



**Fenton  
Downtown  
Development  
Authority**

City of Fenton – Downtown Development Authority  
Board Meeting of Tuesday December 18, 2012  
6:00 p.m. – Council Chambers – City Hall

Call to Order

Roll Call

- 1) Director's Report
- 2) Financial Report
- 3) Consent Agenda
  - a) Accounts Payable – Authorize payment of bills in the amount of \$26,299.39.
  - b) Minutes of November 20, 2012

**CITIZEN COMMENTS:** If you wish to address any agenda item, please identify yourself and you will be called on when that item is reached. Comments on items not on the agenda may be made at the Call to the Audience.

- 4) Fire Hall Update
- 5) Amendments to Fire Hall Lease Purchase
- 6) Extension of Cornerstone Agreement with Mansour Realty
- 7) Public Art Agreement
- 8) Fenton Film Series
- 9) Call to the Audience

Upcoming meeting: January 15, 2013

CITY OF FENTON  
DOWNTOWN DEVELOPMENT AUTHORITY  
BALANCE SHEET  
12-Dec-12

ASSETS:	
CASH IN BANK	\$2,801,254
MISC RECEIVABLES	\$0
DUE FROM OTHER FUNDS	<u>\$20,643</u>
 TOTAL ASSETS	 <u><u>\$2,821,897</u></u>
LIABILITIES:	
ACCOUNTS PAYABLE	\$0
ACCRUED WAGES	\$0
DUE TO OTHER FUNDS	<u>\$41,058</u>
 TOTAL LIABILITIES	 \$41,058
FUND EQUITY:	
FUND BALANCE	<u>\$2,780,839</u>
 TOTAL LIABILITES AND EQUITY	 <u><u>\$2,821,897</u></u>

CITY OF FENTON  
DOWNTOWN DEVELOPMENT AUTHORITY  
STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCE  
12-Dec-12

	ORIGINAL BUDGET BUDGET	ADJUSTED REVENUE	YTD ACTUAL	PERCENT OF BUDGET	VARIANCE FRM BUDGET
<b>REVENUES:</b>					
TAX REVENUES	\$1,640,078	\$1,597,828	\$1,328,602	81.01%	(\$311,476)
REVENUE SHARING	(\$350,000)	(\$350,000)	(\$350,000)	100.00%	\$0
PREV YRS CHARGE BACKS.	(\$630,306)	(\$525,336)	\$0	0.00%	\$630,306
MISCELLANEOUS INCOME	\$0		\$0	0.00%	\$660
LOAN PROCEEDS			\$260,000		
INTEREST INCOME	\$10,000		\$1,303	13.03%	(\$8,697)
<b>TOTAL REVENUE</b>	<b>\$669,772</b>	<b>\$722,492</b>	<b>\$1,239,905</b>	<b>185.12%</b>	<b>\$310,793</b>
<b>DEBT PAYMENTS:</b>					
PRINCIPAL	\$390,000		\$0	0.00%	\$390,000
INTEREST & FEES	\$120,650		\$55,155	45.71%	\$65,495
<b>TOTAL PAYMENTS</b>	<b>\$510,650</b>		<b>\$55,155</b>	<b>10.80%</b>	<b>\$455,495</b>
<b>OPERATING EXPENSES:</b>					
SALARIES	\$54,060		\$23,039	42.62%	\$31,021
EMP FRINGES	\$18,600		\$4,301	23.12%	\$14,299
CONFERENCES & DUES	\$2,000		\$869	43.45%	\$1,131
PROF SERVICES	\$15,000		\$4,228	28.19%	\$10,772
MARKETING	\$78,200		\$10,061	12.87%	\$68,139
EVENT MARKETING	\$60,000		\$21,537	35.90%	\$38,463
APPRAISALS	\$20,000		\$0	0.00%	\$20,000
LEGAL FEES	\$30,000		\$6,084	20.28%	\$23,916
INSURANCE	\$15,000		\$14,000	93.33%	\$1,000
FIRE HALL	\$0		\$4,574		(\$4,574)
OLD FIRE HALL UTILITIES	\$3,000		\$1,639	54.63%	\$1,361
RENTAL PROPERTY	\$5,000		\$6,095	121.90%	(\$1,095)
STREET LIGHTS	\$8,000		\$127	1.59%	\$7,873
LANDSCAPING MAINTENANCE	\$16,000		\$7,215	45.09%	\$8,785
LAWN CARE	\$8,000		\$4,934	61.68%	\$3,066
RIVER ST. UTILITIES	\$5,000		\$1,012	20.24%	\$3,988
WEBSITE	\$3,000		\$650	21.67%	\$2,350
HOLIDAY DECORATION	\$5,000		\$1,304	26.08%	\$3,696
SCULPTURE RENTAL	\$7,200		\$0	0.00%	\$7,200
MISCELLANEOUS	\$7,500		\$354	4.72%	\$7,146
<b>TOTAL OPERATING</b>	<b>\$360,560</b>		<b>\$112,023</b>	<b>31.07%</b>	<b>\$248,537</b>
<b>PROJECTS:</b>					
MASTER PLAN IMPLEMENTATION	\$0		\$3,000	0.00%	(\$3,000)
OLD FIRE HALL RESTORATION	\$400,000		\$0	0.00%	\$400,000
PARKING PLAN	\$0		\$32,897		
DISPATCH EQUIPMENT	\$0		\$17,003		(\$17,003)
COMMUNITY CENTER RESTORATION	\$0		(\$931)		\$931
STRIPING	\$3,000		\$0	0.00%	\$3,000
SILVER PARKWAY IMPROVEMENTS	\$0		\$1,050		(\$1,050)
STREETSCAPE	\$0		\$125,330		(\$125,330)
STREETSCAPE MAINTENANCE	\$15,000		\$3,044	20.29%	\$11,956
CORNERSTONE	\$700,000		\$88,431	12.63%	\$611,569
<b>TOTAL PROJECTS</b>	<b>\$1,118,000</b>		<b>\$269,824</b>	<b>24.13%</b>	<b>\$884,073</b>
<b>TOTAL EXPENDITURES</b>	<b>\$1,989,210</b>		<b>\$437,002</b>	<b>21.97%</b>	<b>\$1,588,105</b>
<b>REVENUES OVER EXPENDITURES</b>	<b>(\$1,319,438)</b>		<b>\$802,903</b>		
<b>BEGINNING FUND BALANCE</b>	<b>\$1,977,936</b>		<b>\$1,977,936</b>		
<b>ENDING FUND BALANCE</b>	<b>\$658,498</b>		<b>\$2,780,839</b>		

City of Fenton  
 DDA Refunding Bonds

Fiscal Year Ended June 30	Interest 1-Oct	Interest 1-Apr	Principal 1-Apr	Total Requirements
2013	\$55,125	\$55,125	\$360,000	\$470,250
2014	\$49,725	\$49,725	\$370,000	\$469,450
2015	\$44,175	\$44,175	\$385,000	\$473,350
2016	\$38,400	\$38,400	\$395,000	\$471,800
2017	\$32,475	\$32,475	\$405,000	\$469,950
2018	\$26,400	\$26,400	\$420,000	\$472,800
2019	\$20,100	\$20,100	\$435,000	\$475,200
2020	\$13,575	\$13,575	\$445,000	\$472,150
2021	\$6,900	\$6,900	\$460,000	\$473,800
<b>TOTAL</b>	<b>\$286,875</b>	<b>\$286,875</b>	<b>\$3,675,000</b>	<b>\$4,248,750</b>

Purpose: DPW Garage & Fire Hall

EXP CHECK RUN DATES 11/29/2012 - 01/16/2013  
 UNJOURNALIZED OPEN  
 BANK CODE: 05

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 401 DDA CONSTRUCTION FUND					
Dept 851 DOWNTOWN DEVELOPMENT					
401-851-719.000	EMPLOYEE FRINGES	METLIFE	DECEMBER PREMIUMS	19.93	
401-851-818.400	MARKETING	NEW MOON VISIONS	MARKETING, PR, DESIGN & PRODUCTION NO	6,300.00	
401-851-818.400	MARKETING	NEW MOON VISIONS	MARKETING, PR, DESIGN & PRODUCTION OC	4,600.00	
401-851-818.410	EVENT MARKETING	NEW MOON VISIONS	SILVER LINING REWARDS 2ND QUARTER	750.00	
401-851-818.410	EVENT MARKETING	TRI-COUNTY TIMES	JINGLEFEST ADS	891.99	
401-851-818.410	EVENT MARKETING	CUMULUS MEDIA	JINGLEFEST	540.00	
401-851-818.410	EVENT MARKETING	FENTON REGIONAL CHAMBER	2012 JINGLEFEST RADIO WITH B-95 FM	392.60	
401-851-818.410	EVENT MARKETING	WHMI 93.5 FM	JINGLEFEST	340.00	
401-851-825.300		LANDSCAPE ARCHITECTURE S	DOWNTOWN FENTON STREETScape PROJECT	2,100.00	
401-851-825.300		NEW MOON VISIONS	DEVELOPMENT OF FENTON STREETScape BRA	1,600.00	
401-851-825.400		CITY OF FENTON	WINTER TAXES 111 S LEROY	1,516.15	
401-851-826.000	LEGAL FEES	FAHEY SHULTZ BURZYCH RHO	DDA DIRECTOR	255.00	
401-851-826.000	LEGAL FEES	FAHEY SHULTZ BURZYCH RHO	REAL ESTATE MATTERS	262.50	
401-851-971.413	LANDSCAPING MAINT	CJ CALLAGHAN & SONS	LANDSCAPE DDA PROPERTIES	266.05	
401-851-971.414	LAWN CARE	CJ CALLAGHAN & SONS	LAWN MAINTENANCE ADDITIONAL WORK	140.00	
401-851-971.414	LAWN CARE	QUALITY LANDSCAPE	SIXTH APPLICATION OF FERTILIZER	306.00	
401-851-975.720	STREETScape MAINTENANCE	ROY BAIRD	SNOWPLOWING SIDEWALKS	550.00	
401-851-975.750	WEBSITE	3SIXTY INTERACTIVE	WEBSITE HOSTING & SUPPORT NOVEMBER	216.67	
401-851-975.812	CORNERSTONE	MANSOUR REALTY, INC	DEC CONSULTING FEE CORNERSTONE PROJEC	3,000.00	
401-851-975.812	CORNERSTONE	SAA ARCHITECTS, INC.	SPECIFICATIONS FOR DD DOCUMENTS	2,252.50	
Total For Dept 851 DOWNTOWN DEVELOPMENT				26,299.39	
Total For Fund 401 DDA CONSTRUCTION FUND				26,299.39	
Fund Totals:					
Fund 401 DDA CONSTRUCT				26,299.39	
Total For All Funds:				26,299.39	

12/14/2012 09:50 AM  
User: JDEHMEL  
DB: Fenton

INVOICE GL DISTRIBUTION REPORT FOR CITY OF FENTON

EXP CHECK RUN DATES 11/22/2012 - 11/22/2012  
JOURNALIZED PAID  
BANK CODE: 05

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 401 DDA CONSTRUCTION FUND					
Dept 851 DOWNTOWN DEVELOPMENT					
401-851-719.000	EMPLOYEE FRINGES	MERS	OCTOBER 2012 DEIFNED CONT M. BURNS	231.46	4023
			Total For Dept 851 DOWNTOWN DEVELOPMENT	<u>231.46</u>	
			Total For Fund 401 DDA CONSTRUCTION FUND	<u>231.46</u>	
			Fund Totals:		
			Fund 401 DDA CONSTRUCT	231.46	
			Total For All Funds:	<u>231.46</u>	

12/14/2012 09:50 AM  
User: JDEHMEL  
DB: Fenton

INVOICE GL DISTRIBUTION REPORT FOR CITY OF FENTON

EXP CHECK RUN DATES 11/29/2012 - 11/29/2012  
JOURNALIZED PAID  
BANK CODE: 05

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 401 DDA CONSTRUCTION FUND					
Dept 851 DOWNTOWN DEVELOPMENT					
401-851-719.000	EMPLOYEE FRINGES	HEALTHPLUS	DECEMBER PREMIUMS	278.36	4045
401-851-719.000	EMPLOYEE FRINGES	THE STANDARD INSURANCE C	DECEMBER PREMIUMS	15.29	4046
401-851-719.000	EMPLOYEE FRINGES	VISION SERVICE PLAN	DECEMBER PREMIUMS	6.57	4047
401-851-825.400	RENTAL PROPERTIES	CONSUMERS ENERGY	111 S LEROY FINAL BILL	16.95	4044
Total For Dept 851 DOWNTOWN DEVELOPMENT				<u>317.17</u>	
Total For Fund 401 DDA CONSTRUCTION FUND				<u>317.17</u>	
Fund Totals:					
Fund 401 DDA CONSTRUCT				<u>317.17</u>	
Total For All Funds:				<u>317.17</u>	

12/14/2012 09:50 AM  
User: JDEHMEL  
DB: Fenton

INVOICE GL DISTRIBUTION REPORT FOR CITY OF FENTON

EXP CHECK RUN DATES 12/06/2012 - 12/06/2012  
JOURNALIZED PAID  
BANK CODE: 05

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 401 DDA CONSTRUCTION FUND					
Dept 851 DOWNTOWN DEVELOPMENT					
401-851-719.000	EMPLOYEE FRINGES	METLIFE	DECEMBER PREMIUMS	19.93	4049
401-851-864.000	CONFERENCES & DUES	MLGMA	MLGMA DUES - MICHAEL BURNS	55.00	4050
401-851-956.100	MISCELLANEOUS	VERIZON WIRELESS	CELL PHONE	49.83	4051
401-851-975.721	RIVER STREET UTILITIES	CONSUMERS ENERGY	RIVER STREET LIGHTIS	179.30	4048
Total For Dept 851 DOWNTOWN DEVELOPMENT				<u>304.06</u>	
Total For Fund 401 DDA CONSTRUCTION FUND				<u>304.06</u>	
Fund Totals:					
Fund 401 DDA CONSTRUCT				304.06	
Total For All Funds:				<u>304.06</u>	



12/14/2012 09:51 AM  
User: JDEHMEL  
DB: Fenton

INVOICE GL DISTRIBUTION REPORT FOR CITY OF FENTON

EXP CHECK RUN DATES 12/13/2012 - 12/13/2012  
JOURNALIZED PAID  
BANK CODE: 05

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 401 DDA CONSTRUCTION FUND					
Dept 851 DOWNTOWN DEVELOPMENT					
401-851-956.100	MISCELLANEOUS	VISA	NOVEMBER VISA MICHAEL BURNS	21.24	4052
		Total For Dept 851 DOWNTOWN DEVELOPMENT		21.24	
		Total For Fund 401 DDA CONSTRUCTION FUND		21.24	
		Fund Totals:			
			Fund 401 DDA CONSTRUCT	21.24	
			Total For All Funds:	21.24	



**Fenton  
Downtown  
Development  
Authority**

**FENTON DOWNTOWN DEVELOPMENT AUTHORITY PROCEEDINGS**

6:00 p.m.

Tuesday November 20, 2012

The meeting was called to order by Chairman Schmidt at 6:00pm.

**ROLL CALL:**

**PRESENT:** Bayer, Bertschy, Green, Henderson, James, Kasper, Osborn, Saule, Schmidt, Sweetman, Wesch

**ABSENT:** Canever, Strayer

**OTHERS:** Michael Burns DDA Director/Assistant City Manager,  
Lynn Markland City Manager

Schmidt wished everyone a Happy Thanksgiving.

**EXECUTIVE DIRECTOR'S REPORT:**

**Fenton Fire Hall:** On Thursday 11/29/12 the Planning Commission will go over the Site Plan Review and Re-Zoning of the Fire Hall property. Right now the property is zoned as "Park & Cemetery". It would be in everyone's best interest to re-zone. Once the Planning Commission does their review, it will go to the City Council on 12/10/12. This is just procedural and will not cause any delay to construction. Burns attached a copy of the site drawing of the property and described the triangle area in question. Clarkston Union would like to build on part of the triangle area for an elevator. It would involve the City of Fenton to quit claim that area to the DDA. There is a larger triangle grassy area that is City owned. The Union has asked to maintain that area. All requests will go to Council on 12/10/12. We have been working with Schmidt and Schultz, and it would have to come back to the DDA for approval.

**Cornerstone:** The MEDC Project is being applied. A recommendation has been made to approve up to 20% of the Project. They are currently reviewing the financial end. We should receive the reward letter in 1-2 weeks, possibly not until after the holidays. If everything is accepted the final award will go through in January or February.

**Jinglefest:** In February the DDA approved \$5000 for Jinglefest. \$1100 for the Community Center Rental, \$500 for administrative costs to Southern Lakes for

running the event, and \$3400 for Advertising. Burns informed the board that the expenditure amount will remain the same, however, the contribution of advertising was reduced from \$3,400 to \$2,500. The additional \$900 will assist the Jinglefest in their six minute fireworks event.

**Rex Rogers:** 106 W. Shiawassee had his grand opening and it went very well.

**Sue Osborn** asked if board members and the audience could try to attend Fenton's Open Community Forum on Wednesday 12/5/12.

**James** –Asked if the construction on the triangle would run into setback problems.

**Burns-** Said no.

**Markland-** Said that there are no setbacks in the Downtown area.

#### **FINANCIAL REPORT:**

Shane reported that they have been looking at MTT decisions. Some of the Tax Tribunals are still pending.

#### **CONSENT AGENDA:**

- a) Accounts Payable – Authorize payment of bills in the amount of \$67,696.52
- b) Minutes of the October 16<sup>th</sup> DDA Board Meeting

Motion made by Kasper, supported by Saule to approve the Consent Agenda as presented.

MOTION CARRIED, Roll Call Vote: Bayer-aye, Bertschy-aye, Green-aye, Henderson-aye, James-aye, Kasper-aye, Osborn-aye, Saule-aye, Schmidt-aye, Sweetman-aye, Wesch-aye.

#### **CITIZENS COMMENTS:**

NONE

#### **STREETSCAPE :**

OHM & LAS provided an update on the Streetscape Project.

Because of the changes in Congress, it took longer for MDOT to receive their grant. In turn it has made delays in getting our funding to start the Streetscape Project. That leaves us two options. (1) Start in June and get done what we can get done in 2013. Then finish up in 2014. Or (2) Defer the project until 2014.

That would impact the businesses on Leroy for two years. There was discussion about replacing the water main this summer that is in front of the two business that are being constructed in 2013, Cornerstone and Fire Hall. Options will be discussed at the upcoming City Council Work Session on 12/3/12.

Discussion ensued among board members.

**PUBLIC ART AGREEMENT:**

At our January meeting, the DDA board agreed to submit a letter of interest for the Midwest Sculpture Initiative for participation in their community sculpture rental program. The cost has since increased from \$7200 to \$9054.

There was discussion about entering into this program with the construction that will be going on in the downtown area.

Discussion ensued among board members.

Osborn recommended that this should be tabled until the December meeting.

All agreed.

**CALL TO THE AUDIENCE:**

**Stewart Fletcher** of 302 S. Leroy asked if the MDOT funds that we receive have to be distributed on the whole project.

**Joe/LAS** advised that they do, MDOT won't split the funds.

**Schmidt** said that is the problem with grants, they are very specific.

**Schmidt** said that the Ladies Night Out was not well attended.

**Green** said that he saw no extra traffic in his shop.

**Schmidt** said that he would talk with New Moon Visions and get their input.

**Pat Lockwood** thanked the DDA on behalf of Southern Lakes for the \$500 for Jinglefest. Pat also gave an update on the activities of Jinglefest , including Fireworks, Heated Tent, Tree Lighting at the Community Center this year, Live Reindeer, Rock Bands, Hot Chocolate, etc. Pat also wanted to thank Kelly Fletcher and the DPW for the work that it took to put the new Holiday Lighting in place.

**ADJOURNMENT:**

The meeting adjourned at 7:15pm.

Respectfully submitted by,

*Craig Schmidt*

Craig Schmidt, Chairman  
Downtown Development Authority

*Elaine McGreevy*

Elaine McGreevy  
Recording Secretary

# FENTON DOWNTOWN DEVELOPMENT AUTHORITY

## MEMORANDUM



**DATE:** December 13, 2012

**TO:** Downtown Development Authority Board of Directors

**FROM:** Michael T. Burns, Executive Director *MTB*

**RE:** Fire Hall Legal Amendments

The Fenton Fire Hall had a Site Plan Review on November 29, 2012. During this phase of the project, we learned they would like to make some additions to the building. These are outside the parcel that they retain the lease purchase option on with the Fenton Downtown Development Authority and, in fact, are owned by the City.

On the east side of the building, Union Joints would like to add an extension to the building for a stairwell, elevator, restrooms and to store mechanical and electrical equipment. A triangular portion of the addition (marked in red on the attached survey map) is on property owned by the City.

Abutting east of this is land owned by the City there is landscaping and a lawn that meets the driveway to the parking lot south of the building. Union Joints would like able to maintain the landscaping and lawn in that area (this area is marked on the survey map as Yard Maintenance Easement). Currently the DDA pays for the sprinkler system, lawn and landscape maintenance of this site.

East of the driveway abuts a small parcel that Union Joints would like to utilize for their refuse station (marked on the survey map as Refuse Station Easement).

On the west side of the building, Union Joints would like to add a walk-in cooler that extends approximately 8 feet from the building. The new building foundation for the cooler would abut the foundation to the walkway from LeRoy Street to the Shiawassee River.

Currently, the legal description of the Old Fire Hall building gives the DDA ownership of property to four feet west of the building. The additional 4 feet (marked in red on the attached survey map) that would be needed is on property owned by the City.

I have spoken to Attorney Schultz about this and we have devised a method to address this matter.

The City and the DDA can agree to quit claim deed the triangular property east of the building and for the additional four feet needed on the west of the building. The DDA would then take legal ownership of these pieces of property. This mechanism was the same mechanism that was used when the City Council sold the Fire Hall Building to the DDA in 2006. The DDA would then have to agree to amend the lease purchase agreement with Union Joints to include the property additions. These parcels would be subject to the same terms as the original lease-purchase agreement. The City Council took the necessary action to move forward on this at their December 10, 2012 meeting.

As for the landscaping area and refuse station, the City has taken action to move forward on a licensing agreement with Union Joints to maintain the affected parcels for their landscaping and refuse station uses. Those matters require no DDA action.

Another issue that the DDA needs to address is the deadline to open. Our current agreement states that Union Joints shall be open for business by April 30, 2013. While Union Joints has met all of their targets dates and is in accordance to all terms of our current agreement, there will be additional construction due to expansion of the building and the April 30, 2013 deadline will not be met. Curt Catallo is requesting that the DDA extend the deadline to open the building to June 30, 2013. An addendum to the agreement would be needed to address this also.

**I recommend that the Downtown Development Authority accept the quit claim deed for the two parcels of city property that are needed for construction of the extensions from the Fire Hall to the City of Fenton. I also recommend that the Downtown Development Authority amend our current lease-purchase agreement with Union Joints to accept the parcels of property into the agreement, and to extend the deadline for the business to open by June 30, 2013.**

**QUIT CLAIM DEED**

This Quit Claim Deed is executed this \_\_\_ day of \_\_\_\_\_, 201\_\_, by the first party, the City of Fenton, a Michigan municipal corporation with its principal address at 301 S. LeRoy Street, Fenton, Michigan (Grantor), and delivered to the second party, the City of Fenton Downtown Development Authority, a Michigan municipal entity, whose principal address is 301 S. LeRoy Street, Fenton, Michigan (Grantee), for certain real property (the Premises) in the City of Fenton, County of Genesee, Michigan.

Therefore, the Grantor, for good and valuable consideration and for the sum of One Dollar (\$1.00) paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto the Grantee forever, all the right, title, interest and claim, which the Grantor has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Genesee, State of Michigan to wit:

Part of Lots 12 and 13, Block 18 of MAP OF FENTONVILLE, according to the recorded Plat thereof, as recorded in Liber 1 of Plats on Page 8, Genesee County Records, being more particularly described as: Beginning at the Northwest corner of said Lot 13; thence S 89°25'10" E along the South line of Ellen Street, 83.88 feet; thence S 00°34'50" W 18.22 feet; thence S 33°23'45" E 28.97 feet; thence S 56°36'15" W 103.99 feet; thence N 33°15'44" W 61.26 feet to the Easterly line of S. LeRoy Street; thence N 22°52'00" E 53.47 feet to the point of beginning.

subject to any easements and building and use restrictions of record and the lien of taxes not yet due and payable.

GRANTOR

The City of Fenton

Dated: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

State of Michigan )  
County of Genesee )

On this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me personally appeared \_\_\_\_\_, and \_\_\_\_\_, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary

Drafted by and when recorded return to:  
Matthew C. Wyman (P72529)  
Fahey Schultz Burzych Rhodes PLC  
4151 Okemos Road  
Okemos, Michigan 48864  
(517) 381-0100



# FENTON DOWNTOWN DEVELOPMENT AUTHORITY

## MEMORANDUM



**DATE:** December 13, 2012

**TO:** Downtown Development Authority Board of Directors

**FROM:** Michael T. Burns, Executive Director *MTB*

**RE:** Consulting Agreement with Jerry Mansour

In July 2011, the DDA hired Jerry Mansour as a consultant to assist us in addressing development issues for the Cornerstone for an 18 month period ending December 31, 2012. Since that time, Mr. Mansour has been an instrumental part of addressing many tasks and we are very near to beginning construction for this project. Due to many "moving parts" with this project, this development has been much more complex and took longer than originally anticipated.

Jerry has met all terms of our agreement. He has attracted first floor tenants who have submitted non-binding letters of intent along with deposits for the project. He has helped us and the Corlin Group in addressing the financing of this project and has worked with Corlin in preparing our application to the State of Michigan Community Revitalization Program. Jerry and the Administration have also worked together in cleaning up the numerous easement issues that evolved in this project due to Urban Renewal.

Our previous agreement with Mr. Mansour was a fee of \$3,000 per month for his services. This agreement needs to be extended for a short period of time. The City Administration is preparing a full development package to present at a meeting sometime in early January at a joint session of the City Council and Downtown Development Authority. Administration anticipates that Mr. Mansour's services will be needed for a few more months as this process is finalized.

Administration requests that the agreement with Mr. Mansour is extended from January 1, 2013 to March 31, 2013. The Administration also requests that the DDA Board give us the authority to extend the agreement an additional 30 days beyond March 31, 2013, if necessary. Either party will be granted the authority to terminate the agreement at any time during this period with 15 days notice.

**I am recommending that the Downtown Development Authority retain Jerry Mansour as a consultant for the development of the Cornerstone Project for the requested time allotted.**

**FENTON DOWNTOWN DEVELOPMENT AUTHORITY**  
**MEMORANDUM**



**DATE:** December 13, 2012  
**TO:** Downtown Development Authority Board of Directors  
**FROM:** Michael T. Burns, Executive Director MB  
**RE:** Midwest Sculpture Initiative

At our January Meeting, the DDA Board agreed to submit a letter of interest for the Midwest Sculpture Initiative (MSI) for participation in their community sculpture rental program. I have received the attached proposal for your approval.

We initially were looking to have six sculptures in the Downtown area from May 2013 to April 2014 at a cost of \$7,200. That cost has increased to \$9,054. This rental includes the cost of installing and removing the sculptures (including concrete pad).

The DDA tabled this request at the November meeting as there was some concern about this affecting the Streetscape Project. I was directed by the Board to contact MSI to find out if there would be any repercussions if we delayed our participation until after the Streetscape Project.

On December 12, 2012, John Strayer and I met with Ken Thompson of MSI to discuss this issue. Mr. Thompson informed us that when the DDA submitted our letter of interest for this project in February, we were in consideration for the 2013 exhibit year. He informed us that when he began his commission of artists this past fall for the 2013 exhibit, Fenton was included in that commissioning. He stated that he understands the situation with the Streetscape; however, he stated that with the more cities coming on into the program, this would look negative upon us for future exhibits.

City Council did delay the Streetscape Project until 2014. Mr. Thompson toured the downtown district and he stated that he believed that the attributes of our Downtown District would make for a successful exhibit. He provided us with a lot of information about the opportunities of making this project successful. He also stated that an exhibit could be successful even when the Streetscape begins.

After meeting with Mr. Thompson, John and I believe that this is an excellent opportunity to promote arts and culture in the Downtown District.

**I am recommending that the DDA approve the proposal submitted by the Midwest Sculpture Initiative for the 2013 sculpture rental.**

# **Outdoor Sculpture Exhibition Proposal 2013-14**

by the Midwest Sculpture Initiative for the City of Fenton, MI

## **Outline of Proposal**

The Midwest Sculpture Initiative (MSI) proposes to install a six piece temporary sculpture exhibition on the sites selected by your committee. The exhibition would be available for public viewing from approximately May, 2013 through April, 2014.

The project would proceed like this:

1. MSI would pre-select sculptures deemed suitable for the various sites and then submit, in the form of digital image presentation, the pieces to your committee for review. Under the guidance of MSI, the committee would jury the entries down to seven final selections;
2. MSI will coordinate the production and placement of the necessary concrete pads and/or painted steel pedestals. All pads and pedestals are intended to be placed on top of the ground; their impact is minimal, in as much as, they will kill the grass and if the ground is soft leave an impression.
3. MSI will coordinate the delivery and placement of the sculptures to the site on or before May 15th, 2013;
4. MSI will supply biographical information on each sculptor, photographs of each sculpture, erect a dedicated page on our website ([msisculpture.com](http://msisculpture.com)) and provide links to your website(s);
5. MSI will assist in the production of brochures, posters, press releases, artist/public reception, etc. by gathering requested materials. MSI will not be responsible for publishing or graphic design costs;
6. MSI will be responsible for the removal of the sculptures, pads and the restoration of the grounds after the exhibit ends;
7. Individual artists will provide insurance for loss or damage. The Hosts will provide General Liability Insurance.
8. MSI actively supports the use of sculpture as a learning tool. MSI will request information concerning sculpture inspiration and construction from the artists for educational uses.
9. MSI will handle any and all sales of sculptures at a forty percent commission. Twenty percent will revert back to the Hosts.

**Budget****Proposed**

---

Six artist's stipends for sculptures	\$700.00 each	\$ 4200.00
Rental of 6 concrete pads, various sizes @ \$75. each		450.00
Install/de-install labor		1710.00
Rigger & forklift		1020.00
Administrative fee (prospectus, organization of jury materials, jury, artists' relations, photos, website, biographical materials, documentation, site visits, travel expenses, etc.)		<u>1674.00</u>
Total		\$ 9054.00

# FENTON DOWNTOWN DEVELOPMENT AUTHORITY MEMORANDUM



THE CITY OF  
FENTON

**DATE:** December 13, 2012  
**TO:** Downtown Development Authority Board of Directors  
**FROM:** Michael T. Burns, Executive Director *MTB*  
**RE:** Fenton Film Series

The DDA has been sponsoring the Fenton Film Series since September 2010. The series has drawn 1114 attendees at their monthly movie events since our sponsorship began. The Fenton Film Series has also received several in-kind donations from businesses within the community. This includes in many instances free food, pop and popcorn for the events. This has been very successful monthly event that the DDA has sponsored.

This past year, the DDA contributed \$2,658 for the event. The Fenton Film Series is asking for sponsorship from the DDA for the upcoming year. This year they are requesting \$2,400 from the DDA. This is less due to them not holding events in June, July and August due to low attendance.

John Strayer and Patrick Perfitt are coordinating this event. They have submitted the necessary DDA event sponsorship application form. This event has strong participation from many businesses in the community and I believe is becoming a unique monthly event.

**I recommend that the Downtown Development Authority continue sponsorship of the Fenton Film Series at a cost not to exceed \$2,400.**

1. What is the name, date and location of your event?

**FENTON FILM SERIES**

**@ 7:00 p.m. on the second Wednesday of every month (excluding June, July & August)**

**@ The Fenton Community & Cultural Center**

2. What is the purpose and/or desired goal of your event?

**The mission of the Fenton Film Series includes the following:**

- 1) to bring film festival movies to residents in the Fenton area, free of charge on a monthly basis - movies including high-quality independent dramas and comedies, foreign films from all corners of the world, documentary films and classic movies.
- 2) to provide live music by local musicians as well as other forms of entertainment (such as magicians) for moviegoers, free of charge, in the hour before the movie begins.
- 3) to provide a showcase for student filmmakers to present their short films before the scheduled feature length film.
- 4) to provide movie popcorn and soft drinks free of charge to Fenton Film Series audience members.
- 5) to partner with local restaurants to provide an assortment of snacks and drinks, free of charge, to Fenton Film Series audience members.
- 6) to partner with local businesses and allow Fenton Film Series movies to be used as a means to cross-promote downtown merchants. For example,
  - 1) Billmeier Camera sponsored the documentary "The Cove" with its clandestine use of high quality cameras;
  - 2) Fenton's Open Book sponsored the academy-award nominated "Winter's Bone", a movie based on the book of the same name - a book which the owners of Open Book raffled off to an audience member;
  - 3) The Edge Gallery sponsored the documentary "Who the #&\$% is Jackson Pollock", about a woman who bought a multi-million dollar Jackson Pollock painting at a thrift store for five dollars;
  - 4) Joyful Noise Music Studio sponsored the documentary "Standing in the Shadows of Motown" and brought their students to entertain before the film by performing Motown songs;
  - 5) Fenton Winery & Brewery sponsored the documentary "Beer Wars" about the rise of the craft beer industry; and
  - 6) Gerych's sponsored the film "A Man Named Pearl", a documentary about Pearl Fryar and his world-famous topiary gardens and then, the following weekend, Gerych's brought Pearl Fryar to Fenton in person to give presentations and demonstrations.]

3. How much is your organization asking in funds from the Downtown Development Authority for your event?

**\$2,400**

4. What will the funding from the Downtown Development Authority be used specifically for and provide a cost for this item? (You will be required to provide receipts to the DDA for this expense)

**\$900-\$1,350 for Rent - [\$100-\$150/ night to the Fenton Community & Cultural Center for 9 months, from January, 2013 through December, 2013, excluding June, July & August, 2013.]**

**\$≈550 estimated for Copyright License from the Motion Picture Licensing Corporation**

**\$≈300 estimated for Liability Insurance from Hartland Insurance**

**\$≈200 estimated marketing & printing costs**

5. **How much has your organization financially profited from this specific event? (Please provide information for the past three years of this event)**

**None**

6. **How much has your organization asked for this event in the past? If you have received funding the past three years, please list each year's appropriation (only provide info on years in the past three years where you have received funding)?**

**September, 2012 - September 2011: \$1,650.00 requested / \$1,565 appropriated**

**September, 2011 - December 2012: \$2,658 requested / \$2,400 appropriated**

7. **How much has your organization received from other sponsors? Please provide a list and amount received from each sponsor for last year's event and for the current event.**

**2010 Sponsorship Contributions**

<b>Tanglewood Assisted Living &amp; Home Care</b>	<b>\$</b>	<b>300</b>
<b>Patrick Perfitt with Edward Jones Financial Advisors</b>		<b>300</b>
<b>Fenton Winery &amp; Brewery</b>		<b>300</b>
<b>Jimmy John's Gourmet Sandwiches</b>		<b>300</b>
<b>David Owocki, D.D.S.</b>		<b>300</b>
<b>Comfort Keepers</b>		<b>200</b>
	<b>\$</b>	<b>1700</b>

**(In-kind contributions have been received from Southern Lakes Parks & Recreation (advertising), Behind Your Design (design work), The Laundry (food & drink), Jimmy John's Gourmet Sandwiches (food & drink), Bangkok Peppers Too (food & drink) and The Fenton Winery & Brewery (soda).**

**Miscellaneous donations are also received from audience members which are used to offset the costs of pizza, popcorn, water & soft drinks.**

8. **How many people has this event attracted to the City of Fenton Downtown Authority District? Please provide information for the past three years of the event.**

- 52 people attended the documentary "The Cove", in September 2010
- 65 people attended the classic thriller, Psycho, in October 2010.
- 50 people attended the documentary "Who the #%&\$ is Jackson Pollock?" in November, 2010.
- 35 people attended "The World's Fastest Indian" in December 2010
- 55 people attended the Norwegian comedy "Buddy" in January 2011
- 56 people attended the "Eternal Sunshine of the Spotless Mind" in February 2011.
- 62 people attended independent drama "Winter's Bone" in March 2011.
- 105 people attended Standing in the Shadows of Motown in April 2011.
- 40 people attended the French film I've Loved You So Long" in May 2011.
- 35 people attended the documentary Beer Wars in June 2011
- 16 people attended the documentary "Urban Roots" in July 2011
- 15 people attended the documentary The Tillman Story in August 2011
- 32 people attended the documentary Inside Job in September 2011.
- 25 people attended the classic horror film Dracula in October 2011.
- 27 people attended the science-fiction thriller Moon in November 2011
- 30 people attended the film On a Clear Day in December 2011.
- 33 people attended the film Buck in January 2012
- 40 people attended the film He Loves Me, He Loves Me Not in February 2012
- 25 people attended the film The Graduate in March 2012
- 30 people attended the film Midnight in Paris in April 2012
- 65 people attended the film Young at Heart in May, 2012
- 106 people attended the film Bran Nue Dae (Brand New Day) in September 2012.
- 60 people attended the film A Man Named Pearl in October 2012.
- 55 people attended the film Bernie in November 2012

9. If there is inclement weather on the day of your event, what are your alternative plans for the event?

**N/A for an indoor event**

10. If there is cancellation of your event, will the City of Fenton Downtown Development Authority be reimbursed for their sponsorship? If so, please provide how the Downtown Development Authority will be reimbursed?

**Yes, by check**

11. Please provide a one page statement how the sponsorship of your event meets the Downtown Development Authority's charge of improving the business climate within the district and promoting the economic growth of the district?

**The Fenton Film Series accomplishes several desirable goals. The film series attracts people to the downtown district where they may spend money before or after the show and are exposed to all downtown business, even those that are closed at the time, as people window shop before or after the film. Together with other ongoing events in the downtown district, the film series adds vitality to the downtown district. According to downtown expert Dan Burton, thriving downtowns have events occurring every night. While Fenton does not yet enjoy that level of activity, the Fenton Film Series is a step in that**



**direction. The film series provides a local source for movies in a town which does not have an operating movie theater. Moviegoers become familiar with local business who sponsor the movies. Many of the sponsors attend the movies and are announced at every show. Sponsor also promote their business by providing free food and drink or giving out discount coupons and door prizes. Movie patrons routinely meet after the show at a downtown establishment to socialize and discuss the film.**

**The Fenton Film Series is a truly unique event - we know of no other community where high quality movies, together with live music and free concessions, are shown on a regular basis free of charge to area residents.**