

Fraser City Council - Regular Meeting
Thursday – November 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: None
Also Present: Richard 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**

Mayor Hagerty advised that Member Morelli wanted to change his vote regarding the fire suppression fees from last meeting. Attorney Dolan stated this would require a vote to add this to the agenda for consideration.

Mayor Hagerty moved, seconded by Member Hemelberg, to REVISIT 8b FROM THE LAST MEETING, WHICH IS TO CONSIDER A CHANGE IN THE WATER RATE SYSTEM BY ELIMINATION OF THE RTS FOR FIRE SUPPRESSION SYSTEMS AND INCREASING THE RTS FOR COMMERCIAL AND INDUSTRIAL CUSTOMERS FROM THE CURRENT \$6.00/UNIT TO \$8.00/UNIT.

Mayor asked for a roll call vote:

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

The motion carried 5-2

Member Carnagie moved, seconded by Member Morelli, TO ADD REQUEST FOR COUNCIL TO ENTER INTO CLOSED SESSION TO DISCUSS WRITTEN OPINION OF LEGAL COUNSEL REGARDING CLOSED MEETING CONFIDENTIALITY.

Mayor asked for a roll call vote:

Accavitti - yes	Hemelberg - yes
Carnagie - yes	Jennings - yes
Cilluffo - yes	Morelli - yes
Hagerty - yes	

The motion carried unanimously.

Member Cilluffo moved, seconded by Member Jennings, TO TABLE ITEMS 8c AND 8d REGARDING POWERS AND DUTIES OF THE CITY MANAGER AND APPOINTMENT OF ADMINISTRATIVE OFFICERS.

The motion carried unanimously.

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** - none

6. **Public Hearings** - none

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7. Consent Agenda

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

- a. Approval of Minutes of the Regular Council Meeting of October 9, 2014
- b. Approval of Bills for the Month of October 2014 in the amount of \$799,996.91
- c. Receive and file Minutes of the September 2, 2014 Parks and Recreation Commission meeting.
- d. Receive and file minutes of the May 12, 2014 Library Board meeting.
- e. Receive and file minutes of the June 9, 2014 Library Board meeting.
- f. Reappointment of the following members of the Historical Commission to four year terms beginning July 1, 2014: Donald Coveny, Linda Champion, Joseph Chimenti, Betty Slominski and Lori Bargowski
- g. Reappointment of Robert Kelley to the Library Board for a four year term beginning July 1, 2014.

The motion carried unanimously.

8. Requests For Council Action

- a. **Request Council set a public hearing date of December 11, 2014 for IFT application for Orlandi Gear Company, 17755 Masonic, Fraser MI in the amount of \$1,749,217.**

Member Accavitti moved, seconded by Member Carnagie, TO SET A PUBLIC HEARING DATE OF DECEMBER 11, 2014 FOR IFT APPLICATION FOR ORLANDI GEAR COMPANY, 17755 MASONIC, FRASER MI IN THE AMOUNT OF \$1,749,217.

The motion carried unanimously.

- b. **Request Council approve MERS resolution and policy for the purchase of service years. The Council previously approved a similar policy for the previous pension plan but MERS requests adoption of policies consistent with their guidelines.**

Manager Haberman explained that MERS requires adoption of their resolution consistent with their guidelines.

Member Accavitti moved, seconded by Member Morelli, to APPROVE MERS RESOLUTION AND POLICY FOR THE PURCHASE OF SERVICE YEARS.

WHEREAS, City of Fraser is a participating municipality under the Municipal Employees Retirement Act and Restated Plan Document for the benefit of employees, retirees and beneficiaries covered under the plan; and

WHEREAS, the City of Fraser City Council desires to make available to eligible employees the ability to purchase additional service credit as provided under Plan Sections 6 and 7; and

WHEREAS, the City Council having previously adopted a written policy which provides for the uniform application of the provisions of Plan Sections 6 and 7 to all eligible employees:

BE IT RESOLVED that the City Council approves, and hereby authorizes the City Manager to execute, requests for additional service credit under Plan Sections 6 and 7, provided such requests comply with the terms and conditions of Sections 6 and 7, and the Board's Policy for Uniform Application of Plan Sections 6 and 7.

The motion carried unanimously.

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- c. **Request Council discuss and take action with respect to amending the ordinance regulating the powers and duties of the City Manager as chief administrative officer of the city amending duties relating to the appointment and discharge of administrative officers, providing for repealer, severability and effective date.**

ITEM TABLED.

- d. **Request Council discuss and take action with respect to the ordinance amending Chapter 2, Article I, Section 2-1 appointment of officers and employees establishing certain positions as administrative offices pursuant to the Charter Section 4.6 and providing for appointment of administrative officers and employees, incorporating previous sections of section 2.1 and providing for repealer, severability and effective date.**

ITEM TABLED.

- e. **Request Council approves amended resolution designating property as City of Fraser Industrial Development District 28.**

Attorney Dolan explained the Clerk noticed an error in the resolution prepared in 2003 establishing IDD District 28. The following resolution corrects the date the district was established.

Member Morelli moved, seconded by Member Accavitti, to APPROVE THE AMENDED RESOLUTION DESIGNATING PROPERTY AS CITY OF FRASER INDUSTRIAL DEVELOPMENT DISTRICT 28.

STATE OF MICHIGAN
CITY OF FRASER
AMENDED RESOLUTION DESIGNATING PROPERTY AS
CITY OF FRASER INDUSTRIAL DEVELOPMENT DISTRICT 28

WHEREAS, the Council of the City of Fraser previously met on Thursday, April 10, 2003 at 7:00 p.m. to conduct a public hearing and take action on the application for the establishment of Industrial Development District 28; and

WHEREAS, the resolution prepared and presented erroneously stated the public hearing had occurred March 13, 2003, when the records of the City clearly indicate that the public hearing occurred April 10, 2003 and action was taken by Council establishing the district April 10, 2003; and

WHEREAS, the City Council is desirous of amending the resolution heretofore established rescinding provisions inconsistent with the action of Council and adopting this amended resolution to correctly set forth the action taken by the City Council April 10, 2003;

NOW, THEREFORE, BE IT RESOLVED, Council hereby rescinds the previous resolution designating property as City of Fraser Industrial Development District incorrectly setting forth such action taken March 13, 2003; and

Council substitutes therefore, the following:

“WHEREAS, the Council of the City of Fraser has met and held a public hearing April 10, 2003, which was noticed for the purpose of reviewing the request that in a certain described area within the City of Fraser there be established an Industrial Development District; and

WHEREAS, during said public hearing, the City Council heard all persons desiring to be heard, either orally or in writing, with respect to the designation of the subject area as an Industrial Development District, pursuant to 1974 PA 198,

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MCLA, Sec. 207.551, et. seq.;

WHEREAS, such application and designation meet the pre-requisites of the cited act and applicable law;”

NOW, THEREFORE, BE IT RESOLVED, that the following described property be designated, City of Fraser Industrial Development District No. 28:

(See attached description)

AYES: 7

NAYS: 0

RESOLUTION DECLARED ADOPTED.

AYES: 7

NAYS: 0

AMENDED RESOLUTION DECLARED ADOPTED.

The motion unanimously.

- f. Request Council approve the 2014 Christmas/New Year holiday schedule closing city offices December 24, 2014 through January 2, 2015. Employees will use vacation days for dates not designated as official holidays in our personnel policy.**

Member Morelli moved, seconded by Member Accavitti, to APPROVE THE 2014 CHRISTMAS/NEW YEAR HOLIDAY SCHEDULE CLOSING CITY OFFICES DECEMBER 24, 2014 THROUGH JANUARY 2, 2015. EMPLOYEES WILL USE VACATION DAYS FOR DATES NOT DESIGNATED AS OFFICIAL HOLIDAYS IN OUR PERSONNEL POLICY.

The motion unanimously.

- g. ADDED: Request Council revisit this item from the last meeting and consider a change in the water rate system by elimination of the RTS for fire suppression systems and increasing the RTS for commercial and industrial customers from the current \$6.00/unit to 48.00/unit.**

Manager Haberman explained the theory behind the ready to serve charge noting it is not a tax. He also stated if the change is approved, this would not be implemented until the January 2015 bills. Discussion ensued regarding this item.

The following residents spoke on this item:

Joanne Barr, 32885 Garfield

Anna Cameron, 34273 Garfield Circle

Oscar Imler, Clinton Township

Janet Calabrese, 17926 Breezeway

Dave Stouder, Linden St.

Ken Imler, Deluxe Development/Hawk Industrial

Member Morelli moved, seconded by Member Carnagie, to APPROVE A CHANGE IN THE WATER RATE SYSTEM BY ELIMINATION OF THE RTS FOR FIRE SUPPRESSION SYSTEMS AND INCREASING THE RTS FOR COMMERCIAL AND INDUSTRIAL CUSTOMERS FROM THE CURRENT \$6.00/UNIT TO \$8.00/UNIT.

Mayor asked for a roll call vote:

Accavitti - no

Hemelberg - yes

Carnagie - yes

Jennings - no

Cilluffo - no

Morelli - yes

Hagerty - yes

The motion carried 4-3

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- h. ADDED: Request Council Enter Into Closed Session Pursuant to 15.268 (b) of the Open Meetings Act, Act 267 of 1976 as Amended, to Discuss Written Opinion of Legal Counsel Regarding Closed Meeting Confidentiality.**

A roll call vote was taken to enter into closed session at 8:30 p.m. TO DISCUSS WRITTEN OPINION OF LEGAL COUNSEL REGARDING CLOSED MEETING CONFIDENTIALITY.

Accavitti - yes	Hemelberg - yes
Carnegie - yes	Jennings - yes
Cilluffo - yes	Morelli - yes
Hagerty - yes	

The motion carried unanimously.

At this time, 9:16 p.m. the meeting reconvened.

Mayor Hagerty explained the reason for the closed session was that the Finance Director submitted his resignation and Council gave direction to the City Manager on the process to advertise for this position.

9. Report of City Administration/Pending Items

Manager Haberman advised Council he received notice that the animal ordinance will need to be amended at the next meeting. He also spoke of road cutting and strict guidelines which will be brought to Council in January.

10. Report of Mayor and City Council/New Business

Mayor and Council spoke on various topics.

11. Citizen Participation

Greg Fetco, 31507 Grove
Ken Imler, Hawk Industrial/Deluxe Development

12. Adjournment

Member Carnegie moved, seconded by Member Morelli, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, NOVEMBER 13, 2014 AT 9:50 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor