

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, October 23, 2017
City Hall Council Chambers
301 South LeRoy Street

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

The invocation for the evening was given by Pastor Dean Dumbrille of Trinity Lutheran Church and was followed by the Pledge of Allegiance.

Present: Draves, Grossmeyer, Jacob, Lockwood, McDermott, Osborn, Smith.
Absent: None.
Others Present: Lynn Markland, City Manager; Stephen Schultz, Legal Counsel; Bob Cairnduff, Fire Chief; Jason Slater, Police Chief and Dan Czarnecki, Director of Public Works.

MAYOR'S COMMENTS – Osborn thanked everyone who helped with planting tulips this past weekend and stated the Master Plan open house will be held Wednesday evening.

CITY MANAGER'S REPORT – Markland reported on the following:

- Thanked everyone who helped with the planting over the weekend.
- Gave an update on the Caroline and Riggs Streets projects.
- Poplar Street is open. Traffic signals still need to be installed.

COUNCIL MEMBER COMMENTS

McDermott commented on the tulip planting and parks clean up that took place this past Saturday and commented it is great to see so many people come to tonight's meeting for the awards presentation.

Grossmeyer thanked all the individuals who will be receiving awards this evening and commented the City is hosting the next Small Cities meeting.

Lockwood thanked the Fire Department for the work they do for the City and surrounding communities. She thanked everyone who helped with the tulip planting. She gave an update on upcoming Beautification activities and recent Jinglefest meetings and stated the sculpture committee met this afternoon.

Smith thanked the firefighters and their families for what they do for the City.

Council discussed available options to get information out to the public regarding the upcoming ballot proposal.

LEGAL COUNSEL REPORT – None.

CITIZEN COMMENTS – Dawn Overmyer, stated she would like to possibly speak on agenda items 'Liquor License Transfer Request' and 'Water System Asset Management Plan'.

PRESENTATION OF LIFESAVING AWARDS

Cairnduff recapped an incident that the Fire Department and STAT-EMS responded to on October 12, 2016. An injury accident occurred on US-23 near the North Road exit. The ‘Jaws of Life’ were needed to free the patient from the wreckage, who was unconscious and in critical condition. The patient was transported to Hurley Hospital with a closed head injury and was in a coma for 13 days. After 13 days, the patient suddenly woke up. She was then transferred to Detroit Medical Center to continue rehabilitation closer to home. The father of the victim spoke and thanked everyone who helped his daughter.

Mayor Osborn, Fire Chief Cairnduff and City Manager Markland presented the following individuals with Unit Citation Award pins and commendation letters:

Captain Nick Will
Lieutenant Dustin Lucius
Firefighter Frank Carpenter
Firefighter Casey McLaughlin-Smith
Firefighter David Siburt
Firefighter Mikel Peterson
Firefighter Matt Hadfield
Firefighter Ryan Jenema
Firefighter Mike Johnson
Firefighter Al Morea
EMT Christopher Bowen
Paramedic Robert Beggs

CONSENT AGENDA

Osborn reviewed all items that were on the Consent Agenda.

A motion was made by Lockwood and seconded by Jacob to approve the consent agenda containing the following items:

- Authorize payment of invoices in the amount of \$526,177.90.
- Approve and place on file the minutes of the April 20, 2017 Election Commission meeting, the August 22, 2017 Zoning Board of Appeals meeting, the September 12, 2017 Parks and Recreation Board meeting, the September 19, 2017 Downtown Development Authority meeting and the October 9, 2017 City Council meeting.
- Set trick or treat hours for Tuesday, October 31, 2017 from 6:00 PM – 8:00 PM.
- Approve Traffic Control Order 17-01, which installs ‘No Parking’ signs on Third Street.
- Appoint Scott Pushman to the Downtown Development Authority.
- Reappoint Craig Schmidt and Gary Henderson to the Downtown Development Authority.

YEAS: Draves, Grossmeyer, Jacob, Lockwood, McDermott, Osborn, Smith.

NAYS: None.

ABSENT: None. Motion carried by a roll call vote.

PUBLIC HEARING ON LIQUOR LICENSE FEES

Council will hold a public hearing to consider establishing a fee schedule for liquor licenses. Pursuant to public comment, City Council may adopt Resolution No. 17-18 to establish a liquor license fee schedule for the City of Fenton.

Mayor Osborn opened the public hearing at 7:51 PM.

Duane Walden, 1114 N. Leroy, inquired why fees are being considered when the City already receives monies from the State.

Slater confirmed the City receives a portion of liquor license fees paid to the State. The City's code of ordinances calls for a fee schedule for new and transferred in liquor licenses as well as an annual renewal fee. A fee for new and transferred licenses was never established, which is the reason this issue came in front of Council. He stated a \$150 renewal fee was established in 2010, and an increase to \$250 is proposed but his main goal tonight is to establish fees for new liquor licenses and those transferred into the City.

Lisa Reading from Beale Street restaurant asked if renewal fees will be imposed and commented she does not recall ever paying that fee.

Slater responded renewal inspections have not been performed since 2014 primarily due to being short-handed. He reviewed what is involved with a renewal inspection and the work that takes place when investigating requests for new, or transferred liquor licenses.

Audrey Twu, 608 S. East Street, asked what the money the City receives from the State for license fees is spent on.

Attorney Schultz responded revenue is shared with local government and is due in part to the fact that establishments that sell liquor generally require more public services from police, fire and building departments than other types of businesses. The revenue share helps to defray some of these costs. He stated many municipalities charge a local fee.

Council discussed the proposed fees at length. Consensus was that more data is needed regarding the actual costs and work completed by all City departments involved in the inspection process and to review requests for new and transferred in liquor licenses to make sure the fees cover the City's costs.

Markland commented monies received from the State are for enforcement action; it is not for any investigation or inspections that the City performs.

Mayor Osborn closed the public hearing at 8:22 PM.

A motion was made by McDermott and seconded by Grossmeyer to table Resolution No. 17—18 until clarification is received on all fees that are paid to the State and what percentage the City receives. Motion carried by a unanimous voice vote.

LIQUOR LICENSE TRANSFER REQUEST

Slater reviewed his memo regarding the request form Ciao Fenton, LLC to transfer an escrowed 2017 Class C and SDM license with Sunday Sales Permit (PM), Dance-Entertainment Permit and Specific Purpose Permit (Food) from Nuevo Vallarta of Clio, LLC. Ciao Fenton, LLC is also requesting a new Sunday Sales Permit (AM). The business will be located at 110 S. Leroy Street and will open as Ciao Italian Bistro in approximately January 2018.

Slater stated the applicants also operate Ciao Amici's in Brighton and according to local authorities, they have never received a liquor license violation. They intend to operate Ciao Italian Bistro in the same manner. Notice of the transfer request was provided by the MLCC to the Fenton United Methodist Church due to its proximity to 110 S. Leroy Street and no objection was received. Slater also stated he conducted a background investigation, pursuant to City ordinance, of the company's four members. He found nothing that would impeded a successful liquor license transfer and he is recommending approval of the request.

A motion was made by McDermott and seconded by Smith to recommend the MLCC approve the transfer of a Class C and SDM License, with Sunday Sales Permit (PM), Dance-Entertainment Permit and Specific Purpose Permit (Food) from Nuevo Vallarta of Clio, LLC to Ciao Fenton, LLC. Motion carried by a unanimous voice vote.

WATER SYSTEM ASSET MANAGEMENT PLAN

Czarnecki reviewed his memo regarding the Asset Management Plan (AMP). The City is required to submit an AMP to the Michigan Department of Environmental Quality (MDEQ) by January 1, 2018. The AMP will cover both the water distribution system and the water treatment facility. He reviewed the requirements of the plan and what needs to be submitted to the MDEQ.

Czarnecki stated several components of the AMP have already been worked on for the distribution portion of the plan, but work for the treatment facility portion still needs to be completed. He, along with Steve Guy met with OHM Advisors to discuss the work needed to complete the AMP before it is submitted to the State for approval. OHM provided a scope of services in the amount of \$17,950 to complete this work. He is recommending Council approve the expense.

A motion was made by Smith and seconded by McDermott to approve the Water System Asset Management Plan Development with OHM Advisors, as outlined in their scope of services dated October 17, 2017 in the amount of \$17,950 and authorize the City Manager to sign the document. Motion carried by a unanimous voice vote.

CALL TO THE AUDIENCE – Dawn Overmyer, 826 Southwood, thanked everyone who helped with the tulip planting this past Saturday.

Meeting was adjourned at 8:53 PM.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: November 27, 2017