

CITY OF FENTON COUNCIL WORK SESSION PROCEEDINGS
Monday, March 6, 2017
City Hall Conference Room
301 South LeRoy Street
7:30 PM

Mayor Pro-Tem Lockwood called the meeting to order at 7:30 PM.

Present: Draves, Grossmeyer, Jacob, Lockwood, McDermott, Osborn (via telephone), Smith.

Absent: None.

Others Present: Lynn Markland, City Manager; Michael Hart, Assistant City Manager; Dan Czarnecki, Director of Public Works; Mike Reilly, Building and Zoning Administrator and Christopher Patterson, Legal Counsel.

CITIZENS COMMENTS – None.

CONSUMERS ENERGY STREET LIGHTS

Czarnecki stated he received a packet of information from Consumers Energy indicating they inventoried the street lights in the City and found they were billing for 49 lights that do not exist. According to the MPSC, Consumers is required to refund the overbilling for a three year period and include 7% interest. The City is owed \$25,803.65, which includes interest.

Consumers sent a subsequent communication about converting mercury vapor lights to more energy efficient lights. Consumers has offered the option to convert these lights (134 total) to LED lights at a cost of \$11,400; this amount would be deducted from the refund due to the City. The estimated savings by switching to LED lights is approximately \$927/month.

Consumers also provided a cost estimate to convert all existing high pressure sodium lights (259 total) over to LED, with an approximate cost of \$173,000 and estimated monthly savings of \$1,160. If both the mercury vapor and high pressure sodium lights are converted to LED, the combined estimated monthly savings is approximately \$2,087.49 per month, with an estimated payback period of 7.4 years.

After discussion, consensus was to look into billing going back further than three years and see if any additional refund is due to the City and work toward switching to more energy efficient lights.

SECURITY CAMERAS AT MILL POND PARK GAZEBO

Markland stated he has been working on this with the Police Department and information was not available in time to be included in the meeting packet. The estimated cost is \$4000-\$6000. Once the information is available, he would like to bring this to a Council meeting for action. He stated there are ongoing issues with vandalism at the Mill Pond gazebo and repairs are quite costly.

Council also discussed installing cameras at the Bush Park gazebo. Item will be placed on the March 20th agenda for consideration.

ELECTRICAL, MECHANICAL AND PLUMBING INSPECTIONS

Reilly stated he would like the City to assume enforcement of electrical, mechanical and plumbing inspections; they are currently done by the State of Michigan. Should the City assume

these inspections, they would be done by contract employees who would be paid a percentage of the issued permits, with no legacy costs to the City. The contract employees would be required to sign an Independent Contractor Agreement that states the contractor is to provide liability and workers compensation insurance as well as any continuing education needed to maintain applicable licenses/certifications at their own expense.

Reilly stated assuming these inspections will allow for a faster response time on inspections and the City would retain 30% of the fees. In order to move this process forward, an 'Application to Administer and Enforce' from the Bureau of Construction Codes must be signed by the Mayor and an ordinance amendment is needed that designates the City as the enforcement agency for the Michigan Building, Electrical, Mechanical and Plumbing Code.

The 'Application to Administer and Enforce', along with a first reading of an ordinance amendment will be placed on the March 20th City Council agenda for consideration.

PARTICIPATION IN AMICUS CURIAE BRIEF

Patterson reviewed an engagement letter from his firm regarding preparation of an Amicus Curiae Brief to the Michigan Supreme Court regarding the case of Menard, Inc. v Escanaba. In two prior cases that went to the Michigan Court of Appeals, the Court affirmed the tax tribunal's valuation methodology, which allowed for large tax cuts for big box stores. This brief is designed to point out to the court why this issue is so important to municipalities and what the impact is on the local taxing jurisdictions. The City will not be charged more than \$1,000 for the preparation and submission of this Amicus Curiae Brief.

A motion was made by Osborn and seconded by Smith to authorize representation of the City of Fenton in the participation in an Amicus Curiae Brief to the Michigan Supreme Court. Motion carried by a unanimous voice vote.

COUNCIL MEMBER COMMENTS – Smith commented the Expo was good and a lot of individuals inquired about the dog park.

Lockwood stated the Expo was good and thanked the City Manager and Assistant City Manager for their help.

Osborn thanked Lockwood for chairing tonight's meeting.

CALL TO THE AUDIENCE –None.

CLOSED SESSION

A motion was made by Lockwood and seconded by Grossmeyer to enter into Closed Session to discuss pending litigation and then reconvene to Open Session.

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

NAYS: None.

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

Recessed to Closed Session at 8:28 PM.

Reconvened to Open Session at 8:38 PM.

Meeting was adjourned at 8:39 PM.

Mayor Pro-Tem Patricia Lockwood

City Clerk, Renee Wilson

Date approved: April 10, 2017