



CITY MANAGER
Richard E. Haberman

CITY CLERK
Kathy Kacanowski

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Doug Hagerty

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

**FRASER CITY COUNCIL – REGULAR MEETING
THURSDAY – JANUARY 8, 2015 – 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. PUBLIC HEARINGS:
 - a. IFT Application for Orlandi Gear Company 17755 Masonic, Fraser, MI in the amount of \$1,749,217.
6. PRESENTATIONS:
 - a. Presentation of FY 2013-2014 Audit
7. CONSENT AGENDA
 - a. Approval of Minutes of the Regular Council Meeting of December 11, 2014.
 - b. Approval of Bills for the Month of December 2014 in the amount of \$ \$-----
 - c. Approval of Resolution authorizing installment purchasing for the AMI system.
8. REQUESTS FOR COUNCIL ACTION
 - a. Request Council approve an ordinance amending the code of ordinances article v chapter 25 sections 25-54 and 25-56 providing for the filing of a bond in order to cover estimated costs of elements of the project completion including backfill, compaction, inspection and pavement repair, providing for repealer, severability, penalties and effective date.
 - b. Request Council approve Massage Business License for Blonde Ambition, 33190 Groesbeck, Fraser.

**REGULAR COUNCIL MEETING
JANUARY 8, 2015**

- c. Request Council approve budget adjustments as presented.
- d. Request Council review Section 4.04 of Council Rules and Procedures, Old Business, to determine if the rules need to be amended for this item.
- e. Request Council review the Temporary Towing arrangement for the City of Fraser.
- f. Request Council review the Rules of Procedure with respect to Citizen Comments.
- g. Request Council Enter Into Closed Session pursuant to 15.268 (a) of the Open Meetings Act to consider a review of the City Manager.

9. REPORT OF THE CITY ADMINISTRATION/PENDING ITEMS.

10. REPORT OF MAYOR AND CITY COUNCIL/NEW BUSINESS

11. CITIZEN PARTICIPATION.

12. ADJOURNMENT

(Posted Friday, JANUARY 2, 2015 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.



CITY MANAGER
Richard E. Haberman

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
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COUNCIL
Dan Accavitti, Mayor ProTem
Michael C. Carnagie
Paul A. Cilluffo
Matthew Hemelberg
Barbara L. Jennings
William A. Morelli, Acting Mayor

To: Richard Haberman, City Manager

From: Kathy Kacanowski, City Clerk

Date: December 1, 2014

RE: Public Hearing and Request Council Consideration of a Resolution for
Orlandi Gear Company for an Industrial Facilities Exemption Certificate

On October 27, 2014, Orlandi Gear Company filed an application for an
Industrial Facilities Tax Exemption request.

The notice of public hearing was published in the Chronicle and the Clerk's Office sent proper notice to the property owner and taxing agencies. We collected the \$650 non-refundable filing fee and the City Assessor reviewed the application. Attached are the application, draft resolution and other pertinent documents for Council's review.

Once reviewed, and if approved by Council, I will submit the application to the State of Michigan. The State Tax Commission is ultimately responsible for final approval and issuance of the Industrial Facilities Exemption Certificate.

Attachments

/kk

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form, call (517) 373-3302.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Kathy Kawanowski</i>	► Date Received by Local Unit 10-27-14
STC Use Only	
► Application Number	► Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

► 1a. Company Name (Applicant must be the occupant/operator of the facility) Orlandi Gear Company	► 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3566	
► 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 17755 Masonic, Fraser, MI 48026	► 1d. City/Township/Village (Indicate which) City of Fraser	► 1e. County Macomb
► 2. Type of Approval Requested ☒ New (Sec. 2(5)) ☐ Transfer ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(6)) ☐ Research and Development (Sec. 2(10)) ☐ Increase/Amendment	► 3a. School District where facility is located Fraser	► 3b. School Code 50100
		4. Amount of years requested for exemption (1-12 Years) 12 Years

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Business volume continues to increase necessitating a larger building. The new building, machinery and equipment will help the company handle existing business, increase efficiencies and production keeping the company competitive and growing.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	► 977,717.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	► 771,500.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	► 1,749,217.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	► 10/2/14	10/2/16	► ☒ Owned ☐ Leased
Personal Property Improvements	► 10/2/14	10/2/16	► ☒ Owned ☐ Leased

► 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

► 9. No. of existing jobs at this facility that will be retained as a result of this project. 38	► 10. No. of new jobs at this facility expected to create within 2 years of completion. 6
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	_____
b. TV of Personal Property (excluding inventory)	_____
c. Total TV	_____

► 12a. Check the type of District the facility is located in:
☒ Industrial Development District ☐ Plant Rehabilitation District

► 12b. Date district was established by local government unit (contact local unit) 3/13/2003	► 12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No
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APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Michael Kelmigian	13b. Telephone Number 586-264-6700	13c. Fax Number 586-264-3595	13d. E-mail Address mkelmigian@orlandigear.com
14a. Name of Contact Person Michael Kelmigian	14b. Telephone Number 586-264-6700	14c. Fax Number 586-264-3595	14d. E-mail Address mkelmigian@orlandigear.com
▶ 15a. Name of Company Officer (No Authorized Agents) Michael Schiavi			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number 586-264-3595	15d. Date 10-22-2014
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 17755 Masonic, Fraser, MI 48026		15f. Telephone Number 586-264-6700	15g. E-mail Address mschiavi@orlandigear.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit ☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application. ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvements if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.		
16c. LUCI Code		16d. School Code
17. Name of Local Government Body		▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time, and that any leases show sufficient tax liability.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**Michigan Department of Treasury
State Tax Commission
PO Box 30471
Lansing, MI 48909**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

**APPLICATION
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
ATTACHMENT - SECTION 6A**

**ATTACHMENT TO 6A - COST OF BUILDING
BUILDERS ESTIMATE**

Orlandi Gear Company
17755 Masonic
Fraser, MI 48026

COST OF LAND IMPROVEMENTS	Estimated	
	Installation Date	Cost
Landscaping	February, 2015	\$8,000
Sign	February, 2015	\$5,000
Parking Lot	February, 2015	\$7,500
TOTAL COST		\$20,500

COST OF BUILDING	Estimated	
	Installation Date	Cost
Total builders estimate (See attached proposal from FH Martin)	February, 2015	\$957,217
TOTAL COST		\$957,217

GRAND TOTAL: REAL PROPERTY - \$977,717.00
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To: Orlandi Gear Co., Inc.
Attention: Michael Schiavi
6566 Sterling Dr., S
Sterling Heights, MI 48312

Proposal No. 140804 Rev
Date: 09/05/2014

Project: Orlandi Gear Renovations
Location: 17755 Masonic Blvd
Fraser, MI

PROPOSAL

We are very pleased to provide our estimate of costs for the proposed shop and office renovation project. We have prepared this estimate based on the existing floor plan provided, dimensions provided, a site visit and a general scope provided during the site visit. We have also prepared our estimate on the assumption that we would complete this project on a "design-build" basis, whereby FH Martin would be your single source of responsibility. This is a budget proposal based on the qualifications noted herein and the cost breakdown below, totaling \$957,217. Final costs may be different depending on the final scope of work that is established.

QUALIFICATIONS:

1. We have including an Allowance for architectural drawings in order to obtain a building permit. We have not included mechanical, electrical or structural engineering.
2. We have included an Allowance for the building permit & inspection fees.
3. We have in on-site supervision costs on a part time basis, in order to properly schedule and coordinate the project.
4. We have included an Allowance of approximately 3% of the construction costs for contingency funds. This Allowance would be for used of any unforeseen issues that occur throughout the project, but is not intended to be a capped amount for such issues, nor is it intended to include changes in the project scope.
5. We have not included any costs to add a fire suppression system to the building. If this is required by the code, additional costs will be incurred.
6. We have not included any costs for testing, remediation, handling, or encapsulation of asbestos, lead, or any other hazardous materials.
7. We have not included any masonry, structural steel work.
8. We have not included any material testing or surveying.

SCOPE OF WORK:

1. Office Renovation
 - a. Complete demolition of the existing office space. Existing wall, flooring, ceiling, ductwork, electrical & restroom fixture removal.
 - b. Complete office renovation. New offices, conference room and break area figured. Office restrooms to be gutted re-configured and completely re-done with new standard fixtures, partitions & accessories. Standard ceramic tile flooring is figured for the restrooms. All offices, conference room and open areas to receive new standard paint, carpet, lay-in ceilings, lights, diffusers, doors and hardware.

28740 Mound Road | Warren, MI 48092 | phone 586.558.2100 | fax 586.558.2921

- c. Office area renovation will receive new ductwork fed to an existing RTU based on proposal provided by J.F. Jacobs. Office area to receive new standard lights, switches and electrical service for that space.
- 2. Shop Renovation
 - a. Installation of a new restroom in an existing shop office space. Including new fixtures, accessories and partitions.
 - b. Removal and installation of new restroom fixtures in an existing shop restroom.
 - c. To paint the existing interior block walls.
 - d. To paint the existing interior shop metal deck ceiling.
 - e. To minor patch some walls, ceilings, flooring and re-paint the walls in the existing downstairs shop offices.
 - f. A new step down transformer for the shop power is figured based on proposal provided by Transformer Inspection Retrofill.
 - g. Removal of existing lights from the existing shop, transportation and installation of the existing lights in the new shop area based on proposal by Safety Source LLC.
 - h. Installation of new bus duct to tie into existing bus duct. Included is 25 electrical drops from the bus duct to equipment.
 - i. Included is to install 8 new unit heaters along with gas piping based on the proposal provided by J.F. Jacobs.
 - j. We have excluded costs to relocate existing shop equipment including electrical connections, layout, etc.
 - k. Included is the cost to provide a new 3 ton crane to span within 8 existing columns spaced approximately 40 feet on center. The rail system that spans between the existing columns are included. No new structural steel work is figured.
 - l. Included is the cost to replace 4 overhead doors in the shop area.
- 3. Exterior
 - a. A new roof system based on the roof inspection report has been figured for all of the roofs.

COST BREAKDOWN:		
Item #		Cost
1	Architectural Drawings	5,000
2	Permit / Inspections	7,300
3	General Requirements	23,250
4	Demolition	20,000
5	Concrete	5,000
6	Woods and Plastics	4,890
7	Roofing	291,500
8	Doors and Windows	15,500
9	Metal Stud Walls / Drywall / Finishes	192,200
10	Specialties	14,250
11	Equipment Relocation	Not incl.
12	Shop Crane	62,133

28740 Mound Road | Warren, MI 48092 | phone 586.558.2100 | fax 586.558.2921



13	Mechanical (Plumbing & HVAC)	121,370
14	Electrical	114,031

Subtotal	876,424
FH Martin Constructors Construction Fee	50,000

Total	926,424
Contingency	30,793

Grand Total w/ Contingency **957,217**

ADDITIONAL TERMS AND CONDITIONS:

This proposal is based on:

1. Contract to be based on an AIA Document A101/A201 or similar form of Agreement.
2. Construction to be performed during regular working hours.
3. Payment terms will be monthly progress draws, with payments due no later than 30 after receipt of invoice.
4. Owner shall provide a recorded Notice of Commencement and copies of all Notices of Furnishing and/or requests for Notice of Commencement.

This proposal is made in accordance with all of the terms and conditions listed above.

Submitted by:

FH MARTIN CONSTRUCTORS
28740 Mound Road
Warren, MI 48092

R. Andrew Martin, Jr.
President

28740 Mound Road | Warren, MI 48092 | phone 586.558.2100 | fax 586.558.2921

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: Orlandi Gear Company

MACHINERY & EQUIPMENT Page 1 of 1

COLUMN I ORIGINAL ESTIMATED COST	COLUMN II EXPECTED INSTALLATION DATE M/D/Y	COLUMN III ORIGINAL LIST DESCRIPTION	COLUMN IV ACTUAL PURCHASE DATE M/D/Y	COLUMN V ACTUAL INSTALLATION DATE M/D/Y	COLUMN VI ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE	COLUMN VII ACTUAL COST
\$210,000	5/15/2016	Bar Feeder Lathe				
\$330,000	5/15/2016	CNC Grinder				
\$128,000	5/15/2016	CNC Lathe				
\$32,000	5/15/2016	CNC Mill				
\$25,000	5/15/2016	CNC Mill				
\$725,000	PAGE TOTALS					\$0

PAGE TOTAL: \$725,000

GRAND TOTAL - PERSONAL PROPERTY = \$ 771,500

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: Orlandi Gear Company

FURNITURE & FIXTURES

Page 1 of 1

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII
ORIGINAL ESTIMATED COST	EXPECTED INSTALLATION DATE M/D/Y	ORIGINAL LIST DESCRIPTION	ACTUAL PURCHASE DATE M/D/Y	ACTUAL INSTALLATION DATE M/D/Y	ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE	ACTUAL COST
\$5,000	4/30/2015	Conference Table & Chairs				
\$2,000	4/30/2015	Lobby Furniture				
\$3,500	4/30/2015	Office Desks & Chairs				
\$10,500	PAGE TOTALS					\$0

PAGE TOTAL: \$10,500

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: Orlandi Gear Company

COMPUTER EQUIPMENT

Page 1 of 1

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII
ORIGINAL ESTIMATED COST	EXPECTED INSTALLATION DATE M/D/Y	ORIGINAL LIST DESCRIPTION	ACTUAL PURCHASE DATE M/D/Y	ACTUAL INSTALLATION DATE M/D/Y	ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE	ACTUAL COST
\$6,000	4/30/2015	Desktops				
\$4,000	4/30/2015	Tablets				
\$2,000	4/30/2015	Laptops				
\$2,000	4/30/2015	Video Projection				
\$14,000	PAGE TOTALS					\$0

PAGE TOTAL: \$14,000

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: Orlandi Gear Company

OFFICE EQUIPMENT

Page 1 of 1

COLUMN I ORIGINAL ESTIMATED COST	COLUMN II EXPECTED INSTALLATION DATE M/D/Y	COLUMN III ORIGINAL LIST DESCRIPTION	COLUMN IV ACTUAL PURCHASE DATE M/D/Y	COLUMN V ACTUAL INSTALLATION DATE M/D/Y	COLUMN VI ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE	COLUMN VII ACTUAL COST
\$7,500	3/15/2015	Alarm System				
\$2,500	3/15/2015	Time Clock System				
\$4,000	3/15/2015	Phone System				
\$6,000	4/30/2015	Copier & Scanner				
\$2,000	4/30/2015	Printers				
\$22,000	PAGE TOTALS					\$0

PAGE TOTAL: \$22,000

Orlandi Gear Company

Statement Attached To And Made Part Of
Form 1012
Application For Industrial Facilities Exemption Certificate

**-AFFIDAVIT-
DATE OF PROJECT COMMENCEMENT**

I, Michael Schiavi, President of Orlandi Gear Company, do hereby certify that the commencement of the installation of the real and personal property described in this application occurred on 10/2/14.

Michael Schiavi 10-22-2014
SIGNATURE DATE

President
TITLE

IFT LETTER OF AGREEMENT
Per P.A. 334 of 1993

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
LETTER OF AGREEMENT:

This agreement between (Company) Orlandi Gear Company and the City of Fraser is for the requirements of P.A. 198, as amended, P.A. 334, Section 22. In consideration of approval of this exemption certificate, the (company) Orlandi Gear Company understands that through its investment of (money) \$1,749,217 and the City of Fraser, by its investment of the IFT, are mutually investing and benefiting from this economic development project, and, furthermore, agree to the following:

N.A.

This agreement is assignable and transferable by either party with advance written consent. The agreement may only be altered upon mutual consent of both parties.

City of Fraser

Date

Michael Schmitt
Applicant Signature

10-22-2014
Date

INDUSTRIAL FACILITIES EXEMPTION APPLICATION AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin No. 3 dated January 1998, the Local Unit and Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm that no payment of any kind, whether they be referred to as "fees," "payments in lieu of taxes," "donations," or by other like terms, such payments are contrary to the legislative intent of Act 198 that exemption certificates have the effect of abating all ad valorem property taxes levied by taxing units with the unit of local government which approves the certificate.

We do swear and affirm by our signatures below that "no payment of any kind in excess of the fee allowed, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application."

City/Township/Village of: Fraser

Signed: _____

Print Name: _____

Title: _____

Dated: _____

Applicant: Orlandi Gear Company

Signed: Michael Schiavi

Print Name: Michael Schiavi

Title: President

Dated: 10-22-2014

Orlandi Gear Company

LEGAL DESCRIPTION

17755 Masonic
Fraser, MI 48026

Industrial Facilities Tax Exemption Application

Parcel Identification Number: 14-05-251-010

Legal Description:

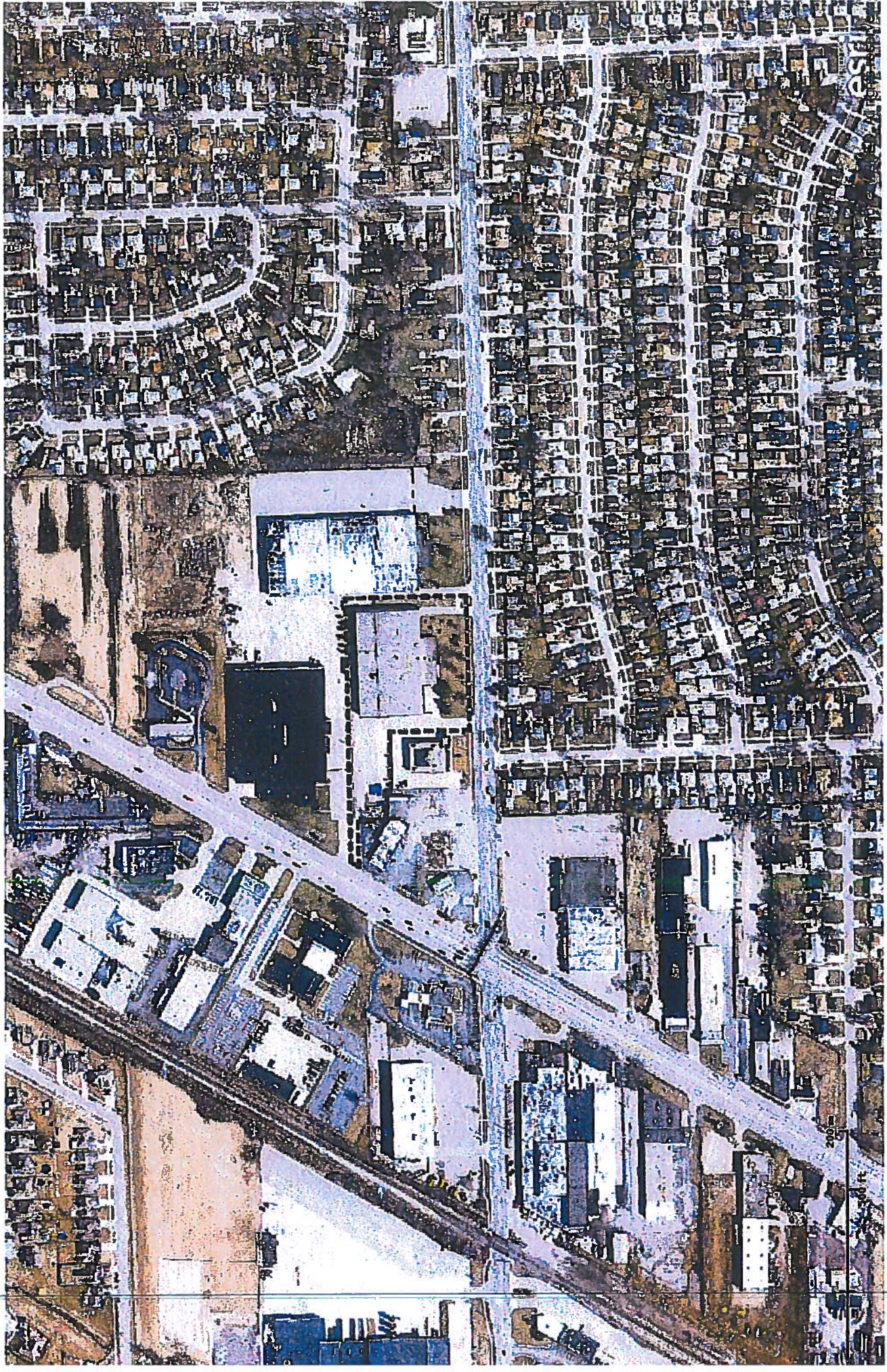
A PARCEL OF LAND BEING A PT OF LOT 93 OF ASSESSOR'S PLAT NO. 5 AS REC IN L 14 OF PLATS P 29 MACOMB COUNTY RECORDS & A PART OF THE N 1/2 OF SEC 5 T1N R13E CITY OF FRASER: MACOMB COUNTY MI & BEING DESCRIBED AS: BEG AT A PT ON THE E AND W 1/4 LINE OF SAID SEC 5 BEING DISTANT 234.81 FT DUE E OF THE CTR POST OF SAID SEC 5; TH N00°08'21" E 251 FT; TH N 89°05'31" W 159.02 FT; TH N 00°08' 21"E 11.99 FT; TH S 89°16'07"W 77.80 FT; TH S89°53'23"W 121. 18 FT (DESCRIBED AS S89°51'48"W 121.17 FT) ALG THE S LINE OF SAID LOT 93 TO THE SW CORNER OF SAID LOT 93; TH N30°49'14"E 25.92 FT (DESCRIBED AS N30°50' 00"E 25.93 FT) ALG THE SE'LY LINE OF SAID LOT 93; ALSO BEING THE SE ROW LINE OF GROESBECK HWY (120 FT WIDE); TH S87°19'49"E 107.93 FT (DESCRIBED AS S87° 21'27"E 107.91 FT) TO A PT ON SAID N & S 1/4 LINE; TH S89°59'58"E 593.77 FT (DESCRIBED AS DUE EAST); TH S00°07'03"E (DESCRIBED AS S00°08'30"E) 361.40 FT TO A PT ON SAID E & W 1/4 LINE; TH DUE WEST 357.87 FT ALG E & W 1/4 LINE TO POB. CONTAINING 3.585 ACRES.



Oriandi Gear Company

17755 MASONIC BLVD

Thu Oct 9 2014 11:04:45 AM



CITY OF FRASER
33000 GARFIELD RD
FRASER, MI 48026
Phone : (586) 293-3100

Received From:
ORLANDI GEAR COMPANY

Date: 10/27/2014
Receipt: 252021
Cashier: COUNTER

Time: 3:54:21 PM

ITEM REFERENCE	AMOUNT
IFT IFT APPLICATIONS	
IFT APPLICATIONS	\$650.00
TOTAL	\$650.00
CHECKS 83429	\$650.00
Total Tendered:	\$650.00
Change:	\$0.00

Memorandum

To: Kathy Kacanowski, City Clerk
From: Gary R. Blash, City Assessor
Date: 11/3/2014
Re: Orlandi Gear Co. IFT Application

I have reviewed the Industrial Facilities Tax application submitted by Orlandi Gear Co, 17755 Masonic, Fraser, Mi. The application appears to contain all the required information necessary to consider granting the requested property tax abatement.

The current 2014 IFT taxable value roll stands at 7.90 % of the city's' ad valorem taxable value roll; the approval of Orlandi Gears' request, the percentage will increase to 8.10%. A percentage above 5% requires a finding that the granting of the abatement will not significantly impact the various taxing jurisdictions.

NOT A REQUIRED STATE REPORT

11/03/2014 02:44 PM

Db: Ift 2014

2014

This report will not crossfoot

L-4022-TAXABLE

COUNTY MACOMB

CITY OR TOWNSHIP CITY OF FRASER

REAL PROPERTY		2013 Board of Review	Losses	(+ / -) Adjustment	Additions	2014 Board of Review
Count						
101 Agricultural	0	0	0	0	0	0
201 Commercial	0	0	0	0	0	0
301 Industrial	14	6,076,005	0	1,233	302,500	6,379,738
401 Residential	0	0	0	0	0	0
501 Timber - Cutover	0	0	0	0	0	0
601 Developmental	0	0	0	0	0	0
800 TOTAL REAL	14	6,076,005	0	1,233	302,500	6,379,738
PERSONAL PROPERTY		2013 Board of Review	Losses	(+ / -) Adjustment	Additions	2014 Board of Review
Count						
151 Agricultural	0	0	0	0	0	0
251 Commercial	0	0	0	0	0	0
351 Industrial	39	28,923,710	3,345,291	-3,123,817	5,289,142	27,743,744
451 Residential	0	0	0	0	0	0
551 Utility	0	0	0	0	0	0
850 TOTAL PERSONAL	39	28,923,710	3,345,291	-3,123,817	5,289,142	27,743,744
TOTAL REAL & PERSONAL	53	34,999,715	3,345,291	-3,122,584	5,591,642	34,123,482
TOTAL TAX EXEMPT	0					

1,749,217
✓
874,608

874,608
3,998,142
431,757,048
8.10%

NOT A REQUIRED STATE REPORT

11/03/2014 02:42 PM
Db: Fraser 2014

2014

This report will not crossfoot

L-4022-TAXABLE

COUNTY MACOMB

CITY OR TOWNSHIP CITY OF FRASER

REAL PROPERTY		2013 Board of Review	Losses	(+ / -) Adjustment	Additions	2014 Board of Review
Count						
101 Agricultural	0	0	0	0	0	0
201 Commercial	247	61,567,548	0	1,068,394	25,057	62,502,844
301 Industrial	250	65,317,856	77,927	-643,646	48,363	64,644,646
401 Residential	4,991	237,894,227	186,486	1,656,303	998,087	240,362,131
501 Timber - Cutover	0	0	0	0	0	0
601 Developmental	0	0	0	0	0	0
800 TOTAL REAL	5,488	364,779,631	264,413	2,081,051	1,071,507	367,509,621
PERSONAL PROPERTY		2013 Board of Review	Losses	(+ / -) Adjustment	Additions	2014 Board of Review
Count						
151 Agricultural	0	0	0	0	0	0
251 Commercial	645	17,298,759	3,775,300	-1,407,842	1,856,150	12,748,413
351 Industrial	150	41,198,946	4,004,375	-4,075,497	11,771,049	45,802,522
451 Residential	0	0	0	0	0	0
551 Utility	3	5,585,250	56,448	-130,793	298,483	5,696,492
850 TOTAL PERSONAL	798	64,082,955	7,836,123	-5,614,132	13,925,682	64,247,427
TOTAL REAL & PERSONAL	6,286	428,862,586	8,100,536	-3,533,081	14,997,189	431,757,048
TOTAL TAX EXEMPT	101					



CITY MANAGER
Richard E. Haberman

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Doug Hagerty

COUNCIL
Dan Accavitti, Mayor ProTem
Michael C. Carnagie
Paul A. Cilluffo
Matthew Hemelberg
Barbara L. Jennings
William A. Morelli, Acting Mayor

RESOLUTION APPROVING IFT APPLICATION

Minutes of a Regular Meeting of the Council of the City of Fraser, held on Thursday, December 11, 2014 at 7:00 p.m. in the Council Chambers of the City Municipal Building, located at 33000 Garfield Road, Fraser, County of Macomb, Michigan.

PRESENT: Mayor Hagerty, Council Members Accavitti, Carnagie, Cilluffo, Hemelberg, Jennings and Morelli

ABSENT: None

The following preamble and resolution were offered by Council Member _____, and seconded by Council Member _____

Resolution Approving Application of Orlandi Gear Company 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 April 10, 2003, the City of Fraser City Council by resolution established Industrial Development District **28**; and

WHEREAS, Orlandi Gear Company 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 28; and

WHEREAS, before acting on said application the City of Fraser held a hearing on December 11, 2014 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 of 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

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 Orlandi Gear Company for an Industrial Facilities Exemption Certificate, with respect to real and personal property on the following described parcel of real property situated within the Industrial Development District, to wit:

14-05-251-010

A PARCEL OF LAND BEING A PT OF LOT 93 OF ASSESSOR'S PLAT NO. 5 AS REC IN L 14 OF PLATS P 29 MACOMB COUNTY RECORDS & A PART OF THE N 1/2 OF SEC 5 T1N R13E CITY OF FRASER: MACOMB COUNTY MI & BEING DESCRIBED AS: BEG AT A PT ON THE E AND W 1/4 LINE OF SAID SEC 5 BEING DISTANT 234.81 FT DUE E OF THE CTR POST OF SAID SEC 5; TH N00*08'21" E 251 FT; TH N 89*05'31" W 159.02 FT; TH N 00*08'21"E 11.99 FT; TH S 89*16'07"W 77.80 FT; TH S89*53'23"W 121.18 FT (DESCRIBED AS S89*51'48"W 121.17 FT) ALG THE S LINE OF SAID LOT 93 TO THE SW CORNER OF SAID LOT 93; TH N30*49'14"E 25.92 FT (DESCRIBED AS N30*50'00"E 25.93 FT) ALG THE SE'LY LINE OF SAID LOT 93; ALSO BEING THE SE ROW LINE OF GROESBECK HWY (120 FT WIDE); TH S87*19'49"E 107.93 FT (DESCRIBED AS S87* 21'27"E 107.91 FT) TO A PT ON SAID N & S 1/4 LINE; TH S89*59'58"E 593.77 FT (DESCRIBED AS DUE EAST); TH S00*07'03"E (DESCRIBED AS S00*08'30"E) 361.40 FT TO A PT ON SAID E & W 1/4 LINE; TH DUE WEST 357.87 FT ALG E & W 1/4 LINE TO POB. CONTAINING 3.585 ACRES.

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:

NAYES:

ABSENT:

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I, KATHY KACANOWSKI, duly appointed City Clerk for and in the City of Fraser, hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted by the Council of the City of Fraser, County of Macomb, Michigan, at their Regular Meeting held on Thursday, December 11, 2014.

Kathy Kacanowski, City Clerk

FROM THE CITY CLERK'S OFFICE

P U B L I C N O T I C E

Pursuant to 1974 PA 198, MCLA Sec. 207.551 et seq., notice is hereby given that a Public Hearing will be conducted at 7:00 p.m. Thursday, December 11, 2014 in the City of Fraser Council Chambers, located at 33000 Garfield Road, City of Fraser, County of Macomb, State of Michigan.

Said Public Hearing will be held for the purpose of reviewing an application by the following company for a facilities exemption certificate for Real and Personal Property in the City of Fraser Industrial Development District No. 28:

Orlandi Gear Company
17755 Masonic
Fraser, MI 48026

Please note that the applicant or a duly appointed company representative **MUST** be present at this meeting in order to be given consideration by the City Council for approval of this application. The request will not be approved in the event of the petitioner's absence.

Questions and comments from the general public will be accepted at this appointed date and time.

Kathy Kacanowski
City Clerk

Fraser Clinton Chronicle publication date: November 26, 2014

Fraser City Council - Regular Meeting
Thursday – December 11, 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**

Member Carnagie moved, seconded by Member Accavitti, TO APPROVE THE AGENDA AS PRESENTED.

The motion carried unanimously.

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

5. **Presentations** - none

6. **Public Hearings**

IFT application for Orlandi Gear Company, 17755 Masonic, Fraser MI in the amount of \$1,749,217. There were no representatives present at the meeting.

Member Cilluffo moved, seconded by Member Morelli, to POSTPONE THE PUBLIC HEARING FOR ORLANDI GEAR COMPANY'S IFT EXEMPTION TO THE JANUARY COUNCIL MEETING.

The motion carried unanimously.

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 November 13, 2014
- b) Approval of Bills for the Month of November 2014 in the amount of \$654,323.80
- c) Receive and file Minutes of the October 7, 2014 Parks and Recreation Commission meeting.
- d) Receive and file Minutes of the October 1, 2014 Planning Commission meeting.
- e) Adopt the 2015 City Council meeting schedule as presented.
- f) Adopt resolution to replace expired blanket permit for general road maintenance Macomb County Department of Roads.

The motion carried unanimously.

8. **Requests For Council Action**

- a. **Request Council adopt an ordinance amending section 29-17 prohibiting noxious weeds or other plants as a common nuisance providing for penalties, repealer, severability and effective date.**

It was noted the height was reduced from 12 inches to 6, language was expanded to include weeds and warning provided before fines in most cases.

Fraser City Council - Regular Meeting
Thursday – December 11, 2014 – 7:00 P.M.
Page Two

Member Cilluffo moved, seconded by Member Morelli, TO ADOPT AN ORDINANCE AMENDING SECTION 29-17 PROHIBITING NOXIOUS WEEDS OR OTHER PLANTS AS A COMMON NUISANCE PROVIDING FOR PENALTIES, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

The motion carried unanimously.

- b. Request Council adopt an ordinance amending article i sections 5-2 and 5-3 to provide for the establishing of a full time animal control officer, designate persons authorized to act as animal control officers, provide for enforcement by animal control officers engaged by the County of Macomb and set forth employment standards for animal control officers, repealer, severability and effective date.**

Kent Stonebreaker, 32309 Oxford Ct., spoke on this item.

Member Cilluffo moved, seconded by Member Carnagie, to ADOPT AN ORDINANCE AMENDING ARTICLE I SECTIONS 5-2 AND 5-3 TO PROVIDE FOR THE ESTABLISHING OF A FULL TIME ANIMAL CONTROL OFFICER, DESIGNATE PERSONS AUTHORIZED TO ACT AS ANIMAL CONTROL OFFICERS, PROVIDE FOR ENFORCEMENT BY ANIMAL CONTROL OFFICERS ENGAGED BY THE COUNTY OF MACOMB AND SET FORTH EMPLOYMENT STANDARDS FOR ANIMAL CONTROL OFFICERS, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

The motion carried unanimously.

9. Report of City Administration/Pending Items

Manager Haberman stated he and Attorney Dolan met with Fraser Woods management recently regarding issues with communication between Fraser Woods management and their residents. It was agreed a meeting will be scheduled between the two parties.

Manager Haberman also asked their management firm, which is located in Lansing, to review the Fraser senior apartment complex for the possibility of them managing these apartments.

Mayor Hagerty inquired about the audit and Manager Haberman explained that, while there were delays in auditing of pension material, the audit will be presented to Council in January.

10. Report of Mayor and City Council/New Business

Mayor and Council spoke on various topics and wished everyone a safe and Merry Christmas.

Mayor Hagerty requested Manager Haberman meet with the Assessor to provide a strategy to address the vacant industrial buildings in the city.

11. Citizen Participation

Janet Calabrese, 17926 Breezeway, questioned Freedom of Information fees and the consensus of Council was to refund a portion of the fees charged.

Kathy Blanke, 15951 Princeton Ct.

Kent Stonebreaker, 32309 Oxford Ct.

**Fraser City Council - Regular Meeting
Thursday – December 11, 2014 – 7:00 P.M.
Page Three**

12. Adjournment

Member Accavitti moved, seconded by Member Carnagie, to ADJOURN THE
REGULAR COUNCIL MEETING OF THURSDAY, DECEMBER 11, 2014
AT 8:05 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

/kk

CITY OF FRASER
COUNTY OF MACOMB, STATE OF MICHIGAN

RESOLUTION AUTHORIZING
INSTALLMENT PURCHASE AGREEMENT

Minutes of a regular meeting of the City Council of the City of Fraser, County of Macomb, State of Michigan, held on the 11th day of December, 2014, at 7:00 o'clock p.m., prevailing Eastern Time.

PRESENT: Members _____

ABSENT: Members _____

The following preamble and resolution were offered by Member _____
and supported by Member _____:

WHEREAS, the City Council of the City of Fraser, County of Macomb, State of Michigan (the "City") determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire water meters (the "Equipment") in an amount of Six Hundred Thirty-Seven Thousand Thirty-Six Dollars (\$637,036); and

WHEREAS, under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended ("Act 99"), the City is authorized to enter into any contracts or agreements for the purchase of the Equipment to be paid for in installments over a period of not to exceed the useful life of the Equipment acquired as determined by resolution of the City; and

WHEREAS, the outstanding balance of all purchases by the City under Act 99, exclusive of interest, shall not exceed one and one quarter percent (1-1/4%) of the taxable value of the real and personal property in the City at the date of such contract or agreement; and

WHEREAS, purchase of the Equipment pursuant to an installment purchase agreement will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above; and

WHEREAS, it is necessary for the City to arrange for the financing of the Equipment;
and

WHEREAS, the City Council wishes to delegate to the City Manager and the Finance Director/Treasurer to arrange for the financing of the Equipment with a bank or financial institution pursuant to an installment purchase agreement within the parameters set forth herein.

NOW THEREFORE, BE IT RESOLVED THAT;

1. The City Manager and the Finance Director/Treasurer are each hereby authorized to arrange for the financing of the Equipment with a bank or financial institution pursuant to an installment purchase agreement. Interest on the agreement shall not exceed 4.5% per annum, the aggregate principal amount of the agreement shall not exceed Six Hundred Thirty-Seven Thousand Thirty-Six Dollars (\$637,036), and the term of the agreement shall not exceed ten (10) years. The Mayor, City Clerk, City Manager, Finance Director/Treasurer or their designee are each hereby authorized to execute the agreement, when in final form, and deliver it to the purchaser.

2. The useful life of the Equipment is hereby determined to be not less than ten (10) years.

3. The Mayor, City Clerk, City Manager, Finance Director/Treasurer or their designee are each authorized to execute such additional documentation as shall be necessary to effectuate the closing contemplated by the agreement.

4. The City hereby agrees to include in its budget for each year, commencing with the present fiscal year, a sum which will be sufficient to pay the principal of and the interest coming due under the agreement during such fiscal year.

5. The City covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the agreement from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable.

6. The acquisition of the Equipment and the approval of the agreement hereby are found and declared to be for a valid public purpose and in the best interest of the health and welfare of the residents of the City.

7. The City hereby designates the agreement as a "qualified tax exempt obligation" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

8. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring the Equipment which were or will be paid subsequent to sixty (60) days prior to the date hereof.

- (c) The maximum principal amount of debt expected to be issued for the Equipment does not exceed \$637,036.

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

AYES: Members _____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Fraser, County of Macomb, State of Michigan, at a regular meeting held on December 11, 2014, 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, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

City Clerk

23415051.1\030724-00044

MOTION MADE BY:_____

MOTION SECONDED BY:_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES ARTICLE V CHAPTER 25 SECTIONS 25-54 AND 25-56 PROVIDING FOR THE FILING OF A BOND IN ORDER TO COVER ESTIMATED COSTS OF ELEMENTS OF THE PROJECT COMPLETION INCLUDING BACKFILL, COMPACTION, INSPECTION AND PAVEMENT REPAIR, PROVIDING FOR REPEALER, SEVERABILITY, PENALTIES AND EFFECTIVE DATE.

CITY OF FRASER
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. _____

THE CITY OF FRASER ORDAINS:

Section 1. Preamble.

WHEREAS,

In order to preserve, promote and protect public health, safety and welfare and to advance the legitimate rational regulation of construction activities with right-of-way within the City, in order to preserve and protect the integrity of paved surfaces and portions of the right-of-way to protect persons and property using such right-of-way and preserve the value of surrounding properties and places, the City enacts the ordinance hereinafter.

Section 2. Article V, Chapter 25, Sections 25-54 and 25-56 are hereby revised and amended as follows:

Sec. 25-54. General Construction Requirements.

Added as an additional paragraph;

(g) Backfill, compaction and pavement repair shall be subject to inspection by the city, or its designated engineer with all inspection fees to be paid by the permittee and the city in its sole discretion may elect through its own employees or through a retained contractor to complete backfill, compaction and pavement repairs utilizing the construction bond posted for such work.

Sec. 25-56. Construction Bond and Hold Harmless Requirement.

As a condition of obtaining a permit, the applicant may be required to file with the city a cash construction bond in an amount of at least \$2,500.00, or 5% of anticipated construction costs whichever is greater, as established by the city engineer, or his designee based on the estimated cost of the projection including labor, materials and overhead. The cash construction bond may be utilized to pay all valid claims for damages resulting from activity within the public right-of-way, or to complete backfill, compaction, inspection and pavement repair requirements. The applicant may post a blanket bond of at least \$5,000.00 and up to \$100,000.00 as determined by the city engineer or his designee. The estimated cost of the project shall be consistent with the installed cost of the project as reported for state and local tax purposes. In addition to damages to the right-of-way and completion of work, the cash bond shall be used to hold the city harmless of every damage or cost of every other nature, whether to persons or property for which the city may be held liable by reason of any acts or omissions or the exercise of privileges for which the permit, upon which the cash bond was granted. The applicant shall execute an agreement to defend, indemnify and hold the city harmless in the event of a claim arising out of an activity conducted by the applicant within the right-of-way, other than from the sole negligence of the city.

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 ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and affect.

Section 5. Penalty. Any violation of this ordinance shall be deemed a misdemeanor subject to penalties as provided elsewhere in the code for a misdemeanor offense.

Section 4. Effective Date. This ordinance being deemed an emergency ordinance shall be effective immediately upon adoption and publication due to the emergency nature of the same.

ORDINANCE ADOPTED.

AYES:
NAYS:
ABSENT:

Attested:

Doug Hagerty, Mayor

Kathy Kacanowski, City Clerk

CERTIFICATION

I KATHY KACANOWSKI, City Clerk for the City of Fraser, County of Macomb, State of Michigan, certify that this is a true copy of ordinance no. ____adopted by the Council of the City of Fraser assembled in a regular session on_____ 2015.

Kathy Kacanowski, City Clerk

PUBLICATION DATE:

Macomb Daily, _____, 2015.

Memo

To: Kathy Kacanowski
From: Lt. Dan Kolke
Date: 12/19/2014
Re: Background Investigation

On this date I received a Massage Business Establishment Application. There was no address listing where the individuals will perform their service. I was able to find a fire inspection from our department from February of 2014 showing an address of 33190 Groesbeck named Blonde Ambition Salon. At that time, there were no fire violations.

I completed a background investigation on Christie Lynn Fradeneck and Courtney Ann Zanni and neither had any criminal history

Respectfully,


Lt. Dan Kolke



City of Fraser

Building & Code Enforcement Department

MEMORANDUM

DATE: DECEMBER 23, 2014
TO: KATHY KACANOWSKI, FRASER CITY CLERK
FROM: RANDY A. WARUNEK, BUILDING OFFICIAL 
RE: MASSAGE BUSINESS ESTABLISHMENT AT BLONDE AMBITION SALON, LLC,
33190 GROESBECK HWY., FRASER, MI 48026, PARCEL ID. NO. 11-32-476-018

This memorandum will certify that the above referenced property is presently zoned "CG – Commercial General".

Said zoning classification is adequate to support the use of the property for a wide diversity of business activities which are retail and service-oriented in character. The principle use of this property, presently, is a hair salon, an approved use that was granted a "Certificate of Compliance" on March 20, 2014. The business has been in compliance since that time.

The addition of a secondary use, a massage business, was discussed with our city planner, Patrick Meagher, and it is his opinion that this would be an approvable use. As long as the business is reviewed and background checks are approved by our Public Safety Department and City Council approves the request, the Building Department will receive application and payment and perform all inspections for a new "Certificate of Compliance." Once approval is received for all five inspections, we will grant a secondary certificate.

2014-15



CITY MANAGER
Richard E. Haberman

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Doug Hagerty

COUNCIL
Dan Accavitti, Mayor ProTem
Michael C. Camagie
Paul A. Cilluffo
Matthew Hemelberg
Barbara L. Jennings
William A. Morelli

CITY OF FRASER BUDGET ADJUSTMENT REQUEST

Account Number to Transfer from: 101-000-437-000

IFT

Amount of Transfer Request: \$7,500.00

Account Number to Transfer to: 101-265-742-000 Materials Supplies - City Hall

Justification for Request: The City Hall building has had Heating/Cooling repairs totaling \$3,414.59, and the winter season is not here yet. Also, some electrical repairs have been necessary as well. Supplies for these electrical repairs totaled \$2,338.68.

Finance Director Comments:

Last fiscal year, expense category was \$36,799.21.
2012-13 fiscal year was \$33,859.66. Adding in these funds,
the ~~budget~~ budget will be \$32,500. This will line up w/ previous actuals.

City Manager Comments:

City Council Approval:

2014-15



CITY MANAGER
Richard E. Haberman

City of Fraser

CENTENNIAL COMMUNITY

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Matthew Hemelberg
Barbara L. Jennings
William A. Morelli

CITY OF FRASER BUDGET ADJUSTMENT REQUEST

Account Number to Transfer from: 101-000-437-000

IPT

Amount of Transfer Request: \$8,000.00

Account Number to Transfer to: 101-268-937-000 R + M - Library

Justification for Request: The library building has needed \$4,218.37 in roof repair and \$3,500.00 for a new access door to the roof. The roof has been a lingering problem.

Finance Director Comments: As you will recall, the Library has had several leaking incidents that needed immediate attention during late summer and into early fall.

City Manager Comments:

City Council Approval:

2014-15



CITY MANAGER
Richard E. Haberman

City of Fraser

CENTENNIAL COMMUNITY

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CITY OF FRASER BUDGET ADJUSTMENT REQUEST

Account Number to Transfer from: 101-000-644-000

Rec Collections

Amount of Transfer Request: 1,000.00

Account Number to Transfer to: 101-266-920-000

Water/sewer - Activity Ctr

Justification for Request: In August, the fire suppression fee was added. The Activity Ctr. has a fire suppression system. The additional expense was not in the original cost estimates for the 2014-15 budget.

Finance Director Comments:
2013-14 fiscal year expenses were \$1,604.20. 2012-13 fiscal year expenses were \$1,803.42.

City Manager Comments:

City Council Approval:

2014-15



CITY MANAGER
Richard E. Haberman

City of Fraser

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CITY OF FRASER BUDGET ADJUSTMENT REQUEST

Account Number to Transfer from: 101-000-668-100 Cell Tower Revenue

Amount of Transfer Request: \$ 12,500.00

Account Number to Transfer to: 101-260-801-100 Professional Services

Justification for Request: The passage of the Affordable Care Act has caused a number of additional requirements that need to be attended to in order to avoid financial penalties from the IRS. RDS will provide software and support to ensure this does not happen.

Finance Director Comments:

The RDS contract was approved at a previous City Council meeting. The original fee has been decreased from \$18,968 to \$12,500.

City Manager Comments:

City Council Approval:

2014-15



CITY MANAGER
Richard E. Haberman

City of Fraser

CENTENNIAL COMMUNITY

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William A. Morelli

CITY OF FRASER BUDGET ADJUSTMENT REQUEST

Account Number to Transfer from:

101-000-695-075

Library Programs (Revenue)

Amount of Transfer Request:

\$1,000.00

Account Number to Transfer to:

101-738-803-000

Programs (Expenditure)

Justification for Request:

For certain programs, the library has begun to charge a fee for participation. For example, this occurred with an archery program that coupled with certain literature.

Finance Director Comments:

The original budget did not figure in that the Library would charge for their programs. The additional revenues will offset the expense increase to programs.

City Manager Comments:

City Council Approval:

Rich Haberman

From: Rouhib, George
Sent: Thursday, December 04, 2014 1:40 PM
To: 'Rich Haberman'
Subject: Temporary Towing Company

Rich,

In light of the news regarding Foster's Towing, we have elected to use the following company for the towing and storage of public safety vehicles. In addition, if any heavy equipment needs to be transported for the DPW, they will also conduct this service.

Maxx Towing
30875 Groesbeck
Roseville, MI 48026
(586) 771-1131

The administration and I had a meeting with the owner who provided us with copies of his license, liability insurance, and the identification of all his employees. A preliminary background check was conducted on all his employees indicating that they have the proper license endorsements and no current criminal histories. This is a local 24 hour business that has been in existence for 20 years and they have all the equipment necessary to service our needs. The owner stated that they have a secured facility for all vehicles that have been impounded. Lt. Pettyes went to the facility and was satisfied with it. We worked out a similar agreement that we had with Foster's involving impound, storage, mileage, and auction fees. Additionally, they will conduct free towing for all police vehicles. I am confident that they will conduct a satisfactory job for us. Furthermore, since they are located at Groesbeck and 13 Mile, their response time should be exceptional. If not, we will search for another company. If you have any questions, please let me know.

Sincerely,

George T. Rouhib Jr.

Director of Public Safety
Fraser Department of Public Safety
33000 Garfield, Fraser, MI 48026
(586) 293-2000 ext. 200
(586) 296-8480 (fax)
www.micityoffraser.com



Rich Haberman

From: Rouhib, George
Sent: Monday, December 08, 2014 9:16 AM
To: richh@micityoffraser.com
Subject: RE: FW: Foster's Towing

Rich,

Last Thursday I forwarded you a few memos indicating that the public safety department was temporarily using Maxx Towing. Did Councilman Hemelberg receive the memos? In one of the memos, I indicated that Lt. Pettyes conducted an on-site inspection of the towing lot at Maxx Towing. They do have an area to store all of our vehicles. In addition, they have cameras within their storage lot. Since Thursday, their towing company has impounded a half dozen vehicles for us. So far I am hearing that their response time has been outstanding.

In respect to the vehicles Foster's has of ours, we have requested a complete list from them and are still waiting. Typically, Foster's has one auction per year where they auction off all abandoned vehicles. They do supply us a list of vehicles that are up for auction and how much they received. Keep in mind, that the city receives no money from any auction Foster's has. Most towing company place a cap on each vehicle. The remainder of the money is forwarded to the police department. I will provide you a list of vehicles that went to auction for the past two years.

Sincerely,

George T. Rouhib Jr.

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From: richh@micityoffraser.com [<mailto:richh@micityoffraser.com>]
Sent: Monday, December 08, 2014 6:48 AM
To: Rouhib, George
Subject: Fw: FW: Foster's Towing

Fyi

Sent from my LG Optimus G Pro™, an AT&T 4G LTE smartphone

----- Original message-----

From: matt hemelberg
Date: Sat, Dec 6, 2014 10:47 PM
To: Rich Haberman;
Subject:Re: FW: Foster's Towing

Rich,
Just heard that we will be using maxx towing in roseville for our towing for now. Is this true? If so I dont think they really have a impound yard at there location. Where will all of the cars that our PSD impound be kept? Also is there a list of cars that the city has taken ownership of or cars that have or have to be auctioned off and what amounts we have recieved on the vehicles from prior auctions.Please let me know what you can find out about all of the previously auctioned items and what we are doing with all the current impounds and auctionable items. Thank you.

Matt

Matthew Hemelberg
A-OK Cooling & Heating Corp.

From:"Rich Haberman" <richh@micityoffraser.com>
Date:Thu, Dec 4, 2014 at 11:38 AM
Subject:FW: Foster's Towing

Mayor and Councilors,

Please note below and related narrative attached. If you have additional questions please call me or George.

Rich

From: Rouhib, George [mailto:rouhibg@fraserdps.com]
Sent: Thursday, December 04, 2014 9:44 AM
To: 'Rich Haberman'
Subject: Foster's Towing

Rich,

This morning, Rick and Jim Foster were arraigned in the 39th District court for the false pretense charges. Judge Steenland set \$10,000 personal bonds for each of them.

Sincerely,

George T. Rouhib Jr.

Director of Public Safety

Fraser Department of Public Safety

33000 Garfield, Fraser, MI 48026

(586) 293-2000 ext. 200

(586) 296-8480 (fax)

www.micityoffraser.com



Rich Haberman

From: Rouhib, George
Sent: Monday, December 08, 2014 10:27 AM
To: richh@micityoffraser.com
Subject: FW: Temporary Towing Company

Sincerely,

George T. Rouhib Jr.

Director of Public Safety
Fraser Department of Public Safety
33000 Garfield, Fraser, MI 48026
(586) 293-2000 ext. 200
(586) 296-8480 (fax)
www.micityoffraser.com



From: George Rouhib [<mailto:rouhibg@fraserdps.com>]
Sent: Thursday, December 04, 2014 1:40 PM
To: 'Rich Haberman'
Subject: Temporary Towing Company

Rich,

In light of the news regarding Foster's Towing, we have elected to use the following company for the towing and storage of public safety vehicles. In addition, if any heavy equipment needs to be transported for the DPW, they will also conduct this service.

Maxx Towing
30875 Groesbeck
Roseville, MI 48026
(586) 771-1131

The administration and I had a meeting with the owner who provided us with copies of his license, liability insurance, and the identification of all his employees. A preliminary background check was conducted on all his employees indicating that they have the proper license endorsements and no current criminal histories. This is a local 24 hour business that has been in existence for 20 years

and they have all the equipment necessary to service our needs. The owner stated that they have a secured facility for all vehicles that have been impounded. Lt. Pettyes went to the facility and was satisfied with it. We worked out a similar agreement that we had with Foster's involving impound, storage, mileage, and auction fees. Additionally, they will conduct free towing for all police vehicles. I am confident that they will conduct a satisfactory job for us. Furthermore, since they are located at Groesbeck and 13 Mile, their response time should be exceptional. If not, we will search for another company. If you have any questions, please let me know.

Sincerely,

George T. Rouhib Jr.

Director of Public Safety

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CITY OF FRASER
Employment Agreement

EFFECTIVE DATE: December 12, 2011

Name: Richard Haberman
Classification: Non-Union Status, Management
Title/Position: City Manager

1. Health Benefits

The City will continue to provide health insurance and dental insurance as currently provided to Management Employees. Notwithstanding, Haberman shall be subject to provisions of SB7 as enacted by the City of Fraser effective January 1, 2012.

2. Life Insurance

The City will provide a life insurance policy in the amount of \$50,000 with premium paid by the employer throughout his employment with the City of Fraser.

3. Pension

Mr. Haberman is permitted to participate in the City of Fraser ICMA-RC 457 Deferred Compensation Plan. The City will match Haberman's contributions up to 8%.

4. Vacation

The City will provide Mr. Haberman four (4) weeks paid vacation each year. Vacation time will be credited upon each anniversary of employment. There shall be no payout of unused vacation upon separation from city employment. Unused vacation may accrue from the preceding year for the next year, but shall not result in any payout for vacation.

5. Sick Leave

Mr. Haberman will be provided up to 12 days per year of sick leave. There will be no payout of any sick leave accumulated upon separation from City employment. He shall also be provided benefits as are currently in force and administered by the City under the it's disability policy

6. Vehicle Allowance

Mr. Haberman will be provided \$500 per month in lieu of a city-owned vehicle for his use. It is understood that all city related business travel within the State of Michigan will be done with a personal vehicle provided by Mr. Haberman.

7. Worker's Compensation Insurance

Should Mr. Haberman become injured or incapacitated in the discharge of his duties he shall receive such pay for injuries as provided under Michigan's Workers Compensation. In addition to the minimum amount required by the Law, the City shall pay an additional sum not to exceed the difference between the Haberman's regular salary and the amount of compensation. In the event the Haberman receives a lump sum payment, it shall be treated as if weekly compensation had been received and paid out as above. Haberman's return to work after injuries incurred on duty or off duty shall require he is capable of performing their assigned duties.

8. Holidays (13 Per Year as follows)

New Year's Day	Thanksgiving Day
President's Day	Day after Thanksgiving Day
Good Friday	Christmas Eve Day
Memorial Day	Christmas Day
Fourth of July	New Year's Eve Day
Labor Day	Birthday or Date of Hire
Veteran's Day	

9. Funeral Leave

Mr. Haberman shall be entitled to leave with pay in the following cases without charge to other paid time off.

1. Death in the immediate family of the Haberman and/or his spouse for a period not exceeding five (5) working days. Immediate family shall mean mother, father, brothers, sisters, child, wife, husband, grandparent, grandchild, stepmother, stepfather, and mother in law and father in law.
2. Death of other relatives or members of the household or Significant other, for a period of not exceeding one (1) day.
3. In the event that the funeral leave provision is applicable Haberman shall suffer no reduction in compensation and/or time off which he or she otherwise would have received but for utilization of the funeral leave provision.

10. Compensatory Hours

This position shall not accumulate compensatory time for any hours worked beyond the required 40 hours per week for any additional time worked for attending meetings or any other required activities.

11. Starting salary

The starting salary for Mr. Haberman under this agreement will be \$90,000 per year. Mr. Haberman shall be evaluated by the City Council within six (6) months from the date of this agreement and thereafter on anniversary dates from the previous evaluation and compensation increases if approved by the City Council, may occur.

12. At Will/Separation

This agreement is an at will agreement. Mr. Haberman remains subject to discharge at any time with or without notice, and with or without reason, or cause. In the event that Mr. Haberman is discharged prior to two (2) years from the anniversary date of this agreement, he shall be entitled to the following payments if the termination is without just cause:

- A. Six (6) months severance pay, utilizing the pay rate at the time of severance where severance occurs within the first eighteen (18) months.
- B. If severance occurs in the last six (6) months from the contract anniversary date (after eighteen (18) months), Mr. Haberman will be entitled to pay equal to the remaining days until the two (2) year anniversary date and in no event, less than ninety (90) days pay.
- C. The following items will be considered as part of any severance pay as noted above and the Employer shall pay the cost to continue the following benefits:
 - 1. Health insurance for Haberman as provided in Section 1 above.
 - 2. Life insurance as provided in Section 2 above.
 - 3. Disability as provided in Section 5.
 - 4. Vehicle allowance as provided in Section 6 above.

In the event of discharge following the two (2) year anniversary date, Mr. Haberman shall be entitled to ninety (90) days severance pay based on the pay rate and benefits as outlined in 12 c above at the time of discharge.

Mr. Haberman shall not be entitled to the foregoing severance paid provisions in the event discharges for just cause defined to be:

- A. Conviction of a felony or misdemeanor involving dishonesty, assaultive conduct, or sexual conduct.
- B. Substantial and repeated failure to perform the duties of the position after having been informed in writing, and given an opportunity to correct.
- C. Intentional and repeated insubordination toward the City Council.
- D. Substantial evidence that employ as engaged in an act or acts of dishonesty.
- E. Finding by a court of competent jurisdiction or an arbitration of sexual harassment, or intentional discrimination based on inalterable characteristics of the victim.
- F. A serious incident or instance of misconduct, so severe, employee is reasonably expected to know that it would be grounds for termination.
- G. Disability, such that employee qualifies for long term disability.

13. Authorized Signature & Effective Date

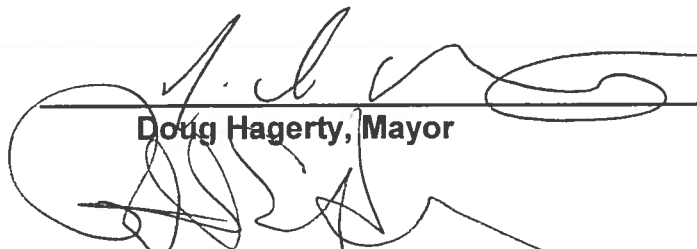
Effective Date of Agreement

December 12, 2011

**Authorized Signature
Name & Title**


Doug Hagerty, Mayor

Haberman Signature


Richard E. Haberman, City Manager