City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Doug Hagerty

COUNCIL
Dan Accavitti, Mayor Pro-Tem
William A. Morelli, Acting Mayor
Kathy A. Blanke
Michael C. Carnagie
Paul A. Cilluffo
Barbara L. Jennings

CITY MANAGER
Richard E. Haberman

CITY CLERK
Kathy Kacanowski

FRASER CITY COUNCIL – REGULAR MEETING
THURSDAY – OCTOBER 10, 2013 – 7:00 P.M.
CITY HALL
AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. CITIZEN PARTICIPATION ON AGENDA ITEMS

5. PRESENTATIONS:

   a. Proclamation honoring the work and service of Fraser resident David Pement who has attained the rank of Eagle Scout.
   b. Proclamation celebrating 25th Anniversary of the establishment of Fraser Paid On Call Firefighter group.
   c. Presentation of 25-year certificates of service to Paid On Call Firefighters Art Chavez, Doug Rocho, and Michael Carnagie.
   d. Presentation and report by SEMCOG on new data resources

6. PUBLIC HEARINGS: There are no public hearings scheduled

7. CONSENT AGENDA

   a. Approval of Minutes of the Regular Council Meeting of September 12, 2013.
   b. Approval of Bills for the Month of September 2013 in the amount of $1,222,344.71
   c. Receive and file the minutes of the August 21, 2013 meeting of the Planning Commission.
   d. Receive and file the minutes of the June 10, 2013 meeting of the Library Board
   e. Receive and file the minutes of the September 3, 2013 meeting of the Parks and Recreation Commission.
   f. Receive and file the minutes of the August 5, 2013 meeting of the Historical Commission.
   g. Authorize City Manager to renew public transit contract with SMART for van service for Fraser residents.

8. REQUESTS FOR COUNCIL ACTION

   a. Resolution opposing SB 313 removing local control of and setting statewide standards for rental inspections.

9. REPORT OF THE CITY ADMINISTRATION/PENDING ITEMS.

10. REPORT OF MAYOR AND CITY COUNCIL/NEW BUSINESS

11. CITIZEN PARTICIPATION.

12. ADJOURNMENT

(Posted Friday October 4, 2013 4:30p.m.)

THE CITY OF FRASER WILL PROVIDE NECESSARY REASONABLE AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WITH DISABILITIES AT THE MEETING UPON FOUR DAYS NOTICE TO:
RANDY WARUNEK, BUILDING DEPARTMENT
(586) 293-3100 EXT 154

IT IS THE POLICY OF THE CITY OF FRASER THAT NO PERSON, ON THE BASIS OF RACE, CREED, COLOR, RELIGION, NATIONAL ORIGIN, OR ANCESTRY, AGE, SEX, MARITAL STATUS, OR DISABILITY SHALL BE DISCRIMINATED AGAINST, EXCLUDED FROM PARTICIPATION, DENIED THE BENEFITS OF, OR OTHERWISE SUBJECTED TO DISCRIMINATION IN ANY PROGRAM OR ACTIVITY FOR WHICH IT IS RESPONSIBLE.

Certificate of Achievement

David Pement

WHEREAS, Fraser resident David Pement is being honored for his hard work and service in attaining the rank of Eagle Scout. David is a member of Troop 518 located in Warren, Michigan; and

WHEREAS, David joined the scouts in 2006 and has served the troop in various leadership capacities, including Patrol Leader, Historian, Chaplain's Aide, and culminating in leading the entire troop as Senior Patrol Leader for the 2012-2013 year. He earned 28 merit badges during this time and was inducted into the national honor society of BSA, the Order of the Arrow, in December 2012; and

WHEREAS, David's Eagle Service Project consisted of constructing various bookshelves to display an inventory of used books and other material for the Friends of the Warren Public Library;

WHEREAS, In addition to his scouting interests, David is also a talented pianist who actively participates in the music and youth ministries of a local church and looks forward to studying music in college next fall.

NOW THEREFORE, BE IT RESOLVED,

I, Doug Hagerty, by virtue of the authority vested in me as Mayor of the City of Fraser, and on behalf of the entire City Council, and all our citizens, do hereby extend this Certificate of Achievement to David Pement in recognition of his achievement to the rank of Eagle Scout.

Given under my hand on this 10th day of October 2013.

____

Doug Hagerty, Mayor
City of Fraser, Michigan

25 Year Bios of Service Dedication & Duty as a Fraser (POC) Paid On Call Firefighter
1988 to 2013

Art Chavez has served 25 years as a City of Fraser Volunteer / POC Firefighter / Medical First Responder. He also served 8 years Vice President, 6 years Safety Officer and 2 years Training Officer. He is currently a FEO- Fire Engine Operator and has served 11 years as a member of the Fraser Public Safety Honor Guard. Firefighter Chavez has been chosen as a Flag presenter at the National Firefighters Memorial. Art is also Co- Chairman of the Firefighter David P. Sutton Memorial and the David P. Sutton Endowed Scholarship at Macomb Community County College. He also is the Chairman for the Families in need for Christmas. Firefighter Chavez has been awarded, Two Community Service Awards Two Unit Citations, Honor Guard and Service Bars and was POC Firefighter of the year. Art has always been a go-to guy when anyone needs help on or off duty and when the organization needs him you can count on him. He has been an outstanding Officer and Firefighter throughout the past 25 years.

Doug Rocho has served 25 years as a City of Fraser Volunteer / POC Firefighter / Emergency Medical Technician, and also served 12 years as a Training Officer for the POC Firefighters, 2 years as Oversight Chairman, and is currently a FEO- Fire Engine Operator; is a member of the Fraser Public Safety Honor Guard for 11 years and attended fire officer school. Firefighter Rocho has been chosen as a Flag presenter at the National Firefighters Memorial. Doug has been the nuts and bolts of the department. He has assisted in building, fixing, and design of a lot of implements needed throughout the past 25 years. He also has served as Second in Command for the Fire Division Honor Guard. Doug has served on the US Coast Guard Power Squadron for 38 years and is the Chaplin for the Paid on Call Firefighters. Firefighter Rocho has been awarded a Community Service Award, Two Unit Citations, Life Saving Citation, and Honor Guard and Service Bars. Doug was also Firefighter of the year with the POC Firefighters Association.

Michael Carnagie has served 25 years as a City of Fraser Volunteer / POC Firefighter / Emergency Medical Technician. He has served 20 years as President, 2 years Vice President, 8 years Training Officer, 2 years as RIT team member. Mike was also chosen to attend fire officer school and is certified for Fire Officer I & 2. He was Chairman for the purchase of the "Jaws of Life", and the Fire Safety House and Chairman of the United States Honor Flag Detail. Mike organized and designed the Sutton Memorial and Downtown Clock at city Hall in memory of Firefighter David P. Sutton who died in the line of duty March 3rd 2000.

Mike has also served as Chairman of the Sutton/ Kokko fund which raised over $200,000 and currently is the Chairman of the Firefighter David P. Sutton Memorial and the David P. Sutton Endowed Scholarship at Macomb Community County College.

Mike was instrumental in the design of the new fire division uniform patch and also organizing the Fraser Public Safety Honor Guard and the special design of the Honor Guard Uniform and patch which has brought the Honor Guard to its current status today. Mike serves as the Detail Commander for the City of Fraser Honor Guard Unit and Honor Guard Commander for the State of Michigan's Firefighter Memorial for the past ten years. Mike was nominated and chosen as a National Midwest Honor Guard Officer in 2012 for the United States National Firefighter Memorial, and will maintain that status for the National Event. He is currently the President of the POC Firefighters, FEO- Fire Engine Operator, EMT and Platoon Leader. Firefighter Carnagie has been awarded Three Community Service Awards, Two Unit Citations, Citation of Merit, Honor Guard and Service Bars, Director's Citation, and Two Citations of Bravery and was named POC Firefighter of the year four times.

Mike has devoted the past 25 years with sincere compassion, leadership and commitment to the Fraser Department of Public Safety and the citizens of Fraser in many ways. Whether it was the open houses, boot drives, fire/safety equipment donations, fundraisers, DPS Safety House or the Barrier-free park project. His desire to make things "happen" has not gone unnoticed. We are very fortunate to have Mike on "our" team!

Fraser City Council - Regular Meeting
Thursday –September 12, 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 Cilluffo moved, seconded by Member Jennings, to ADD 12a FOR COUNCIL TO CONSIDER APPROVING AN 18 MONTH EXTENSION OF THE CITY MANAGER'S CONTRACT WITH NO CHANGE TO THE CONTRACT.

The motion carried unanimously.

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

The motion carried unanimously.

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

5. **Presentations**

a) Fraser Lions Club members Dale Moase, Matt Hemelberg and Don Kiefiuk, Lions President, thanked everyone for a successful carnival and presented checks as follows:
$8000 fireworks donation, $12,362.09 invoice payment, $1125 each to DARE, DPW for safety equipment, Boundless Park and Honor Guard.

b) Deborah Garrett, from CARE, spoke briefly regarding a proclamation recognizing September as National Recovery Month.

Member Carnagie moved, seconded by Member Accavitti, to APPROVE A PROCLAMATION RECOGNIZING SEPTEMBER AS NATIONAL RECOVERY MONTH.

The motion carried unanimously.

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 Regular Council Meeting of 8/8/13.
b. Approval of Bills for the Month of August 2013 in the amount of $1,303,943.74.
c. Receive and file Minutes of the 6/19/13 Planning Commission Meeting.
d. Receive and file Minutes of the 7/9/13 Parks and Recreation Commission meeting.
e. Receive and file Minutes of the 8/6/13 Parks and Recreation Commission meeting.

f. Appointment of Jerry Brown to the Parks and Recreation Commission to replace Lynn Evans-Rottman, with term to expire December 31, 2013.
g. Receive and file Minutes of the 7/8/13 Historical Commission meeting.
h. Approval of Proclamation declaring the week of September 17 to 23 as Constitution Week.

The motion carried unanimously.

8. <u>Requests For Council Action</u>

a. Request Council authorize the addition of 13 Mile Rd. and Hayes for solicitation by the Hope Center of Fraser.

Janet Kimball, a HOPE Center volunteer, was present to explain their request. Since this intersection borders other communities, it was clarified that this request is only for westbound traffic in Fraser.

Member Blanke moved, seconded by Member Carnagie, to AUTHORIZE THE ADDITION OF 13 MILE ROAD AND HAYES FOR SOLICITATION BY THE HOPE CENTER OF FRASER.

The motion carried unanimously.

b. Request Council approve the MDNR Grant Resolution as amended by request of MDNR.

Linda Davis Kirksey and Vania Apps advised that the Michigan Department of Natural Resources has requested this resolution include particular language and identifying how money will be distributed, which is the reason for the revision.

Member Blanke moved, seconded by Member Carnagie, to APPROVE THE MDNR GRANT RESOLUTION AS AMENDED BY REQUEST OF MDNR.

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 TWO-HUNDRED SEVENTY-ONE THOUSAND ($271,000) dollars to match the grant authorized by the DEPARTMENT. The matching funds are made up of $64,100 cash, $83,900 force-account labor and $123,000 donated labor and/or material

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.

c. Request Council approve an amendment to the City Pension Plan allowing for the purchase of 5 years of "air time" with the employee paying full cost of actuary study and the cost of purchasing the time.

Manager Haberman explained this item had been discussed at the Pension Board meetings and is now brought to Council for their consideration. Once an actuarial study is done, the study will only be valid for 90 days.

Mayor Hagerty voiced his concerns with the pension fund currently 50% funded and with the figures the actuary currently uses in calculations.

There was some discussion on the Early Retirement Incentive Program and Manager Haberman clarified that this is not relative to the E.R.I.P.'s. He also noted that due to the high cost, approximately $30,000 per year, most employees will not take advantage of this.

Member Carnagie questioned there being no negative impact and Manager Haberman explained the only negative impact would be on the cost of replacing an employee.

Larry Maniaci, 15878 Kingston Dr., spoke regarding this item.

Member Jennings moved, seconded by Member Blanke, to APPROVE AN AMENDMENT TO THE CITY PENSION PLAN ALLOWING FOR THE PURCHASE OF FIVE YEARS OF "AIR TIME" WITH THE EMPLOYEE PAYING FULL COST OF THE ACTUARY STUDY AND THE COST OF PURCHASING THE TIME.

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

d. Request Council refer Ordinance governing precious metals dealers to the Planning Commission for action.

Attorney Dolan explained this draft ordinance includes several items and also references restrictions on where these types of businesses can be located in relation to similar businesses.

Member Cilluffo voiced concern that the attorney had been asked to prepare this draft ordinance and discussion ensued relative to why this was being done without a vote of Council. Manager Haberman stated he took the initiative to request this draft ordinance after conversations with some council members.

Member Jennings questioned whether pre-existing businesses would be "grandfathered" and Attorney Dolan advised they would be. He also noted this draft ordinance includes many items which Council can remove as they choose.

The following residents voiced their opinion on this item:
Larry Maniaci, 15878 Kingston Dr.
Vince Calabrese, 17926 Breezeway

Member Carnagie moved, seconded by Member Jennings, to APPROVE REFERRING ORDINANCE GOVERNING PRECIOUS METALS DEALERS TO THE PLANNING COMMISSION FOR ACTION.

The motion carried unanimously.

9. <u>Report of City Administration/Pending Items</u>

Manager Haberman advised MERS is currently reviewing our pension plan. Once their review is complete, unions will be notified and several steps must be taken before this is presented to Council for consideration.

He also advised Council that staff is working on a Capital Improvement Program. Since a referendum would be required for capital improvements to the water and sewer system, Manager Haberman stated a special election could be held in February. In addition, a proposal to move the water/sewer fixed costs to taxes could also be included in this special election. If a referendum is successful, work could begin in the spring. More information will be provided.

10. <u>Report of Mayor and City Council/New Business</u>

Mayor and Council discussed various topics. Member Carnagie noted the cement at the entrance to the Activity Center is in poor condition and may need repairs.

Member Accavitti inquired about Inacomp billings, Senior Housing heating and cooling units and two consulting invoices relative to the Helro Drive project.

Mayor Hagerty invited Christina Woods, Recreation Director, to speak at this time relative to the Fraser Family Fun Fest.
After Ms. Woods spoke, Mayor Hagerty requested the City Manager provide two 24 month reports showing charges from past auditing firm, Plante Moran, and current auditing firm, Abrahm Gaffney.

11. <u>Citizen Participation</u>

Kathy Maitlin, Sterling Heights resident spoke about Human Trafficking
Larry Maniaci, 15878 Kingston Dr.
Vince Calabrese, 17926 Breezeway
Sarah Kelley, 16664 Erin
Jeremiah & April Shaw, 32376 Crestwood
Bob Buffa, 31186 Elodie
Vania Apps & Anna Cameron, Fraser First Booster Club

12. <u>Request Council Enter Into Closed Session</u> Pursuant to 15.268(a) of the Open Meetings Act, Act 267 of 1976 as Amended, to Consider A Periodic Personnel Evaluation of the City Manager and to Consider the Written Legal Opinion of Legal Counsel.

Mayor Hagerty asked Attorney Dolan several questions regarding the Open Meetings Act and whether a member was required to enter into a closed session. Attorney Dolan advised a member is not required to go into closed session but recommends two separate motions since the evaluation requires a simple majority vote and the legal opinion requires a 2/3 vote.

Discussion ensued with Member Accavitti voicing his concern on the evaluation process. Member Carnagie agreed and requested this be placed on next month's agenda. Manager Haberman noted his contract is set to expire in December.

Mayor Hagerty moved, seconded by Member Cilluffo, to ENTER INTO CLOSED SESSION TO CONSIDER A PERIODIC PERSONNEL EVALUATION OF THE CITY MANAGER.

A roll call vote was taken to enter into closed session at 9:57 p.m.:

Accavitti - no	Hagerty - no
Blanke - yes	Jennings - yes
Carnagie - no	Morelli - yes
Cilluffo - yes	

The motion carried 4-3.

Member Morelli moved, seconded by Member Jennings, to ENTER INTO CLOSED SESSION TO CONSIDER THE WRITTEN LEGAL OPINION OF LEGAL COUNSEL.

A roll call vote was taken to enter into closed session at 10:00 p.m.:

Accavitti - no	Hagerty - no
Blanke - yes	Jennings - yes
Carnagie - no	Morelli - yes
Cilluffo - yes	

The motion failed
due to lack of 2/3 vote.

Mayor Hagerty and Members Accavitti & Carnagie declined attendance at the closed session.

At this time, 10:25 p.m.. the meeting reconvened.

12a. Request Council Consider Approving an 18 Month Extension of the City Manager's Contract With No Change To The Contract.

Mayor Hagerty referred to Section 6.7c of the City Charter and questioned Attorney Dolan on whether a member would have to disqualify them self from voting if they had a more than professional relationship with the City Manager. Attorney Dolan explained this section refers to a member having a financial interest in the item and that there are no state laws, city ordinances, resolutions or policies in place that addresses this type of issue.

Mayor Hagerty stated that he had been approached by several people who were concerned about this type of relationship. He is concerned that the confidence of this body is being eroded and the public trust is being undermined.

Member Cilluffo reminded Council this is a vote to extend the City Manager's contract.

Member Blanke stated that when she was a department head, she was also married to a Mayor who voted on her pay. She also stated that unless something is immoral, this body is not here to judge, they are here to serve the community.

Member Morelli questioned Attorney Dolan on whether there were any references to unmarried persons and he stated there were none.

Member Cilluffo CALLED TO QUESTION at 10:44 p.m.

Ken Imler, Hawk Industries/Deluxe Development voiced his opinion on this item.

Member Carnagie stated that he is in favor of Manager Haberman and the job he is doing. He is only concerned with the evaluation process.

Member Accavitti agreed that he is only concerned that the process is flawed.

Member Cilluffo moved, seconded by Member Morelli, to APPROVE AN 18 MONTH EXTENSION OF THE CITY MANAGER'S CONTRACT WITH NO CHANGE TO THE CONTRACT.

The motion carried 4-3
with no votes by Mayor Hagerty and
Members Accavitti & Carnagie.

12. Adjournment

Member Morelli moved, seconded by Member Accavitti, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, SEPTEMBER 12, 2013 AT 10:49 P.M.

The motion carried unanimously.

Respectfully submitted,

____
Kathy Kacanowski, City Clerk

____
Doug Hagerty, Mayor

/kk

CITY MANAGER
Richard Haberman

City of Fraser
CENTENNIAL COMMUNITY

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Toni Misch, Accounts Payable

DATE: October 1, 2013

RE: Accounts Payable

PAYMENT OF CHECKS DATED	AMOUNT
The month of September 2013	$1,224,993.17
Voided Checks for September 2013	-2,648.46
	$1,222,344.71

CITY OF FRASER PLANNING COMMISSION
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
WEDNESDAY, AUGUST 21ST, 2013 ~ 7:00 P.M.
MINUTES

PRESENT:	CHAIRPERSON RICKARD, MEMBERS: BARR, CALABRESE, LARAMIE, NEIBORG, QUERTERMOUS, AND STONEBREAKER
EXCUSED ABSENCE:	MEMBER ERKE
UNEXCUSED ABSENCE:	MEMBER LOY

ALSO PRESENT:	JACK DOLAN,	CITY ATTORNEY
	PATRICK MEAGHER,	CITY PLANNER
	RANDY WARUNEK,	BUILDING OFFICIAL

1. CALL MEETING TO ORDER:

Chairman Rickard called the meeting to order at 7:05 PM

2.

Chairman	Rickard	Pres.
Members:	Barr	Pres.
	Calabrese	Pres.
	Ehrke	Abs.
	Laramie	Pres.
	Loy	Abs.
	Neiborg	Pres.
	Quertermous	Pres.
	Stonebreaker	Pres.

3. APPROVAL OF AGENDA ~ Regular Meeting August 21st, 2013

Motion by Member **LARAMIE** Support by Member **NIEBORG**

TO: APPROVE the agenda of August 21st, 2013 as Amended

Add to Agenda; add #8. Unfinished Business:
b. OUR LADY QUEEN OF MARTYRS, 16416 14 MILE RD. PROPOSED CONSTRUCTION OF TWO BRICK COLUMNS AT ENTRANCE OF PARKING LOT.
c. 08-12SP / COMMERCIAL FENCE / FRASER WOODS / 17195 FRASER WOODS DRIVE / PROPOSED FENCE PERIMETER OF PROPERTY

AYES **7** NAYS **0** MOTION CARRIED

4. APPROVAL OF MINUTES ~ Meeting of the June 19th, 2013

Motion by Member **LARAMIE** Support by Membe**r NEIBORG**

TO: APPROVE the June 19th, 2013 minutes as SUBMITTED

AYES **7** NAYS **0** MOTION CARRIED

5. PUBLIC HEARING: NONE

6. SITE PLANS, SIGN REVIEWS, AND OTHER REVIEWS: NONE

7. NEW BUSINESS: NONE

8. UNFINISHED BUSINESS:

a. #02-13SLU / AUTO REPAIR SHOP AND REALESTATE OFFICE / 31560 GROESBECK HWY / TO ALLOW AN AUTO REPAIR SHOP AND REALESTATE OFFICE IN SAME BUILDING AS EXISTING USED AUTO SALES FACILITY.

Tony Raja of 31560 Groesbeck Hwy. requested Special Land Use approval for auto repair and a future real estate office.

Member Stonebreaker asked for the barb-wire to be removed. He also stated the business is not approved for an Oil-Change Service' as advertised in front of building.

Mr. Raja stated the sign has been removed, took sign down when it was brought to his attention. The neighbors have barbed wire, likes to have it, a theft deterrent. Is the barb wire grand fathered in, did not put up any new barbed ware.

Member Calabrese concerned with parking requirement for a car dealership and a real estate office.

Mr. Raja stated his architect Mr. George Jerome provided enough parking to meet the parking ordinance.

Mr. Meagher stated the parking ordinance, paragraph 8, section 32.92 all parking must not be gated, the dimension of the parking spots is not identified, and site plan meets the requirements of the parking ordinance, but does not include cars waiting to be repaired, where they will be parked. Handicap parking must be modified, is there enough parking?

Mr. Dolan stated the applicant must meet all the ordinances for approval, if it involves dimensional issues (parking lot size, etc) he can go to the Zoning Board of Appeals for approval. Again, if he meets the ordinances, then he must meet the Eight Standards for Special land Use approval.

Member Calabrese made a motion to table #2-13SLU to allow Mr. Raja to provide more specific information regarding parking, provide plan for paving the rear (target date), remove barb-wire, and refrain from doing any of the conditions that we put forth until he comes back.

Motion made by Member **CALABRESE**, Supported by Member **LARAMIE**

TO: RECOMMEND / TABLE / #02-13SLU / AUTO REPAIR SHOP AND REALESTATE OFFICE / 31560 GROESBECK HWY.

With the following stipulations:

1. Specific detail clarification of parking
2. Plan of paving rear area (timeframe)
3. Remove barb-wire
4. Refrain from doing any of the conditions until next meeting

AYES **7** NAYS **0** MOTION CARRIED

b. OUR LADY QUEEN OF MARTYRS / 16416 14 MILE RD. / PROPOSED CONSTRUCTION OF TWO BRICK COLUMNS AT ENTRANCE OF PARKING LOT.

Mr. Mike Treder represented Our Lady Queen of Martyrs Church requested approval to construct two brick pillars on either side of the entry way of church parking lot. Concerned with non members of the church using the parking lot for u-turns, putting up column would be a deterrent.

Member Laramie made a motion to approve the construction of the columns as long as Mr. Warunek approved the placement.

Motion made by Member **LARAMIE** Supported by Member **NEIBORG**

TO: RECOMMEND / APPROVE / OUR LADY QUEEN OF MARTYRS / 16416 14 MILE RD. / PROPOSED CONSTRUCTION OF TWO BRICK COLUMNS AT ENTRANCE OF PARKING LOT.
With the following stipulations
1. No chains across entry way.

AYES **7** NAYS **0** MOTION CARRIED

c. 08-12SP / COMMERCIAL FENCE / FRASER WOODS / 17195 FRASER WOODS DRIVE / PROPOSED FENCE PERIMETER OF PROPERTY
Jeff Harman, Fraser Woods and Marybeth Sieracki, Pinnacle Contracting requested to continue the fence on the perimeter of the property, 310 foot long, six foot high with four foot posts. The request also included a privacy fence will be erected on the northeast corner of the property.

Motion made by Member **LARAMIE** Supported by Member **STONEBREAKER**

TO: RECOMMEND / APPROVE / FRASER WOODS / 17195 FRASER WOODS DRIVE / PROPOSED FENCE PERIMETER OF PROPERTY
With the following stipulations:
1. Provide revised site plan

AYES **7** NAYS **0** MOTION CARRIED

9. OLD BUSINESS:

a. #07-12SP / SITEPLAN EXPIRATION EXTENTION / MAHESHBHAI T. PATEL / 32524 GROESBECK HWY/ CONSTRUCT SINGLE STORY 50 ROOM MOTEL
Mr. Winston Wade represented Mr. Patel requesting an extension dead line date for site plan approval. No changes to the plan, currently working on underground taps, sewer and sanitary water before the road expansion project reaches this area of M-97.
Member Laramie, inquired when they will begin to build the motel; ~ does not have a target completion date.
Member Stonebreaker expressed his concern extending the expiration date. (Ordinance changes)

Motion made by Member **LARAMIE**, Supported by Member **QUTERMOUS**

TO: RECOMMEND / APPROVE / #07-12SP / SITEPLAN EXPIRATION EXTENTION / MAHESHBHAI T. PATEL / 32524 GROESBECK HWY/ CONSTRUCT SINGLE STORY 50 ROOM MOTEL
With the following stipulations:
1. Subject to same stipulations as previously granted

AYES 5 NAYS 2 MOTION CARRIED
Member Neiborg and Stonebreaker

10. ZBA LIAISON: NONE

CITY OF FRASER PLANNING COMMISSION
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
WEDNESDAY, AUGUST 21ST, 2013 ~ 7:00 P.M.
MINUTES

11. COMMISSION MEMBERS TO BE HEARD:

Chairman Rickard: Nothing at this time
Member Laramie: Nothing at this time
Member Barr: Nothing at this time

Member Calabrese: Concerned with last minute additions to posted agenda
Member Ehrke:
Member Loy:
Member Neiborg: Nothing at this time
Member Quertermous: Nothing at this time
Member Stonebreaker: Concerned with last minute additions to posted agenda
City Planner Meagher: Presentation; Pocket Neighborhood concept, cottage housing
City Attorney: Nothing at this time
Building Official: Nothing at this time

12. PUBLIC TO BE HEARD: NONE

13. ADJOURNMENT:

Motion by Member **STONEBREAKER**, Support by Member **CALABRESE**

TO ADJOURN THE MEETING AUGUST 21ST, 2013 9:00 PM

AYES **7** NAYS **0** MOTION CARRIED.

Audience
Winston Wade, Representing Mike Patel
Jeff Harmon, Fraser Woods
Marybeth Sieracki, Pinnacle Contracting
Tony Raja
Dave Stouder
Paul Ciffullo
Tony Raja
Mike Treder

Fraser Public Library Board

Minutes of Monday, June 10, 2013

Meeting convened: 7:01 p.m. by Nancy.
Attendance: Jean Slivka, Director; Nancy Ehrke; Linda Champion; Dee Laramie; & Tina Bullis. ***Absent:*** Mitzi De Santis & Bill Kelley, both excused.
Agenda approval: Linda made the motion, seconded by Dee, to approve agenda. Motion carried.
Approval of minutes: Dee made the motion, seconded by Tina, to approve the minutes. Motion carried.
Secretary's Report: Nothing to report.
Treasurer's Report: Dee informed the Board that we are at 79.83% of our Budget. It should be at 83.33%, so we're under which is fine. The Building portion is at 92.13%--we're over on that one. Linda made a motion, seconded by Tina to accept the Treasurer's report. Motion carried.
Chairperson's Report: Nothing to report.

Director's Report

Jean Slivka reported on the following items: •**Dee Laramie's Expiring Term:** Jean got the application for Dee to complete which she has done. Linda made a motion, seconded by Nancy, to recommend to City Council, Dee's reappointment. Motion carried. •**Statistics** for May, 2013, are as follows: Reference, 1,236; Computer/Internet, 913; Door, 6,620; Circulation Desk, 2,398; Circulation (materials), 7,913 (7,823+90 ebooks); Internet Fee/Lost Card, $50; New Users, 42; New ebook users, 7; Holds filled, 871; Fax, $62; MelCat, 180; & Acquisitions: 97 (Adult, 78 & Juvenile, 19); & DVDs, 33 (24 adult & 9 Juvenile). We're holding our own with statistics. •**Sidewalk Cement:** There was a sewer upheaval in the fall which could not be fixed until better weather. It was fixed 2 weeks ago. •**Media Book Drop:** It has been here for over 2 months, but we have been waiting for the block of cement to be poured for it, which has been done. Now we're waiting for it to be drilled before the box is placed on it. The box is stainless steel. Jean will put in a work order for the drilling & placement. •**Gleaners Food Drive:** Reported on last month. •**Landscaping--Friends:** The roses look pretty, as well as the rest of the property due, in part, to the Friends' efforts. •**New Computers Installed:** Jean is sending the old computers, 2 at a time, to the SLC staff to be cleaned for $200/each. We have 11 new computers installed with Windows 7. They are definitely more highly tech than the old ones. •**New Computers Pass Printer/New Internet Printer, Lexmark:** The new computers were not compatible with the old printer; thereby, the Library had to purchase a new one, which, by-the-way, is very noisy compared to the old one. •**Flowers from the City:** With some minor complications, most of these are now planted. •**Spring Fling results:** Income was $1,778.51; new income, $1.008.99. This was down about $200 from last time. •**Carpet cleaning, Cleaning person, Michele:** Jean will wait until September to have the carpet cleaned since Michele's hours have been cut to 29 hours, vs. her former 40 hours/week. This way, all the heavy patron traffic from the summer will be over. •**Table donation:** Rita

Mayernik donated a marble-topped bar table with 4 backed chairs. It is currently in the staff area upstairs. ◆**Reference Desk:** Jean asked for a new quote which was $850 more. She will go back to the drawing board with Millworks, the Fraser company who may do the work. The quote was $3,000, instead of the original $2,000+. ◆**Unique Management:** The cash taken in was $160.38. In July, Jean may go to the small capital function of Unique. Warren Public Library does this & told her that it does well, as the smaller fines are cash fines, not lost materials retrieved so more money is received from patrons. ◆**Library Card & the Internet—Library Policy:** Jean had a problem with a patron who said he'd attend this meeting. He was a no-show, but the Library Board stands by its original position on the policy of which we approved. ◆**Friends Luncheon:** The date has been set for Saturday, September 21, at the Vintage House. Although Ruth Spencer declined being a speaker, she offered up herself to be a "prize" where an attendee could shadow her for a day. ◆**Book Discussion:** My Antonia by Willa Cather will be discussed on Saturday, July 6, at 11 a.m. ◆**June Programs for the summer:** There are a lot of programs for the children. Flyers are available. Registration for the Summer Reading Club has already begun. ◆**Park & Read Program:** The Library gets 2 passes per week & are at the Library. ◆**Library Budget—Salary area:** The salary category has been drastically slashed for the upcoming fiscal year. Jean may have to cut hours for some staff members. ◆**Nancy—SLC Meeting:** Basically, the meeting consisted of boiler plate topics. It did adopt a policy for changes to overdue notices. The first notice will be sent 3 days after materials are overdue, & etc. ◆**City Parade:** Tina will once again organize this event for the Library. Jean will give Mitzi the paperwork to complete. Slappy the Clown will again walk with the children & adults in the parade. ◆**MISD Booklet:** Jean picked up 3 boxes of "Guide to FUN for Families 2013" from the MISD. She has done so for several years now & made them available to Fraser residents.

Old Business: None.

New Business: None.

Audience Participation: None.

Adjournment: At 7:53 p.m., on a motion from Linda, seconded by Tina.

Next Meeting: ***Monday, September 9, 2013, at 7 p.m., at the Library.***

Respectfully submitted,

Linda S. Champion, Secretary
LSC:6/15/13

Fraser Parks & Recreation Commission
Minutes of the Regular Meeting
Tuesday, September 3, 2013
Fraser Municipal Building

A regular meeting of the Fraser Parks and Recreation Commission was conducted on the above date at the Fraser Municipal Building, located at 33000 Garfield Road, Fraser, and County of Macomb, Michigan.

Present: Vice Chairperson Sandy Caloia; Secretary Sarah Kelley; Commissioners Gloria Buffa, Michael Lesich, and Linda Stonebreaker; Buddies Representative Shannon McCalley
Also Present: Christina Woods, Recreation Director;

Absent: Chairperson Chris Meller

1. **Call Meeting to Order**
   Vice Chairperson Sandy Caloia called meeting to order at 7:04 p.m.

2. **Pledge of Allegiance**

3. **Approval of Agenda**
   COMISSIONER LESICH MOVED, SECONDED BY COMMISSIONER KELLEY **TO APPROVE THE RECREATION COMMISSION REGLULAR MEETING AGENDA FOR SEPTEMBER 3, 2013.**

   Motion carried unanimously.
4. **Approval of Minutes**
   COMMISSIONER STONEBREAKER MOVED, SECONDED BY COMMISSIONER KELLEY **TO APPROVE THE MINUTES OF THE RECREATION COMMISSION REGULAR MEETING OF AUGUST 6, 2013.**

   Motion carried unanimously.

5. **Old Business**

   A. Volunteer Park Clean Up Planning
   The Commissioners shared their findings of the status of the parks. It was decided that our first Volunteer Park Clean Up will be in Steffens Park, with a more intensive clean up of all the parks in the spring.

6. **New Business**

   A. Applicant Interview for Parks and Recreation Commission
   The Commission interviewed Jerry Brown 17534 Lamont for the opening on the Commission. Jerry has been a Fraser resident for 20 years, had a daughter in Fraser schools, and has a background in marketing, management and teaching.

COMMISSIONER LESICH MOVED, SECONDED BY COMMISSIONER CALOIA TO RECOMMEND JERRY BROWN TO CITY COUNCIL, TO SERVE ON THE RECREATION COMMISSION, TERM EXPIRING DECEMBER 2013.

Motion carried unanimously.

B. Christmas in Fraser Fundraising

We will be fundraising for the Deck the Halls to help with costs associated with putting up lights during the holidays. We will be getting engraved ornaments and selling them for a fundraiser. More information to come.

7. Report from Buddies Representative

Buddies Representative Shannon McCalley updated the commission on upcoming events. The next meeting is Wednesday, September 25th.

8. Citizen Participation

Vania Apps 33079 Garfield Road, President of Fraser First Booster Club, updated the commission on events. FFBC will go in front of City Council to get an approval needed to move forward on the grant. The next grant they will seek after the completion of the MNRTF grant will be postponed until November. FFBC has a spaghetti dinner on September 19th, Pumpkin Sale on September 29th w/ firefighters, and October 13th selling pumpkins and family photos at the Baumgartner house.

9. Report from Recreation Director

Summer programs are completed and surveys have been sent to participants to see how we did. This will help us for other programs.
We will be sending out flyers to schools with our fall programs, and right now we are preparing for the Fraser Family Fun Fest on September 14th.

10. Commission Members with Concerns

Commissioner Kelley stated she and her son enjoyed the Little Sluggers.
Commissioner Buffa stated she felt we covered a lot of ground tonight and welcomed the new commissioner.
Commissioner Stonebreaker, Lesich and Caloia had no concerns.

11. Adjournment

COMMISSIONER STONEBREAKER MOVED, SECONDED BY COMMISSIONER LESICH **TO ADJOURN THE RECREATION COMMISSION MEETING OF SEPTEMBER 3, 2013 AT 7:53 P.M.**

Motion carried unanimously.

Respectfully Submitted,

CWoods

Christina Woods
Parks & Recreation Director

Chris Meller
Parks & Recreation Commission
Chairperson

Sandra M. Caloia

Sandy Caloia
Parks & Recreation Commission
Vice Chairperson

FRASER HISTORICAL COMMISSION

Minutes
Monday, August 5, 2013

Present: Joe Chimenti; Harry Hodgson; Nancy Ehrke; Linda Champion; Bob Buffa; Marilynn Wright; Lori Bargowski; Jean Slivka, liaison; Dee Laramie; Dori Guoin, member-at-large; Betty Slominski; Beverly Kucharski; Vince Calabrese; & Lorraine Fradle, Society President
Absent: Don Covney (excused)
Guests: Vania Apps and Sandy Caloia

1. **Call to order** at 7:08 p..m. by Marilynn.

2. **Pledge to Flag**

3. **Approve Agenda:** Dee made the motion, seconded by Vince, to approve the agenda. Motion carried.

4. **Approve Minutes:** On a motion made by Linda, seconded by Dee, the May minutes were approved. Dee made a motion to approve the June minutes, seconded by Nancy, with the motion carrying.

5. **Liaison report:** Jean announced that she has our Flea Market info on the Web & on cable for the 9/8/13 event. The Vendor application will eventually be on these sites, but Jean is waiting for Michelle. Please review the Website occasionally for changes, corrections, etc. She made sure we all had tickets, or the opportunity to receive them, for the annual Lions Dinner on Fair Night Thursday. Jan Wilson is not doing well. Linda will send a "Thinking of You" card from the Commission. Jean only had a City Activity Report from June 1-30, 2013. There is nothing yet for July. Jean signed the Corrado bill today. It's at City Hall & will be paid within a week.

6a) **Storage Addition:** Joe said the addition stills needs paint & shelving needs to be purchased, but otherwise, it's pretty much complete. The outside brick matches very well with the old. The sprinklers are working.

6b) **Harry's Re-appointment vote:** Joe made a motion, seconded by Dee, for Harry's appointment for 5 years as Assistant Maintenance Director. The motion was voted on & approved.

6c) **Flea Market/Barn Sale:** Marilynn distributed a handout from past Dinner shows with year, tickets sold, type of entertainment, & profit turned. We need a sigh for NO PARKING during loading for the Flea Market. We also need a sign for 1 free refill on drinks. Lori will donate hot dog buns. Sandy C. will donate 80 hot dogs. Currently, there are 16 paid vendors for September. The table space was raised from $15 to $20. The newspaper ad & Blakeman Printing have both raised their costs to us so Marilynn had to do the same for us to turn a better profit. We'll do scones & Tim Horton's for donations. Beverly will pick up hot dog relish & spray butter for the popcorn. We need 1 more bag of popcorn. Beverly will see to that. Betty will pick up a better grade of paper plates for the Commissioners' lunches.

7a) **Brick Pathway:** By the Garden, these bricks have mildew. Someone mentioned taking bleach & dish soap (like Dawn), mix together, & spray on the bricks. We'll check into getting these same bricks (hopefully) from a location in Mt. Clemens, where we could go & pick up for completed bricks & save the expensive shipping costs we currently pay.

7b) **Dinner Show:** Our 2013 entertainment will be "Elvis," costing us $400 which includes only his wife & sound system, not the complete entourage. Betty distributed the tickets to the Commissioners for their tables.

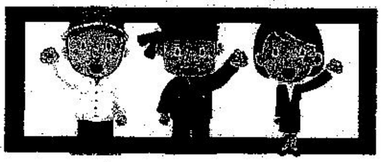
7c)—<u>ADDED & moved to end of "Old Business" agenda</u>—**Photographer:** Vania introduced Sandy to speak on this topic. There is a photographer who will take pictures during an Open House or the Flea Market (or whenever it's convenient) in front of the Barn with corn stalks, mums, & pumpkins for a "Family Photo" shot. The one-pose shot would cost $25, with $20 going to the Boundless Park. It was decided the 2d Sunday in October would be best, with time in question (maybe 10-2, 11-3, etc.). It was mentioned that the Commissioner also has wooden silhouettes that could be used, too. With a motion made from Lori, seconded by Linda, the motion carried, with the Sunday of Oct. 13 being the 1st choice to offer to the photographer. Vania mentioned putting the tiles on our fence as well.

8) **Commissioners' Reports:** ❑ Marilynn reported that our last Open House made $22.50, Barn; $19, Gift Shop; & $0 in the House. ❑ Joe will have a resolution for the Commissioners next month regarding the basement & fluorescent lighting—just be able to flick on the light & all will go on. Joe will first check with Tom Loy, & possibly Bill Apps. Next year's project is a new "Welcome" sign on the arch to the Depot. That cost will be between $800-1,200. We'll try & get a steel/aluminum one & not wood this time. ❑ Vince wanted to know if we would be interested in selling mums. It would be a fundraiser & we would take orders around September. ❑ Lori had concerns around the new addition area. We need ground or ground cover. She also asked Dori if the table is done that was being restored. Dori said it was not refinished. Lori also mentioned that 2 paver bricks need to be placed. The cost of shipping is $50. Mt. Clemens has bricks & it would cost us nothing for shipping. Should we go through them? ❑ Nancy said maybe hostas & mulch could be used by the new addition area. The Gardeners will do this. Jimmy's Coney will be checked for donations for the Flea Market. An Events Brochure she had which was Marilyn Lane produced has none of our activities. We need to be in this! The FHP book will be out in October. It will be at the Library for sale as well as other outlets. ❑ Dori said that the Macomb Co. Heritage Alliance, an organization to which we belong, is voting on its Officers. If we pay our dues by October 8, we will be a charter member. It's $25 for membership. Nancy made the motion, with Vince seconding it. Motion carried to pay the dues no later than October.

Adjourned at 8:45 p.m.

Next meeting: Monday, August 26, 2013, at 7 p.m.

Respectfully submitted,



Linda S. Champion

Linda S. Champion, Recording Secretary
LSC:8/17/13

MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT
for FY - 2014

I, Richard Haberman, as the City manager of the City of Fraser (hereinafter, the "Community") hereby apply to SMART and agree to the terms and conditions herein, for the receipt and expenditure of **Municipal Credits** (Section 1 below), and **Community Credits** (Section 2 below); and further agree that the **Municipal and Community Credits Master Agreement** between the parties is incorporated herein by reference. A description of the service the Community shall provide hereunder is set forth in Exhibit A, and the operating budget for that service is set forth in Exhibit B, both of which are attached hereto and incorporated herein.

1. The Community agrees to use $14,250 in **Municipal Credit** funds as follows:

(a) Transfer to ______________________ (TRANSFEREE COMMUNITY) Funding of: $ __________

(b) Van/Bus Operations (Including Charter and Taxi services) At the cost of: $ 14,250

(c) Services Purchased from SMART (Including Tickets, Shuttle Services/Dial-a-Ride) At the cost of: $ __________

Total $14,250

SMART intends to provide Municipal Credit funds under this contract to the extent funds for the program are made available to it by the Michigan Legislature pursuant to Michigan Public Act 51 of 1951. Municipal Credit funds made available to SMART through legislative appropriation are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the Legislature's appropriation, it will result in an equivalent reduction in funding provided to the Community pursuant to this Contract. In such event, SMART reserves the right, without notice, to reduce the payment of Municipal Credit funds by the amount of any reduction by the legislature to SMART. All funding must be spent by September 30, 2015; all funds not spent by that date will revert back to SMART pursuant to Michigan Public Act 51 of 1951, for expenditure consistent with Michigan law and SMART policy.

2. The Community agrees to use $17,640 in **Community Credit** funds available as follows:

(a) Transfer to ______________________ (TRANSFEREE COMMUNITY) Funding of: $ __________

(b) Van/Bus Operations (Including Charter and Taxi services) At the cost of: $ 17,640

(c) Services Purchased from SMART (Including Tickets, Shuttle Services/Dial-a-Ride) At the cost of: $ __________

(d) Capital Purchases At the cost of: $ __________

Total $17,640

MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT for FY - 2014

Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART policy, including procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by Community requires submission of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Community Credit dollars available in FY 2014, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement. All Community Credit funds must be spent by June 30, 2016 unless approval from SMART General Manager is obtained to extend Community Credits for an additional 2 years to allow accrual for major capital projects; any funds not spent by that date may revert back to SMART for expenditure consistent with SMART policy.

This agreement shall be binding once signed by both parties.

City of Fraser

By: ____________________________________

Date ______________ Its: ____________________________________

Suburban Mobility Authority for
Regional Transportation

Date ______________ By: ____________________________________
John C. Hertel
General Manager

Suburban Mobility Authority for Regional Transportation

Buhl Building • 535 Griswold Street, Suite 600 • Detroit, MI 48226 • (313) 223-2100

September 6, 2013

Ms. Kathy Kacanowski, City Clerk
City of Fraser
33000 Garfield
Fraser, MI 48026

Dear Kathy:

Please find enclosed the *Municipal Credit and Community Credit Contract for FY 2014* between SMART and the City of Fraser. And I am happy to report that the FY 2014 Municipal Credits have been restored to the FY 13 levels. The cuts described in my letter dated June 6 were not allowed to take effect. You should know that there are a few key individuals who were very much responsible for the restoration of these funds. When Sue Fickau, St. Clair Shores Senior Coordinator and Richmond Lenox EMS Director, Jeff White, became aware of the cuts, they immediately contacted their State Representatives. Sue's State Representative, Anthony Forlini, drafted a bill that was co-sponsored by Jeff's representatives, Andrea LaFontaine and Ken Goike. Together, along with the rest of the Macomb delegation, they worked to restore the funding. Should you have an opportunity, please thank all of them for their efforts in restoring funds that contribute to the success of all the locally operated transit programs in Macomb County and the region.

To receive the FY 2014 Municipal and Community Credit funds, both copies of the enclosed contract, exhibits A and B, and the *EEOC Report A* form must be completed and returned to SMART. Please know that there are some minor modifications to the yearly contract. In order to be consistent with State legislation, the contract now indicates a date for which these funds must be utilized. This end date has always been in existence; however, it is now indicated in the yearly contract. Payments from FY 2014 funds will only be made after the execution of this contract and appropriate documentation/reports are submitted. This documentation includes invoices from service providers and/or *CPP* quarterly operating reports.

Regarding the *EEOC Report*, SMART's *Office of Contract Compliance* is required to keep on file current equal employment opportunity information on all agencies under contract with SMART. The employee information requested on the EEOC form should only include the department involved in the *Municipal and Community Credit Program*. The previously signed *Master Agreement* between SMART and the City of Fraser continues to remain in place until further notice.

By way of summary, I have listed below the items that should be returned to SMART.

Municipal Credit & Community Credit Contract (2 originals)
EEOC Report A Form
Exhibits A and B
A copy of the city resolution/motion approving the signing of this contract (if required by your community)

Once you have completed and signed copies of your community's *Municipal Credit & Community Credit Contract*, the exhibits, and the Report A form, please return everything to:

Fred Barbret
SMART Macomb
22900 15 Mile Road
Clinton Twp., MI 48035

Concerning another important matter, please remember that any private contractor compensated with Municipal and/or Community Credit dollars should carry a level of insurance that adequately protects your community. SMART encourages communities to directly provide public transportation services or partner with communities that do; however, SMART also recognizes that many communities utilize some of their Municipal and Community Credits to contract with private companies to charter buses and/or subsidize taxi services. The use of these dollars for such services often serves a complimentary role to normal public transportation services. Since Municipal and Community Credits are public transportation funds, please be sure to document that the service is open to the general public. For more information concerning these types of trips or the insurance recommendations, please feel free to call me at the Macomb Terminal.

Thank you for your attention to this matter and please know that after the contract has been signed by SMART's General Manager, I will return a fully executed copy to you for your files.

As always, I am available to answer any questions or to provide assistance in properly completing the contract and exhibits. Please feel free to call me at (586) 791-6834 should the need arise.

Sincerely,

Fred

Fredric J. Barbret
Macomb Community Ombudsperson

Enclosures: Yearly Municipal & Community Credit Contract
EEOC Report A form
Master Agreement exhibits A and B

EXHIBIT A

PROJECT DESCRIPTION

Overall Project Description (please provide a descriptive narrative):

Provides transportation for recreational, medical and leisure activities for Fraser residents

Service Area (please provide geographic boundaries):

10-mile radius of city

Service Times (please provide days and hours of service):

Monday - Friday 9AM - 4PM

Eligible User Groups (please set forth users eligible to use the service):

City of Fraser residents who are seniors and unable to drive or don't own a vehicle. Fraser residents with diabilities.

Fare Structure:

Fraser City Limits .25¢ ea way

10-mile radius of city limits $1.00 ea way

Service Mode (please describe the amount and type of vehicles available, and whether they are wheelchair lift-equipped):

2 Smart Bus with wheelchair lift

EXHIBIT B

PROJECT OPERATING BUDGET

Municipality: City of Fraser

Contract Period: July 1, 2013 – June 30, 2014

Account No: 48308

OPERATING EXPENSES:		
Administrative Fee (10% max. of MC & CC funds)		
Driver Wages	25,736.78	
Fringe Benefits	3,066.07	
Gasoline & Lubricants	7,534.14	
Vehicle Insurance	1,800.00	
Parts, Maintenance Supplies		
Mechanic Wages	6,715.52	
Fringe Benefits	2,920.28	
Dispatch Wages		
Other (Specify)	13,000.00	
Sub-Total (Operating Expenses)		60,772.79
PURCHASED SERVICE:		
Taxi Service		
Charter Service		
SMART Bus Tickets		
SMART Shuttle Service		
SMART Dial-A-Ride		
Transferred to (Specify)		
Sub-Total (Purchased Service)		
CAPITAL EQUIPMENT:		
(Only list purchases to be made with Community Credits)		
Computer Equipment		
Software		
Vehicle		
Maintenance Equipment		
Other (Specify)		
Sub-Total (Capital Equipment)		
TOTAL EXPENSES (Operating Expenses, Purchased Service, and Capital Equipment):		

EXHIBIT B, continued (Page 2)

REVENUES:

Municipal Credit Funds	$ 14,250
Community Credit Funds	$ 17,640
Specialized Services Funds	
General Funds	28,327
Farebox Revenue	555
In-Kind Service	
Special Fares (Contracted Service)	
Other (Specify)	

TOTAL REVENUE: 60,772.79

(Note: *TOTAL EXPENSES* must equal *TOTAL REVENUE*)

SMART EEO COMPLIANCE REPORT

COMMUNITY PARTNERSHIP FORM

Establishment Information		
Program Type: Community Partnership Program (CPP) ☒ Specialized Service ☐		
Name of Organization City of Fraser		
Address: 34935 Hidden Pine Dr		
Address:		
City: Fraser	State: MI	Zip: 48026

Organization Data		
Does your organization employ over 50 workers and has received over $1 million dollars from a federally funded organization(s)/ project(s) over the past year *(if no proceed to Employment Data Section)*	Yes ☐	No ☒
If you answered ***yes***, does your organization have an Affirmative Action Plan	Yes ☐	No ☐
If ***yes***, is your Affirmative Action Plan on file with SMARTs Office of Contract Compliance or a Governmental agency, if so Please list:	Yes ☐	No ☐
A		
B		
If ***no*** plan has been submitted to either SMART or another Other agency, Please state when a plan could be submitted :		
Have all subcontractors been informed of their responsibility to file EEO Compliance Report A?	Yes ☐	No ☐

Testing Program Requirements		
Does your Organization have a DOT Drug and Alcohol Testing Program Safety Sensitive Employees?	Yes ☒	No ☐
Who is your Testing Program Manager? Richard Haberman	Contact Number: 293-3100 ex 101	
Please proceed to Employment Data Section on back		

SMART EEO COMPLIANCE REPORT

COMMUNITY PARTNERSHIP FORM

Employment Data

Report all permanent, temporary, or part time employees including apprentices and on-the-job trainees
Enter the appropriate figures in blanks under the appropriate box. Blank spaces will be considered as zero.

EEO Job Classification	Establishment				Race													
					Non Minority		Minority											
					White		African American		Hispanic		Asian		Pacific Islander		American Indian		Multi Race	
	Total Employees	Males	Females	Minority	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Executive	0	0	0	0		1												
			1															
Professionals	0	0	0	0														
Technicians	0	0	0	0														
Sales Workers	0	0	0	0														
Administrative Support Workers	0	0	0	0		4												
			4															
Craft Workers	0	0	0	0	1													
		1																
Operatives	0	0	0	0														
		2	1		2	1												
Laborers	0	0	0	0														
Service Workers	0	0	0	0														
Total	0	**0**	**0**	**0**														
		3	6															

Certification Data

How was this information obtained? ☒ Visual Survey ☐ Employment Records

Name of Authorized Official (Print): Christina Woods Title: Director

Signature: CWood Date: 10/3/13

Name of Contact: Christina Woods Title: Director

Address: 34935 Hidden Pine

City: Fraser State: MI Zip: 48026

Telephone: 586-294-4611 Ext: E-Mail Address: christinaw@micityoffraser.com

For Authority use only (Do not write below this line)

Awardable? Yes ☐ No ☐ Certifying Official Date:

Comments:

michigan municipal league

MEMO

208 N Capitol Ave
1st Floor
Lansing, MI 48933-1354

TEL 517.485.1314
FAX 517.372.7476

to	Sen. David B. Robertson	from	Nikki Brown, Michigan Municipal League
subject	SB 313 Concerns	date	September 24, 2013

Below is a list of our concerns with SB 313 dealing with rental inspections. My contact information is at the end should you want to discuss this further.

1. **Registration Fees and Inspection Fees:** *Section 125 (4) and Section 126 (12) (b): Limitations on registration and inspection fees.*
   - Registration fees have to be charged yearly or else the local community is not going to have the funds to run the inspection program. The language in Section 1 (4) lines 14-22 should be removed to allow our locals the ability to fund their program.

   - Registration fees CANNOT exceed the cost of the program. If a community were found to be doing this, it would already be violating both statute and the constitution. The *Bolt vs. Lansing* Michigan Supreme Court decision said that any monies collected for a service yet used for another purpose (general fund, etc) is a tax and not a fee according to the Michigan Constitution. Fees can only be used towards the purpose for which they have been collected. Specifically, the decision said that a fee must serve a regulatory purpose rather than a revenue-raising purpose and said that a user fee must be proportionate to the necessary costs of the service. Additionally, the Housing Code of Michigan (1917 PA 167, Sec. 126(12)) says, ñThe fee shall not exceed the actual, reasonable cost of providing the inspection for which the fee is charged.ò

   - Different communities charge different fees in order to pay for their specific program. For example, if the program for community A costs $50,000 and they have 1000 rentals, then they can charge maximum $50 per rental. If the program for community B costs $50,000 and they have 2000 rentals, then they can charge maximum $25 per rental. With the economic downturn, it has been harder for people to sell their houses over the last several years. Many communities have seen increases in rentals and have instituted rental housing registration and inspection programs. As such, they need to recapture their costs. Some communities donôt charge the full amount and subsidize this with general fund dollars (taxpayer millage dollars), but that is becoming less and less of a possibility with communities needing to spend taxpayer dollars on police and fire and roads instead of subsidizing the inspection programs for apartment owners.

   - Capping the amount that the local enforcing agency may charge will simply move the cost from the landlord to the taxpayers. The local unit of government must pay for the rental housing inspection program if they have one. Capping the amount they can charge for fees at below what is actually needed to run the program will result in taking funds out of the general fund (residential and business taxpayer dollars). Thus, if the fee is capped, landlords will be subsidized by residents and other

208 N Capitol Ave
1st Floor
Lansing, MI 48933-1354

TEL 517.485.1314
FAX 517.372.7476

businesses in order to ensure safety and property maintenance of these rental units. Homeowners and businesses in the community would surely rather that the landlord pay the fee for inspection of the rental unit.

- Making the fee based on the average inspection fee in the most populous communities in Michigan will result in some communities that have residents and businesses subsidize the program for the landlords. In other communities, it will result in too much money collected that would have to be returned because the community cannot collect more in fees than the program costs.

2. **Recurrent Violators Inspection Deletion:** Section 126 (4) (c): *deletion of ability to inspect recurrent violators more frequently.*

   - We would be interested in knowing why this section was deleted. If there are known frequent violators, local communities should have the discretion of inspecting those units more often to ensure the safety of the lessees.

3. **Multifamily Inspection Timeframes:** *Section 126 (1) line 4: inspections not less than 6 years but no more than 10 years.*
   - Extending the timeframe in which an inspection is allowed to be conducted is a major concern for our members. These communities are responsible for making sure the units are safe for lessees to be living there and putting in a restriction as to the earliest they can inspect ties their hands. We are okay with a provision allowing for no more than 10 years at the high end of an inspection but placing a hard limit on the timeframe for when the first inspection can occur (6 years as is in SB 313) is a problem. We recognize there are good actors who should be rewarded for keeping their property well maintained and safe so pushing the timeframe for an inspection to not more than 10 years is perfectly ok with us. However, there are some who should be inspected prior to the 6 years (as proposed in the bill) because of a communities past experience with the landlord, blight issues, etc. to make sure they are providing a safe environment for their lessees.

4. **Inspection Entry:** *Section 126 (5) lines 8-10: informing a lessee of their right to refuse inspection and requesting permission for inspection by the lessee.*
   - It is the responsibility of the inspectors to make sure the building is safe and properly maintained. A refusal by the lessee prohibits them from doing their jobs and due diligence of ensuring the structure is sound and there are no blight problems. Because of this, a community may be forced to take legal action. This can ultimately cost the tax payers more money for the legal fees.

   - Additionally, if there is a refusal for entry and the inspection cannot occur, the license wonŧt be renewed. This could result in potential legal action with associated legal costs and ultimately an order to vacate the property. If language is going to be

208 N Capitol Ave
1st Floor
Lansing, MI 48933-1354

TEL 517.485.1314
FAX 517.372.7476

added into law saying the lessee must be informed of their right to refuse, additional language should be added advising the lessee of the local inspectorôs right to refuse to grant a license due to no inspection, and the potential legal action to require vacating the space until it is inspected.

- If the inspector is required to obtain permission from each lessee instead of the owner, this can take a lot of time to complete, and therefore cost more to administer the program by way of paying for staff time. In a time when staffing in communities have dwindled and people are now wearing multiple hats, this can greatly take away from their time doing something else for the community.

Please feel free to contact me with any additional questions or comments. I can be reached at 517-908-0305 or by email at nbrown@mml.org.

CITY OF FRASER
MACOMB COUNTY, MICHIGAN

RESOLUTION NO. ___

RESOLUTION OPPOSING SENATE BILL 313 AND LIMITATIONS ON LOCAL CONTROL FOR RENTAL INSPECTIONS

At the regular meeting of the City Council for the City of Fraser held in the Council Chambers at 33000 Garfield, City of Fraser, Macomb County, Michigan, 48026 on the 10th day of October, 2013, commencing at 7:00 p.m.

Present: MEMBERS____

Absent: MEMBERS____

The following preamble and resolution were offered by Councilperson _________________ and supported by Councilperson __________________________.

WHEREAS, hearings are scheduled before the Michigan Senate involving proposed Senate Bill 313, dealing with rental inspections which significantly limit the authority and control over rental inspections by local units of government; and

WHEREAS, the proposed bill sets a maximum amount, a local enforcing agency may charge for each inspection and limits the time frame for inspections to not less than six, but no more than 10 years; that the ability to inspect recurrent violators more frequently has been deleted from the proposed legislation and the proposed legislation includes a provision requiring the Lessee's be informed of a right to refuse inspection; and

WHEREAS, the legislation appears to have the effect of thwarting the inspection of rental properties, including apartments and homes which can become hazards to occupants of such dwelling units and which, again as a result of their condition adversely affect the value and peaceful enjoyment of surrounding properties.

NOW, THEREFORE,

IT IS RESOLVED AS FOLLOWS:

1. The City Council expresses disapproval of proposed Senate Bill 313 and any other similar legislation which is designed to restrict or impact regulation and control of rental inspection by local units of government.

2. The City Manager is directed to provide a copy of this resolution to our State Senator and State Representative forthwith.

3. Any resolution in conflict herewith is repealed only to the extent necessary to give full force and effect to this resolution.

AYES:____

NAYS:____

ABSENT:____

RESOLUTION DECLARED ADOPTED.

____
KATHY KACANOWSKI, Clerk
City of Fraser

CERTIFICATION

I herby certify that the foregoing is a true and complete copy of a resolution adopted by the City of Fraser City Council at a regular meeting held on the ______ day of October, 2013 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

____
KATHY KACANOWSKI, Clerk
City of Fraser