

Fraser City Council - Regular Meeting
Thursday – September 13, 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 7:00 p.m.
2. **Pledge of Allegiance**
3. **Approval of Agenda**

Member Morelli moved, seconded by Member Carnagie, to ADD, UNDER CONSENT AGENDA, APPROVAL OF A RESOLUTION ALLOWING THE 39th DISTRICT COURT TO PURSUE FINES AND COSTS BY FILING INCOME TAX GARNISHMENTS.

The motion carried unanimously.

Member Blanke moved, seconded by Member Jennings, to ADD TO THE AGENDA MOTION RELATIVE TO THE CONDOMINIUM ISSUE FROM THE JUNE COUNCIL MEETING TO LEAVE REDEFINING STREETS AND THIS MATTER AT STATUS QUO AND CLOSE THE BOOKS AS SUGGESTED.

The motion carried unanimously.

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

The motion carried unanimously.

4. **Citizen Participation on Agenda Items** - none
5. **Presentations**

a) Pension Attorney, Cynthia Billings, provided a presentation and discussion of the amendments to the Fraser Consolidated Pension Plan. She explained all references to ERISA were removed as we are not governed by ERISA, quorum was revised, Council's liability was removed, payment of expenses was revised and there were no changes to the Benefit Specifications.

There was a concern that the City Manager's presence was not required at a meeting so quorum language will be revised to include City Manager or his designee as well as Finance Director or his designee.

Second revision is a clarification of majority when voting so language will be the majority of the Board, not just a majority of those members present. Ms. Billings advised she will make these revisions.

Member Jennings moved, seconded by Member Accavitti, to APPROVE THE FRASER CONSOLIDATED PENSION PLAN DOCUMENT AS AMENDED.

The motion carried unanimously.

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6. Public Hearings

Public Hearing and City Council consideration to approve the Industrial Facilities Fax Exemption request from SGC Enterprises, Inc., located at 17430 Malyn, in the amount of \$4, 453,613 for new equipment estimated to create 20 new jobs.

Mayor Hagerty opened the public hearing at 8:00 p.m.

Mike Loeffler and Debbie Foley were present to represent SGC Enterprises. Joe DiStefano, 32102 DiStefano Ct. spoke in support of this business.

Mayor Hagerty closed the public hearing at 8:01 p.m.

Member Blanke moved, seconded by Member Carnagie, to APPROVE THE RESOLUTION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION FOR SGC ENTERPRISES, INC., LOCATED AT 17430 MALYN, IN THE AMOUNT OF \$4,453,613 FOR A PERIOD OF 12 YEARS.

The motion carried unanimously.

7. Consent Agenda

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

- a. Approval of Minutes of the August 9, 2012 Regular Council meeting.
- b. Approval of Bills for the Month of August 2012 in the amount of \$1,159,427.44
- c. Receive and file the Minutes of the July 18, 2012 Planning Commission meeting.
- d. Receive and file the Minutes of the August 6, 2012 Historical Commission meeting.
- e. Appointment of Councilman Paul Cilluffo as voting delegate and City Manager Richard E. Haberman as alternate for the upcoming MML business meeting in October.
- f. Proclamation declaring the week of September 17 through 23 as Constitution Week.
- g. Authorize City Manager to renew public transit contract with SMART for van service for Fraser residents.
- h. Approval of reappointment of Tom Bender to the Civil Service Commission with term ending in 2018.
- i. Approval of a Resolution allowing the 39th District Court to pursue fines and costs by filing income tax garnishments.

The motion carried unanimously.

8. Requests For Council Action

- a. **Postponed from August 9, 2012 meeting:
Request Council waive bid requirements and approve purchase of property located at 33080 Groesbeck and vacant lot on Mulvey 03-11-31-380-001 in the amount of \$19,453.64 with properties to be sold to Mr. Anthony Girgenti, owner of adjacent parcel on Groesbeck to improve the parcel making it developable and providing economic development potential and increased property value to the City of Fraser. Mr. Girgenti will donate the Mulvey property to the City of Fraser for public use to be determined.**

Council was notified the State Equalized Value for the Groesbeck property is \$41,822 and Mulvey is \$9,511.

Member Jennings moved, seconded by Member Morelli, to DENY WAIVING BID REQUIREMENTS FOR PROPERTY LOCATED AT 33080 GROESBECK

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AND THE VACANT LOT ON MULVEY 03-11-31-380-001 AND DIRECT ADMINISTRATION TO SEEK A MARKET EVALUATION AND PROVIDE A REPORT TO COUNCIL WITH THE INTENT TO SELL THE PROPERTIES SEPARATELY.

The motion carried unanimously.

- b. Request Council approve the purchase of Positron Viper replacement equipment for the E911 answering equipment from AT&T at a cost of \$129,049. This equipment will be purchased by using a lease purchase program and the item to be paid from Police Gambling Forfeiture Funds.**

The following residents spoke regarding this item:

Anna Cameron, 34273 Garfield Circle

Joe DiStefano, 32102 DiStefano Ct.

Public Safety Director, George Rouhib, explained the current system is twenty years old and requires constant maintenance. AT&T is our current vendor and is one of few with this equipment and support.

Member Blanke moved, seconded by Member Carnagie, TO APPROVE THE PURCHASE OF POSITRON VIPER REPLACEMENT EQUIPMENT FOR THE E911 ANSWERING EQUIPMENT FROM AT&T AT A COST OF \$129,049. THE ITEM IS TO BE PAID FROM POLICE GAMBLING FORFEITURE FUNDS. THIS EQUIPMENT WILL BE PURCHASED BY USING A LEASE PURCHASE PROGRAM FROM AT&T WITH \$50,000 DOWN AND A 59 MONTH LEASE TERM.

The motion carried unanimously.

- c. Request Council accept bid from Mattioli Cement Company in the amount of \$386,970.50 for the 2013-2014 local street concrete patch program to repair a portion of damaged local streets in the City of Fraser.**

Public Works Superintendent, Bernard VanFleteren, spoke regarding this item. It was suggested that if money is available, the crossing area between the Senior Housing and Senior Center on Hidden Pine be repaired.

At this time, 9:00pm, Mayor Hagerty requested a break while the video tape was changed; meeting resumed at 9:08 pm.

Member Jennings moved, seconded by Member Blanke, TO ACCEPT THE BID FROM MATTIOLI CEMENT COMPANY IN THE AMOUNT OF \$386,970.50 FOR THE 2013-2014 LOCAL STREET CONCRETE PATCH PROGRAM TO REPAIR A PORTION OF DAMAGED LOCAL STREETS IN THE CITY OF FRASER.

The motion carried unanimously.

- d. Request Council approves new Water and Sewer Rate and Budget for Water and Sewer effective October 1, 2012.**

City Manager, Richard Haberman, provided a presentation and background on the water system and water and sewer fund. He explained the fixed rate charge will increase, water rate decrease and sewer rate increase. He noted again that the debt service expenses could be moved to taxes if approved by a vote of the residents.

Member Jennings moved, seconded by Member Blanke, TO APPROVE THE NEW WATER AND SEWER RATE AND BUDGET FOR WATER AND SEWER EFFECTIVE OCTOBER 1, 2012.

The motion carried unanimously.

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- e. **Request Council set Public Hearing for October 11, 2012 at 7:00 PM for IFT request from Eifel Mold, 31071 Fraser Dr. in the amount of \$1,567,439 to purchase new equipment which will add 7 new jobs and retain 21 current jobs.**

Member Morelli moved, seconded by Member Accavitti, TO APPROVE SETTING A PUBLIC HEARING FOR OCTOBER 11, 2012 AT 7:00 PM FOR AN IFT REQUEST FROM EIFEL MOLD, 31071 FRASER DR, IN THE AMOUNT OF \$1,567,439 TO PURCHASE NEW EQUIPMENT WHICH WILL ADD 7 NEW JOBS AND RETAIN 21 CURRENT JOBS.

The motion carried unanimously.

- f. **ADDED: Request Council to consider a motion relative to the condominium issue from the June Council meeting to leave redefining streets and this matter at status quo and close the books as suggested.**

Discussion ensued relative to the item tabled at the June 14, 2012 meeting relative to considering the abandonment of all roads, streets, and public drives associated with Moehr Estates, Stoney Brook, Fraser Villa, Villas of Pine Ridge, Mulvey North, Garfield Green, Mulvey Gardens and Hamilton Woods.

Administration advised they were able to gather additional information over the past few months and now have sufficient records showing the City owns the streets and maintenance agreements were never developed. Therefore, it is Council's intent to allow things to remain as they are and not take away any existing bundle of rights.

Councilwoman Jennings noted she would like a discussion at the next meeting relative to dual trash pick ups at two locations in the city.

Member Blanke moved, seconded by Member Jennings, to ALLOW THE ITEMS TO REMAIN AS PRESENTED AND RECEIVE AND FILE. THERE IS NO INTENT TO TAKE COUNCIL ACTION TO VACATE OR DEDICATE THESE STREETS AND ACCEPTS THE STATUS QUO IT PRESENTLY EXISTS.

The motion carried unanimously.

9. **Report of City Administration/Pending Items**

Manager Haberman advised training for the new website is currently underway. He noted there is another option to show "static video" of other meetings or presentations and suggests Council have a policy discussion regarding this topic at a later date.

10. **Report of Mayor and City Council/New Business**

Mayor and Council spoke on various topics.

Councilwoman Jennings suggested a code enforcement officer work on Fridays and Saturdays to assist in writing tickets. She requested this item be placed on the October agenda.

Mayor Hagerty asked Mr. Haberman to check into organizing an industrial association group as they had years ago. He also asked Mr. Haberman to provide Council with an update at the next meeting regarding his presentation at the upcoming Planning Commission meeting.

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11. Citizen Participation

The following residents voiced their opinions:

Anna Cameron, 34273 Garfield Circle

Edward Semon, 33023 Kennedy Dr.

Randy Warunek spoke briefly relative to a rat problem.

12. Adjournment

Member Morelli, seconded by Member Carnagie, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, SEPTEMBER 13, 2012 AT 10:39 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

/kk