

Fraser City Council - Regular Meeting
Thursday – February 14, 2013 - 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 Accavitti moved, seconded by Member Blanke, to ADD DISCUSSION REGARDING SNOW ORDINANCE AS ITEM 8o.

The motion carried unanimously.

Mayor Hagerty requested presentation of the Girl Scouts troop be moved ahead of the presentation to Ms. Susan Kove. In addition, Manager Haberman noted 8m may be eliminated as the consideration is already listed in item 8i.

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) Richards Middle School Girls Scouts Troop #30409 was introduced to Council by Vania Apps, Fraser First Booster Club President. Four scout members spoke about their fundraising efforts while working toward their silver award. They have elected to use a portion of the proceeds from their annual cookie sale as a contribution to the Boundless Park.
- b) State Representative Marilyn Lane, Sandy Caloia and Mayor Hagerty presented a proclamation to Richards Middle School teacher, Susan Kove, who was recently awarded Middle School Teacher of the Year for the State of Michigan by the VFW.

6. **Public Hearings**

Public Hearing for Resolutions 4 & 5 for Helro Street Special Assessment District.

Mayor Hagerty opened the public hearing at 7:24 p.m.

Manager Haberman advised Council that a representative from Penvesco was not available but they are in support of this special assessment.

There was some concern that this may set precedence for other companies to request this type of special assessment. Attorney Dolan advised Council that they have the authority to review each request independently. He noted that Helro is a

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public road with other parcels abutting it and this public hearing is the time for any appeals to this special assessment.

With no public to be heard, Mayor Hagerty closed the public hearing at 7:32 p.m.

7. Consent Agenda

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

- a. Approval of Minutes of the Regular Council Meeting of 1/10/13.
- b. Approval of Bills for the Month of January 2013 in the amount of \$924,666.78.
- c. Reappointment of Joseph Chimenti and Jeffrey Fiore to the ZBA, term ending 12/31/15.
- d. Receive and file Meeting Schedule for 2013 meetings of the ZBA.
- e. Receive and file minutes of the 11/1/12 meeting of the ZBA.
- f. Receive and file minutes of the 11/19/12 meeting of the Library Board.
- g. Receive and file minutes of the 11/13/12 meeting of the Parks & Rec Commission.
- h. Receive and file minutes of the 1/8/13 meeting of the Parks and Rec. Commission.
- i. Appointment of Gloria Buffa and Sarah Kelley to Parks & Rec Commission.
- j. Approval of Performance Resolution for Governmental Agencies as required by MDOT.

The motion carried unanimously.

8. Requests For Council Action

- a. Request Council renews the moratorium on medical marijuana until February 13, 2014.**

Member Morelli moved, seconded by Member Carnagie, TO RENEW THE MORATORIUM ON MEDICAL MARIJUANA UNTIL FEBRUARY 13, 2014.

The motion carried unanimously.

- b. Request Council approve a moratorium on second hand business licenses and direct the City Attorney to provide recommendations to amend ordinances concerning these classifications of business.**

Manager Haberman explained the reason for this request is to allow more information to prepare an ordinance regarding zoning for these businesses. A 90 day moratorium was suggested. Councilmember Cilluffo suggested the Building Department staff provide a packet to new businesses explaining business requirements and ordinances.

The following citizens spoke regarding this item:
Angelo Calderone, The Pod Drop
Michael Lesich, 15201 Fairview

Member Jennings moved, seconded by Member Carnagie, TO APPROVE A 90 DAY MORATORIUM ON SECOND HAND BUSINESS LICENSES AND DIRECT THE CITY ATTORNEY TO PROVIDE RECOMMENDATIONS TO AMEND ORDINANCES CONCERNING THESE CLASSIFICATIONS OF BUSINESS.

The motion carried unanimously.

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- c. **Request Council authorize the Administration to renew the contract with Chris Mudd to operate the Steffens Park concession stand for a period of three years.**

Chris Mudd provided Council with some background on his business, Fertco and his intention of utilizing his employees in the concession stand. He explained that all profits will be used to compensate his employees and pay for products; any additional profits will be distributed to non-profit groups.

Councilmember Blanke recommended clarification of the exclusivity portion of the contract especially during the Carnival. Councilmember Jennings suggested an annual report be provided and would like to see this included in the contract.

The following residents spoke regarding this item:

Anna Cameron, 34273 Garfield Circle

Michael Lesich, 15201 Fairview

Member Jennings moved, seconded by Member Carnagie, TO APPROVE AUTHORIZING THE ADMINISTRATION TO RENEW THE CONTRACT WITH CHRIS MUDD TO OPERATE THE STEFFENS PARK CONCESSION STAND FOR A PERIOD OF THREE YEARS.

The motion carried unanimously.

- d. **Request Council approves Resolutions 4 & 5 for the Helro Special Assessment.**

Attorney Dolan advised Council consider each resolution separately.

Member Morelli moved, seconded by Member Jennings, TO APPROVE RESOLUTION 4 FOR THE HELRO SPECIAL ASSESSMENT.

RESOLUTION NO. 4

HELRO STREET PAVING

WHEREAS, by resolution adopted December 13, 2012, the City of Fraser determined to make the following described road maintenance improvement and assessed the cost thereof against the property benefited by the improvement, in accordance with Act 188 of the Public Acts 1954 as amended:

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.

AND, WHEREAS, the estimate of cost to be assessed and filed is \$148,970 in the first year, with the same amount plus 2% or the actual amount, whichever is less in the next succeeding 10 years;

AND, WHEREAS, the assessor has prepared and reported to the City of Fraser, a special assessment roll, assessing the cost of said improvement to be benefited thereby with this certificate attached thereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed with the office of the City of Fraser and shall be available for public examination during regular working hours on regular working days.
2. The City Council will meet at 7:00 p.m. on the 14th day of February 2013 at the Council Chambers for the City of Fraser, 33000 Garfield, Macomb Count, Michigan, 48026, to review said special assessment roll and hear any objections, or comments thereto.
3. The City Clerk shall cause notice of such hearing and the filing of the assessment roll to be published twice in a newspaper of general circulation in the City prior to the date of hearing, the first publication to be at least 10 full days before the hearing and shall cause notice of said hearing to be mailed

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by first class mail to all property owners in the special assessment district, as shown on the current assessment rolls in the City at least 10 full days before the date of the hearing.

Said notice shall be in substantially the following form:

**NOTICE OF HEARING
ON SPECIAL ASSESSMENT ROLL
FOR THE CITY OF FRASER**

**TO OWNERS OR OTHER PERSONS INTERESTED IN THE FOLLOWING DESCRIBED LOTS
AND PARCELS OF LAND IN THE CITY OF FRASER, MACOMB COUNTY MICHIGAN:**

14-05-177-012 PENVESCO 17500 HELRO (M) FRASER MI 48026
ASSESSOR'S PLAT NO. 5 OF LOTS 1; 2; 3; AND PARTS OF 4; 5; AND 6 OF THE
SUBDIVISION OF NW 1/4 OF SEC 5 AND NE 1/4 AND NE 1/4 OF NW 1/4 OF SEC 6.
T1N R13E. DESC AS BEG AT A PT S0°54'58"E 258.49 FT AND S29°11'06"W 54.9 FT
FROM THE NE COR OF LOT 92; TH S29°11'06"W 80 FT; TH N60°48'54"W 270 FT; TH
S29°11'06"W 120 FT; TH N60°48'54"W 271.97 FT; TH N29°09'24"E 200 FT; TH
S60°48'54"E 542.06 FT TO PT OF BEG. 1.74 ACRES. L14 P29. CITY OF FRASER.
17500-17560 HELRO

14-05-177-013 PENVESCO 17505 HELRO (M) FRASER MI 48026
ASSESSORS PLAT NO 5 PART OF LOTS 87 & 92 DESC AS FOLL; COMM AT NE
COR LOT 92; TH S01° 54'58" E 258.49 FT TO W LINE M97. TH S29°11'06" W 54.90 FT
ALG SD W LINE; TH N60°48'W 242.06 FT TO POB. TH N60°48'54" W 300 FT TO
G.T.W.R.R.; TH N29°09'24"E 313.23 FT ALG E LINE OF G.T.W.R.R.; TH S60°48'54"E
252.0 FT; TH S01°54'58"E 58.13 FT; TH S29°09'24"W 125.23 FT; TH S21°44'17"W
139.41 FT. TO POB 2.039 ACRES. L14 P29. CITY OF FRASER. 17505-17605 HELRO

14-05-177-014 PENVESCO 17801 HELRO (M) FRASER MI 48026
A.P. NO. 5. PART OF LOTS 87 & 92 DESC. AS FOLL. BEG. AT NE COR LOT 92. TH S
01°54'58" E 258.49 FT. TO W LINE M97. TH S 29°11'06" W 54.90 FT. ALG SD W LINE.
TH N 60°48'54" W 242.06 FT. TH N 21°44'17"E 139.41 FT.; TH N29°09'24"E 125.23 FT;
TH N01°54'58"W 58.13 FT; TH S60°48'54"E 134.37 FT.; TH S01°54'58"E 43.21 FT TO
POB 1.397 ACRES. L14 P29. CITY OF FRASER.

PLEASE TAKE NOTICE that a special assessment roll has been prepared and is on file in the office of the City Clerk for public examination. Said special assessment roll has been prepared for the purpose of assessing the cost of the following described improvement to the above-described properties which are to be benefitted therefrom:

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.

TAKE FURTHER NOTICE that the City Council will meet on the 14th day of February 2013 at 7:00 p.m. at the Council Chambers at 33000 Garfield, Macomb County, Michigan 48026 for the purpose of reviewing the special assessment roll and hearing for any objections thereto.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance and protest by letter delivered to the Clerk by 4:30 p.m. on February 14, 2013, and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessment may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll, if that special assessment was protested at this hearing.

**KATHY KACANOWSKI, CLERK
CITY OF FRASER**

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

The motion carried unanimously.

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Member Jennings moved, seconded by Member Accavitti, TO APPROVE RESOLUTION 5 FOR THE HELRO SPECIAL ASSESSMENT.

The motion carried unanimously.

RESOLUTION NO. 5

HELRO STREET PAVING

WHEREAS, after due and legal notice, a public hearing was held on February 14, 2013, by the City Council of the City of Fraser, Macomb County, Michigan, at which time it reviewed the special assessment roll for Helro Paving Improvements as prepared for the purpose of defraying the costs of the following described paving improvements and upon completion of review, said public hearing was closed:

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 deems that the special assessment roll is fair and equitable as reported to it by the assessor.

NOW, THEREFORE, BE IT RESOLVED:

- 1. Said special assessment roll shall be designated as the Helro Paving special assessment roll I.
- 2. Said special assessment roll as designated and in the amount listed below and as prepared and reported to the City Council, be and the same is hereby confirmed:
 - 1. Roll. Helro Paving SAD PAV 01-13
 - 2. Amount. \$148,970.00:

<u>Parcel No.</u>	<u>Amount</u>
14-05-177-12	49,656.66
14-05-177-13	49,656.66
14-05-177-14	49,656.66

- 3. Said special assessment roll shall be divided into ten (10) equal annual installments, the first installment to be due on July 1, 2013, and following installments to be due on July 1st of each and every year thereafter. Said installments of the special assessment roll shall bear interest at the rate of two (2%) percent per annum, commencing July 1, 2013, said interest to be payable annually on each installment due date for the assessments made and said special assessment roll are hereby ordered and directed to be collected and the City Clerk shall deliver said special assessment roll to the City Treasurer commanding the Treasure to collect the assessments therein in accordance with the directions of the City Council with respect thereto and Treasurer is directed to collect the amounts assessed as the same come due.

The motion carried unanimously.

e. Request Council approve the Heart Amendment for the Fraser Pension Plan as required by law.

Manager Haberman explained this amendment to the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act) applies to benefits of those employees who are serving in the military.

Member Blanke moved, seconded by Member Carnagie, TO APPROVE THE HEART ACT AMENDMENT FOR THE FRASER PENSION PLAN AS REQUIRED BY LAW.

The motion carried unanimously.

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- f. Request Council approve the purchase of new audio and video equipment from Advance Lighting and Sound for \$8,908.70 to replace aged and failing equipment being used to televise city meetings.**

Member Jennings moved, seconded by Member Morelli, TO APPROVE THE PURCHASE OF NEW AUDIO AND VIDEO EQUIPMENT FROM ADVANCE LIGHTING AND SOUND FOR \$8,908.70 TO REPLACE AGED AND FAILING EQUIPMENT BEING USED TO TELEVISE CITY MEETINGS.

The motion carried unanimously.

- g. Request Council approve Budget Amendment #3 transferring \$10,000 from Contingency to City Hall Materials/Supplies to pay for agenda item 8f.**

Member Morelli moved, seconded by Member Carnagie, TO APPROVE BUDGET AMENDMENT #3 TRANSFERRING \$10,000 FROM CONTINGENCY TO CITY HALL MATERIALS/SUPPLIES TO PAY FOR AGENDA ITEM 8f, AUDIO AND VIDEO EQUIPMENT.

The motion carried unanimously.

- h. Request Council approve Budget amendment #7 reauthorizing the transfer of \$500,000 from Major Roads to Local Streets as approved by resolution by the City Council in June 2012 due to change of fiscal year.**

Member Accavitti moved, seconded by Member Morelli, TO APPROVE BUDGET AMENDMENT #7 REAUTHORIZING THE TRANSFER OF \$500,000 FROM MAJOR ROADS TO LOCAL STREETS AS APPROVED BY RESOLUTION BY THE CITY COUNCIL IN JUNE 2012 DUE TO CHANGE OF FISCAL YEAR.

The motion carried unanimously.

- i. Request Council approve Budget Amendment #2 transferring \$3,560 from IFT Revenues to Liability Insurance and Budget Amendment #6 transferring \$12,000 from Sale of City Vehicles to cover increased liability insurance premiums.**

Member Morelli moved, seconded by Member Accavitti, TO APPROVE BUDGET AMENDMENT #2 TRANSFERRING \$3,560 FROM IFT REVENUES TO LIABILITY INSURANCE AND BUDGET AMENDMENT #6 TRANSFERRING \$12,000 FROM SALE OF CITY VEHICLES TO COVER INCREASED LIABILITY INSURANCE PREMIUMS.

The motion carried unanimously.

- j. Request Council approve Budget Amendment #4 transferring \$40,000 from Contingency to City Attorney to cover costs related to Collective Bargaining.**

Member Morelli moved, seconded by Member Accavitti, TO APPROVE BUDGET AMENDMENT #4 TRANSFERRING \$40,000 FROM CONTINGENCY TO CITY ATTORNEY TO COVER COSTS RELATED TO COLLECTIVE BARGAINING.

The motion carried unanimously.

- k. Request Council approve Budget Amendment #1 transferring \$18,495 from Refund / Reimbursements to Senior Housing Maintenance to cover damages caused by flooding. This transfer represents the insurance claim paid for this incident.**

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Member Blanke moved, seconded by Member Jennings, TO APPROVE BUDGET AMENDMENT #1 TRANSFERRING \$18,495 FROM REFUND/ REIMBURSEMENTS TO SENIOR HOUSING MAINTENANCE TO COVER DAMAGES CAUSED BY FLOODING. THIS TRANSFER REPRESENTS THE INSURANCE CLAIM PAID FOR THIS INCIDENT.

The motion carried unanimously.

- l. Request Council approve Budget Amendment #5 in the amount of \$30,000 from Sale of City Vehicles to DPW Repair and Maintenance to pay for extensive repairs required for Backhoe.**

Member Accavitti moved, seconded by Member Morelli, TO APPROVE BUDGET AMENDMENT #5 IN THE AMOUNT OF \$30,000 FROM SALE OF CITY VEHICLES TO DPW REPAIR AND MAINTENANCE TO PAY FOR EXTENSIVE REPAIRS REQUIRED FOR BACKHOE.

The motion carried unanimously.

- m. Request Council approve Budget Amendment #6 in the amount of \$12,000 to cover increased Liability Insurance Premiums.**

ITEM WAS REMOVED.

- n. Request Council consider appeal of The Pod Drop to the Second Hand License denial by Council on January 10, 2013. Not required if 8b is approved.**

Manager clarified that although item 8b, moratorium on second hand licenses, was approved, this appeal could still be considered.

Angelo Calderone, owner of The Pod Drop, explained that once he was made aware of the ordinance regarding second hand licenses, he spoke to his attorney and was advised to apply for a license. He advised the buy/trade/sell portion of his business is huge and explained the safety measures he implements to avoid stolen items. He noted that during the last few months he has discontinued the buy/trade/sell portion and it has greatly impacted his business.

Discussion ensued relative to the Leads on Line process and Manager Haberman noted that the licenses are renewed annually, expiring June 30th.

Member Jennings moved, seconded by Member Morelli, to APPROVE A SECOND HAND LICENSE FOR THE POD DROP.

The motion carried 6-1 with
one no vote by Mayor Hagerty.

- o. Request Council Discuss Snow Ordinance.**

Councilmember Accavitti advised he received several complaints regarding on-street parking during the recent snow storm and suggested the current policy be reviewed. Discussion ensued and Manager Haberman advised a policy will be drafted for Council's review at the next meeting.

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9. Report of City Administration/Pending Items

Manager Haberman advised the Building Department is working on a public service video to provide residents information relative to rat control.

He also noted there is a new program offered by the State of Michigan called Step Forward. This program is offered as assistance for homeowners who are at high risk of default or foreclosure.

10. Report of Mayor and City Council/New Business

Mayor and Council discussed various topics.

11. Citizen Participation

Anna Cameron, 34273 Garfield Circle

Mayor Hagerty allowed Councilmember Cilluffo to speak briefly regarding former Councilmember and resident Walter Mason, who passed away last month.

12. Adjournment

Member Accavitti moved, seconded by Member Carnagie, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, FEBRUARY 14, 2013 AT 10:33 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

/kk