

Fraser City Council - Regular Meeting
Thursday – June 13, 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. He noted Member Cilluffo would be arriving late.
2. **Pledge of Allegiance**
3. **Approval of Agenda**

Member Jennings moved, seconded by Member Carnagie, to MOVE ITEMS 8N, O, P AND Q TO THE BEGINNING OF THE CONSENT AGENDA.

Mayor Hagerty moved, seconded by Member Carnagie, to ADD DISCUSSION OF MULVEY/MAZARA PROPERTY TO THE AGENDA AS 8R.

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

The motion carried unanimously.

4. **Citizen Participation on Agenda Items**

Tony Girgenti, owner of 14 Mile and Groesbeck property, came forward but chose to speak after the presentation.

5. **Presentations**

Member Cilluffo arrived at 7:05 p.m.

a. Jeff Fiore of Nationwide Construction provided a presentation of a development proposal for the city-owned property at Groesbeck and 14 Mile. His plans are for parking on the first floor with a small office space on top. He would consider placing a wall for the city on the property as an improvement to this area and is not opposed to selling the property in the future if a high development is considered.

Mayor Hagerty stated he would like to have the building demolished and the property put out for bid since several developers have shown interest. Member Jennings agreed she would like to have the property put out to bid but with a stipulation of what their plans are along with a time frame. Mayor stated it may be better to have a request for proposal prepared. Mr. Fiore requested his plans be removed as they are his ideas and Council thanked him and returned his plans.

Tony Girgenti, owner of property near the corner of 14 Mile and Groesbeck, provided Council with a letter explaining his plans for beautification of the corner property and spoke relative to his request to purchase this property. Anna Cameron, 34273 Garfield Circle, spoke regarding this item.

After much discussion, Council directed City Manager to prepare a Request For Proposal.

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- b. Presentation of 2013-2014 Water & Sewer Finances and Rate Recommendation

City Manager Haberman provided a power point presentation relative to this item. Fixed costs were discussed and he explained the Debt Service expenses can be moved to taxes for those who itemize but the Fixed Cost on the water bill cannot. Mayor Hagerty inquired about equity for condominium owners since they share meters and Manager Haberman explained that although it does not affect the city, it could affect internal condo groups. Mayor mentioned possibility of adding a proposal to the November ballot to allow expenses to be moved to taxes. Member Jennings stated she is not in agreement with adding this to the November 2013 ballot as she wants to provide more information to the residents and believes it should be presented at a larger election. Mayor asked Council if they want to give direction to have a proposal placed on the November ballot; Members Accavitti and Carnegie agreed and Members Blanke, Cilluffo, Jennings and Morelli disagreed. Consensus of Council was not to add it to the November ballot.

6. Public Hearings

- a. Public Hearing and Council Consideration to approve an Industrial Facilities Tax Exemption request from Enmark Tool & Gage Co., located at 18100 Cross Lane, in the amount of \$2,674,500 for building improvements and new equipment retaining 45 jobs and creating 3 new jobs.

Camille Silva, Macomb County Planning, and Tim Krause, Plant Manager, were present to provide Council with pictures and an explanation of the improvements.

Mayor Hagerty opened the public hearing at 8:53 p.m.; with no public to be heard,
Mayor Hagerty closed the public hearing at 8:54 p.m.

Member Jennings moved, seconded by Member Morelli, to APPROVE THE RESOLUTION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION FOR ENMARK TOOL & GAGE CO. IN THE AMOUNT OF \$2,674,500 FOR A PERIOD OF 12 YEARS.

Resolution Approving Application of Enmark Tool & Gage Co., Inc.
For Industrial Facilities Exemption Certificate
For Real and Personal Property

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on June 16, 1977, the City of Fraser City Council by resolution established Industrial Development District 1; and

WHEREAS, Enmark Tool & Gage Co., Inc. has filed an application for an Industrial Facilities Exemption with respect to real and personal property to be acquired and installed within the Industrial Development District 1; and

WHEREAS, before acting on said application the City of Fraser held a hearing on June 13, 2013 at the Fraser Municipal Building at 7:00 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation on new machinery and equipment had not begun earlier than six (6) months before the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Fraser; and

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WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes with the City of Fraser, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Fraser that:

1. The City of Fraser Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, **shall not have the effect of substantially impeding the operation of the City of Fraser, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Fraser.**

2. The application of Enmark Tool & Gage Co., Inc. for an Industrial Facilities Exemption Certificate, with respect to personal property on the following described parcel of real property situated within the Industrial Development District, to wit:

11-32-452-004
ENMARK PARTNERS LTD
18100 CROSS LANE
FRASER MI 48026

T2N R13E SEC 32; COMM AT THE S 1/4 COR OF SEC 32; TH N 00°09'20"E 1538.35 FT ALG N/S 1/4 LINE OF SEC 32; TH S 89°51'19"E 799.57 FT ON S LINE OF CROSS INDUSTRIAL PARK NO 2; TH S89°47'54"E 35 FT TO POB; TH S89°47'54"E 515.47 FT; TH S31°39'07"W 393.73 FT ALG W LINE OF GRAND TRUNK W'ERN RR; TH N89°51'19"W 344.74 FT; TH N0°09'01"E 48.53 FT; TH N26°03'10"E 80.11 FT; TH N00°09'01"E 215.58 FT TO POB; CONT 3.25 ACRES & SUBJECT TO ALL RECORDS OF EASEMENTS.

3. The Industrial Facilities Tax Exemption Certificate, when issued, shall be and remain in force and effect for a period of twelve (12) years after completion.

AYES: 7
NAYES: 0
ABSENT: 0

RESOLUTION DECLARED ADOPTED.

The motion carried unanimously.

7. Consent Agenda

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

- a. Approval of Minutes of the Regular Council Meeting of 5/9/13.
- b. Approval of Bills for the Month of May 2013 in the amount of \$902,204.71.
- c. Receive and file Minutes of the 3/11/13 Library Board meeting.
- d. Receive and file Minutes of the 4/1/13 Historical Commission meeting.
- e. Receive and file Minutes of the 4/4/13 Zoning Board of Appeals meeting.

The motion carried unanimously.

8. Requests For Council Action

- n. **Request Council approve and award bid for reconstruction of Helro Drive to Fiore Enterprises, LLC 3411 W Fort St., Detroit MI in the amount of \$115,073.53.**

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Member Jennings moved, seconded by Member Blanke, TO APPROVE AND AWARD THE BID FOR RECONSTRUCTION OF HELRO DRIVE TO FIORE ENTERPRISES, LLC LOCATED AT 3411 W. FORT ST., DETROIT, MI IN THE AMOUNT OF \$115,073.53.

The motion carried unanimously.

o. Request Council approval of resolution accepting the MDNR Development Project Grant for funding infrastructure improvements at McKinley Park associated with the boundless park project.

Linda Davis Kirksey and Vania Apps spoke briefly on this subject. They also thanked Girl Scout Troop 3049 and the Fraser Band Boosters for their donations.

Member Morelli moved, seconded by Member Carnagie, to APPROVE THE RESOLUTION ACCEPTING THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES DEVELOPMENT PROJECT GRANT FOR FUNDING INFRASTRUCTURE IMPROVEMENTS AT MCKINLEY PARK ASSOCIATED WITH THE BOUNDLESS PARK PROJECT.

RESOLUTION ACCEPTING MDNR DEVELOPMENT PROJECT GRANT

“RESOLVED, that the City of Fraser, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources (DEPARTMENT), and that the City of Fraser, Michigan does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide SIXTY FOUR THOUSAND ONE HUNDRED FIFTY (cash) 64,150. Contributions are dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.”

The motion carried unanimously.

p. Request Council award bid to Corrado Construction in the amount of \$19,025 for an addition to the Baumgartner Depot Visitors Center.

Member Cilluffo asked that he be allowed to refrain from voting since Mr. Corrado is a relative.

Member Accavitti moved, seconded by Member Morelli, to ALLOW MEMBER CILLUFFO TO ABSTAIN FROM VOTING ON THIS ITEM.

The motion carried unanimously.

The following residents spoke regarding this item:

Bob Buffa, 31186 Elodie

Gloria Buffa, 31186 Elodie

Linda Champion, 16860 General

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Joe Chimenti, 33716 Janet
Dee Laramie 16375 13 Mile Rd.

Member Morelli moved, seconded by Member Carnagie, to AWARD BID TO CORRADO CONSTRUCTION IN THE AMOUNT OF \$19,025 FOR AN ADDITION TO THE BAUMGARTNER DEPOT VISITORS CENTER.

The motion carried 6-0
with Member Cilluffo abstaining.

q. Request Council approval of fee schedule for the City of Fraser.

Member Jennings requested that City Clerk's fees include DVD's at a cost of \$25 in the event a copy of a meeting is requested. There was some discussion relative to the Building & Performance Bond language as well as fees for temporary structures such as carports. Member Blanke suggested reducing the cost of picnic shelter rentals for residents and increasing it for non-residents, which could assist in clean up fees. It was noted that the fee schedule could be approved with the first amendment and the other items can be reviewed during the year.

Member Carnagie moved, seconded by Member Cilluffo, to APPROVE THE FEE SCHEDULE FOR THE CITY OF FRASER EFFECTIVE JULY 1, 2013 AS AMENDED.

The motion carried unanimously.

At this time, 9:45 p.m. Mayor Hagerty requested a break. Meeting resumed at 9:53 p.m. with Member Blanke returning at 9:55 p.m.

a. Request Council adopt the water and sewer rates for fiscal year 2013-2014.

Member Jennings moved, seconded by Member Morelli, to ADOPT THE WATER AND SEWER RATES FOR FISCAL YEAR 2013-2014.

The motion carried 5-2 with
no votes by Hagerty & Accavitti.

b. Request Council approve and award bid for repairs and replacement of heater at senior apartments to Johnson Thermol Temp, 58540 Van Dyke, Washington MI in the amount of \$15,400 with funds to come from account 937.000 Maintenance Expense.

Member Blanke moved, seconded by Member Morelli, to AWARD BID FOR REPAIRS AND REPLACEMENT OF HEATER AT SENIOR APARTMENTS TO JOHNSON THERMOL TEMP, LOCATED AT 58540 VAN DYKE, WASHINGTON, MI IN THE AMOUNT OF \$15,400 WITH FUNDS TO COME FROM ACCOUNT 937.000 MAINTENANCE EXPENSE.

The motion carried unanimously.

c. Request Council approve budget adjustment transferring \$50,000 from General Fund Contingency to Tax Tribunal Adjustments.

Manager Haberman noted, going forward, adjustments will be made at the time any purchases are approved by Council.

Member Jennings moved, seconded by Member Morelli, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$50,000 FROM GENERAL FUND CONTINGENCY TO TAX TRIBUNAL ADJUSTMENTS.

The motion carried unanimously.

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- d. Request Council approve budget adjustment transferring \$7,000 from General Fund Contingency to Repairs & Maintenance-Library.**

Member Jennings moved, seconded by Member Cilluffo, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$7,000 FROM GENERAL FUND CONTINGENCY TO REPAIRS & MAINTENANCE-LIBRARY.

The motion carried unanimously.

- e. Request Council approve budget adjustment transferring \$1,500 from General Fund Contingency to Repairs & Maintenance-DPW.**

Member Blanke moved, seconded by Member Jennings, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$1,500 FROM GENERAL FUND CONTINGENCY TO REPAIRS & MAINTENANCE-DPW.

The motion carried unanimously.

- f. Request Council approve budget adjustment transferring \$9,360 from General Fund Contingency to Miscellaneous Fees-39th District Court.**

Member Accavitti moved, seconded by Member Jennings, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$9,360 FROM GENERAL FUND CONTINGENCY TO MISCELLANEOUS FEES-39TH DISTRICT COURT.

The motion carried unanimously.

- g. Request Council approve budget adjustment transferring \$40,000 from General Fund Contingency to Street Lighting.**

Anna Cameron, 34273 Garfield Circle, spoke regarding this item.

Member Morelli moved, seconded by Member Accavitti, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$40,000 FROM GENERAL FUND CONTINGENCY TO STREET LIGHTING.

The motion carried unanimously.

- h. Request Council approve budget adjustment transferring \$150,000 from Employee Health Cost, Pawn Fee and Current Taxes to Public Safety Salary.**

Member Accavitti moved, seconded by Member Morelli, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$150,000 FROM EMPLOYEE HEALTH COST, PAWN FEE AND CURRENT TAXES TO PUBLIC SAFETY SALARY.

The motion carried unanimously.

- i. Request Council approve budget adjustment transferring \$20,000 from Public Safety Cost Recovery, IFT Revenues and Prior Year Collections to Public Safety Overtime.**

Member Jennings moved, seconded by Member Carnagie, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$20,000 FROM PUBLIC SAFETY COST RECOVERY, IFT REVENUES AND PRIOR YEAR COLLECTIONS TO PUBLIC SAFETY OVERTIME.

The motion carried unanimously.

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- j. Request Council approve budget adjustment transferring \$20,000 from Prior Year Collections and Public Safety Highway Safety to City Hall Telephone.**

Member Jennings moved, seconded by Member Morelli, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$20,000 FROM PRIOR YEAR COLLECTIONS AND PUBLIC SAFETY HIGHWAY SAFETY TO CITY HALL TELEPHONE.

The motion carried unanimously.

- k. Request Council approve budget adjustment transferring \$45,000 from Drug Forfeiture Non Adjudicated to Public Safety Professional Services.**

Member Jennings moved, seconded by Member Carnagie, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$45,000 FROM DRUG FORFEITURE NON ADJUDICATED TO PUBLIC SAFETY PROFESSIONAL SERVICES.

The motion carried unanimously.

- l. Request Council approve budget adjustment transferring \$30,000 from Drug Forfeiture Non Adjudicated to Public Safety Operating Supplies.**

Member Jennings moved, seconded by Member Accavitti, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$30,000 FROM DRUG FORFEITURE NON ADJUDICATED TO PUBLIC SAFETY OPERATING SUPPLIES.

The motion carried unanimously.

- m. Request Council approve budget adjustment transferring \$100,000 from Gambling Forfeiture Federal to Public Safety Supplies.**

Member Morelli moved, seconded by Member Carnagie, to APPROVE BUDGET ADJUSTMENT TRANSFERRING \$100,000 FROM GAMBLING FORFEITURE FEDERAL TO PUBLIC SAFETY SUPPLIES.

The motion carried unanimously.

- r. Request Council discuss city owned property located at Mulvey and Mazara**

Manager Haberman advised he received a proposal to purchase this property by an adjoining property owner. Member Jennings stated she is not in favor of accepting less than the appraised amount. Mayor Hagerty suggested a request for proposal be prepared.

Member Jennings moved, seconded by Member Carnagie to DIRECT CITY MANAGER TO PREPARE A REQUEST FOR PROPOSAL FOR THE CITY OWNED PROPERTY AT THE CORNER OF MULVEY & MAZARA.

The motion carried unanimously.

9. Report of City Administration/Pending Items

Manager Haberman stated the City received a state award for the Hayes Interceptor program. Updates were provided on the Flamingo Motel repairs, Class C liquor license changes and bank reconciliation. Mayor Hagerty noted there were some complaints regarding fireworks noise and litter and a summary of the ordinances will be placed on the website and cable station.

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10. Report of Mayor and City Council/New Business

Mayor and Council discussed various topics.

11. Citizen Participation

Anna Cameron, 34273 Garfield Circle

12. Adjournment

Member Carnegie moved, seconded by Member Accavitti, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, JUNE 13, 2013 AT 11:16 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

/kk