

Fraser City Council - Regular Meeting
Thursday – March 13, 2014 - 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, Carnagie, Cilluffo,
Hemelberg, Jennings and Morelli
Absent: Richard Haberman, City Manager
Also Present: 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 Manager Haberman was absent due to illness and Member Morelli would be arriving late.

2. **Pledge of Allegiance**

3. **Approval of Agenda**

Member Accavitti requested items 8a, 8b and 8c along with item 8f be removed from the agenda. Mayor Hagerty also requested item 8e be removed pending backup material.

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

The motion carried unanimously.

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

5. **Presentations**

At this time, 7:05 p.m., Member Morelli arrived.

a) Mayor Hagerty presented Fraser Public Schools Superintendent, Dr. Dave Richards, and the music educators at Fraser High School with a proclamation recognizing March as Music in Our Schools Month.

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 2/13/14.
- b. Approval of Bills for the Month of February 2014 in the amount of \$645,375.58
- c. Receive and file Minutes of the 1/15/14 Planning Commission meeting.
- d. Receive and file Minutes of the 2/3/14 Historical Commission meeting.
- e. Receive and file Minutes of the 2/4/14 Parks and Recreation Commission meeting.

The motion carried unanimously.

At this time, Member Morelli requested a moment of silence for former Councilwoman Sandy Caloia who recently passed away.

8. **Requests For Council Action**

- a. **Request Council award bid for carpet work at Senior Apartments to Ultra Floors.**

THIS ITEM WAS REMOVED.

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- b. Request Council award bid for painting work at Senior Apartments to Ken Shepard Painting.**

THIS ITEM WAS REMOVED.

- c. Request Council award bid for heating & air conditioning maintenance and replacement to (contractor to be determined at bid opening March 11, 2014).**

THIS ITEM WAS REMOVED.

- d. Request Council approve an ordinance making misuse of property a civil infraction.**

Attorney Dolan explained the purpose of this ordinance is to add this as a second count, if the circumstances are appropriate, thus providing an individual the ability to plead guilty to a lesser charge.

Ann Nichol, Winsome, spoke regarding this item.

Member Morelli moved, seconded by Member Accavitti, TO APPROVE AN ORDINANCE MAKING MISUSE OF PROPERTY A CIVIL INFRACTION.

The motion carried unanimously.

ORDINANCE NO. 365

TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF FRASER ADDING CHAPTER 16.48 REGULATING AND PROVIDING FOR A CIVIL INFRACTION VIOLATION FOR ANY AIDING AND ABETTING OR INTENT TO MISUSE A LOT, PARCEL, BUILDING, OR OTHER STRUCTURE IN VIOLATION OF THE CITY OF FRASER CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY, REPEALER, EFFECTIVE DATE, COST RECOVERY AND PENALTY.

THE CITY OF FRASER ORDAINS:

Section 1. The following ordinance is adopted in order to protect public health, safety, and welfare and to advance the legitimate rational regulation of conduct of persons in connection with the use of real property and personal property, lots, parcels, buildings, or other structures contrary to or in violation of the City of Fraser's Code of Ordinances by establishing as a civil infraction any intent or aiding and abetting of such conduct in order to preserve and protect property values, provide for the peaceful and quiet enjoyment of property within the city and protect and promote public health, safety and welfare.

Section 2. Chapter 16 of the Code of Ordinances is hereby revised and amended adding section 16.48 misuse of property to read as follows:

Sec. 16.48 Misuse of Property.

(A) It shall be unlawful for any person or persons to attempt or to aid and abet in the use of real property, personal property, a lot, parcel, building, or other structure in violation of the City of Fraser Code of Ordinances.

(B) Any person violating the provisions of this section shall be deemed to have committed a civil infraction subject to penalties as provided in the Code of Ordinances for a civil infraction violation.

(C) In addition to any and all other penalties provided for, the court may order reimbursement of the costs incurred by the city in seeking enforcement of its ordinances and abatement of any use of property not in conformity with its Code of Ordinances.

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Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the city that this ordinance shall be fully severable.

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

Section 5. Effective Date. Provisions of this Ordinance shall become effective immediately upon publication following adoption, it being declared an emergency Ordinance.

- e. Request Council set a Public Hearing for April 10, 2014 on the request from Monarch Industrial Group for an Industrial Facilities Tax Exemption.**

THIS ITEM WAS REMOVED.

- f. Request Council provide direction on desired changes to current water and sewer rate system following presentation of options by the Administration.**

THIS ITEM WAS REMOVED.

- g. Request Council set date for special meeting on a recommended 5-Year Capital Improvement Plan to be presented by the Administration.**

Mayor Hagerty moved, seconded by Member Cilluffo, TO SET A SPECIAL MEETING FOR TUESDAY, MARCH 25, 2014 TO DISCUSS A RECOMMENDED 5 YEAR CAPITAL IMPROVEMENT PLAN AND ALSO THE DESIRED CHANGES TO THE CURRENT WATER AND SEWER RATE SYSTEM, EACH TO BE PRESENTED BY THE ADMINISTRATION

The motion carried unanimously.

9. Report of City Administration/Pending Items

Finance Director, Tim McCulloch, provided Council with an update in City Manager Haberman's absence. He advised the Administration is still working with MERS as they review our pension documents, the Department of Public Works has been filling pot holes and assisting the County with the main roads.

Mayor Hagerty inquired about the chain of command in the City Manager's absence and suggested this topic be discussed at the next meeting. Mayor Hagerty asked Attorney Dolan for a legal opinion on whether the County can deny the city's preferences on allocation of Community Development Block Grant money. Discussion ensued on this topic.

Mayor Hagerty stated they were advised of upcoming intersection solicitations and voiced his concerns. Attorney Dolan noted we are content neutral and cannot regulate based on this.

10. Report of Mayor and City Council/New Business

Mayor and Council discussed various topics.

11. Citizen Participation

Richard Siecinski, 15666 Craig Dr.

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12. Adjournment

Member Accavitti moved, seconded by Member Morelli, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, MARCH 13, 2014 AT 8:29 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

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