

CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS
Monday, December 1, 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 Rick Aro, Police Chief.

CITIZENS COMMENTS – None.

POLICE DEPARTMENT VEHICLE REPLACEMENT

Aro stated a detective's vehicle (car 498) was involved in an accident last week. No one was injured but car 498, a 2008 Chevrolet Impala, sustained approximately \$4,500 worth of damage and it does not make sense to pay for repairs due to the age of the vehicle along with the fact it has 160,000 miles on it. The insurance company was contacted and agreed to total the vehicle and reimburse the City approximately \$6,200-\$6,500. Aro stated he has started looking for replacement vehicles but he has not heard back from the Police Department's State bid representative so he does not know what that price will be for a replacement vehicle, but does know Impalas are no longer available through the State. Aro checked locally and got prices from Vic Canever on a Malibu and Impala but he is unable to compare that to a State bid. He would like the vehicle replaced as soon as possible once he has all the pertinent information to provide to Council.

Markland stated he plans to have prices for a replacement vehicle by next Monday and asked the Chief to come tonight to bring Council up to speed on the situation and would like this to be placed on Monday's agenda as a vehicle is needed as soon as possible.

Item will be placed on the next Council agenda for action.

PROPOSED FOOD TRUCK ORDINANCE

Markland stated this item has been in front of Council before. He discussed this with the City Attorney last week in an effort to bring the item to conclusion. The remaining questions are:

- The ordinance provides for three licenses. Does Council feel that number is adequate?
- Does Council want hours of operation different from those stated in section 23-48(i)?
- The ordinance calls for food trucks to be a minimum of 150 feet away from brick and mortar operations – does Council feel that is sufficient?
- A fee for the license is not set in the ordinance as it is done by resolution. Does the Council want to approve the resolution at the same time the ordinance is approved? If so, Council needs to set the fee amount.

Bland stated he does not have a problem with allowing three trucks or the hours of operation but doesn't think 150 feet way from brick and mortar operations is enough. He believes Council previously talked about a license fee in the \$200 range, which he thinks is adequate.

Grossmeyer stated he is in favor of a fee larger than \$200 and believes a fee of \$1200 was discussed and even though it's written into the ordinance for the vendor to take care of their own trash he thinks with the type of business it is, it will create more work for the D.P.W. to deal with spills, trash, etc. He thinks whatever fee is determined should be enough to cover the cost of additional work for the D.P.W. He is flexible on the distance from brick and mortar operations as he approached owners of brick and mortar restaurants to get their opinion on food trucks and it was a 50/50 split between those in favor of, and those opposed to, food trucks. He thinks a provision needs to be included to allow for one day events. He also stated it needs to be discussed whether licenses will be required for vendors at the Farmers Market. The Market only runs for about six weeks and he feels it would be cost prohibitive to require a vendor to buy an annual license when they will only be in the City for six days.

Bland stated he thinks a \$1200 fee is too extreme when it's unknown what the City's expenses will be, if any. Most of the trucks he has seen provide their own trash bags and receptacles.

Jacob stated he does not have an issue with allowing three trucks or the hours set forth in the ordinance. He is also ok with the 150 foot parameter from brick and mortar restaurants and feels any more may be too restrictive. He thinks a license fee of more than \$500 is excessive.

Lockwood stated she read a lot of ordinances from other municipalities and the impact food trucks have on existing businesses. She asked if an ordinance is passed and Council looks at it again in a year and decides it's not wanted, would individuals that have been granted a license be grandfathered in. She stated a few communities put an ordinance in place for a year and then voted on the issue again.

Markland stated it can be written into the ordinance to have the ordinance expire on a certain date unless Council takes further action.

King stated she does not think a 150 foot parameter from brick and mortar restaurants is enough. She would like vendors to clean up their own trash. She is concerned with the trucks taking up space during events such as Concerts in the Park. She likes the idea of requiring written permission for trucks to be on private property. She stated this is something new to the City and would like to make sure all issues are addressed. She is in favor of an ordinance being put in place on a trial basis and whatever fee is imposed needs to cover all the City's costs.

McDermott stated that "mobile vending facility" is defined in the ordinance and asked if the food trucks that service the industrial park that sell pre-prepared food and is not a truck that is designed to prepare and serve food on site, are exempt. Grossmeyer stated that is addressed in the Exemptions section of the ordinance (Sec. 23-47).

McDermott stated he is in favor of an expiration date for the Ordinance. He feels a 150 foot parameter from brick and mortar establishments is sufficient and by not allowing the trucks to operate within one block of events provides for more than a 150 foot barrier. He thinks \$150 license fee is adequate especially since the issue will be revisited when the ordinance expires and stated the City has the ability to revoke a license if a vendor does not comply with the ordinance. Other than establishing an amount for the license fee, he is comfortable with the ordinance.

Osborn stated she thinks a \$150 license fee is too low and feels the fee should cover administrative costs and suggested starting the fee at \$300. She likes the idea of an ordinance being enacted on a probationary basis so Council can revisit the issue and decide how they want to move forward.

Grossmeyer stated he thinks a license fee in the \$150-\$200 range is fine if the trucks were restricted to private property, with the permission of the property owner. If the trucks are allowed

on public property, he does not think a fee of \$1200 is too expensive as the City will basically be providing a parking space for a vendor to operate, but he will support Council if a lower amount is decided on.

McDermott stated the \$1200 fee is what Traverse City charges and they provide an area for the food trucks to operate which is not something Fenton would be doing. Vendors have to find space in a publicly available area to operate and he feels if a license fee is going to be in the \$1000+ range, then a specific area needs to be dedicated where licensed food trucks can set up operation.

Bland stated he is in favor of starting with a lower fee until its known what the City's costs are. He is also in favor of revisiting the ordinance in a year at which point the City's costs would be known.

Lockwood asked if there is no designated area specified in the ordinance, are food trucks allowed to operate anywhere other than areas restricted by the ordinance. Markland stated yes, unless Council designates an area for the food trucks to operate and to define that in the ordinance.

Lockwood questioned Section 23-48 (i) which allows for hours operation within residential areas. Osborn and King stated they do not think that should be in the ordinance.

Markland stated there may be a reason to allow the trucks in residential areas. For example, if a basketball tournament is taking place at one of the parks for the trucks to be close by, they would be in a residential area.

Osborn asked how the area around the baseball fields would be handled. McDermott stated there's no place to park on Donaldson Drive. Lockwood stated the Little League runs the concession stands and if they decided they wanted a food truck, they would have to give permission to the food truck vendor after permission was granted by the School Board to operate on school property.

King asked about Section 23-48 (l) which states a vendor cannot utilize electrical power without prior written authorization of the power customer and asked if that applies to the City's parking lots. Markland responded it is for anywhere in the City. A vendor cannot hook up to someone's electricity without written permission.

King stated any vendor she has seen has used a generator and there is a stipulation in the ordinance (Section 23-48 (n)) that does not allow generators. Clarification was asked for regarding this section. McDermott suggested contacting the City Attorney to have language added that clarifies the section applies to stand alone generators so the ordinance is clear as to what types of generators are allowed.

Consensus was to set the initial license fee at \$300 and to have the distance from brick and mortar establishments set at 150 feet.

Osborn asked if someone located a food truck 125 feet from a brick and mortar restaurant, how would that be determined and how would that situation be handled. Aro responded the Police Department has the capability of measuring distance down to the foot so it should not be an issue.

Osborn stated after a year it can be decided if Council wants to designate an area for food trucks or decide they are not wanted at all.

Lockwood asked if Section 23-48 (h) allows for a festival committee to charge a fee above and beyond the license fee already paid to the City to operate during an event and stated the 4th of July is unique in that it utilizes the entire City. Markland stated that is a question for the City Attorney.

McDermott suggested language be added specifically mentioning the 4th of July as a day that food trucks are not permitted (unless permission is granted by the event organizer) and not included as part of the license granted by the City.

McDermott asked how the vendor who sells hot dogs during the Farmer's Market would be addressed as there hasn't been an ordinance in place that would address this. Markland stated they are considered a vendor of the event.

Osborn asked if only three licenses are allowed, how the vendors will be chosen. First come, first serve or by lottery. Council was in favor of a first come, first serve basis but had concerns about having vendors serving the same type of food. Markland stated he will check with the City Attorney.

McDermott asked if the Ordinance is extended after a year, do vendors that already have a license have the right of first refusal. Osborn stated she would like to know how other communities handle that issue.

COMMUNITY ACCESS GRANT APPLICATION

Markland stated the Fenton, Lake Fenton and Linden school districts are applying for a FACT Consortium Grant in the amount of \$74,351.23 to expand their inventory and replace outdated equipment. The City's portion would be \$23,192.64

McDermott asked if this money is already budgeted. Markland responded the money is from PEG fees which are already in an account and can only be used for equipment and brick & mortar related to the public access channel.

Council was in support of the application and item will be placed on Monday's agenda for action.

COUNCIL MEMBER COMMENTS

King commented the holiday lights look nice.

Grossmeyer stated Dave Moreno from Vic Canever Chevrolet will be supplying the car for the Council to use during the parade.

Lockwood commented the Chamber of Commerce is looking for volunteers to help with the road race.

Council Members discussed the schedule of events for Jingle fest.

Markland stated the Seminary property, along with a property on Main Street will be reverting to the City this month unless Council passes a resolution not to accept it. He is looking into demolition costs for the Seminary.

CALL TO THE AUDIENCE – Doug Tebo, 409 Bent Oak, commented the Memory Tree is up and lit at Oakwood Cemetery. It is the sixth year a tree has been put up and the Cemetery gates will be open 24 hours for the month of December.

Meeting was adjourned at 8:50 P.M.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: January 12, 2015