

CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS

Monday, May 6, 2013

City Hall Council Chambers

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

Present: Bland, Jacob, King, Lockwood, Osborn, Piacentini, Smith.

Absent: None.

Others Present: Lynn Markland, City Manager; Michael Burns, Rick Aro, Police Chief; Assistant City Manager; Daniel Czarnecki, Director of Public Works; Brad Hissong, Zoning Administrator.

CITIZENS COMMENTS – None.

PRESENTATION BY STUDENTS FROM ST. JOHN'S SCHOOL ON A SMOKING BAN OUTSIDE ALL BUILDINGS IN THE CITY OF FENTON

Students from St. John's School addressed the Council concerning creating a smoking ban outside of all buildings in the City. The students reported that there is a really problem with second hand smoke and it presents the dangers of sickness and disease to those who do not smoke. The students want to propose a policy to ban smoking within 20 feet of any public entry in the City. The students stated that the advantage of creating the ban would be better health for the residents and cleaner city. The students further stated that the City should be concerned with public health, safety, and welfare and added that it is a Constitutional right to breathe clean air. Osborn stated that the Council will have to research this matter and discuss it further, possibly at the June Work Session. Osborn requested that Lockwood gather further information on this topic. Lockwood stated that local ordinances could address this matter legally but enforcement could be very troublesome.

PRESENTATION BY UNION JOINTS CONCERNING RENOVATIONS TO THE PUMP HOUSE

Burns reviewed that Union Joints addressed the Council in December about renovating the old Pump House to operate as a business in conjunction with the Old Fire Hall. Since that time, Curt Catallo and Anne Stevenson have approached the City formally to make a proposal to purchase the building and begin renovation.

Catallo stated that he feels that opening the Pump House for business could be a great asset to the community as an ancillary business of the Old Fire Hall and he would like to rehabilitate the Old Pump House to operate as a custard stand. Catallo further stated that this is an opportune time to renovate the building due to the construction already occurring on the Old Fire Hall. Catallo stated that the investment of \$116,000 would mostly be completed on the interior of the building with very few changes to the exterior. Burns stated that the proposed agreement is for a five-year lease to own agreement just like the Old Fire Hall with no other incentives being offered. Lockwood stated that this appears to be a great project and a great addition to the Downtown, although, she would like to see consideration be brought back to the Council if a change in ownership or use of the Pump House occurs.

Bland stated that this is a great project and proposal. Smith stated that he is thankful that Union Joints are so interested in bringing their vision to the City of Fenton. Markland stated that he will begin the process of having an agreement drafted.

DISCUSSION ON A PAVEMENT MAINTENANCE PLAN FOR THE CITY OF FENTON

Czarnecki reviewed that the Council has previously shown interest in developing a pavement maintenance plan for the City of Fenton to address the condition of the City streets. Czarnecki further

stated that it is important to have a clearly defined plan to provide a course of action to proceed with improvements. Czarnecki added that upon the City's submission of a developed plan to the State of Michigan, it will allow the City to maximize the funds given to the City through Act 51 monies, enabling the City to transfer 100% of the funding to local streets instead of the current 50%. Czarnecki stated that the best course of action is to fix what roads can be saved before addressing what has to be replaced. Osborn stated that she has wanted to see this type of plan developed for a while. Lockwood stated that she is very supportive of this plan. Czarnecki stated that he would like to bring a draft of the new plan to the June Work Session. Bland stated that he is very excited about this and the City needs to get moving on it.

King stated that the residents may be willing to partner with the City on this issue in order to get some improvements accomplished. Bland stated that people need to know that this plan will come to fruition if they vote to approve a millage for this. Osborn commended the administration for what has been accomplished with the City streets thus far.

VEHICLE REPLACEMENT FOR THE POLICE DEPARTMENT

Aro addressed the Council to request authorization to purchase a new unmarked Impala to be used as the Chief's vehicle. Aro further explained that the current vehicle that the new one would replace is approaching 125,000 miles and the end of its service life. Aro added that repairs will begin to become costly for the current vehicle. Markland stated that purchasing a new vehicle in this fiscal year would make more sense as there is money in the equipment fund available to make the acquisition. Osborn confirmed that the car will be unmarked so no additional equipment will be needed.

Smith confirmed that the Police Department has already purchased one vehicle this year and is scheduled to purchase a new Tahoe for patrol in the next fiscal year. King questioned if the old car could be used as a back-up rather than selling it outright. Aro stated that the car is not in great condition. Bland stated that keeping old vehicles is pointless and the City should get rid of it. Osborn suggested addressing this issue at the next meeting.

REZONING OF PROPERTY LOCATED AT 1111 AND 1117 POPLAR STREET

Hissong stated that a developer has approached the City and requested a change in zoning for the properties located at 1111 and 1117 Poplar Street to change designations from High Density residential to Office Service District. Hissong further stated that it is in the City's master plan to make this zoning change. Hissong reported that this request has already been reviewed and approved by the Planning Commission. Lockwood stated that this would be a great addition to this area. Hissong stated that it would be a good transition point in that particular area. Bland and Piacentini were both in favor of the change. Osborn stated that the Council will have to set a public hearing on the matter for June 10, 2013.

AMENDMENTS TO THE ZONING ORDINANCE CONCERNING PET BOARDING FACILITIES

Hissong stated that he has been approached by a business owner to open a pet facility in the City. Hissong stated that the facility is not designed as a kennel but more as a place for daily care of animals. Hissong stated that the City's current ordinances will have to be changed in order to allow for this type of use in an Industrial District.

Lockwood confirmed that this would be set up as a Special Land Use and could be used as a kennel on occasion. Lockwood confirmed that there would be a controlled process in place to let the dogs be outside. Hissong stated that he has visited the owner's other facility and found it to be very clean and well run. Hissong noted that through the Special Land Use permit process the use would be attached to the business and not the property. Jacob stated that he is very supportive of this.

Heidi McAra, the applicant and owner of Paw Palace, stated that she worked with Grand Blanc Township on getting approval for this use as well. McAra stated that there have been many changes in the way that care is provided for animals and added that the animals would not be outside the facility

unsupervised. Lockwood questioned what percentage of pets are kept overnight versus daily. McAra stated that that portion of the business is very seasonal so it just depends on the timing. Lockwood confirmed that the hours of operation would be from 7:00 AM to 7:00 PM. Markland noted that this change would be for all industrial zones and not just for the industrial park. McAra thanked the Council for their consideration of her request.

REZONING OF LASCO FORD PROPERTY

Hissong stated that Lasco Ford would like to rezone their parking lot in order to have the ability to sell cars from it. Carmine Avantini explained that the applicant would like to develop the parcel as a Planned Unit of Development in that area in order to provide more control of the property as a whole.

Avantini stated that the plan is a great tool to look at the future and develop a plan for the property. Avantini stated that the proposal has been reviewed by the City's traffic engineers and it has been decided that the applicant will close the existing drive on the east side. Avantini stated that, after the Planning Commission's review of the proposal, it was determined that there will be little or no impact on the neighbors since the plan has been revised. Lockwood questioned how the Commission responded to complaints from Mr. O'Brien. Smith stated that the Commission found that the O'Brien property has some things of their own to fix. Smith stated that he does not like the idea of removing trees, however, it is zoned as a commercial site. Osborn stated that the Council will set a public hearing for this matter at the next meeting.

SPECIAL ASSESSMENT DISTRICT REQUEST FROM EAGLE AT THE WATERS EDGE HOMEOWNERS ASSOCIATION

Czarnecki stated that he was approached by the Homeowners Association for the eagle at the Waters Edge Townhomes in order to create a Special Assessment District to complete the last course of pavement on their private roads that was left unfinished by the developer. Czarnecki stated that this petition was brought before the Council in 2011 as well; however, it did not come to fruition. Czarnecki further stated that ownership of many of the homes has changed since that time so new petitions have been submitted. The Association would like to move forward with this process again.

Ray Sault, a resident in the association, stated that the roads are in very bad shape. Markland added that the existing pavement is still just the base coat. Bland confirmed that this request is just for the Townhome portion of the development. Bland stated that this endeavor should not be pieced together and added that the entire development should be completed at one time. Bland suggested that they contact the other associations and see what kind of collaboration can be accomplished. Sault expressed his concern about continuing to wait because the roads will continue to deteriorate. Lockwood confirmed that the residents plan to pay an \$800 assessment per year for a period of eight years in order to pay the estimated \$350,000 price of the project. Lockwood confirmed that the City is not responsible for the vacant properties in the development as they are undeveloped at this time. Sault expressed that the association is trying to accomplish this project without funding from the City. Lockwood stated that this is a beautiful area and it should be maintained. Council agreed to consider the progression of the Special Assessment process for this area.

COUNCIL MEMBER COMMENTS

King stated that people need to start cleaning up after their pets because it is becoming a big problem.

Hissong stated that this can be addressed through the nuisance ordinance. Bland stated that this matter is a question of the ability to enforce it.

Smith stated that the Fenton Community Orchestra held a performance and it was a great show. Lockwood added that it is a goal of the Fenton Community and Cultural Center to encourage this type of activity in the future. Lockwood thanked the Council for giving time to the students at St. John's to consider their ideas. Lockwood stated that the state law regarding distance allowed for smoked away from front doors is

silent but a local ordinance could set a real limit. Lockwood stated that the question has merit and deserves some research.

King stated that the Loose Center will be breaking ground for their new building at 11:00 AM on May 9, 2013.

CALL TO THE AUDIENCE – None.

Meeting adjourned at 9:20 PM.

Mayor Sue Osborn

City Clerk, Jennifer Naismith