

Minutes
Fraser City Council
Thursday, September 8th, 2016 @ 7pm

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 Nichols and Council Members Blanke, Carnagie, Foster, Hemelberg, Lesich and Schornak
Absent: None
Also Present: Richard Haberman, City Manager
Kelly Dolland, City Clerk
Tim Tomlinson, City Attorney

1. Call Meeting to Order - Mayor Nichols called the regular meeting to order at **7:00pm**.

Mayor Nichols offered Silent Prayer in honor of City of Fraser past Mayor Moe Geremotte.

2. Pledge of Allegiance

3. Approval of Agenda

Member Schornak requested Council Action item 7e broken down into separate line items 1 and 2.

Member Lesich requested Council add Citizen Participation at the beginning of the meeting of this agenda and all future agendas. Line item 5a.

Member Hemelberg requested Consent Agenda item 6e removed and placed under Request for Council Action line item 7e1 for council approval.

Member Blanke requested Council to add 'tabled' Rule 4.01 on the agenda for further discussion under 7g. Tabled Item read: Request Council consider adding rule 4.01, an agenda will be created by the City Manager and approved by the Mayor, three Council members in writing, e-mail, communication or telephone conversation with the City Manager may add or delete any reasonable item within the prepared and approved agenda. Change to be made before posted on Friday prior to the council meeting.

Member Lesich moved, seconded by Member Schornak, TO APPROVE AGENDA AS AMENDED.

The motion carried 7-0.

4. Presentations:

a. Certificate of Recognition for Fraser Resident Mr. Heath Fedorczak.

Resident Vania Apps accepted the Certificate of Recognition for Mr. Fedorczak and thanked him for his generosity.

b. Presentation on Water Capital Projects.

Civil Engineers Mr. Scott Lockwood and Mr. Mike Vigneron representing A.E.W. provided a City of Fraser Water System Overview PowerPoint Presentation. Highlights included; Asset Management, Water Main Breaks, Hydrant Flow Tests, Water System Model, Evolution of Capital Need Identification, Flow Test Data, Proposed Capital Improvement Needs and funding options.

Member Blanke asked about the water quality for the City of Fraser, ~ Mr. Vigneron stated the water is tested on a scheduled basis and there are no issues with the quality of water.

Member Lesich asked about a water tower, ~ Mr. Lockwood stated a water tower is an option, could use the tower drinking peak water usage periods and balance from the Great Lakes Water Authority.

Member Schornak questioned the scope of work regarding repair or replacement of system.

Member Carnagie asked about the need of a security system for the water reserve ~ an electronic warning device would be in place.

c. Presentation on proposed Water Tower project. ~ The Proposed Water Tower Project was reviewed and discussed along with A.E.W.'s Water Capital Projects.

5. Public Hearing: - None

a. Citizens Participation:

Business Owner Ken Immler spoke on Water Committee.

Resident Frank Farina spoke of ZBA Member Joe Chimenti.

6. Consent Agenda

a. Approval of Minutes of the Regular Council Meeting of August 11, 2016.

b. Approval of Minutes of the Special Council Meeting of August 16, 2016.

c. Approval of Bills for the month of August 2016 in the amount of \$1,716,285.10.

d. Approve parade permit for Fraser High School Homecoming Parade on October 7, 2016 at 6:00 PM.

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- e. Appointment of David Kubiak to fill the vacant Recreation Commission seat term ending December 31, 2017.
- f. Renewal of SMART agreement for FY 2016-2017 for Senior Transportation under same terms as FY 2015-2016.
- g. Receive and file the minutes of May 3, 2016 meeting of the Recreation Commission.
- h. Receive and file the minutes of June 7, 2016 meeting of the Recreation Commission.
- i. Receive and file the minutes of July 12, 2016 meeting of Recreation Commission.

Member Hemelberg moved, seconded by Member Lesich, TO APPROVE CONSENT AGENDA AS AMENDED.

The motion carried 7-0.

7. Requests for Council Action –

a. Request Council adopt an ordinance amending the ordinance regulating soliciting or standing in the traveled portion of the roadway repealing such provisions providing for severability, penalties and effective date.

Mr. Tomlinson stated Michigan Attorney General gave an opinion suggesting municipalities should not allow solicitation in the street right away.

Mayor Nichols, stated council should follow the A.G.'s opinion.

Member Foster stated this will really affect the non-profit groups.

Member Carnegie stated the City of Fraser Honor Guard depends on street solicitation.

Member Schornak expressed the same concern for the Fraser Goodfellows and expressed a 'wait & see' approach.

Audience to be heard:

Resident Anna Cameron spoke on topic.

Member Lesich moved, seconded by Member Schornak, TO **TABLE** REQUEST COUNCIL ADOPT AN ORDINANCE AMENDING THE ORDINANCE REGULATING SOLICITING OR STANDING IN THE TRAVELED PORTION OF THE ROADWAY REPEALING SUCH PROVISIONS PROVIDING FOR SEVERABILITY, PENALTIES AND EFFECTIVE DATE.

The motion carried 7-0.

b. Request Council discuss and provide direction to the Administration regarding the talking points for a public safety assessment to be approved by voters on the November ballot.

Mr. Haberman provided a graph explaining the trends and needs of the Public Safety Millage.

Member Lesich stated a Public Safety millage would cover Public Safety capital needs.

Conversation ensued.

Mr. Tomlinson explained what the intent of a millage would be used for.

Member Lesich spoke of his follow up email sent to council regarding the language of the key points for a Public Safety Millage.

Mr. Tomlinson stated this will reduce the operating cost.

Mr. Haberman stated he will provide a 5 year projection.

Audience to be heard:

Resident Janet Calabrese spoke on topic.

Member Lesich moved, seconded by Member Carnegie, TO PROVIDE EDUCATIONAL MATERIAL FOR THE TAX PROPOSAL IN NOVEMBER 2016 INDICATING THAT THE CITY WILL LEVEY NO MORE THAT 2 MILS OF THE 5 MILS IN THIS PROPOSAL IN THE BUDGET YEAR 2017. LEAVING IN TACK THE 1 MIL FOR THE LIBRARY AND .6 MIL, PROVIDING A 3.6 MIL IN 2017.

The motion carried 7-0.

c. Request Council extend the Medical Marijuana Moratorium through March 9, 2017 unless the Michigan Legislature clarifies the issue sooner.

Mr. Haberman spoke of a recent article in the Detroit Free Press.

Conversation ensued.

Member Foster moved, seconded by Member Hemelberg, TO REQUEST COUNCIL EXTEND THE MEDICAL MARIJUANA MORTORIUM THROUGH MARCH 9TH, 2017 UNLESS THE MICHIGAN LEGISLATURE CLARIFIES THE ISSUE SOONER.

The motion carried 7-0.

d. Request Council approve a budget adjustment for \$73,922 to cover additional personnel costs associated with the new Non Owner Occupied Single Family Home ordinance.

Member Foster requested follow up from Finance.

Member Schornak stated Fraser home owners will be happy.

Member Carnegie stated this program must be highly monitored.

Member Lesich spoke of the revenue of the program, will it fund itself.

Member Blanke stated this is a positive.

Member Foster moved, seconded by member Schornak, TO APPROVE COUNCILS REQUEST TO APPROVE A BUDGET ADJUSTMENT FOR \$73,922 TO COVER ADDITIONAL PERSONNEL COSTS ASSOCIATED WITH THE NEW NON OWNER OCCUPIED SINGLE FAMILY HOME ORDINANCE.

The motion carried 7-0.

e. Request Council approve Member Chimenti and Member Fiore is re-appointed to the Zoning Board of Appeals for terms that would expire on December 31st of 2018.

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1. Appoint David Kubiak to fill the vacant Recreation Commission seat term ending December 31st, 2017.

Mr. David Kubiak spoke of his involvement in the community.

Member Carnegie welcomed Mr. Kubiak.

Member Foster welcomed Mr. Kubiak.

Member Lesich welcomed Mr. Kubiak.

Member Lesich moved, seconded by Member Carnegie, TO APPROVE MR. DAVID KUBIAK TO FILL THE VACANT RECREATION COMMISSION SEAT TERM ENDING DECEMBER 31ST, 2017.

The motion carried 7-0.

2. Member Chimenti be re-appointed to the Zoning Board of Appeals for term to expire December 31st, 2018.

Member Blanke moved, seconded by Member Carnegie, TO APPROVE THE RE-APPOINTMENT OF MR. JOSEPH CHIMENTI TO THE ZONING BOARD OF APPEALS FOR TERM ENDING DECEMBER 31ST, 2018.

The motion carried 7-0.

Mr. Chimenti thanked the board.

3. Member Fiore be re-appointed to the Zoning Board of Appeals for term to expire December 31st, 2018.

Member Foster moved, seconded by Member Hemelberg, TO APPROVE THE RE-APPOINTMENT OF MR. JEFF FIORE TO THE ZONING BOARD OF APPEALS FOR TERM ENDING DECEMBER 31ST, 2018.

Roll call vote

Blanke	no
Carnegie	no
Foster	yes
Hemelberg	yes
Lesich	no
Nichols	yes
Schornak	no

The motion fails 4-3.

Mayor Nichols moved, seconded by Member Foster, TO APPROVE MS. ROSANNE MENENDEZ AS RECOMMENDED TO THE ZONING BOARD OF APPEALS FOR THE TERM ENDING DECEMBER 31ST, 2018.

Member Lesich stated Ms. Menendez has had no interview, would like for her to interview for the position, suggested to table motion for one month.

Member Foster stated we should go with the recommendation.

Member Lesich stated interviews should take place in the future.

Mayor Nichols moved, seconded by Member Foster, TO APPROVE MS. ROSANNE MENENDEZ AS RECOMMENDED TO THE ZONING BOARD OF APPEALS FOR THE TERM ENDING DECEMBER 31ST, 2018.

The motion carried 7-0.

f. Request Council approve the RFP for Towing Services in the City of Fraser.

Mr. Tomlinson spoke of modifications made to the proposal.

Conversation began regard line items in the RFP, Member Schornak asked for clarification.

Member Hemelberg spoke of the current tow yard and its statistics.

Member Blanke requested to be removed from the voting, Mr. Tomlinson stated there is nothing that states she cannot vote.

Mr. Tomlinson spoke of the different type of Mayor / City Manager run government of Fraser and neighboring Warren.

Member Foster stated the seven mile radius is large to be effective. Member Foster asked Mr. Foster, Foster's Towing, Fraser, MI to speak. ~ Mr. Foster spoke of the Fraser Towing Contract.

Member Carnegie asked for city data, requested 1 – data, 2 – mileage radius, 3 – audit, 4 – all applicants provide a presentation to council.

Recess – meeting returned 11:10pm.

Representative from Maxx Towing spoke.

Member Foster wants data.

Mr. Tomlinson stated with the direction of council he will made the changes to the RFP and provide the RFP to Council for the October meeting.

Representative from Maxx Towing spoke of changes in the RFP.

Mr. Dan McClain, Michigan Towing Association spoke, highlighted and questioned many parts of the proposed RFP.

g. Request Council consider adding rule 4.01, an agenda will be created by the City Manager and approved by the Mayor, three Council members in writing, e-mail, communication or telephone conversation with the City Manager may add or delete any reasonable item within the prepared and approved agenda. Change to be made before posted on Friday prior to the council meeting.

Mr. Tomlinson read the most recent revision to Rule 4.01.

Member Blanke asked Mayor Nichols to add item to next month's agenda, add both current and present rule 4.01.

Member Lesich stated the most recent removal of an item was done incorrectly.

Conversation ensued.

Mr. Tomlinson stated the Mayor has the authority to remove an item from the agenda.

Mayor Nichols made it clear he did not require to remove the item from the agenda.

Member Blanke moved, seconded Member Foster, TO HAVE ADMINISTRATION PROVIDE BOTH COPIES OF COUNCIL RULE 4.01 AS TOPIC OF DISCUSSION AT THE OCTOBER 13TH, 2016 COUNCIL MEETING.

8. REPORT OF THE CITY ADMINISTRATION/PENDING ITEMS

Mr. Haberman stated he will follow up with requests made from Council.

9. REPORT OF MAYOR AND CITY COUNCIL/NEW BUSINESS

Member Blanke	Thanked Mayor Nichols for recognizing Mr. Geromette.
Mayor Pro-tem Carnagie	Spoke of Fraser Honor Guard participation with the State of Michigan and Nation Fire Fighter presentations, and the approved grant for equipment.
Member Foster	Expressed concern with the lack of communication among Council members as well as Council's rejection of Zoning Board of Appeals recommendation of Mr. Fiore.
Acting Mayor Hemelberg	Asked for a list of Water Committee members. Next Water Committee meeting will be September 20 th @ 6:30pm and also believed Mr. Fiore was wrongly rejected from the Zoning Board of Appeals appointment.
Member Lesich	Spoke of the Water Sewer Study Committee meeting. The meeting focused on debt, the Great Lakes Water Authority and ballot proposal language.
Mayor Nichols	Spoke of the house divided, Council's common goal and offered council to avoid empty arguments, work together to determine our common goals and team work.
Member Schornak	Spoke of the annual flea market and barn sale, the VFW Fourth Annual Soup Cook off. Also, asked for administration follow-up regarding Senior Housing repairs. Lastly, requested that all Council members leave their microphones on during the meeting.

10. CITIZEN PARTICIPATION

Resident Susan Wheeland
Resident Jim Foster
Resident Gilbert Foster

11. ADJOURNMENT

Member Hemelberg moved, Mayor Nichols seconded by, to ADJOURN THE REGULAR COUNCIL MEETING OF SEPTEMBER 8TH, 2016 @ 12:24AM, SEPTEMBER 9TH, 2016.

The motion carried unanimously,

Respectfully submitted,

Kelly Dolland, City Clerk

Joe Nichols, Mayor

/KD