Fraser City Council - Regular Meeting
Thursday – March 12, 2015 - 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, and Jennings
Absent: Council Member Morelli
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 moved, seconded by Member Hemelberg, TO APPROVE THE ABSENCE OF MEMBER MORELLI AND ALLOW THIRTY DAYS ABSENCE FROM THE COMMUNITY. Mayor called for a roll call vote:

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

The motion failed 3-3

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

The motion carried 6-0

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

5. **Public Hearings**

Linda Davis-Kirksey spoke of an opportunity for the Fraser First Booster Club to take the McKinley Barrier Free Park project to the next level. The next phase will be the playscape and support for the equipment. There is a grant available from the Land and Water Conservation Fund for $100,000, and with a 50/50 match, the total will equal $200,000. She is requesting Council approve allocating $50,000 in the 2015-2016 operating budget for matching funds. Two resolutions were presented to Council for consideration and City Manager Haberman suggested opening discussion as a public hearing tonight to meet these requirements.

Mayor Hagerty opened the Public Hearing at 7:15 p.m.

Karen Silverthorn, 32144 Fruehauf, voiced support of this project.
Michael Lesich, 15201 Fairview, spoke in support of this project.
Anna Cameron, 34273 Garfield Circle, voiced support of this project.
Ms. Dalton, 16745 Camellia, voiced concern.
Gudrun Goetz, 18387 Thirteen Mile, spoke in support of this project.
Manager Haberman commented on this topic noting this is expected to be a destination park and unique to Macomb County.

Mayor Hagerty closed the Public Hearing at 7:32 p.m.

Mayor Hagerty commented that this park will provide value to the surrounding homes. Member Carnagie suggested using a portion of the gambling funds to budget for this item.

Member Carnagie moved, seconded by Member Cilluffo, TO AUTHORIZE MAKING A FINANCIAL COMMITMENT IN THE 2015-2016 FISCAL YEAR BUDGET IN THE AMOUNT OF $50,000 AS MATCHING FUNDS FOR THE McKINLEY BARRIER FREE PARK PROJECT.

The motion carried 6-0

Resolution of Authorization- Local Unit of Government Match with donated Funds

WHEREAS, the City of Fraser supports the submission of application titled, McKinley Barrier Free Park Playscape and Park Improvement Projects to the Michigan Department of Natural Resources Land and Water Conservation Fund for development of McKinley Park; and

WHEREAS, the proposed application is supported by the Community's 5 year Approved Parks and Recreation Plan; and

WHEREAS, the City of Fraser has made a financial commitment to the project in the amount of $50,000.00 matching funds in cash and/or dorce account; and

WHEREAS, if the grant is awarded, the applicant commits its local match and donated amounts from the following sources:

Fraser First Booster Club	$50,000.00 (donated amount) (Playscape)
City of Fraser	$50,000.00 (City of Fraser General Fund Budget 2015-2016

Total of $100,000.00 of sum of donations

NOW, THEREFORE, BE IT RESOLVED that the City of Fraser City Council authorizes submission of a Michigan Natural Resources Land and Water Conservation Fund application for $100,000.00 and further resolves to make available a local match through financial commitment and donation(s) of $100,000.00 (50%) of a total of $200,000.00 project cost during the 2015-2016 fiscal year.
RESOLUTION DECLARED ADOPTED.

Member Cilluffo moved, seconded by Member Carnagie, TO APPROVE THE RESOLUTION SUPPORTING SUBMISSION OF A MICHIGAN NATURAL RESOURCES LAND AND WATER CONSERVATION FUND APPLICATION FOR THE McKINLEY BARRIER FREE PARK PROJECT.

The motion carried 6-0

Resolution-Local Support For DNR Land and Water Conservation Fund

WHEREAS, the City of Fraser supports the Department of Natural Resources (DNR) Land and Water Conservation submission of an application titled, McKinley Barrier Free Park Playscape and Park Improvements to the Michigan Natural Resources Director for development of McKinley Park of Fraser, Michigan; and

WHEREAS, the location of the proposed project is within the jurisdiction of the City of Fraser; and

WHEREAS, the proposed project, if completed, will be a benefit to the community; and

WHEREAS, with this resolution of support it is acknowledged that the City of Fraser City Council is not committing to any obligations; financial or otherwise.

NOW, THEREFORE, BE IT RESOLVED that the City of Fraser hereby supports submission of a Michigan Natural Resources Land and Water Conservation application for McKinley Barrier Free Park.
RESOLUTION DECLARED ADOPTED.

6. **Presentations**

Mayor Hagerty invited Plante Moran to present financial services they offer so Dave Herrington and Brian Camiller were present. They explained that their professionals could supplement our staff depending on the needs of the city. They currently serve twenty communities at varying levels and utilize a four step process: Assess, Triage, Transition, Maintain. They cannot provide a time frame on how long they will need to complete a job as it depends on what issues they discover. They do bookkeeping and become a key strategist but will not replace any employee or act as a director. Member Carnagie inquired as to the cost for these services and Mr. Camiller advised he could review the mini audit report and provide a proposal if Council approves; Council will discuss this during item 8c.

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 February 12, 2015
b) Approval of Minutes of the Special Council Meeting of February 18, 2015.
c) Approval of Bills for the Month of February 2015 in the amount of $1,315,444.64
d) Receive and file minutes of January 15, 2015 Zoning Board of Appeals meeting.
e) Receive and file minutes of October 6, 2014 Historical Commission meeting.
f) Receive and file minutes of November 3, 2014 Historical Commission meeting.
g) Receive and file minutes of December 1, 2014 Historical Commission meeting.
h) Receive and file minutes of November 10, 2014 Library Board meeting.
i) Receive and file minutes of January 12, 2015 Library Board meeting.
j) Re-appointment of Vincent Calabrese and Robert Logan to the Zoning Board of Appeals with terms ending December 31, 2017.
k) Receive and file minutes of February 3, 2015 Parks and Recreation Commission meeting.
l) Re-appointment of Chris Meller and Linda Stonebreaker to the Parks and Recreation Commission.
m) Approval of City Picnic Fireworks contract with Wolverine Fireworks for $9,500.
n) Adopt annual Performance Resolution for Governmental Agencies as required by MDOT.

The motion carried 6-0

8. Requests For Council Action

a. Request Council discusses amendments to the City of Fraser's Transient Merchants ordinance.

Attorney Dolan explained the amended ordinance includes no soliciting before 8am weekdays, 9am weekends and after 8pm or sunset, whichever is earlier.

Member Jennings moved, seconded by Member Cilluffo, TO APPROVE AN ORDINANCE AMENDING AND REVISING PROVISIONS OF CHAPTER 19 OF THE CODE OF ORDINANCES FOR THE CITY OF FRASER ESTABLISHING TIME RESTRICTIONS FOR TRANSIENT MERCHANT, PEDDLER, OR COMMERCIAL SOLICIATION OF RESIDENTS BY PERSONS ENGAGED IN DOOR TO DOOR TRANSACTIONS PROVIDING FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

The motion carried 6-0

b. Request Council approves PILOT and Municipal Emergency Services Agreements Public Safety for Fraser Woods.

George Larimore was present to explain he negotiated this payment in lieu of taxes (PILOT) agreement with Attorney Dolan and it is now ready for council consideration.

Member Jennings moved, seconded by Member Cilluffo, TO ADOPT THE PILOT PROGRAM - AN ORDINANCE TO PROVIDE FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A HOUSING PROJECT FOR PERSONS AND FAMILIES OF LOW INCOME TO BE FINANCED WITH AN AUTHORITY-AIDED MORTAGE LOAN OR AN ADVANCE OR GRANT FROM THE AUTHORITY PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966.

The motion carried 6-0

Member Jennings moved, seconded by Member Cilluffo, TO APPROVE A MUNICIPAL EMERGENCY SERVICES AGREEMENT BETWEEN FRASER WOODS FRASER LIMITED DIVIDEND HOUSING ASSOCIATION LC AND THE CITY OF FRASER.

The motion carried 6-0

c. Request Council discusses the position of Finance Director with the City Manager.

Manager Haberman explained that background checks were conducted on the two candidates interviewed by Council at last month's meeting. He spoke of the positive feedback and strengths of Mary Jaganjac and requested Council allow him to offer her the position of Finance Director.

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

Mayor Hagerty moved, seconded by Member Accavitti, TO AUTHORIZE THE CITY MANAGER TO OFFER THE POSITION OF FINANCE DIRECTOR TO MARY JAGANJAC. IN ADDITION, PLANTE MORAN WILL BE UTILIZED TO ASSIST WITH ACCOUNTING, TRAINING AND BOOKKEEPING.

The motion carried 6-0

d. Request Council discuss new smoke shop at 15 and Garfield Rd.

The store manager for this smoke shop was present at the meeting and City Manager Haberman explained all products to be sold there are legal but there may be some concern regarding minors visiting the establishment. Mayor Hagerty advised that although this business is following all ordinances, he would like the city attorney to review city ordinances with regard to future businesses selling this type of product within a close proximity to schools. Attorney Dolan explained zoning locational restrictions could be considered by Council.

Member Cilluffo moved, seconded by Mayor Hagerty, TO AUTHORIZE THE CITY ATTORNEY TO REVIEW ORDINANCES RELATING TO THE LOCATION OF THESE TYPES OF BUSINESSES RELATIVE TO CERTAIN LAND AREA.

The motion carried 6-0

e. Request Council set date for FY 2015-2016 budget presentation by City Manager.

At the consensus of Council, a special meeting will be held on Tuesday, April 7, 2015 for a budget presentation by the City Manager.

9. Report of City Administration/Pending Items

Manager Haberman reported on several items including:

a) Mini financial audit – finds were similar to the full budget and this report will be provided to Plante Moran.

b) Litigation update – Attorney Dolan provided an update on a trip and fall case on Groesbeck along with the Flamingo Motel defamation of character suit.

c) Fraser Senior Apartments – bids are ready to publish and will be accepted for thirty days.

d) Labor negotiation – Manager Haberman met with the labor attorney today and meetings are scheduled with the other units.

10. Report of Mayor and City Council/New Business

Mayor and Council spoke on various topics.

11. Citizen Participation - none

12. Adjournment

Member Accavitti moved, seconded by Member Carnagie, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, MARCH 12, 2015 AT 9:35 P.M.

The motion carried 6-0

Respectfully submitted,

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Kathy Kacanowski, City Clerk

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Doug Hagerty, Mayor

/kk