed stairway outside the existing building, the addition of a new elevator compliant with current codes and to replace the existing restrooms. Floor space would be gained by removing

the existing staircase and restrooms and relocating them to the new addition. He stated the current first floor restrooms could be modified to bring them up to code.

Osborn asked what the cost of the addition would be. Mr. Ananich reviewed the cost projection he prepared which indicates a total cost \$382,780.00 for the expansion. He stated one of the issues is that the most expensive components of the building (elevator and restrooms) would be replaced, which is about \$100,000 of the projected cost. Osborn clarified this total doesn't include carpet, painting, etc. Burns responded that cost is just for the expansion. Two quotes were provided to refurbish the existing building. One quote for \$91,220 would cover items such as carpet, paint, light demolition work to reconfigure the existing structure, etc. Another quote for \$58,440 would be for items like furniture and shelving and electrical upgrades. Approximately \$180,000 is needed for renovations to the existing building and the expansion would be an additional \$380,000. He stated if changes aren't made to the existing structure, it does not have to be brought up to current code (the building was grandfathered).

Markland clarified this is not coming to Council as a recommendation. It is the result of a study that the City Council asked for. Consensus was to move forward with renovating the existing building and to hold off on an expansion at this time and to look at possible Community Development Block Grant Funds or other grant monies to help with the cost of the expansion in the future.

#### **PROPOSED NON-DISCRIMINATION ORDINANCE**

Jacob stated he has been contacted by constituents regarding this issue, especially after the City of Linden passed an ordinance. He stated non-discrimination laws at the state and federal level leave some gaps and certain groups are not protected. He would like to see that gap filled and for the proposed ordinance to cover areas such as employment, housing and services rendered to the public. The proposed ordinance would not just cover the lesbian, gay, bisexual and transgender (LGBT) community, who are not protected under current laws, but would also cover groups already protected by state and federal laws.

Osborn asked who would enforce the ordinance. Jacob responded he is looking for violations to be handled as a civil infraction. He commented thirty two municipalities in the state have this type of ordinance. He has spoken to East Lansing about enforcement and doesn't think the ordinance will have the negative effect that some people fear.

Bland commented he doesn't have a problem with an ordinance, but does have a problem with blanket ordinances that cover items that he doesn't know if they are a large scale problem within the City.

King commented sometimes in bedroom communities people don't speak up. She would like to get more information regarding a proposed ordinance and she supports equal rights for everyone.

Grossmeyer stated he is glad to see movement at the State level on this issue and thinks it really needs to be addressed at that level but is also in support of a local ordinance.

McDermott commented he feels it is worthwhile for the City to say it doesn't allow people to discriminate. If an Ordinance is put in place, his only question is how to make people understand the City will enforce the ordinance. He would like to know the options for enforcement, and how other communities have handled enforcement.

Mark Hamel stated he asked the Chamber of Commerce to speak to their Board strictly from a business perspective. He first talked to their Executive Board, and then to the Chamber's full Board and informed them there are discrimination laws that encompass race, sex, disability,

etc. but do not encompass the LGBT community. He informed them the City Council was taking up the issue of a non-discrimination ordinance and asked for their endorsement of the ordinance. He referenced an editorial in the Detroit Free Press that indicated gay marriage and gay and lesbian laws are critical to revitalizing the economy as the top 10% of college graduates from the top universities want to go to a City that does not discriminate against people. He wants the Council to pass the Ordinance to say to the community the City does not discriminate. He read a letter from the Fenton Regional Chamber of Commerce Board of Directors in support of the proposed ordinance.

Ward Lindsey commented there is movement at the state level to amend the Elliot-Larsen Civil Rights Act, but currently in the State of Michigan, no state laws protect the LGBT community from discrimination. He commented as of February 2014, thirty two communities in Michigan have ordinances in place that protect the LGBT community from discrimination. He further commented adopting an ordinance would demonstrate to the State there is support at the local level to address this issue. He thinks passing an ordinance would be more symbolic than anything, to show that Fenton is an inclusive community that welcomes everyone.

Marie Tino spoke in favor of the proposed ordinance. She owns a house in the Dibbleville area with her wife and commented for the most part area businesses have been great and people have been accepting but she has a child about to start pre-school and she is concerned how the schools will handle a bullying situation. She commented many people don't think this type of discrimination happens in this area, but it does. She shared a story of discrimination at a former place of employment and stated she hopes the Council sees the importance of the ordinance.

Sara Tino read a letter from Reverend Josh Hoover of St. Jude's Episcopal Church in favor of the proposed ordinance.

Mike Green, president of the local Fenton chapter of Parents, Family and Friends of Lesbians and Gays (PFLAG), thanked the Council for making Fenton a great place to work and live and thanked them for addressing this issue. He stated PFLAG is a great education resource and is the nation's largest family ally organization. The organization's goal is to support, educate and advocate for the LGBT community. Mr. Green stated the Fenton PFLAG chapter supports the proposed anti-discrimination ordinance. He feels adopting the ordinance sends a message of equality and inclusion. He spoke to Jay Kaplan of the ACLU who has worked on a number of anti-discrimination ordinances already in place and Mr. Kaplan indicated he is willing to help write an ordinance. Regarding the issue of enforceability, Mr. Green stated Mr. Kaplan indicated to him there are different methods of enforcement including a local human rights committee to decide action or a private right of action which is filed in district court.

Jacob stated individuals he talked to shared stories of discrimination. He is not saying it is a huge problem in Fenton, but the City has a chance to take a step forward and he has heard nothing but support for the proposed ordinance.

Bland commented he is not against the ordinance but wants to see what the ordinance says, make sure it addresses the issues discussed tonight and how it will be enforced before he votes on it. Osborn commented it is important that Council talk with the City Attorney to address issues such as enforcement, costs involved, how long it would take to draft an ordinance, etc.

Schultz commented all of the information presented by the public tonight is correct. In addition to the municipalities within the state that have adopted ordinances, there are seventeen states and the District of Columbia that have state, or municipal, wide laws that prohibit

discrimination on the basis of sexual orientation or gender identity and four other states have adopted laws that prohibit discrimination on the basis of sexual orientation. In 2009 the federal law dealing with hate crimes was amended to include hate crimes based on sexual orientation or gender identity. He commented there are a lot of items to take into consideration such as mode of enforcement, fine schedule, etc. when drafting an ordinance and he needs direction from Council on how to proceed.

King commented she feels this should move forward and would like to see ordinances from other municipalities within the state and find out how they've dealt with ordinance violations.

Osborn asked the Attorney to look into the human rights committee that was mentioned earlier; to see what other municipalities have done and if they've been challenged. Schultz commented he has a call in to the Attorney for the City of Ann Arbor to see what their experience has been with administration of their ordinance.

Lockwood commented constituents have approached Council and asked them to support the issue of making a statement that the Council does not abide any type of discrimination and feels the entire Council supports that but that Council has to go through due diligence in researching and creating an ordinance and she would like to see this move forward as quickly as possible. She feels there needs to be a law at the state level that will give backing to local communities so there is consistency amongst municipalities across the state.

Elaine Hamel commented she thinks this will be beneficial to young people that are bullied in the schools; that it will be helpful for them to know there is a law to protect them.

Council fully supported moving ahead with the ordinance; more information is needed in regards to enforcement issues, fine schedule, how other municipalities have handled challenges to the ordinance, etc. Attorney Schultz will gather information and work with Council members to create a draft ordinance to address all the concerns discussed tonight and will provide a draft to Council as soon as possible.

## **SUNDAY MORNING LIQUOR SALES**

Schultz commented if the City Council decides to change their policy on Sunday morning liquor sales, the issue of on-premises and off-premises sales needs to be addressed separately.

Lockwood commented all the communities surrounding the City allow Sunday morning sales. She has talked to owners of local businesses that sell packaged liquor and their issue is the amount of dollars that are sent to other communities and feels it's an injustice to local business owners and would like to hear from them what the economic impact has been. She would like to move this issue forward and allow Sunday morning sales.

Grossmeyer agreed with Lockwood regarding the impact on local businesses by not allowing Sunday morning sales and commented it's also an inconvenience to people that visit the City and he is in favor of allowing Sunday morning sales.

Tony Elias representing Locke's Party Shoppe, 1228 N. Leroy, commented four years ago not allowing Sunday morning was not a problem but now it really hurts his business as people know to go outside the City to purchase alcohol.

Lockwood asked for approximate figures of how much revenue is lost. Mr. Elias responded about \$1000-\$1200 each Sunday.

Renee Remalard representing Matt & Terry's Market, 2459 North Road, commented she worked most Sundays last summer and sent away at least fifteen customers every Sunday and that on average, visitors to the lake spend about \$50 each transaction and those transactions

include snack, pop and deli items and an estimated \$35,000-\$40,000 in sales per year are sent outside of the City. She thinks it would be good for their business and the community if Sunday morning sales are allowed. Jill Remelard commented sales are also lost when people that live on the lake purchase items for entertaining guests. In addition to liquor, they purchase other items and when they find out they cannot purchase alcohol, they do not purchase any items so sales for those items are going to surrounding communities as well.

Jacob commented he spoke to another local business who indicated they lose about \$1000 in sales on Sunday, not including items other than alcohol that may be purchased. He commented a representative from VG's indicated an annual loss of sales of over \$100,000 and that they were supposed to attend tonight's meeting but had a scheduling conflict

Mark Hamel representing The Laundry commented that from a restaurant perspective, the ban also affects them because alcohol cannot be served at Sunday brunch and it really impacts business on Sunday holidays.

Schultz commented the resolution in place now that does not allow Sunday liquor sales before noon would need to be repealed if the Council wants to allow sales on Sunday mornings.

McDermott asked if morning sales are allowed, does the City get a permit or license fee. Schultz commented permitting is done at the State level and those businesses interested in selling on Sunday mornings apply directly to the State.

Bland commented he is against Sunday morning liquor sales and he will not vote in favor of allowing them when this comes to the Council for action.

King commented she previously voted against allowing Sunday morning sales as she was concerned with drinking and driving and people consuming alcohol on boats but those issues are not for Council to scrutinize. When the Council previously addressed this issue, representatives from Walden's spoke against allowing morning sales. She stated this is a difficult issue and in talking to local businesses and with the comments made tonight, she did not know businesses were losing so much money.

Schultz will prepare three resolutions for Council's consideration - one to address beer and wine sales, one for sales and consumption on-premises and one for sales and consumption off-premises.

## **MOSQUITO CONTROL PROGRAM**

Tami Seago, owner of APM Mosquito Control, commented she would like to extend the current contract until the end of June. There is approximately \$2800 under the current contract to spend and she would like to use that money to perform larviciding within the City. She would like any potential future contracts to run the fiscal year (July 1 – June 30) and commented prices in their proposal for the coming year were not raised.

Brian Gramer with APM Mosquito Control provided Council with an overview of the mosquito control program in place within the City.

Consensus was to place this on the next City Council agenda for action.

## **COUNCIL MEMBER COMMENTS**

King reminded all to vote in tomorrow's election.

Lockwood commented the recycling survey is done and results will be forwarded to Council once all the information has been compiled.

**CALL TO THE AUDIENCE** – Doug Tebo, 409 Bent Oak, commented regarding Sunday morning liquor sales stating he worked 3<sup>rd</sup> shift for a number of years and thinks allowing morning sales will benefit those that work that shift as a lot of times their dinner is before noon.

Meeting was adjourned at 9:55 P.M.

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Mayor Sue Osborn

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City Clerk, Renee Wilson

Date approved:        May 27, 2014