

Fraser City Council - Regular Meeting
Thursday – November 8, 2012 - 7:00 P.M.
Municipal Building

A Regular Meeting of the Fraser City Council was conducted on the above date at the City Municipal Building, located at 33000 Garfield Road, Fraser, County of Macomb, Michigan.

Present: Mayor Hagerty and Council Members Accavitti, Blanke, Carnagie, Cilluffo, Jennings and Morelli

Absent: None

Also Present: Richard E. Haberman, City Manager
Kathy Kacanowski, City Clerk
Jack Dolan, City Attorney

1. **Call Meeting to Order** - Mayor Hagerty called the regular meeting to order at 7:01 p.m.
2. **Pledge of Allegiance**
3. **Approval of Agenda**

Mayor Hagerty noted John Fleming from State Representative Lane's office was present.

Member Cilluffo moved, seconded by Member Carnagie, to AMEND AGENDA BY ADDING JOHN FLEMING UNDER PRESENTATIONS.

The motion carried unanimously.

Member Morelli moved, seconded by Member Accavitti, to APPROVE THE AGENDA AS AMENDED.

The motion carried unanimously.

4. **Citizen Participation on Agenda Items** - none
5. **Presentations**
 - a) Dale Moase presented checks from the Fraser Lions Club: \$17,580 invoice payment, \$1,600 donation each to Parks & Recreation and Department of Public Works and \$1,100 donation to D.A.R.E. He noted they previously donated \$500 for DARE golf outing.
 - b) John Fleming, State Representative Marilyn Lane's office, spoke briefly.
6. **Public Hearings** - None
7. **Consent Agenda**

Member Accavitti moved, seconded by Member Carnagie, to APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED.

- a. Approval of Minutes of the October 11, 2012 Regular Council meeting.
- b. Approval of Minutes of the October 24, 2012 Special Council meeting.
- c. Approval of Bills for the Month of October 2012 in the amount of \$1,149,962.41
- d. Reappointment of Tina Bullis to the Library board with term to expire June 30, 2017.
- e. Receive and file the Minutes of the September 19, 2012 Planning Commission meeting.
- f. Receive and file the Minutes of the June 11, 2012 Library Board meeting.
- g. Receive and file the Minutes of the September 6, 2012 Zoning Board of Appeals meeting.
- h. Approve the Resolution adopting the Limited English Proficiency Plan as part of the City of Fraser's Title VI Compliance Plan with MDOT.

The motion carried unanimously.

Fraser City Council - Regular Meeting
Thursday – November 8, 2012 - 7:00 P.M.
Page Two

8. Requests For Council Action

- a. **Request Council adopt an amendment to the solicitation ordinance adding the intersection of Utica and Masonic roads as an approved site for solicitation under terms of the ordinance.**

Member Accavitti moved, seconded by Member Blanke, to ADOPT AN AMENDMENT TO THE SOLICITATION ORDINANCE ADDING THE INTERSECTION OF UTICA AND MASONIC ROADS AS AN APPROVED SITE FOR SOLICITATION UNDER TERMS OF THE ORDINANCE.

ORDINANCE NO. 361

AN ORDINANCE AMENDING THE ORDINANCE REGULATING SOLICITATION OR STANDING IN THE TRAVELED PORTION OF THE ROADWAY EXPANDING THE PERMITTED LOCATION FOR SUCH ACTIVITY, PROVIDING FOR REPEALER, SEVERABILITY, PENALTIES AND EFFECTIVE DATE.

THE CITY OF FRASER ORDAINS:

Section 1. Preamble.

WHEREAS, in order to promote and public health, safety and welfare and to advance legitimate and rational regulation of conduct within the traveled portion of streets and roadways within the city, to avoid and limit injuries to pedestrians, avoid automobile collisions, avoid injuries to occupants and motor vehicles, and in order to avoid traffic congestion, interruption and otherwise promote public health, safety and welfare, the city is desirous of regulating solicitation or standing in the traveled portion of the roadway by persons.

Section 2. Chapter 25-68 of the Code of Ordinances is amended and revised to read as follows:

Solicitation or standing in a traveled portion of the roadway within the City of Fraser is only permitted at the intersections of 14 Mile Road and Garfield, including any of the four quadrants; the intersection of 14 Mile Road and Utica, including any of the four quadrants; and the intersection of Utica and Masonic, including any of the four quadrants.

Section 3. Penalty. Any entity, organization, employee, or person who violates the terms and provisions of this Article shall be guilty of a civil infraction punishable by up to a \$500.00 fine plus costs. Each instance of solicitation or standing is considered a separate offense subject to penalties under the provisions of this section.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the City that this ordinance shall be fully severable.

Section 6. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

The motion carried unanimously.

- b. **Request Council authorizes the Administration to purchase a Power Pro XT ambulance cot and power load system with options and accessories from Stryker EMS Equipment for a total of \$23,820 with funds to come from FPS Gambling Fund.**

Public Safety Director, George Rouhib, provided information relative to this request and a representative from Stryker provided a demonstration of the equipment.

**Fraser City Council - Regular Meeting
Thursday – November 8, 2012 - 7:00 P.M.
Page Three**

The following residents spoke regarding this item:

Janice Litch, 31149 E Amurcon

Anna Cameron, 34273 Garfield Circle

Member Carnegie moved, seconded by Member Blanke, TO AUTHORIZE THE ADMINISTRATION TO PURCHASE A POWER PRO XT AMBULANCE COT AND POWER LOAD SYSTEM (OPTION 1) WITH OPTIONS AND ACCESSORIES FROM STRYKER EMS EQUIPMENT FOR A TOTAL OF \$23,820 WITH FUNDS TO COME FROM FPS GAMBLING FUND.

The motion carried unanimously.

- c. Request Council authorizes the Administration to hire an additional part-time Code Enforcement Officer specifically to provide services for Friday and Saturday enforcement activities.**

Discussion ensued with Member Carnegie suggesting waiting a few months before implementing, having current staff alternate working Saturdays, and posting the job if necessary.

Member Cilluffo suggested implementing a hotline for complaints and Member Blanke suggested communication via postcard to complainants.

Member Jennings suggested a separate report be completed by the additional officer.

The following residents voiced their concerns regarding this topic:

Anna Cameron, 34273 Garfield Circle

Dave Stouder, Linden

Janice Litch, 31149 E Amurcon

Member Jennings moved, seconded by Member Cilluffo, TO AUTHORIZE THE ADMINISTRATION TO HIRE AN ADDITIONAL PART-TIME CODE ENFORCEMENT OFFICER SPECIFICALLY TO PROVIDE SERVICES FOR FRIDAY AND SATURDAY ENFORCEMENT ACTIVITIES WITH POSITION TO BE RE-EVALUATED AFTER SIX MONTHS.

The motion carried unanimously.

- d. Request Council approve a resolution authorizing the City Assessor to work with the City Engineer to prepare documents associated with the creation of a special assessment district for the purpose of reconstructing Helro St. in the City of Fraser.**

Brad Dana, from Penvesco on Helro, was present.

Member Jennings moved, seconded by Member Blanke, TO APPROVE A RESOLUTION AUTHORIZING THE CITY ASSESSOR TO WORK WITH THE CITY ENGINEER TO PREPARE DOCUMENTS ASSOCIATED WITH THE CREATION OF A SPECIAL ASSESSMENT DISTRICT FOR THE PURPOSE OF RECONSTRUCTING HELRO ST. IN THE CITY OF FRASER.

RESOLUTION NO. 1

HELRO STREET PAVING

The following preamble and resolution were offered by Councilperson Jennings and supported by Councilperson Blanke.

Fraser City Council - Regular Meeting
Thursday – November 8, 2012 - 7:00 P.M.
Page Four

WHEREAS, the City Council has authority to impose special assessments pursuant to the Charter Section 11.1 and the Ordinance Chapter 24 adopted, executing the Charter and as otherwise authorized under the Home Rule City Act and the following proposed paving improvement has been requested:

THE RECONSTRUCTION OF A CONCRETE ROADWAY INCLUDING
CONCRETE PAVING, CURB, GUTTER AND ASSOCIATED IMPROVEMENTS
OF APPROXIMATELY 290 LINEAR FEET ON HELRO FROM GROESBECK HIGHWAY
(M-97) TO THE END OF THE CUL-DE-SAC.

WHEREAS, the City Council in accordance with applicable ordinance sections, is desirous of requiring that the assessor cause to be prepared, plans and specifications and an estimate of costs to be filed with the City Clerk together with recommendations as to the proportion of costs to be paid by special assessment;

NOW, THEREFORE, be it resolved that:

1. The assessor shall cause to be prepared by the City's Engineers Anderson, Eckstein and Westrick, plans and specifications showing the improvement, location thereof and estimated costs.
2. Such plans upon preparation shall be filed with the City Clerk together with a recommendation as to the proportion of costs to be paid by special assessment.
3. The reports so filed shall be available to the public for inspection and/or copying at the office of the Clerk.
4. All resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

The motion carried unanimously.

- e. Request Council approve a resolution setting a Public Hearing on December 13, 2012 at 7:00 pm on special assessment improvements by the City of Fraser, Helro Street.**

Member Jennings moved, seconded by Member Accavitti, TO APPROVE A RESOLUTION SETTING A PUBLIC HEARING ON DECEMBER 13, 2012 AT 7:00 PM ON SPECIAL ASSESSMENT IMPROVEMENTS BY THE CITY OF FRASER, HELRO STREET.

RESOLUTION NO. 2

HELRO STREET PAVING

The following preamble and resolution were offered by Councilperson Jennings and supported by Councilperson Accavitti

WHEREAS, the City has authority to assess property pursuant to the Charter, Chapter 11.1 and Chapter 24 of the Code of Ordinances of the City of Fraser and as further authorized under the Home Rules City Act; and

WHEREAS, the assessor has caused the City Engineer to prepare and file plans, specifications and an estimate of costs, filed with the City Clerk; and

WHEREAS, the City Council is desirous of further proceeding with the proposed improvement;

NOW, THEREFORE, be it resolved that:

1. The City acknowledges plans and specifications and estimates of costs are filed with the City Clerk and available for public inspection.
2. The City shall meet at the City Offices, 30300 Garfield Rd., Fraser, Michigan on the 13th day of December, 2012 at 7:00 p.m., at which time the City shall hear any person to be affected by the proposed public improvement, including but not limited to objections to the petitions or other public comment.

Fraser City Council - Regular Meeting
Thursday – November 8, 2012 - 7:00 P.M.
Page Five

3. The City Clerk is ordered to cause notice of the time and place of such hearing to be published once in the official newspaper of the City, not less than ten (10) days prior to the date of such hearing, identifying in the notice that the report plan and estimate is on file with the City Clerk for public examination.
4. The Clerk shall send by first class mail to each property owner subject to assessment as indicated by the records of the City Assessor's office, notice that the report, plans and estimates are on file and that such person may appear and protest at the hearing in order to preserve appeal rights which appearance shall be either in person, by agent, or protest in writing by letter, and appeal rights.
5. The Clerk shall maintain a record of the parties who appear and protest at the hearing.
6. The notice shall be substantially in the following form:

NOTICE OF HEARING
ON SPECIAL ASSESSMENT IMPROVEMENTS
BY THE CITY OF FRASER, HELRO STREET

TO THE OWNERS OF THE FOLLOWING DESCRIBED TAX PARCELS IN THE CITY OF FRASER, MACOMB COUNTY, MICHIGAN:

14-05-177-014, 14-05-177-013 and 14-05-177-012

PLEASE TAKE NOTICE that the City Council of the City of Fraser is considering the construction of the following described public improvement with the cost of said improvement to be assessed consisting of all of the above described lots and parcels of lands which are to be benefited thereby:

Remove existing road concrete and replace with new 9" concrete road section including expansion joints at the point of curvature for the cul-de-sac and Groesbeck approach. It is anticipated, based on prior correspondence, the existing base and drainage system is in good condition and will remain in place. Adjacent parking pavement and landscape will be restored to existing or better condition. Soil borings will be taken prior to design to confirm existing base is adequate. Drainage will be inspected and tested prior to design to ensure it is functioning and in good condition.

Plans, specifications and cost estimates have been prepared and are on file with the City Clerk for public inspection.

TAKE FURTHER NOTICE that the City will meet on the 13th day of December, 2012 at 7:00 p.m. in the City Council Chambers, 30300 Garfield Rd., Fraser, Michigan, for the purpose of hearing objections or comments to the proposed special assessment improvements and district.

KATHY KACANOWSKI, City Clerk
City of Fraser

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution being the same are hereby rescinded.

The motion carried unanimously.

At this time, 9:00pm, Mayor Hagerty requested a break while the video tape was being changed. The meeting resumed at 9:07pm.

f. Request Council discuss and provide direction to the Administration regarding disposition of the properties purchased at the northeast corner of 14 Mile Road and Groesbeck and southeast corner of Mulvey and Mazara.

Discussion ensued relative to this item. Requests were made for a market assessment of the properties, the cost to remove the former Dairy Queen building, and the value of the property on Groesbeck with and without the building on it.

Fraser City Council - Regular Meeting
Thursday – November 8, 2012 - 7:00 P.M.
Page Six

Manager Haberman advised the Mulvey property could become a passive park or Council could authorize him to contact adjoining neighbors regarding interest in purchasing the property.

Member Jennings suggested bringing these two properties to Council separately for their consideration.

Janice Litch, 31149 E Amurcon, spoke regarding this item.

Member Jennings moved, seconded by Member Morelli, TO TABLE THIS ITEM AND BRING TO THE NEXT MEETING.

The motion carried unanimously.

9. Report of City Administration/Pending Items

Manager Haberman advised that the new website will be activated November 15th. He explained the Virtual city Hall concept and advised the audit will be presented to Council in December.

10. Report of Mayor and City Council/New Business

Mayor and Council discussed various topics. Mayor Hagerty advised the audience that he received a text message that Mr. Bob Wilson, husband of former Councilmember Janice Wilson, passed away.

11. Citizen Participation

The following residents spoke on various topics:

Lynn Evans, 16550 Kingston
Anna Cameron, 34273 Garfield Circle
Janice Litch, 31149 Amurcon
Dave Stouder, Linden

12. Adjournment

Member Accavitti moved, seconded by Member Morelli, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, NOVEMBER 8, 2012 AT 9:44 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

/kk