

**CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS**  
**Monday, October 7, 2013**  
**City Hall Conference Room**  
**301 South LeRoy Street**  
**7:30 PM**

Mayor Sue Osborn called the meeting to order at 7:32 PM.

Present: Bland, Grossmeyer, Jacob, King, Osborn, Smith.  
Absent: Lockwood (Excused).  
Others Present: Lynn Markland, City Manager; Stephen Schultz, Legal Counsel; Rick Aro, Police Chief; Daniel Czarnecki, Director of Public Works

**CITIZENS COMMENTS**

None.

**REGULATION OF FOOD TRUCKS**

Markland stated the City has received a couple of applications for food truck permits and this is an ongoing request. The Council requested this item be placed on the agenda. Administration is looking for direction on how to proceed with this issue and to give the City Attorney enough direction to prepare an ordinance for the Council to consider.

Schultz stated the City's ordinances were adopted prior to the food truck trend where vendors are preparing food on site in the vehicle and selling to the public. There are a wide range of regulations related to this issue including the number of vendors allowed in a community, where they can park, private and public property regulations, etc. Traverse City charges an annual fee of \$1295 and two trucks are allowed within the city limits each year and there are designated areas in the city the trucks are allowed. Other municipalities have less restrictive ordinances that encourage food trucks and hold food truck events that attract thousands of people. He stated the first issue is determining what the City is attempting to regulate in terms of the nature of the use. Does the City want a different level/type of regulations for push carts and ice cream trucks and mobile food vendors selling made to order foods.

Bland stated there currently are food trucks that go to industrial areas that sell soups, sandwiches, pop, etc., and asked if they would fall under these regulations.

Jacob stated trucks that go to industrial areas have been invited onto private property. He asked if there could be a distinction between those vendors and those that sell on public streets.

Smith stated food trucks that go to industrial areas sell mostly premade goods and thinks those vendors, and those that do preparation on-site, are two totally different types of vendors.

Schultz responded if they are to be regulated differently; the City will have to draw that distinction. If a distinction is drawn between different vendor types, there has to be a rational basis to do so.

Schultz reviewed his memorandum dated October 7, 2013 that discusses regulations regarding mobile food vendors.

- Who does the City want to regulate?
  - Applicability
  - Goods available for sale.
- Where does the City want to regulate such vendors?

- Location
- Distance
- Private Property
- How does the City want to regulate such vendors?
  - Duration
  - Site Amenities
  - Parking
  - Congregation
  - Power Source
  - Lighting/Signage/Noise
- How can the City enforce its regulations?
  - Permit
  - Permit Display
  - Cap on Permits
  - Fees
  - County or State Licensure
  - Local Compliance
  - Investigation/Background Check
  - Insurance
  - Non-Transferability
  - Complaints/Violations
  - Revocation

Schultz stated the reaction of communities runs the gamut from not wanting it in the community to those that want to utilize it to enhance the community. He is looking for guidance from Council on the direction they want to go in reviewing the ordinance.

Osborn stated this is a lot of information to digest and she would like an opportunity for the Council to review the information provided tonight and come back with suggestions.

King stated the Council needs to look at how to address the trash and debris that may be left behind and agreed this is a lot to look at and thinks the Council should not rush into making a decision.

Consensus was to schedule a special work session for Monday, October 21, 2013 at 6:00 p.m. to further discuss this topic.

### **EAGLE ON THE WATERS EDGE SPECIAL ASSESSMENT DISTRICT**

Markland stated the Homeowners Association for this development approached the City about creating a Special Assessment District to finish paving the roads in the development that never had the finishing coat of asphalt installed. They have circulated petitions to start the Special Assessment District process and the District would be made up of property owners in the Association. The petitions were submitted to the City and the Clerk and Assessor reviewed them to make sure they comply with the requirements of the City's ordinance and they do. To commence the Special Assessment District, the Council has to approve a resolution directing the City Manager to prepare a report of the improvements that includes necessary plans, profiles, specifications, estimate of costs, estimate of the life of the improvement, a description of the assessment district and such other pertinent information. He stated this is on the agenda tonight to discuss the merits of the City Council approving a Special Assessment District for improvements to a private road. He discussed this issue with the City Attorney who

recommended the City follow this process. If the Council wishes to proceed, administration will prepare a resolution as required for the Council to consider.

Schultz stated the City's charter and ordinance allows the City to use the Special Assessment District for private roads and property but the petition is not mandatory on the Council and it is the Council's decision whether they want to proceed. If so, the process is a seven step process.

Bland asked what the upfront and paving costs would be and where would the funds come from.

Markland responded engineering fees would be the upfront costs and would probably cost between \$30,000 and \$40,000. The paving costs are estimated at \$330,000 and that some type of debt would be issued for the Special Assessment District and the debt, and interest, would be paid by the assessment.

Denise Schniers, representing the Homeowner's Association (Your Peace of Mind) stated there are currently 82 units and the development will have 134 units when it's built out. She stated at this time, they are just requesting the Special Assessment District be charged against the 82 existing units for a ten year period.

Grossmeyer asked if the Association looked into getting a private loan. Denise Schniers responded they have but in order to secure a loan for \$330,000, they need to have \$330,000 in their reserve account and they don't.

Smith asked if the City is allowed to recoup any expenses. Markland responded all expenses would be recouped.

Schultz suggested creating an installment purchase agreement and stated the assessment becomes a lien against the property so the City has the ability to collect the City's costs on the taxes if necessary.

Consensus was to move this project forward. A resolution will be prepared for Council's consideration at the next City Council meeting.

## **POLICE DEPARTMENT STAFFING PROPOSAL**

Aro stated in his budget request for the current year, he asked for authorization to hire an additional part time dispatcher/records clerk. The police department is experiencing significant difficulty in maintaining competent part time employees to staff dispatch and feels a full time dispatcher would more adequately address the department's needs. He stated individuals who have the necessary training and experience are not interested in part time work which results in the department training inexperienced applicants who once trained, look for full time work elsewhere. The resulting staffing shortage causes overtime and the department is currently filling approximately twelve overtime shifts per month.

Aro further stated over the past three years there has been a significant increase in both the amount of Freedom of Information Act (FOIA) requests and the volume of information requested. Processing FOIA requests is currently a responsibility of the Dispatch Supervisor but when added to her dispatch and other administrative duties, can be overwhelming; the City is allowed to charge a reasonable fee for FOIA requests and dispatch generates approximately \$1,000 per month in PBT tests, basic FOIA requests, accident reports and the sale of drug test kits. He stated eliminating the overtime described above could result in a savings of up to \$31,000 and that, along with the above mentioned revenue sources, and the \$24,000 budgeted for the part time position, would come close to providing the funding necessary for a full time position.

Markland stated there is also money that was not budgeted this year that could be put towards funding the position.

Osborn asked if money spent on training can be recouped when an employee leaves. Schultz responded if the employee is in the bargaining unit, it would have to be bargained. If not, a policy can be put into place to require an employee to repay training expenses. The problem is with the expense involved trying to recoup the costs. If this is pursued in small claims court and it is removed to district court, the City would incur attorney fees trying to recoup a \$3000-\$5000 expense.

Jacob stated if part time employees are looking for full time work, there would probably be a lesser occurrence of turnover if a full time position is approved and would also possibly cut down on training costs involved in continually training part time people.

Grossmeyer asked if the cost of benefits is built into the cost that is billed out for FOIA expenses.

Schultz stated if a part time employee does the work, there is no benefit cost. Actual out-of-pocket cost can be charged, but the fee structure will have to be amended to make it very clear to make sure the City can recoup their costs and this can only be done for charges over \$50.00.

Bland stated the money coming into general fund as revenue for FOIA will now be taken out of the general fund to pay for this full time employee.

Markland responded the money would still be in the general fund but elsewhere in the budget. If a full time employee is hired who handles FOIA requests, the amount of money coming into the City would increase because that person's benefits and salary will be charged for the request.

This will be placed on the next City Council agenda for action.

## **POLICE DEPARTMENT EQUIPMENT PURCHASE**

Aro stated he is requesting authorization to purchase or lease an updated in-car video system; the equipment used now is at least eleven years old. This project was discussed during the annual budget work session. At that time he proposed purchasing the equipment over a two year period due to the anticipated cost. He received quotes from two companies for complete systems that will outfit the department's five patrol cars. The quotes were as follows:

- Watch Guard \$50,180 3 year financing @ 4.5%
- L3 Communications \$45,840 3 year financing @ 6.75%

Both systems are used by police departments across the country and although the cost is higher, he is recommending the purchase of the Watch Guard system for the following reasons:

- The ability to record video 100% of the time the vehicle is in service
- Smaller camera with high definition video
- Ugraded voice recording.

Aro stated in-car video systems are an important tool in limiting the City's exposure to unwarranted civil claims. This equipment will significantly improve the City's ability to defend against such claims.

Bland asked if anything was budgeted this year for this purchase. Aro responded \$20,000 and said the equipment can be paid for over two or three years but will have to pay some interest if that's the route taken.

Smith asked if an officer comes back to the station during a shift, does the officer have to manually turn the system back on when they get a call to go back out.

Aro responded any video recorded to that point will automatically download to the server. If an officer leaves the car running, the camera will continually record until they get back in. If the officer turns the car off, then the camera will continue to record until the automatic turn off feature kicks in, which he thinks happens after about thirty minutes.

Grossmeyer asked how long the video is retained and asked if it will be stored at the Police Department or off-site.

Aro responded there will be a server at the Police Department and video will be retained for roughly thirty days. If it is video that may be needed at a later date, it will be marked and won't be destroyed. He is getting a separate quote on the server to see if it can be purchased at a cheaper price than purchasing from the vendor.

Markland asked if the cost includes installation. Aro responded yes and includes removal of the old equipment.

King stated she would like to see how much it would be to lease the equipment.

Bland stated money was budgeted this year but that an additional \$30,000 is needed. He stated he is not against this but asked that in the future, the entire cost of something be asked for at one time instead of coming back later in the year and asking for more money.

Markland stated the \$20,000 budgeted this year would cover the lease payments. And if the cost is spread over a two year period, the City wouldn't go over budget.

Osborn suggested leasing the equipment and paying it off next year.

This item will be placed on the next City Council agenda for action.

## **PURCHASE OF 112 MILL STREET**

Markland stated the property at 112 Mill Street is currently owned by FARR. The house was formerly used for a battered women's safe house. The house has not been used for that purpose for several years and FARR has been using the house for storage. The property has deteriorated mainly because of not being used. The City has considered purchasing the property through a CDBG grant. Once purchased, the City would use the remaining CDBG funds to demolish the house. The property has been appraised and the appraisal value is \$19,500 and FARR has agreed to sell the property for that amount. He is recommending the City Council approve the purchase of the house and property at 112 Mill Street.

A motion was made by Bland and seconded by Grossmeyer to approve the purchase of 112 Mill Street for \$19,500, monies to come from Community Development Block Grant funds and to authorize the Mayor and City Manager to execute all the necessary documents. Motion was carried by a voice vote.

## **COUNCIL MEMBER COMMENTS**

King stated there is a Loose Senior Center meeting Thursday and that work is moving along and hopes it is completed by Thanksgiving.

Bland commented the Lions Club raffle will take place October 24<sup>th</sup> and that the Chamber of Commerce is hosting a "Meet the Candidates" event tomorrow night.

**CALL TO THE AUDIENCE - None**

Meeting was adjourned at 9:10 P.M.

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Mayor Sue Osborn

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City Clerk, Renee Wilson

Date approved:        October 28, 2013