



CITY MANAGER
Richard E. Haberman

CITY CLERK
Kathy Kacanowski

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Doug Hagerty

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

FRASER CITY COUNCIL – REGULAR MEETING THURSDAY – JULY 10, 2014 – 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. PRESENTATIONS
 - a. Certificate of Recognition for Girl Scout Troop 30409 for creating a community awareness campaign about McKinley Barrier-Free Park.
 - b. City of Fraser 5-Year Capital Improvement Plan and recommendations
6. PUBLIC HEARING
 - a. P.T. Tech Stamping, Inc., located at 33957 Riviera, for an Industrial Facilities Tax Exemption in the amount of \$1,170,536.
 - b. Product and Tooling Technologies, Inc., located at 34152 Doreka, for an Industrial Facilities Tax Exemption in the amount of \$2,536,226.
 - c. PCS Company, located at 34500 Doreka, for an Industrial Facilities Tax Exemption in the amount of \$3,332,192.
7. CONSENT AGENDA
 - a. Approval of Minutes of the Regular Council Meeting of June 12, 2014
 - b. Approval of Bills for the Month of June 2014 in the amount of \$677,230.04
 - c. Approval of parade permit for Fraser High School Homecoming on October 3, 2014

REGULAR COUNCIL MEETING
JULY 10, 2014

- d. Appointment of Sherry Stein to the Parks and Recreation Commission to fill an unexpired term ending December 31, 2016.
- e. Receive and file the June 3, 2014 minutes of the Parks and Recreation Commission.
- f. Receive and file the May 22, 2014 of the Zoning Board of Appeals meeting
- g. Receive and file the May 7, 2014 meeting of the Planning Commission.
- h. Adoption of Resolution for Urban County of Macomb Renewal for the 2015-2017 program years governing CDBG Funds..

8. REQUESTS FOR COUNCIL ACTION

- a. Request Council discuss and adopt CIP plan as presented by the Administration and/or give direction to the Administration on the plan.
- b. Request Council approve the rezoning recommendation for the office building to be located at 34760 Garfield as approved by the Planning Commission on July 2, 2014.
- c. Request Council approve the amendment of ordinances pertaining to various court costs to allow the 39th District Court to collect Court Costs associated with the offense(s).
- d. Request Council adopt an ordinance amending and revising provisions relating to applications and issuance of licenses, grounds for suspension, revocation and repeal, for transient merchants and peddlers.
- e. Request Council adopt an ordinance defining and regulating the licensing activities and conduct of street vendors within the City of Fraser.
- f. Request Council adopt amendments to the existing Sign Ordinance to meet new standards established by Court decisions.

9. REPORT OF THE CITY ADMINISTRATION/PENDING ITEMS.

10. REPORT OF MAYOR AND CITY COUNCIL/NEW BUSINESS

11. CITIZEN PARTICIPATION.

12. ADJOURNMENT

(Posted Thursday, July 3, 2014 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.

Certificate of Recognition

Girl Scout Troop 30409

WHEREAS, Girl Scout Troop 30409 set out to improve the lives of children in the City of Fraser and Macomb County. Working with Fraser First Booster Club, Troop 30409 successfully created a community awareness campaign about McKinley Barrier-Free Park, explaining what a barrier-free, universally designed park is, it's benefits and how it can change the lives of children and their families in our community. Troop 30409 spent countless hours not only raising awareness but also helping with many fundraising events to benefit McKinley Barrier-Free Park; and

WHEREAS, Girl Scout Troop 30409's leadership and enthusiastic commitment to the improvement of their community earned them the Silver Medal Award, the highest award a Cadette can be awarded. The Silver Medal Award represents a girl's accomplishments in Girl Scouting and in her community as she grows and works to improve her life and the lives of others; and

WHEREAS, It is with great pride and gratitude, the City of Fraser congratulates Lauren Wuerfel, Christine Huff, Kristina Rice, Madeline Pretto, Caroline Homer, Eve Steepe and their troop leaders Martha Huff and Michelle Wuerfel on their Silver Medal Award and the successful McKinley Barrier-Free Park Awareness Campaign.

NOW THEREFORE, BE IT RESOLVED,

I, Doug Hagerty, by virtue of the authority vested in me as Mayor of the City of Fraser, and on behalf of the entire City Council, and all our citizens, do hereby extend this Certification of Recognition to Girl Scout Troop 30409 for their Silver Medal Award and the successful McKinley Barrier-Free Awareness Campaign.

Given under my hand on this 10th day of July 2014.

Doug Hagerty, Mayor
City of Fraser, Michigan



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, July 10, 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 P.T. Tech Stamping, Inc. 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 June 16, 1977, the City of Fraser City Council by resolution established Industrial Development District 1; and

WHEREAS, P.T. Tech Stamping, Inc. 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 1; and

WHEREAS, before acting on said application the City of Fraser held a hearing on July 10, 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 P.T. Tech Stamping, Inc. for an Industrial Facilities Exemption Certificate, with respect to personal property on the following described parcel of real property situated within the Industrial Development District, to wit:

11-32-252-033
VILLA INDUSTRIAL SUB NO. 2 LOTS 44 THRU 52. L70 P9. CITY OF FRASER
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.

C E R T I F I C A T I O N

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, July 10, 2014.

Kathy Kacanowski, City Clerk

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 or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Kathy Kacanowski</i>	► Date received by Local Unit <i>May 1, 2014</i>
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) P.T. Tech Stamping, Inc.	► 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 333513	
► 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 33957 Riviera, Fraser, MI 48026	► 1d. City/Township/Village (indicate which) Fraser	► 1e. County Macomb
► 2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Speculative Building (Sec. 3(8)) ☐ Research and Development (Sec. 2(9))	☐ Transfer (1 copy only) ☐ Rehabilitation (Sec. 3(1))	► 3a. School District where facility is located Fraser Public Schools ► 3b. School Code 50100
4. Amount of years requested for exemption (1-12 Years) 12		

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.

PT Tech manufactures stampings, tooling parts, fixtures & assemblies for the automotive sector. This new investment will provide job growth & and capability for additional business. We will be utilizing the department of labor's apprenticeship program.

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.	► \$50,000.00 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	► \$1,120,536.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	► \$1,170,536.00 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 ►	4/1/14	11/1/15	► ☒ Owned ☐ Leased
Personal Property Improvements ►	11/1/13	11/1/15	► ☒ 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. **47**
► 10. No. of new jobs at this facility expected to create within 2 years of completion. **5**

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)
June 14, 1977
► 12c. Is this application for a speculative building (Sec. 3(8))?
☐ Yes ☒ No

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 Linda Schneider	13b. Telephone Number (586) 293-1810	13c. Fax Number (586) 293-1822	13d. E-mail Address lschneider@pttech.us
14a. Name of Contact Person Linda Schneider	14b. Telephone Number (586) 293-1810	14c. Fax Number (586) 293-1822	14d. E-mail Address lschneider@pttech.us
▶ 15a. Name of Company Officer (No Authorized Agents) Gregory A. Fritz, CFO			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (586) 293-1822	15d. Date 4/29/2014
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 33957 Riviera, Fraser, MI 48026		15f. Telephone Number (586) 293-1810	15g. E-mail Address gfritz@pttech.us

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	
17. Name of Local Government Body		16d. School Code	
		▶ 18. Date of Resolution Approving/Denying this Application	

Attached hereto is an original and one copy of the 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.

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:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(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

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: P.T. Tech Stamping, Inc.

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
			11/1/2013	11/2/2013	Dell Computer	\$847
			4/23/2014	4/30/2014	Dell Laptop (Shipping)	\$1,115
\$18,750	5/1/2014	Forming Software				
\$150,000	10/31/2015	ERP System Network				
\$15,000	9/30/2015	Computers Office				
\$183,750	PAGE TOTALS					\$1,962

PAGE TOTAL: \$185,712

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: **P.T. Tech Stamping, Inc.**

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
			8/1/2013	12/15/2013	AP500 4 Post Press	\$315,314
			1/24/2014	1/24/2014	"C" Welding Gun	\$15,650
			3/27/2014	3/27/2014	Crane Scale	\$3,860
\$500,000	10/31/2015	New Press				
\$80,000	10/31/2015	Romer Absolute Arm				
\$20,000	10/31/2015	Welder				
\$600,000	PAGE TOTALS					\$334,824

PAGE TOTAL: \$934,824

GRAND TOTAL - PERSONAL PROPERTY = \$ 1,120,536.00

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

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

**P.T. Tech Stamping, Inc.
33957 Riviera
Fraser, MI 48026**

COST OF LAND IMPROVEMENTS	Estimated	
	Installation Date	Cost
Cement - Parking Lot	4/1/2014	\$50,000
TOTAL COST		\$50,000

GRAND TOTAL: REAL PROPERTY - \$50,000.00

P.T. Tech Stamping, Inc.

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

**-AFFIDAVIT-
DATE OF PROJECT COMMENCEMENT**

I, Gregory A. Fritz, CFO of P.T. Tech Stamping, Inc., do hereby certify that the commencement of the installation of the real & personal property described in this application occurred on 11/1/13.

 
SIGNATURE DATE

CFO
TITLE

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

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
LETTER OF AGREEMENT:

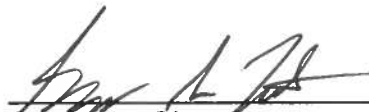
This agreement between (Company) P.T. Tech Stamping, Inc. and the City of Fraser is for the requirements of P.A. 198, as amended, P.A. 334, Section 22. In consideration of approval of this exemption certificate, the (company) P.T. Tech Stamping, Inc. understands that through its investment of (money) \$1,170,536.00 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



Applicant Signature

4/29/2014

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

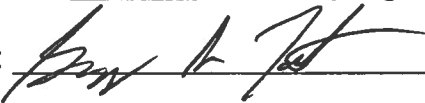
Signed: _____

Print Name: _____

Title: _____

Dated: _____

Applicant: P.T. Tech Stamping, Inc.

Signed:  _____

Print Name: Gregory A. Fritz

Title: CFO

Dated: 4/29/2014

**P.T. Tech Stamping, Inc.
LEGAL DESCRIPTION**

33957 Riviera
Fraser, MI 48026

Industrial Facilities Tax Exemption Application

Parcel Identification Number: 11-32-252-033

Legal Description:

VILLA INDUSTRIAL SUB NO. 2 LOTS 44 THRU 52. L70 P9. CITY OF FRASER

P.T. Tech Stamping, Inc. 33957 RIVIERA DR, FRASER, MI 48026

P.T. Tech Stamping, Inc. 33957 RIVIERA DR, FRASER, MI 48026

[illegible]

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

Received From:
PT TECH STAMPING

Date: 05/01/2014
Receipt: 225255
Cashier: COUNTER

Time: 8:23:50 AM

ITEM REFERENCE	AMOUNT
IFT IFT APPLICATIONS	
IFT APPLICATIONS	\$650.00
TOTAL	\$650.00
CHECKS 21448	
Total Tendered:	\$650.00
Change:	\$650.00
	\$0.00



CITY MANAGER
Richard E. Haberman

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, Acting Mayor

RESOLUTION APPROVING IFT APPLICATION

Minutes of a Regular Meeting of the Council of the City of Fraser, held on Thursday, July 10, 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 Product & Tooling Technologies, Inc.
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 June 16, 1977, the City of Fraser City Council by resolution established Industrial Development District 1; and

WHEREAS, Product & Tooling Technologies, Inc. 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 1; and

WHEREAS, before acting on said application the City of Fraser held a hearing on July 10, 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 Product & Tooling Technologies, Inc. for an Industrial Facilities Exemption Certificate, with respect to personal property on the following described parcel of real property situated within the Industrial Development District, to wit:

11-32-255-010
MARIA INDUSTRIAL SUB NO. 1 S 55.0 FT OF LOT 7 AND ALL OF LOT 8. L71 P42 CITY OF FRASER
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, July 10, 2014.

Kathy Kacanowski, City Clerk

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 or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Kathy Kacanowski</i>	Date received by Local Unit <i>May 1, 2014</i>
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) Product & Tooling Technologies, Inc.		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 333511	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 34152 Doreka, Fraser, MI 48026		1d. City/Township/Village (indicate which) Fraser	1e. County Macomb
2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))		3a. School District where facility is located Fraser Public Schools	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.

Product & Tooling Technologies manufactures dies, fixtures, tools & molds in low production runs. The purchase of additional machinery & equipment will allow the company growth & diversification into aerospace & consumer wholesale products for out of state customers.

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.	▶ \$72,340.00 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	▶ \$2,463,886.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ \$2,536,226.00 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	1/15/14	12/15/14	▶ ☒ Owned ☐ Leased
Personal Property Improvements	12/1/13	12/1/15	▶ ☒ 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. 45
10. No. of new jobs at this facility expected to create within 2 years of completion. 5

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.

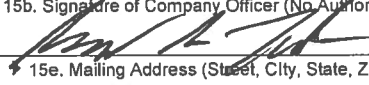
a. TV of Real Property (excluding land) _____
b. TV of Personal Property (excluding inventory) _____
c. Total TV _____

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) <i>June 16, 1977</i>	12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No

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 Linda Schneider	13b. Telephone Number (586) 293-1810	13c. Fax Number (586) 293-1822	13d. E-mail Address lschneider@pttech.us
14a. Name of Contact Person Linda Schneider	14b. Telephone Number (586) 293-1810	14c. Fax Number (586) 293-1822	14d. E-mail Address lschneider@pttech.us
▶ 15a. Name of Company Officer (No Authorized Agents) Gregory A. Fritz, President			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (586) 293-1822	15d. Date 4/29/2014
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 33957 Riviera, Fraser, MI 48026		15f. Telephone Number (586) 293-1810	15g. E-mail Address gfritz@pttech.us

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 and one copy of the 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.

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:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971**

(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**

**Product Tooling Technologies, Inc.
34152 Doreka
Fraser, MI 48026**

COST OF BUILDING	Estimated	
	Installation Date	Cost
Crane Runway Beams/Rail	1/15/14	\$10,975
New Heating System	12/15/13	\$19,500
Cooling System	6/15/14	\$35,000
Security System	4/1/14	\$6,865
TOTAL COST		\$72,340

GRAND TOTAL: REAL PROPERTY - \$72,340.00

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: **Product & Tooling Technologies, Inc.**

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
			1/20/2014	2/1/2014	Dell Computer	\$762
			3/8/2014	3/20/2014	Dell Computer	\$1,258
			3/11/2014	4/1/2014	Dell Computer	\$985
\$15,000	10/31/2015	Computers				
\$15,000	PAGE TOTALS					\$3,005

PAGE TOTAL: \$18,005

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: **Product & Tooling Technologies, Inc.**

MACHINERY & EQUIPMENT Page 1 of 2

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
			11/11/2013	12/16/2013	Jib Crane	\$19,102
			12/17/2013	12/17/2013	Electric Chain Hoist-Jib Crane	\$5,782
			12/4/2013	12/18/2013	Shrinkstation Fit Machine	\$5,483
			11/5/2013	12/20/2013	OKK VM76R CNC Mill	\$304,467
			11/19/2013	12/20/2013	Encoder For Hurco Machine	\$1,816
			12/23/2013	12/26/2013	Chain Sling-Jib Crane	\$1,938
			12/2/2013	12/30/2013	Portable Chiller (NQA20)	\$33,080
			12/1/2013	12/20/2013	650 Ton Inj. Mold Machine	\$162,400
			2/1/2014	2/1/2014	EQ. Controller for Inj. Mold Machine	\$3,411
			2/1/2014	2/10/2014	Circulator Pump Inj. Mold Machine	\$2,155
			3/7/2014	4/1/2014	1 Ton Model L Lodestar Lift	\$3,047
\$217,000	5/6/2014	HAAS VF9 Vertical CNC	3/31/2014			
\$190,000	10/31/2015	Vert Mill Graphite Cutting				
\$550,000	7/31/2015	5 Axis Mill				
\$957,000	PAGE TOTALS					\$542,681

PAGE TOTAL:

\$1,499,681

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: **Product & Tooling Technologies, Inc.**

MACHINERY & EQUIPMENT Page 2 of 2

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
\$350,000	7/31/2015	Bridge Mill				
\$130,000	12/31/2014	360 Ton Inj. Molding Press				
\$100,000	12/31/2014	Spotting Press				
\$350,000	10/31/2015	Sinker EDM Machine				
\$16,200	4/25/2014	AST Metering System PHIL CD GRP075				
\$946,200	PAGE TOTALS					\$0

PAGE TOTAL: \$946,200

GRAND TOTAL - PERSONAL PROPERTY = \$ 2,463,886.00

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

**INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
LETTER OF AGREEMENT:**

This agreement between (Company) Product & Tooling Technologies, Inc. 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) Product & Tooling Technologies, Inc. understands that through its investment of (money) \$2,536,226.00 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



Applicant Signature

4/29/2014

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: Product & Tooling Technologies, Inc.

Signed: Gregory A. Fritz

Print Name: Gregory A. Fritz

Title: President

Dated: 4/29/2014

Product & Tooling Technologies, Inc.

Statement Attached To And Made Part Of
Form 1012

Application For Industrial Facilities Exemption Certificate

**-AFFIDAVIT-
DATE OF PROJECT COMMENCEMENT**

I, Gregory A. Fritz, President of Product & Tooling Technologies, Inc., do hereby certify that the commencement of the installation of the real & personal property described in this application occurred on 12/1/13.

 4/29/2014
SIGNATURE DATE

President
TITLE

**Product & Tooling Technologies, Inc.
LEGAL DESCRIPTION**

34152 Doreka
Fraser, MI 48026

Industrial Facilities Tax Exemption Application

Parcel Identification Number: 11-32-255-010

Legal Description:

MARIA INDUSTRIAL SUB. NO. 1 S 55.0 FT OF LOT 7 AND ALL OF LOT 8. L71 P42.
CITY OF FRASER

Product & Tooling Technologies, Inc. 34152 DOREKA DR FRASER, MI 48026

Macomb County GIS

Product & Tooling Technologies, Inc. 34152 DOREKA DR FRASER, MI 48026

Mon Apr 28 2014 01:04:35 PM.



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

Received From:
PRODUCT & TOOLING

Time: 8:20:59 AM

Date: 05/01/2014
Receipt: 225254
Cashier: COUNTER

ITEM REFERENCE

AMOUNT

IFT IFT APPLICATIONS
IFT APPLICATIONS

\$650.00

\$650.00

TOTAL

\$650.00

\$650.00

CHECKS 42287

Total Tendered:

\$0.00

Change:



CITY MANAGER
Richard E. Haberman

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, Acting Mayor

RESOLUTION APPROVING IFT APPLICATION

Minutes of a Regular Meeting of the Council of the City of Fraser, held on Thursday, July 10, 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 PCS Company For Industrial Facilities Exemption Certificate For 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 June 16, 1977, the City of Fraser City Council by resolution established Industrial Development District 1; and

WHEREAS, PCS Company has filed an application for an Industrial Facilities Exemption with respect to personal property to be acquired and installed within the Industrial Development District 1; and

WHEREAS, before acting on said application the City of Fraser held a hearing on July 10, 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 PCS Company for an Industrial Facilities Exemption Certificate, with respect to personal property on the following described parcel of real property situated within the Industrial Development District, to wit:

11-32-205-005
CLARENCE BENNETT INDUSTRIAL PARK N 180.35 FT OF LOT 5 CITY OF FRASER
50-33-079-005
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, July 10, 2014.

Kathy Kacanowski, City Clerk

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 or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Kathy Kacanowski</i>	Date received by Local Unit <i>May 22, 2014</i>
STC Use Only	
Date Application Number	Date Received by STC

APPLICANT INFORMATION

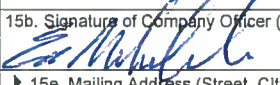
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) PCS Company		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 326121	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 34500 Doreka Dr. Fraser, MI 48026		1d. City/Township/Village (indicate which) Fraser	1e. County Macomb
2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))		3a. School District where facility is located Fraser	3b. School Code 50100
		4. Amount of years requested for exemption (1-12 Years) 12	
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. Company manufactures mold bases, pin & components, hot runner systems, nano technology products & custom components for multiple industries including automotive, medical device, home appliances & packaging. The new machinery & equipment will increase production efficiencies making the company more competitive & contribute to future growth.			
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.		Real Property Costs \$3,332,192.00	
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total		Personal Property Costs \$3,332,192.00	
6c. Total Project Costs * Round Costs to Nearest Dollar		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	5/12/13	5/12/15	☐ Owned ☐ Leased ☒ Owned ☐ Leased
Personal Property Improvements			
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. 136		10. No. of new jobs at this facility expected to create within 2 years of completion. 20	
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) 6/16/77		12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No	

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 Ed Mehney	13b. Telephone Number (586) 439-9006	13c. Fax Number (800) 505-3299	13d. E-mail Address erm@pcs-company.com
14a. Name of Contact Person Ed Mehney	14b. Telephone Number (586) 439-9006	14c. Fax Number (800) 505-3299	14d. E-mail Address erm@pcs-company.com
15a. Name of Company Officer (No Authorized Agents) Ed Mohrbach			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (800) 505-3299	15d. Date 5-21-14
15e. Mailing Address (Street, City, State, ZIP Code) 34488 Doreka Dr., Fraser, MI 48026		15f. Telephone Number (800) 521-0546	15g. E-mail Address etm@pcs-company.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 and one copy of the 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.

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:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

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

STC USE ONLY				
1. LUCI Code	2. Begin Date Real	3. Begin Date Personal	4. End Date Real	5. End Date Personal

IFEC APPLICATION — ATTACHMENT (Sec. 6B)

APPLICANT COMPANY: PCS Company

MACHINERY & 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
				12/15/2013	Pallet Racking System & Camera Monitoring for Steel Mold Plate Inventory	\$111,264
				3/3/2014	Floor Supported Runway Crane Structure with 2 Bridge Cranes	\$28,240
\$50,650	7/1/2014	2014 Nissan Forklift				
\$987,608	11/1/2014	Mori Seike NHX8000 Horizontal Machining Center				
\$68,140	8/1/2014	Rebuild OKK VM-7 Vertical Machining Center				
\$86,290	5/9/2014	Office Furniture & Equipment				
\$2,000,000	10/1/2015	2 Mori Seiki NHX8000 Horizontal Machining Centers				
\$3,192,688	PAGE TOTALS					\$139,504

PAGE TOTAL: \$3,332,192

GRAND TOTAL - PERSONAL PROPERTY = \$ 3,332,192

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

**INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
LETTER OF AGREEMENT:**

This agreement between (Company) PCS 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) PCS Company understands that through its investment of (money) \$3,332,192.00 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



Applicant Signature

5-21-14

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: PCS Company

Signed: 

Print Name: Ed Mohrbach

Title: General Manager

Dated: 5-21-14

PCS Company

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

**-AFFIDAVIT-
DATE OF PROJECT COMMENCEMENT**

I, Ed Mohrbach, General Manager of PCS Company, do hereby certify that the commencement of the installation of the personal property described in this application occurred on 12/15/13.

 5-21-14
SIGNATURE DATE

General Manager _____
TITLE

**PCS Company
LEGAL DESCRIPTION**

34500 Doreka Dr.
Fraser, MI 48026

Industrial Facilities Tax Exemption Application

Parcel Identification Number: 11-32-205-005

Legal Description:

CLARENCE BENNETT INDUSTRIAL PARK N 180.35 FT OF LOT 5 CITY OF FRASER 50-33-079-005

PCS Company - 34500 DOREKA DR. FRASER, MI 48026

PCS Company - 34500 DOREKA DR. FRASER, MI 48026

POWERED BY **esri**
© Copyright 2013 MCPED. All rights reserved.

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

Received From:
PCS COMPANY

Date: 05/22/2014
Receipt: 228014
Cashier: COUNTER

Time: 3:31:21 PM

ITEM REFERENCE	AMOUNT
IFT IFT APPLICATIONS	
IFT APPLICATIONS	\$650.00
TOTAL	\$650.00
CHECKS 305877	\$650.00
Total Tendered:	\$650.00
Change:	\$0.00

Fraser City Council - Regular Meeting
Thursday – June 12, 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 Cilluffo moved, seconded by Member Carnagie, TO APPROVE THE AGENDA AS PRESENTED.

The motion carried unanimously.

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

5. **Presentations** - none

6. **Public Hearings** - none

7. **Consent Agenda**

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

- a. Approval of Minutes of the Regular Council Meeting of 5/8/14.
- b. Approval of Minutes of the Special Council Meeting of 5/14/14.
- c. Approval of Bills for the Month of May 2014 in the amount of \$735,495.86
- d. Receive and file Minutes of the 5/5/14 Historical Commission meeting.
- e. Receive and file amended Minutes of the 3/10/14 Library Board meeting.
- f. Receive and file Minutes of the 4/2/14 Planning Commission meeting.
- g. Receive and file Minutes of the 4/1/14 Parks and Recreation Commission meeting.
- h. Receive and file Minutes of the 5/6/14 Parks and Recreation Commission meeting.
- i. Receive and file Minutes of the 1/15/14 Zoning Board of Appeals meeting.
- j. Adopt annual Performance Resolution For Governmental Agencies as required by MDOT.

The motion carried unanimously.

8. **Requests For Council Action**

- a. **Request Council deny the new Class C license requests for business located at 33050 Utica Road and the Tavern license for business located at 18050 15 Mile Road, Fraser.**

Member Cilluffo moved, seconded by Member Jennings, to DENY THE NEW CLASS C LICENSE REQUEST FOR PAPA'S PIZZA BAR & GRILL INC. LOCATED AT 33050 UTICA ROAD. COUNCIL PREFERS TO RESERVE LICENSE FOR A LARGER SCALE ECONOMIC DEVELOPMENT.

The motion carried unanimously.

Fraser City Council - Regular Meeting
Thursday – June 12, 2014 - 7:00 P.M.
Page Two

Member Cilluffo moved, seconded by Member Morelli, to DENY THE TAVERN LICENSE REQUEST FOR INDOOR GOLF CLUBS OF AMERICA LLC LOCATED AT 18050 15 MILE ROAD. COUNCIL PREFERS TO RESERVE LICENSE FOR A LARGER SCALE ECONOMIC DEVELOPMENT.

The motion carried unanimously.

- b. Request Council set a public hearing for July 10, 2014 on the request from P.T. Tech Stamping, Inc. for an Industrial Facilities Tax Exemption in the amount of \$1,170,536.**

Member Jennings moved, seconded by Member Cilluffo, to SET A PUBLIC HEARING FOR JULY 10, 2014 ON THE REQUEST FROM P.T. TECH STAMPING, INC. FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION IN THE AMOUNT OF \$1,170,536.

The motion carried unanimously.

- c. Request Council set a public hearing for July 10, 2014 on the request from Product and Tooling Technologies, Inc. for an Industrial Facilities Tax Exemption in the amount of \$2,536,226.**

Member Jennings moved, seconded by Member Morelli, to SET A PUBLIC HEARING FOR JULY 10, 2014 ON THE REQUEST FROM PRODUCT AND TOOLING TECHNOLOGIES, INC. FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION IN THE AMOUNT OF \$2,536,226.

The motion carried unanimously.

- d. Request Council set a public hearing for July 10, 2014 on the request from PCS Company for an Industrial Facilities Tax Exemption in the amount of \$3,332,192.**

Member Jennings moved, seconded by Member Hemelberg, to SET A PUBLIC HEARING FOR JULY 10, 2014 ON THE REQUEST FROM PCS COMPANY FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION IN THE AMOUNT OF \$3,332,192.

The motion carried unanimously.

- e. Request Council authorize the awarding of -- for McKinley Park improvements to facilitate the placement of a boundless park.**

Vania Apps explained \$411,000 was budgeted for Phase I of the project, which includes a comfort station, pavilion and walking path at the north end of the parking lot.

The following residents spoke on this item:
Anna Cameron, 34273 Garfield Circle,
Greg Fecteau, 31507 Grove
Kent Stonebreaker, 32309 Oxford Ct
Michael Lesich, 15201 Fairview

Member Carnegie moved, seconded by Member Cilluffo, to AUTHORIZE THE AWARDING OF \$411,000 FOR MCKINLEY PARK IMPROVEMENTS TO FACILITATE THE PLACEMENT OF A BOUNDLESS PARK.

The motion carried unanimously.

**Fraser City Council - Regular Meeting
Thursday – June 12, 2014 - 7:00 P.M.
Page Three**

f. Request Council approve budget adjustments as presented.

Finance Director McCulloch provided explanations for the necessary adjustments and answered various questions presented by Council members.

The following residents spoke on this item:
Janet Calabrese, 17926 Breezeway
Dave Stouder, Linden St.

Mayor Hagerty moved, seconded by Member Morelli, to APPROVE THE BUDGET ADJUSTMENTS AS PRESENTED.

The motion carried unanimously.

g. Request Council approve amendments to the fee schedule as presented.

There was some discussion regarding comparing fees to other communities and the absence of fees for business licenses.

Member Jennings moved, seconded by Member Carnagie, to APPROVE THE AMENDMENTS TO THE FEE SCHEDULE AS PRESENTED.

The motion carried unanimously.

h. Request Council authorize the Administration to enter into a one-year IT Services Agreement with INACOMP.

Mayor Hagerty noted Council did not receive the other three bids to review so Finance Director McCulloch provided the information.

Member Accavitti moved, seconded by Member Cilluffo, to AUTHORIZE THE ADMINISTRATION TO ENTER INTO A ONE-YEAR IT SERVICES AGREEMENT WITH INACOMP.

The motion carried unanimously.

At this time, 8:46 pm, Mayor Hagerty requested a short break. The meeting resumed at 8:57 pm.

i. Request Council discuss and develop consensus on changes to the city water billing and rate system.

Manager Haberman provided a presentation on simplified water rate change options. He noted the fee in the pure meter system can be modified if Council chooses and costs will shift to additional lines to meet the same total. He noted weakness of a meter system is fairness as it is based on the size of meter, not usage, and most communities use a blended system instead of pure meter.

Mayor Hagerty asked Council members to provide their thoughts.

Member Cilluffo would like to modify the current system to add ready to serve and meter charges to irrigation meters.

Member Hemelberg passed at this time.

Member Carnagie noted it is difficult to make a decision at this time since he is waiting to see what happens in Detroit.

Manager Haberman stated the increase in the new water and sewer rates is approximately 20%. Revenue bonds were discussed.

Member Jennings is in favor of a fee for fire suppression and irrigation meters but suggests \$1.50.

Member Morelli prefers a blended system of fire suppression and second meter charges.

Fraser City Council - Regular Meeting
Thursday – June 12, 2014 - 7:00 P.M.
Page Four

Member Accavitti is also in favor of a blended system for more predictability. Mayor Hagerty stated the pure meter system is incorrectly labeled. He favors using fixed cost, plus markup of water and sewer fees. He stated fire suppression testing should not be penalized but is open to a second meter charge. Member Hemelberg stated he agreed with Mayor Hagerty and Members Accavitti and Morelli on a blended system.

Mayor Hagerty moved TO USE A BLENDED (PURE METER) SYSTEM, USE THE WHOLESALE COST OF WATER AND SEWER WITH A MARKUP MARGIN, ADD A \$25 FEE ANNUALLY FOR THE SECOND METER, AND NO FIRE SUPPRESSION FEES AT THIS TIME.

With no support the motion fails.

Member Jennings moved, seconded by Member Cilluffo, TO ADD READY TO SERVE AND METER FEES TO THE IRRIGATION (SECOND) METERS, WHICH WILL BE \$1.50 PER METER AND \$1 PER UNIT FIXED CHARGE.

Mike Lesich spoke briefly on this motion.

Motion carried 6-1
with a no vote by Mayor Hagerty

Member Jennings moved, seconded by Member Cilluffo, TO IMPLEMENT THE NEW REVENUE STREAM OF ADDING A READY TO SERVE FEE TO FIRE SUPPRESSION SYSTEMS WITH NO METER AS PROPOSED BY THE ADMINISTRATION.

The following citizens spoke on this topic:
Ken Immler, Deluxe Development/Hawk Industrial
Kent Stonebreaker, 32309 Oxford Ct
Dave Stouder, Linden St.

Motion carried 5-2
with no votes by Hagerty and Carnagie

Member Jennings moved TO POSTPONE ANY FURTHER CHANGES TO THE WATER AND SEWER RATE SYSTEM AND REQUESTED ADMINISTRATION PROVIDE A BLENDED SYSTEM WITH ADDITIONAL OPTIONS.

With no support the motion fails.

Member Cilluffo asked Manager Haberman to restate the two motions that passed. Member Hemelberg stated he voted incorrectly on the last motion and wanted it noted for the record he was not in favor of the fee for fire suppression systems.

j. Request Council discuss and adopt CIP plan as presented by the Administration and/or give direction to the Administration on the plan.

Mayor Hagerty moved, seconded by Member Cilluffo, to POSTPONE THIS ITEM TO THE JULY MEETING.

The motion carried unanimously.

9. Report of City Administration/Pending Items

Manager Haberman advised he will provide Council with tickets to the upcoming city picnic. He also noted some Council members had received complaints regarding concerns at the Steffens Park basketball courts and read a letter from Public Safety Director suggesting if any residents have a concern, they should contact the Public Safety Department.

**Fraser City Council - Regular Meeting
Thursday – June 12, 2014 - 7:00 P.M.
Page Five**

10. Report of Mayor and City Council/New Business

Mayor and Council discussed various topics.

11. Citizen Participation - none

12. Adjournment

Member Carnegie moved, seconded by Member Hemelbergi, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, JUNE 12, 2014 AT 11:18 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

/kk



CITY MANAGER
Richard E. Haberman

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Doug Hagerty

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

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Toni Misch, Accounts Payable

DATE: July 1, 2014

RE: Accounts Payable

PAYMENT OF CHECKS DATED

AMOUNT

The month of June 2014	\$ 680,268.53
Voided Checks for June 2014	<u>-3,038.49</u>
	\$ 677,230.04

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

07/01/2014 04:19 PM

User: TONI

CHECK DATE FROM 06/01/2014 - 06/30/2014

DB: Fraser

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Number	Amount
06/06/2014	PNC	114671	COMCAS	COMCAST	MAY 2014-CITY HALL MAY 2014-SR HOUSE	94.35 79.70 <u>174.05</u>
06/06/2014	PNC	114672	COSTCO	CAPITAL ONE COMMERCIAL	MAY 2014	153.51
06/06/2014	PNC	114673	CREPRO	CREATIVE PRODUCT SOURCING, INC	74113	84.25
06/06/2014	PNC	114674	CREFRO	CRESSWELL & FROBERGER PC	13-FR05043 GLENN	225.00
06/06/2014	PNC	114675	DALES	DALE'S LANDSCAPING SUPPLY, INC	43883 43951	745.66 800.00 <u>1,545.66</u>
06/06/2014	PNC	114676	DATLTD	DATAMATIC, INC	CA-0000025755	582.97
06/06/2014	PNC	114677	DTEENG	DETROIT ENERGY	JUNE 2014	9,547.65
06/06/2014	PNC	114678	DTESTR	DETROIT ENERGY STREET LIGHTS	0000-7370-0/MAY 2014	19,549.71
06/06/2014	PNC	114679	DETFRE	DETROIT MEDIA PARTNERSHIP LP	FP0193982-2014	228.02
06/06/2014	PNC	114680	DETPEN	DETROIT PENCIL COMPANY	394598I	35.19
06/06/2014	PNC	114681	DETWAT	DETROIT WATER & SEWERAGE DEPT	3/31-4/30/14	77,878.71
06/06/2014	PNC	114682	DETSHE	SHERRIE L. DETZLER PLLC	13-FR04756 HENRY	325.00
06/06/2014	PNC	114683	E-SHRE	E-SHRED	00015387 00015405	40.00 50.00 <u>90.00</u>
06/06/2014	PNC	114684	EARWEI	EARL J. WEIL & SON	37905	683.73
06/06/2014	PNC	114685	9999BB	EDWARD & REBECCA HYVONEN	BOND-16604 ADMIRAL	250.00
06/06/2014	PNC	114686	FEMMIN	FEMMININEO ATTORNEYS PLLC	14-FR00583 HUNT	225.00
06/06/2014	PNC	114687	999FIN	FIRST AMERICAN TITLE INSURANCE CO.	008-460 & 008-470	243.36
06/06/2014	PNC	114688	FISGAR	FISCHER, GARON, HOYUMPA, RANCILIO	14-FR00487 SLOAN	175.00
06/06/2014	PNC	114689	FISAUT	FISHER AUTO PARTS, INC	262-081271	338.34
06/06/2014	PNC	114690	FRAUBO	FRASER AUTO BODY, INC	18122	236.30
06/06/2014	PNC	114691	FCOA	FRASER COMMAND OFFICERS ASSOC	MAY 2014	520.00
06/06/2014	PNC	114692	FRADIS	FRASER DISPATCHERS ASSOCIATION	MAY 2014	405.00
06/06/2014	PNC	114693	FRALAW	FRASER LAWN CENTER, INC	107225	3.00
06/06/2014	PNC	114694	FRALIE	FRASER LIEUTENANTS ASSOCIATION	MAY 2014	120.00
06/06/2014	PNC	114695	FPOAM	FRASER POLICE OFFICERS ASSOCIATION	MAY 2014	2,020.00
06/06/2014	PNC	114696	FRALIB	FRASER PUBLIC LIBRARY	6/2/14 PETTY CASH	47.00
06/06/2014	PNC	114697	FRAWAT	CITY OF FRASER	JUNE 2014	2,589.37
06/06/2014	PNC	114698	GALKAT	KATHLEEN G. GALEN	12-FR01272 BRAGGS	87.50
06/06/2014	PNC	114699	GEISLE	J.L. GEISLER CORP.	00090607	21.20
06/06/2014	PNC	114700	GRAING	GRAINGER	9449383406	102.65
06/06/2014	PNC	114701	GREPES	GREAT LAKES PEST CONTROL CO. INC	21173 21174 21175 21176	50.00 50.00 75.00 50.00 <u>225.00</u>
06/06/2014	PNC	114702	GRUROY	ROY M. GRUENBURG	13-FR0485 HOGAN	225.00
06/06/2014	PNC	114703	HANJUD	JUDITH L. HANSEN	13-FR00884 DUNCAN	175.00
06/06/2014	PNC	114704	HDSFM	HD SUPPLY FACILITIES MAINTENANCE	9129811459	1,136.00
06/06/2014	PNC	114705	HENMIC	MICHAEL HENNIGAN	14-FR00953 PIENIA	175.00
06/06/2014	PNC	114706	HOFLOW	LAWRENCE M. HOFMANN	MAY 2014	175.00
06/06/2014	PNC	114707	INACOM	INACOMP	10819 10818	1,598.00 3,280.20 <u>4,878.20</u>

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Number	Amount
06/06/2014	PNC	114708	INGRAM	INGRAM LIBRARY SERVICES	78684527 78695991 78728887 78786201 78767389	147.79 27.96 1,515.82 372.59 (20.69) <u>2,043.47</u>
06/06/2014	PNC	114709	999REC	JASMINE DIGGS	REFUND-DIGGS	100.00
06/06/2014	PNC	114710	JOHNTT	JOHNSON THERMOL TEMP INC	S2-52814 S1-51614 J2-52114 S1-52214 L1.5-52314	225.00 154.50 1,870.00 168.50 187.50 <u>2,605.50</u>
06/06/2014	PNC	114711	KOHRTI	R. TIMOTHY KOHLER	13-FR05107 DAVIS	300.00
06/06/2014	PNC	114712	L3COMM	L-3 COMMUNICATIONS MOBILE-VISION	0212706-IN	15,730.00
06/06/2014	PNC	114713	LEBRO	LEBRO CHEMICAL COMPANY	F40334	366.85
06/06/2014	PNC	114714	LEGSHI	LEGALSHIELD	0113215-MAY 2014	127.50
06/06/2014	PNC	114715	LESTIR	LESLIE TIRE	308409	1,239.00
06/06/2014	PNC	114716	LEXNEX	MATTHEW BENDER & CO. INC.	59382511	40.44
06/06/2014	PNC	114717	LUCMAN	LUCIDO & MANZELLA PC	12-FR04359 GRAVES	175.00
06/06/2014	PNC	114718	LUTROO	LUTZ ROOFING	8083 8172	322.08 419.49 <u>741.57</u>
06/06/2014	PNC	114719	MCFIN	MACOMB COUNTY FINANCE DEPARTMENT	AR140343	301.90
06/06/2014	PNC	114720	MCFCA	MACOMB COUNTY FIRE CHIEFS ASSOC.	2014	50.00
06/06/2014	PNC	114721	MCPWK	MACOMB COUNTY TREASURER	5935-2014 5946-2014	8,709.00 149,778.12 <u>158,487.12</u>
06/06/2014	PNC	114722	MCTRCT	MACOMB COUNTY TREASURER	APRIL 2014-AMENDED	115.50
06/06/2014	PNC	114723	MCTRCT	MACOMB COUNTY TREASURER	MAY 2014	85.50
06/06/2014	PNC	114724	MARLEJ	MARJI & LEJKOWSKI	13-FR04676 CHALMERS	400.00
06/06/2014	PNC	114725	MDOT	DEPARTMENT OF TRANSPORTATION	AP 366122	7,057.09
06/06/2014	PNC	114726	METSOF	METRO SOFTBALL UMPIRES ASSOC.	06012014FRASER	174.00
06/06/2014	PNC	114727	MACEO	MI ASSOCIATION OF	JUNE 10, 2014	15.00
06/06/2014	PNC	114728	999REC	MICHAEL BOGGESS	REFUND-BOGGESS	25.00
06/06/2014	PNC	114729	MIRCT	STATE OF MICHIGAN TREASURER	MAY 2014	21,962.33
06/06/2014	PNC	114730	MIDWES	MIDWEST TAPE	91798571	14.99
06/06/2014	PNC	114731	MOOPEN	MOORE, PENNA & ASSOC.	12-FR04910 JACKSON	175.00
06/06/2014	PNC	114732	MORCOM	MORE COMPUTER SUPPLIES	040438	349.76
06/06/2014	PNC	114733	MORCOR	CORA MORGAN	14-FR00557 SAIN	175.00
06/06/2014	PNC	114734	MUFMAN	MUFFLER MAN	1060449	200.00
06/06/2014	PNC	114735	NORWIS	NORTHEAST WISCONSIN TECH COLLEGE	SFT000096109	350.00
06/06/2014	PNC	114736	OCC	OAKLAND COMMUNITY COLLEGE	95518	100.00
06/06/2014	PNC	114737	OFFMAX	OFFICEMAX INCORPORATED	002533	96.39
06/06/2014	PNC	114738	PALCAM	PALCO CAMPER	25099 25037	17.25 42.09 <u>59.34</u>
06/06/2014	PNC	114739	9999CT	PATRICK ALAN DEVINE	13-FR00385 DEVINE	160.00
06/06/2014	PNC	114740	999REC	PHILLIP BAER	REFUND-BAER	60.00

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Number	Amount
06/06/2014	PNC	114741	POIAUT	POINTE AUTO WASH	APRIL 2014	115.50
06/06/2014	PNC	114742	PRADIS	9YU-PRAXAIR DISTRIBUTION INC	49482182	143.76
06/06/2014	PNC	114743	PRISYS	PRINTING SYSTEMS, INC	85091	394.85
06/06/2014	PNC	114744	999FIN	PTRG INC	11-32-451-014/12&13	5,250.65
06/06/2014	PNC	114745	RAYELE	RAY ELECTRIC	4578420-00	101.02
					4578421-00	143.31
					4578790-00	166.85
						411.18
06/06/2014	PNC	114746	RECI	RECI	JUNE 4, 2014	50.00
06/06/2014	PNC	114747	RECPET	RECREATION PETTY CASH	6/2/14 PETTY CASH	205.34
06/06/2014	PNC	114748	ROYNAM	ROYAL OAK NAME PLATE CO.	0000237477	17.10
					0000237517	15.00
						32.10
06/06/2014	PNC	114749	RUERAY	RAYMOND V. RUEMENAPP	14-FR01345 MARTONI	212.50
06/06/2014	PNC	114750	SHEKEN	KEN SHEPARD	5/3/14	690.00
06/06/2014	PNC	114751	SPEEDC	SPEED CLEAN SERVICE	16618	75.00
					16656	160.00
					16657	950.00
					16673	90.00
					16676	160.00
					16683	175.72
						1,610.72
06/06/2014	PNC	114752	STAIND	STATE INDUSTRIAL PRODUCTS	96795255	201.56
06/06/2014	PNC	114753	999LIB	STERLING HEIGHTS PUBLIC LIBRARY	DAMAGE BOOK REFUND	11.99
06/06/2014	PNC	114754	SUBFOR	SUBURBAN FORD OF STERLING HEIGHTS	111311 SFW G	29.08
					111171 SFW G	71.40
						100.48
06/06/2014	PNC	114755	9999BB	SUN AND FUN POOLS LLC	BOND-33719 MORNINGSI	100.00
06/06/2014	PNC	114756	TEAMST	TEAMSTERS LOCAL 214	MAY 2014	1,227.12
06/06/2014	PNC	114757	TRIAQU	TRI-COUNTY AQUATICS, INC	FRSR0214	500.00
06/06/2014	PNC	114758	UNIAUT	UNITED AUTO PARTS	431745	56.97
06/06/2014	PNC	114759	VERIZON	VERIZON	9725803478	11.27
06/06/2014	PNC	114760	WEING	WEINGARTZ	1874841-00	201.96
06/06/2014	PNC	114761	WOLRON	RONALD WOLBER	MAY 2014	225.00
06/06/2014	PNC	114762	WOLFRE	WOLVERINE FREIGHTLINER-EASTSIDE	56472	132.40
06/06/2014	PNC	114763	WRIMAR	MARILYNN WRIGHT	5/28/14 REIMBURSE	37.04
					6/2/14-REIMBUSE	78.40
						115.44
06/11/2014	PNC	114764	DTEENG	DETROIT ENERGY	101-000-123.000	7,586.52
06/20/2014	PNC	1(S)	DEMCO	DEMCO	5315126	56.53
					5266326	(56.53)
						0.00
06/20/2014	PNC	114765	39THRS	39TH DISTRICT COURT ROSEVILLE	JUNE 12, 2014	185.00
06/20/2014	PNC	114766	ABRGAF	ABRAHAM & GAFFNEY, P.C.	EL-22442	5,000.00
06/20/2014	PNC	114767	ABSWAT	ABSOPURE WATER COMPANY	54623384	8.00
					83216140	13.90

User: TONI

CHECK DATE FROM 06/01/2014 - 06/30/2014

DB: Fraser

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Number	Amount
						21.90
06/20/2014	PNC	114768	ACCMED	ACCUMED BILLING, INC	8477	1,925.72
06/20/2014	PNC	114769	ACKCHR	CHRISTY ACKERMAN	6/10/14-MILEAGE	11.56
06/20/2014	PNC	114770	AFLAC	AFLAC	268140	1,492.76
06/20/2014	PNC	114771	AIRGAS	AIRGAS USA, LLC	9919007710	134.69
					9919007711	99.04
					9919291427	51.43
						285.16
06/20/2014	PNC	114772	AMEBUI	AMERICAN BUILDERS SUPPLY	1445	719.40
06/20/2014	PNC	114773	9999BB	ANTONINO & CASEY COSTA	BOND-18004 AIRPORT	100.00
06/20/2014	PNC	114774	SBC	AT&T	586296104505	25.85
					586415736706	18.92
						44.77
06/20/2014	PNC	114775	AT&TCAP	AT&T CAPITAL SERVICES, INC.	2922119	1,452.81
06/20/2014	PNC	114776	ATTMAY	MAYSSA ATTIA	JUNE 2014	300.00
06/20/2014	PNC	114777	AUTMOT	AUTOMOTIVE ENHANCERS, INC	38961	265.17
					39870	74.53
					39892	36.79
						376.49
06/20/2014	PNC	114778	BARJOA	JOANNE L. BARR	14-FR00967 WORTHEY	175.00
06/20/2014	PNC	114779	BARPAV	BARRETT MICHIGAN	279836 RI	1,082.15
					285078 RI	255.30
						1,337.45
06/20/2014	PNC	114780	BELEQU	BELL EQUIPMENT COMPANY	0102025	610.00
06/20/2014	PNC	114781	9999BB	BENINATI POOL & SPA INC	BOND-15510 KINGSTON	250.00
06/20/2014	PNC	114782	BERSUS	SUSAN BERLIN	JUNE 2014	139.02
06/20/2014	PNC	114783	BESBUY	BEST BUY BUSINESS ADVANTAGE ACCT	1613423	71.92
06/20/2014	PNC	114784	BEZELA	ELAINE BEZAS	14-FR01539 LOVELY	150.00
06/20/2014	PNC	114785	BLNET	BLUE CARE NETWORK	141570000414	5,370.19
06/20/2014	PNC	114786	BC600	BLUE CROSS/BLUE SHIELD OF MICHIGAN	7/1-8/1/14	20,450.88
06/20/2014	PNC	114787	BOOPAG	BOOK PAGE	S15056	300.00
06/20/2014	PNC	114788	BOUTRE	BOUND TREE MEDICAL	81447335	314.85
					70191839	(71.37)
						243.48
06/20/2014	PNC	114789	999REC	BRIANA LANGRIDGE	REFUND-LANGRIDGE	233.00
06/20/2014	PNC	114790	BSNSPO	BSN SPORTS INC	96136026	155.79
06/20/2014	PNC	114791	BUTBUT	BUTLER, BUTLER, PLLC	05/29/14	155.00
06/20/2014	PNC	114792	C&GNEW	C & G NEWSPAPERS	0609084-IN	432.00
06/20/2014	PNC	114793	COPSPL	C.O.P.S. HEALTH TRUST PLAN	JULY 2014	157.50
06/20/2014	PNC	114794	CDWGOV	CDW GOVERNMENT	MF16532	84.76
06/20/2014	PNC	114795	CELLEN	LEN CELLETTI	JUNE 2014	270.00
06/20/2014	PNC	114796	CHABET	CHANNING BETE COMPANY, INC	52811399	46.00
06/20/2014	PNC	114797	999DPS	CHIEF BRUCE SMITH	6/10/14-SMITH	320.00
06/20/2014	PNC	114798	999DPS	CHIEF FRED POSAVETZ	6/10/14-POSAVETZ	320.00
06/20/2014	PNC	114799	CHRSUS	SUSAN R. CHRZANOWSKI	14-FR01293 LOSOSKY	175.00
06/20/2014	PNC	114800	CINTAS	CINTAS CORPORATION #354	354803803	78.67
					354803804	165.66

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Number	Amount
					354803805	55.81
					354803806	55.51
					354803807	811.81
					354803808	290.00
						<u>1,457.46</u>
06/20/2014	PNC	114801	CINDOC	CINTAS DOCUMENT MANAGEMENT	8401155959	61.25
06/20/2014	PNC	114802	CLANCY	CLANCY EXCAVATING CO	31248	295.75
06/20/2014	PNC	114803	COAMOT	COACH & MOTOR	MAY 2014	334.10
06/20/2014	PNC	114804	CREPRO	CREATIVE PRODUCT SOURCING, INC	74518	5.00
06/20/2014	PNC	114805	CROJAS	JASMIN CROMWELL	2014-298	144.00
06/20/2014	PNC	114806	CRULIN	CRUM & CRUM, PLLC	14-FR00535 VOLTATTOR	225.00
06/20/2014	PNC	114807	DALES	DALE'S LANDSCAPING SUPPLY, INC	44008	800.00
					44049	192.40
					44050	800.00
						<u>1,792.40</u>
06/20/2014	PNC	114808	DELDEN	DELTA DENTAL OF MICHIGAN	RIS0000562079	11,918.68
06/20/2014	PNC	114809	DELDEN	VOID		
06/20/2014	PNC	114810	9999BB	DENNIS G & PATRICIA L STALLSMITH	BOND-15761 LUXEMBURG	100.00
06/20/2014	PNC	114811	DTEENG	DETROIT ENERGY	90178608	1,972.97
06/20/2014	PNC	114812	DILJOH	JOHN R. DILLON	13-FR04080 COACHMAN	225.00
06/20/2014	PNC	114813	DPWPET	DPW PETTY CASH	6/17/14	123.09
06/20/2014	PNC	114814	EMPCO	EMPCO, INC	3321	5,289.73
06/20/2014	PNC	114815	ERASER	ERADICO SERVICES, INC	423905	55.00
06/20/2014	PNC	114816	FEMMIN	FEMMININEO ATTORNEYS PLLC	14-FR00440 OSBORNE	175.00
06/20/2014	PNC	114817	FIRCHO	FIRST CHOICE SERVICES	298021	155.42
					298146	53.45
						<u>208.87</u>
06/20/2014	PNC	114818	FISAUT	FISHER AUTO PARTS, INC	262-082115	201.30
					262-080363	37.95
					262-076811	(27.06)
					262-081622	(42.00)
						<u>170.19</u>
06/20/2014	PNC	114819	GEAPP	GENERAL ELECTRIC COPANY	26-289806	79.95
06/20/2014	PNC	114820	GUNMET	GUNNERS METERS & PARTS, INC	72259	1,290.00
06/20/2014	PNC	114821	HOMDEP	HOME DEPOT CREDIT SERVICES	MAY 2014	328.52
06/20/2014	PNC	114822	INDNEW	INDEPENDENT NEWS, INC	1314019	318.65
06/20/2014	PNC	114823	INGRAM	INGRAM LIBRARY SERVICES	78896893	34.30
					78971153	355.75
					78942347	(4.33)
					789423478	(32.88)
					78903764	(42.06)
						<u>310.78</u>
06/20/2014	PNC	114824	9999CT	JAMES BEARD	13-FR02423 CLENDANIE	115.00
06/20/2014	PNC	114825	999REC	JOAN HOLLOWELL	REFUND-HOLLOWELL	18.00
06/20/2014	PNC	114826	9999BB	JOHN A BROWN	BOND-32855 GARFIELD	100.00
06/20/2014	PNC	114827	JOHNTT	JOHNSON THERMOL TEMP INC	L1.5-62	315.30
					L1-62	121.20
					L1-6214	130.68
					L.5-6214	40.30

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Number	Amount
					L2-5-62	302.48
					L7-6314	2,182.75
					J4-6314	803.48
						<u>3,896.19</u>
06/20/2014	PNC	114828	JUDMAN	JUDICIAL MANAGEMENT SYSTEMS INC	JUNE 2014	2,400.00
06/20/2014	PNC	114829	KERALB	KERR ALBERT OFFICE SUPPLY	867974	3,038.49
06/20/2014	PNC	114830	KINMEL	MELISSA M. KING, P.C.	JUNE 2014	900.00
06/20/2014	PNC	114831	KONICA	KONICA MINOLTA BUSINESS SOLUTIONS	9000654773	37.89
					9000638736	(14.38)
						<u>23.51</u>
06/20/2014	PNC	114832	KORKEV	KEVIN KORESKY	14-FR00613 CHESTNUT	150.00
06/20/2014	PNC	114833	999REC	KRISTA KUBE	REFUND-KUBE	80.00
06/20/2014	PNC	114834	LAGMAT	LAW OFFICE-MATTHEW LA GRASSO PC	14-FR00870 MATA	150.00
06/20/2014	PNC	114835	LEOAND	ANDREW LEONE	14-FR00867 GECK	175.00
06/20/2014	PNC	114836	LESTIR	LESLIE TIRE	308740	15.00
06/20/2014	PNC	114837	LEXNEX	MATTHEW BENDER & CO. INC.	0099185009	40.44
06/20/2014	PNC	114838	LOWES	LOWE'S BUSINESS ACCT/GEMB	MAY 2014	69.94
06/20/2014	PNC	114839	LUTROO	LUTZ ROOFING	8531	333.98
06/20/2014	PNC	114840	MCPWK	MACOMB COUNTY TREASURER	5957-2014	130.81
					5964-2014	12,347.66
						<u>12,478.47</u>
06/20/2014	PNC	114841	MAIPLU	MAIL PLUS	MAY 2014	34.86
06/20/2014	PNC	114842	MALJAS	JASON MALKIEWICZ	14-FR01087 GAJOWIAK	175.00
06/20/2014	PNC	114843	MARLEJ	MARJI & LEJKOWSKI	14-FR00292 CLARK	175.00
					13-FR02029 MYERS	225.00
						<u>400.00</u>
06/20/2014	PNC	114844	MASGAR	MASTER GARDENER LAWN CENTER	MAY 2014	1,990.00
06/20/2014	PNC	114845	MCCI	MCCI	00004531	1,260.00
06/20/2014	PNC	114846	MDOT	DEPARTMENT OF TRANSPORTATION	AP 366709	2,949.86
06/20/2014	PNC	114847	METMAR	MARK S. METRY PLC	12-FR04104 STARK	175.00
					14-FR00284 JONES	175.00
						<u>350.00</u>
06/20/2014	PNC	114848	999DPS	MICHAEL LAURETTI	6/10/14-LAURETTI	320.00
06/20/2014	PNC	114849	MICCEN	MICRO CENTER A/R	055-PO-5641257	131.96
06/20/2014	PNC	114850	NEWTRA	NEWMAN TRAFFIC SIGNS	TI-0274155	182.75
06/20/2014	PNC	114851	OFFDEP	OFFICE DEPOT	715045954001	25.77
06/20/2014	PNC	114852	OFFMAX	OFFICEMAX INCORPORATED	046795	106.91
					166539	130.50
						<u>237.41</u>
06/20/2014	PNC	114853	PALCAM	PALCO CAMPER	7243	15.59
06/20/2014	PNC	114854	PANMAN	MANA PANCHENKO	13-FR04475 LUTHER	225.00
06/20/2014	PNC	114855	PARENT	PARTY ENTERTAINMENT	797	550.00
06/20/2014	PNC	114856	PBEASY	EASYPERMIT POSTAGE	JUNE 2014	1,868.47
06/20/2014	PNC	114857	PRIPRE	PRIMO PREVENTION	2829	143.00
06/20/2014	PNC	114858	QMIGRO	QMI GROUP, INC	153959	49.50
06/20/2014	PNC	114859	RECPET	RECREATION PETTY CASH	06/13/14	515.45
06/20/2014	PNC	114860	REINDE	REINDEL TRUE VALUE	MAY 2014	952.65
06/20/2014	PNC	114861	RIZZO	RIZZO SERVICES	MAY 2014	58,462.06

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Number	Amount
06/20/2014	PNC	114862	ROOJAM	JAMES B. ROONEY	14-FR01255 COPLEY	175.00
06/20/2014	PNC	114863	ROSCIT	CITY OF ROSEVILLE	4TH QTR 2013-14	74,788.75
06/20/2014	PNC	114864	9999BB	ROY & KIMBERLY A MALONE	BOND-16407 MASONIC	100.00
06/20/2014	PNC	114865	RUERAY	RAYMOND V. RUEMENAPP	13-FR01594 MARTIN	75.00
06/20/2014	PNC	114866	999LIB	SARA DOMKE	REFUND-DOMKE	14.95
06/20/2014	PNC	114867	SCHCAH	SCHOENHERR, CAHILL & WARNEZ, PC	11-FR00503 CUNNINGHA	175.00
06/20/2014	PNC	114868	SHIJAM	JAMES SHIMKO	MAY 2014	579.00
06/20/2014	PNC	114869	9999BB	SIGNAL RESTORATION SERVICES	BOND-31618 EVENINGSI	250.00
06/20/2014	PNC	114870	SPADIS	SPARTAN DISTRIBUTORS	11666708	903.93
					11667341	143.13
					11667575	66.38
					11667971	22.80
						<u>1,136.24</u>
06/20/2014	PNC	114871	SPEEDC	SPEED CLEAN SERVICE	16707	130.00
					16714	130.00
					16711	129.50
					16730	160.00
					16735	110.00
					16764	575.00
					16772	160.00
						<u>1,394.50</u>
06/20/2014	PNC	114872	SPEOIL	SPENCER OIL COMPANY	450053	5,741.77
					450054	1,568.38
					450310	5,108.91
					450311	1,266.51
						<u>13,685.57</u>
06/20/2014	PNC	114873	STAIND	STATE INDUSTRIAL PRODUCTS	96827913	156.53
06/20/2014	PNC	114874	SULLAU	LAURA SULLIVAN	14-FR00495 WILKES	262.50
06/20/2014	PNC	114875	SUPDEN	SUPPLY DEN	215306-00	20.13
06/20/2014	PNC	114876	TAGTIN	TAG TINTZ & GRAPHX LLC	2264	65.00
06/20/2014	PNC	114877	TRACT	TRACTION-GENUINE PARTS CO	801190713	114.00
06/20/2014	PNC	114878	TRAROY	ROY TRANSIT	14-FR01443 HARRIS	175.00
06/20/2014	PNC	114879	999REC	TRINH TRUONG	REFUND-TRUONG	390.00
06/20/2014	PNC	114880	TYCINT	TYCO INTEGRATED SECURITY	21885360	1,520.06
					21885361	976.82
					22050915	114.00
					22050916	965.45
					22050917	162.00
					22050918	153.22
					22050919	171.00
						<u>4,062.55</u>
06/20/2014	PNC	114881	ULTFLO	ULTRA FLOORS	UL037676	1,732.64
06/20/2014	PNC	114882	UNIMAN	UNIQUE MANAGEMENT SERVICES, INC	256425	17.90
					256426	11.80
						<u>29.70</u>
06/20/2014	PNC	114883	UNIAUT	UNITED AUTO PARTS	440136	200.00
06/20/2014	PNC	114884	WEING	WEINGARTZ	1878330-00	43.98
					1881877-00	105.96

CHECK DATE FROM 06/01/2014 - 06/30/2014

PNC TOTALS:



FRASER HIGH SCHOOL

34270 GARFIELD ROAD, FRASER, MI 48026-4718
Phone (586) 439-7200 FAX (586) 439-7201
TDD (586) 439-7250

"Home of the Ramblers"

PRINCIPAL

Michael A. Lonze

ASSISTANT PRINCIPALS

Elizabeth Bartlett

John Commyn

Huston Julian

June 11, 2014
Fraser City Council
33000 Garfield
Fraser, MI 48026

Council Members:

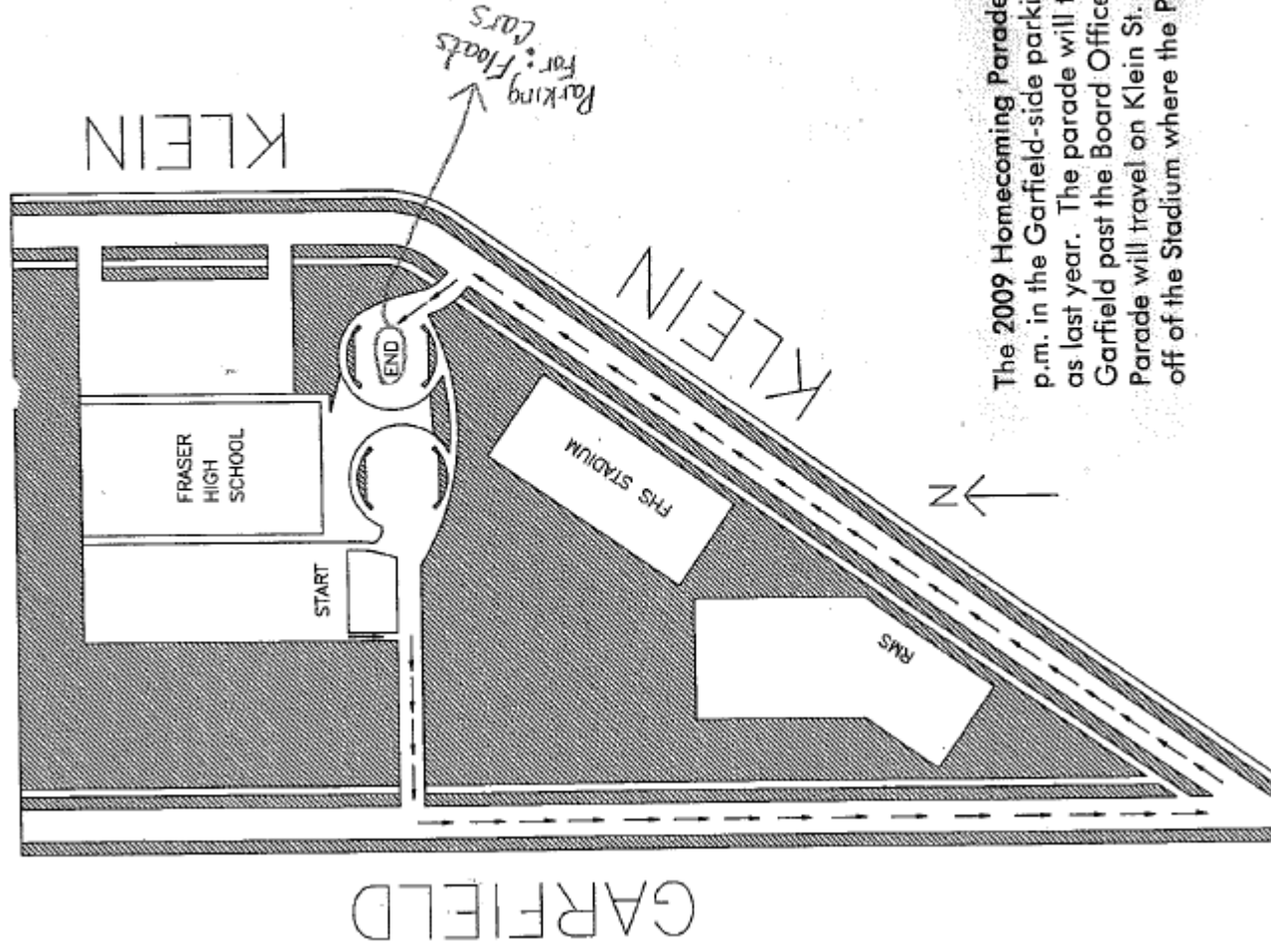
The Fraser High School Homecoming parade is scheduled for Friday, October 3, 2014. We are requesting a parade permit for that day.

The parade will start at 6:00 p.m. and follow the route planned by Officer Jeff Newton of the Fraser Police Department and Dr. Dave Richards of Fraser Public Schools.

On behalf of the Fraser High School Student Council, we would like to thank you for your cooperation.

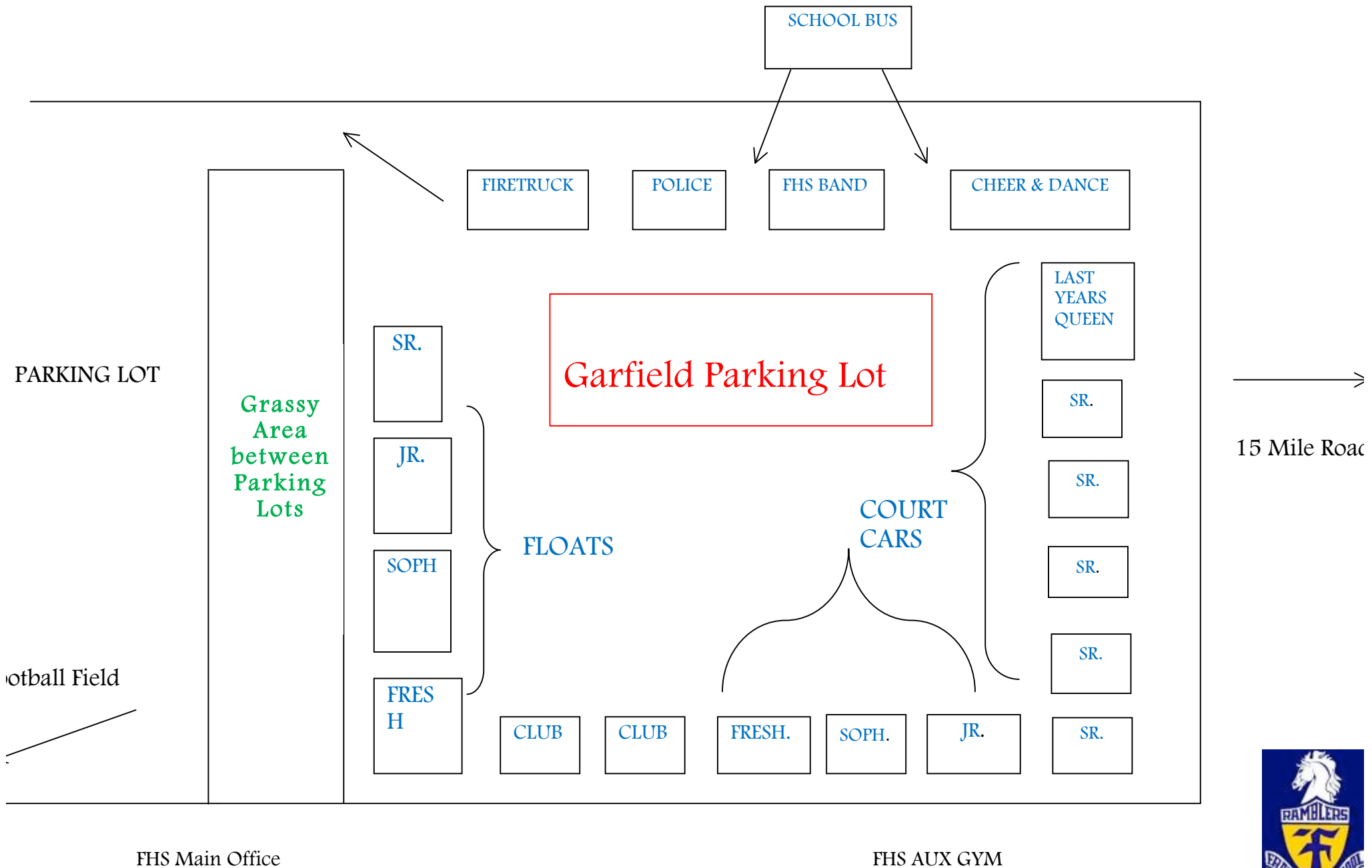
Sincerely,

Angela Engardio
FHS Student Council Advisors
586-439-7352
Angela.Engardio@fraserk12.org



The 2009 Homecoming Parade will START at 6:00 p.m. in the Garfield-side parking lot at FHS, just as last year. The parade will travel down Garfield past the Board Office to Klein St. The Parade will travel on Klein St. to the parking lot off of the Stadium where the Parade ends.

Garfield



APPLICATION FOR APPOINTMENT TO CITY BOARDS & COMMISSIONS

APPLICATION MAY BE SUBJECT TO PUBLIC VIEW



City of Fraser
33000 Garfield Road
Fraser, Michigan

LAST NAME	FIRST NAME	MIDDLE INITIAL
Stein	Sherry	L
ADDRESS (number & street)		
18387 13 mile		
CITY	STATE	ZIP CODE
Fraser	MI	48026
HOME PHONE		CELL PHONE
(586) 356-0841		(586) 306-2653
NAME OF BOARD/COMMISSION APPLYING FOR		
Parks & Recreation Commission		
REASON FOR INTEREST IN THIS BOARD (please list activities & special qualifications)		
See attached *		
EDUCATION (please list schools, diplomas, degrees, professional certificates, etc.)		
East Detroit high - high school diploma Macomb Community - some college		
CURRENT EMPLOYMENT		
COMPANY NAME	YOUR TITLE/POSITION	
PNC Bank	Vault Teller	
COMPANY ADDRESS (number & street)		
32001 Groesbeck Hwy		
CITY	STATE	ZIP CODE
Fraser	MI	48026
OFFICE PHONE		PAGER
(586) 415-4430		
PLEASE LIST YOUR RESPONSIBILITIES		
Accurately and efficiently process and record transactions for bank customers. Promote and advise on the bank's products and services. Manage cash flow for branch.		

PLEASE ATTACH YOUR RESUME TO THIS APPLICATION

**The reason for my interest in becoming a Park and recreation Commission
I have seen the great things they do for the great city of Fraser and the citizens.
I would love to be apart of a group that loves the city as much as I do.**

**I have worked close with PNC Grow Up Great. PNC has been a consistent voice for the
importance of quality early childhood education. I have volunteered over 40hrs in one
year. Which in return awarded the preschool with grants. Making a difference one
by one.**

**I have served 3 terms as Vice-President on the Eisenhower PTO board.
Which I love being involved in my children's school.**

Fraser Parks & Recreation Commission
Minutes of the Regular Meeting
Tuesday, June 3, 2014
Fraser Municipal Building

A regular meeting of the Fraser Parks and Recreation Commission was conducted on the above date at the Fraser Municipal Building, located at 33000 Garfield Road, Fraser, and County of Macomb, Michigan.

Present: Vice Chairperson Linda Stonebreaker, Secretary Sarah Kelley; Commissioners Jerry Brown, Gloria Buffa, Michael Lesich; Buddies Representative Shannon McCalley

Absent: Chairperson Chris Meller

Also Present: Christina Woods, Recreation Director

1. Call Meeting to Order

Vice Chair Stonebreaker called meeting to order at 7:03 pm.

2. Pledge of Allegiance

3. Approval of Agenda

COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER BROWN TO APPROVE THE RECREATION COMMISSION REGULAR MEETING AGENDA FOR JUNE 3 2014.

Motion carried unanimously.

4. Approval of Minutes

COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER BROWN TO APPROVE THE MINUTES OF THE RECREATION COMMISSION REGULAR MEETING OF MAY 6TH 2014.

Motion carried unanimously.

5. Old Business

A. Update on Barrier Free Playground Planning and Events

The DPW is at McKinnley Park cleaning out the old equipment, weather permitting. FFBC will hold a fundraiser in Sandy's memory on September 18th, 2014. FFBC is also currently looking for grants.

B. Senior Spring Fling Success

The senior spring fling was the first of hopefully many senior events and it was a success! We had 30 members come to enjoy a fantastic dinner and listen to Arts Academy in the Woods Jazz Band. Arts Academy did this as a volunteer service. We have a cookout this coming Tuesday, June 10th at 11am with the Macomb County American House performing. These senior events are designed to get more people to come and experience the center and hopefully find another program or event that they will like to participate in.

Fraser Parks & Recreation Commission
Minutes of the Regular Meeting
Tuesday, June 3, 2014
Fraser Municipal Building

6. New Business

A. Recreation Commission Interviews

The Commission held interviews with the two candidates for the open Recreation Commission Seat set to expire December 31st 2017.

i) Robert Brannon

The Commissioners interviewed Robert Brannon.

ii) Sherry Stein

The Commissioners interviewed Sherry Stein.

COMMISSIONER LESICH MOVED, SECONDED BY COMMISSIONER BROWN TO RECOMMEND SHERRY STEIN TO THE RECREATION COMMISSION, TERM TO EXPIRE DECEMBER 31ST 2017.

Motion carried unanimously.

Candidate Robert Brannon requested his name withdrawn from the process.

B. City Picnic and Parade Planning Updates

We will have a movie in the park on Saturday, July 19th at dusk. Movie will be Despicable Me. Commissioners showed concern with the location of the movie because of the noise of the park. Movie will be far away from the carnival near the VFW Hall.

Family Game Day is scheduled for Saturday, July 19th as well. Commissioner Kelley suggested we add ages to the flyer to avoid confusion. The commission also talked about having opportunities for teens, such as utilizing the volleyball court or having paint or water balloon volleyball.

The parade organizing is ongoing. We have some parade groups in but they are coming in slow. We are making calls to all previous entries and are asking the commission to help spread the word.

During the Picnic, we will have the Arts and Scraps mobile along with some games for the kids. The craft show will be in about the same area, closer to the center of the park.

7. Citizen Participation

There were no citizens with comments/concerns/questions.

8. Report from Recreation Director

Credit Card processing has been set up and heavily used! This was a huge step forward for both the recreation and senior departments.

Summer program registration is going slow, however this is always to be expected as people wait until the last minute.

Hiring for summer help is done, and am optimistic with the candidates chosen. We will have a great staff this summer!

The proposed budget for FYE 2015 has been approved, including the Full Time Director and a new Part Time Clerical. Posting will go out soon for the Part Time Clerical.

Fraser Parks & Recreation Commission
Minutes of the Regular Meeting
Tuesday, June 3, 2014
Fraser Municipal Building

We are currently planning into February. Some items on the schedule: Mom 2 mom, Fraser fall festival, Christmas in Fraser, Ladies Night Out, and possibly a road rally.

9. Commission Members with Concerns

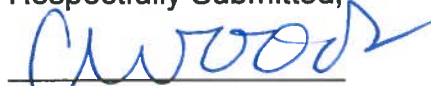
There were no commissioners with concerns.

10. Adjournment

COMMISSIONER LESICH MOVED, SECONDED BY COMMISSIONER BROWN
TO ADJOURN THE RECREATION COMMISSION MEETING OF JUNE 3RD 2014
AT 8:42 P.M.

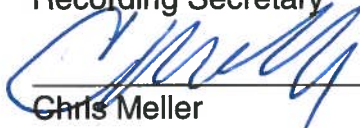
Motion carried unanimously.

Respectfully Submitted,

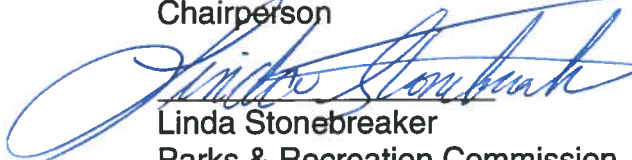


Christina Woods
Parks & Recreation Director

Ashleigh Morro
Recording Secretary



Chris Meller
Parks & Recreation Commission
Chairperson



Linda Stonebreaker
Parks & Recreation Commission
Vice Chairperson

**CITY OF FRASER
ZONING BOARD OF APPEALS
WEDNESDAY, MAY 22ND, 2014 ~ 7:00 PM
MINUTES**

Present: Chairman Stimac, Members: Calabrese, Chimenti, Farina, Fiore, Hinkle and Logan

Excused Absence:

Also Present: Jack Dolan City Attorney
 Randy Warunek Building Official
 Kelly Dolland Recording Secretary

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 7:02 pm

2. Roll Call

Chairman	Stimac	Present
Members:	Calabrese	Present
	Chimenti	Present
	Farina	Present
	Fiore	Present
	Hinkle	Present
	Logan	Present

3. Approval of Agenda ~ Regular Meeting May 22nd, 2014

Motion by Member **FARINA**, Support by Member **CALABRESE**

TO: APPROVE the agenda of the May 22nd, 2014 as Submitted

AYES **7** NAYS **0** MOTION CARRIED

4. Approval of Minutes ~ Regular Meeting January 15th, 2014

Motion by Member **FARINA**, Support by Member **CALABRESE**

TO: APPROVE the Minutes of January 15th, 2014 as Submitted

AYES **7** NAYS **0** MOTION CARRIED

5. Formal Statement

6. Public Hearing:

a. #02-14ZBA / A & L CONSTRUCTION / 33614 MULVEY / IN A PROPOSED DETACHED CONDOMINIUM SUBDIVISION DEVELOPMENT, LOCATED IN A “RL – RESIDENTIAL LOW – ONE FAMILY” ZONING DISTRICT, TO ALLOW:

1. ALL MINIMUM YARD REQUIREMENTS OF THE “RM –RESIDENTIAL MEDIUM – ONE FAMILY” ZONING DISTRICT

**CITY OF FRASER
ZONING BOARD OF APPEALS
WEDNESDAY, MAY 22ND, 2014 ~ 7:00 PM
MINUTES**

2. ALL BUILDING REQUIREMENTS OF THE “RM – RESIDENTIAL MEDIUM – ONE FAMILY” ZONING DISTRICT

1. TO ALLOW: ALL MINIMUM YARD REQUIREMENTS OF THE “RM –RESIDENTIAL MEDIUM – ONE FAMILY” ZONING DISTRICT

ADMINISTRATIVE STATEMENT OF FACTS:

The Petitioner is proposing to build a multi-lot, detached-condominium, residential subdivision development on an existing 5.33-acre parcel located at 33614 Mulvey in the RL (Residential Low – One Family) zoning district.

The Petitioner is requesting a variance to reduce the minimum yard requirements and adjust the building requirements for RL zoning on this parcel to the corresponding requirements for RM (Residential Medium – One Family) zoning.

Per Sections 32-122 (3) & (4):

Lots in the RL district must have:

- Minimum lot area: 10,200 square feet
- Minimum lot width: 85 feet
- Minimum lot depth: 142 feet
- Minimum rear yard setback: 40 feet
- Minimum side yard setbacks: least side – 5 feet & total of both sides – 15 feet
- Minimum front yard setback: 30 feet
- Maximum lot coverage: 25 percent
- Minimum floor area: (square footage adjusted by house styles shown in Section 32-122 (4) table inset)

Lots in the RM district would have the following restrictions:

- Minimum lot area: 7800 square feet
- Minimum lot width: 65 feet
- Minimum lot depth: 120 feet
- Minimum rear yard setback: 30 feet
- Minimum side yard setbacks: least side – 5 feet & total of both sides – 13 feet
- Minimum front yard setback: 25 feet
- Maximum lot coverage: 30 percent
- Minimum floor area: (square footage adjusted by house styles shown in Section 32-122 (4) table inset)

table inset)

If granted, the development, as submitted to the Building Department, would allow 14 buildable lots in the subdivision and 2 outlots on Mulvey. One additional large park area would be included, combining with the adjacent development for a total of 4 park areas.

Also, with the proposed park area, it should be noted that a 10% credit would be allowed to the minimum lot area and lot frontage, per Section 26-95 of the Fraser Code of Ordinances.

This allows:

- Minimum lot area of 10,200 square feet to be 9100 square feet
- Minimum lot width of 85 feet to be 76 feet
- Minimum lot depth is not addressed and remains 142 feet

**CITY OF FRASER
ZONING BOARD OF APPEALS
WEDNESDAY, MAY 22ND, 2014 ~ 7:00 PM
MINUTES**

The Petitioner believes the difficulty he has in maintaining RL zoning requirements is due to a number of restrictions caused by this parcel:

- 1) The shape of the parcel
- 2) The narrow lot frontage on Mulvey
- 3) The extensive flood plain area on the parcel
- 4) RL size lots not consistent with all of the RM developments
to the northwest, west and south

In addition, the development to the east, which will combine with this development to form the entire Royal Park subdivision, has already been granted these reductions with actions by this board on November 30, 2006 (#06-06ZBA) and June 7, 2007 (#06-07ZBA).

The Petitioner is now present and requesting variances to the minimum yard requirements and the building requirements in an "RL" zoning district as set by Sections 32-122 (3) & (4) of the Fraser Zoning Ordinance.

Mr. Warunek spoke of Planner's Comments and Public Safety Concerns.

Mr. Larry Dubay, representing A&L Construction requested the same lot size and building setback as original phase seven years ago, he asked for this phase to be consistent with original.

Mr. Dubay stated he had a home owners meeting prior this meeting regarding the second phase, and provided a signed letter by the residents.

Member Farina asked about the overflow water area ~ Mr. Dubay stated the subdivision will have a shelf area in the triangle area of the site plan.

Mr. Warunek stated the water and sewer was designed for a future development.

Chairman Stimac asked why not gain approval with re-zoning the lot? ~ Was approved seven years ago, would like to be consistent. Mr. Dubay stated he believed there is a hardship because of the flood plan and the narrow frontage on Mulvey. Under the current zoning nine lots would be allowed on one side of the street; RM zoning for houses on both sides of the street, would have more an aesthetic appeal.

Chairman Stimac asked if units 15 and 16 on the plan exist. ~ Yes, would like to amend the master deed to make full lots. The street will go through lot 16, there is language in the master deed to allow a street.

Public Hearing: 7:38pm

Mr. Chapman suggested adding an additional street entryway to Mulvey vs. a loop back into one entrance.

Chairman Stimac stated the Zoning Board of Appeals is asked to modify the minimum lot area and modify the set back requirements for the development not approving the layout.

Mrs. Chapman stated she is concerned about the flood plain area and asked about the proposed street on lot 16; A&L Construction does not own lot 16 to create a street.

Mr. Dolan stated, if a variance were to be granted, he must have property rights in place and a completed infrastructure associated with the site, example the street.

Mr Thacker concerned with his rear yard, consistently wet.

Mr. Rick Paoletti expressed concern regarding the flood plain and dirt displacement, believes Mr. Dubay is proposing a lake and will create lake front property for his Paoletti properties which he owns. Mr. Paoletti stated he does not have a problem with the variance request.

Mr. Sangeorzan questioned the request of a smaller lot and why not the RL zoning and what is the difference between condo vs. house? What is the hardship?

Chairman Stimac paraphrased the definition of the Condo Act, which is an alternative form of creating lot ownership.

**CITY OF FRASER
ZONING BOARD OF APPEALS
WEDNESDAY, MAY 22ND, 2014 ~ 7:00 PM
MINUTES**

Mr. Disney stated the entrance/exit of the development is angled directly onto his property. Car headlights beam directly into his house. Mr. Disney requested the road be u-shaped into Mulvey VS. loop in the development and also believes the RL lot size is acceptable.

Mr. Tito Paoletti stated he does not like condos going up behind his lot.

Mr. Young spoke on the topic.

Mrs. Disney stated traffic headlights exiting from Royal Park Estates create a disturbance for her and her family on Mulvey. Mrs. Disney also inquired about the U-shaped road and if that is an option for the new development. ~ Chairman Stimac stated it is subject to review by the city engineer, the two roads would be 150ft apart, which is not a safe situation.

Mrs. Chapman spoke.

Public Hearing closed 8:30pm

Member Hinkle asked if the site plan was finalized. ~ Plan is not finalized, the first step would be to get the variance, and once the variance is approved the layout process begins.

Mr. Dolan stated he would hesitate to grant a variance with respect to property Mr. Dubay doesn't have an interest in. The plan depends on Mr. Dubay acquired on interest, portion lot 16.

Mr. Dubay spoke of variance options for the development.

Chairman Stimac stated the variance request should be a re-zoning request.

Mr. Dolan stated Mr. Dubay has the right to seek a variance, whether or not it is appropriate to grant is within the discretion of the board, following the appropriate standards. He is not obligated to seek a re-zoning first and come before the Zoning Board of Appeals for a variance.

Mr. Dubay stated he was advised to seek a variance to keep the subdivision consistent. Also the area does not have the right conditions for a "RL" zoning, it's too small, irregular shape and the houses will be on one side of the street.

Chairman Stimac moved to Deny #02-14ZBA based on the fact the petitioner had adequate avenues to address the hardships of the property by seeking re-zoning approval through the Planning Commission and City Council.

Motion by Chairman STIMAC, Support by Member FIORE

1. TO: DENY / #02-14ZBA / ALL MINIMUM YARD REQUIREMENTS OF THE "RM –RESIDENTIAL MEDIUM – ONE FAMILY" ZONING DISTRICT

With the following stipulations:

2. TO: DENY / 02-14ZBA / ALL BUILDING REQUIREMENTS OF THE "RM – RESIDENTIAL MEDIUM – ONE FAMILY" ZONING DISTRICT

AYES 0 NAYS 7 FAILED

7. New Business of the Board:

a. Motion to nominate Chairman, Vice Chair and Secretary to the City of Zoning Board of Appeals.

1. Motion to nominate Member STIMAC as Chairperson of the Fraser Zoning Board of Appeals.

Member Stimac accepted nomination.

Motion made by Member FARINA, Support by Member CALABRESE

**CITY OF FRASER
ZONING BOARD OF APPEALS
WEDNESDAY, MAY 22ND, 2014 ~ 7:00 PM
MINUTES**

AYES 7 NAYS 0 MOTION CARRIED

2. Motion to nominate Member FARINA as Vice Chairman of the Fraser Zoning Board of Appeals.

Member Farina accepted nomination.

Motion made by Member CHIMENTI, Support by Member CALABRESE

AYES 7 NAYS 0 MOTION CARRIED

3. Motion to nominate Member HINKLE as Secretary of the Fraser Zoning Board of Appeals.

Motion made by Member CALABRESE, Support by Member CHIMENTI

AYES 7 NAYS 0 MOTION CARRIED

8. Old Business of the Board:

9. Public to be heard: NONE

10. Adjournment:

TO: Adjourn the meeting of the **May 22nd, 2014** at 8:52pm.

Motion by Member **CHIMENTI**, Support by Member **CALABRESE**

AYES 7 NAYS 0 MOTION CARRIED

THE MOTION WAS CARRIED UNANIMOUSLY.

CHRIS HINKLE, ZBA Secretary

RANDY WARUNEK, Building Department Director

Audience members:

Mr. Dubay

Mr. & Mrs. Disney

Mr. & Mrs. Chapman

Mr. & Mr. Paoletti

Three residences of Paoletti

Four residence of Royal Park Estates

Mr. Thacher

**CITY OF FRASER PLANNING COMMISSION
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
WEDNESDAY, MAY 7TH, 2014 ~ 7:00 P.M.
MINUTES**

PRESENT: CHAIRPERSON RICKARD, MEMBERS: BARR, EHRKE, LARAMIE, NEIBORG, QUERTERMOUS, AND STONEBREAKER

EXCUSED ABSENCE: MEMBER LOY

ALSO PRESENT: TIM TOMLINSON, CITY ATTORNEY
PATRICK MEAGHER, CITY PLANNER
KELLY DOLLAND, RECORDING SECRETARY

1. CALL MEETING TO ORDER:

Chairman Rickard called the meeting to order at 7:03 PM

2.	Chairman	Rickard	Present
	Members:	Barr	Present
		Calabrese	Present
		Ehrke	Present
		Laramie	Present
		Loy	
		Neiborg	Present
		Quertermous	Present
		Stonebreaker	Present

3. APPROVAL OF AGENDA ~ Regular Meeting of May 7th, 2014

Motion by Member **LARAMIE** Support by Member **CALABRESE**

TO: APPROVE the agenda of May 7th, 2014 as Submitted

AYES **8** NAYS **0** MOTION CARRIED

4. APPROVAL OF MINUTES ~ Meeting of the April 2nd, 2014

Motion by Member **LARAMIE** Support by Member **STONEBREAKER**

TO: APPROVE the April 2nd, 2014 minutes as Submitted

AYES **8** NAYS **0** MOTION CARRIED

5. PUBLIC HEARING: NONE

6. SITE PLANS, SIGN REVIEWS, AND OTHER REVIEWS:

a. #01-14SP / AT&T MOBILITY MI 4689 / 16001 HANOVER, MCKINLEY PARK / COLOCATION ON EXISTING WIRELESS COMMUNICATION FACILITY

Anthony Amine represented AT&T Mobility. Mr. Amine is requesting approval for co-location on existing tower and place a 12x24 standard prefabricated shelter at the base of the tower within the 50x50 compound area.

Member Stonebreaker, inquired about the noise level ~ generator inside shelter, noise level not an issue.

Mr. Meagher stated once approved by the Planning Commission, land improvement and permits will be addressed by Randy Warunek, Building Official.

**CITY OF FRASER PLANNING COMMISSION
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
WEDNESDAY, MAY 7TH, 2014 ~ 7:00 P.M.
MINUTES**

Member Quertermous asked about the landscaping ~ trees will be removed, but if trees need to be planted will do that. Chairman Rickard commented about the condition of the shelter 'gate'. The gate condition is poor, should be replaced. Mr. Amine stated does not own the gate, can ask the owner of the gate to maintain the gate.

Mr. Meagher stated can add to motion.

Member Neiborg inquired about the noise level of the generator ~ stated the building permit review will determine what the decibel rating level of the generator should be.

Member Quertermous suggested planting arborvitaes around the shelter.

Member Stonebreaker made a motion to approve Site Plan #01-14SP with the addition of arborvitaes, in increments shown, around the wall, and the City to check the condition of the gate.

Motion by Member **STONEBREAKER**, Supported Member **CALABRESE**

TO: APPROVE / #01-14SP / AT&T MOBILITY MI 4689 / 16001 HANOVER, MCKINLEY PARK / COLOCATION ON EXISTING WIRELESS COMMUNICATION FACILITY

AYES 8 NAYS 0 MOTION CARRIED

With the following stipulations:

1. To replace the arborvitae in increments of three around the shelter.
2. The City to check the condition of the gate.

6. SITE PLANS, SIGN REVIEWS, AND OTHER REVIEWS: NONE

7. NEW BUSINESS: NONE

8. UNFINISHED BUSINESS: NONE

9. OLD BUSINESS:

a. Discuss Open Air / Temporary Sales City Planner & City Attorney proposal of Open Air / Temporary Sales Ordinance revision

Mr. Meagher stated this would be a regulatory ordinance and will not need a public hearing. City Council will adopt the ordinance. Mr. Meagher stated he, the City Attorney and Building Official intend to meet and discuss the ordinance prior the next meeting. Mr. Meagher has asked to table discussion till next meeting.

Member Stonebreaker asked if he had a home business, would he be able to set up a tent in his yard. – A home occupation would not qualify.

Motion by Member **STONEBREAKER**, Supported Member **EHRKE**

TO: Table / Discuss Open Air / Temporary Sales City Planner & City Attorney proposal of Open Air / Temporary Sales Ordinance revision

AYES 8 NAYS 0 MOTION CARRIED

10. ZBA LIAISON: NONE

**CITY OF FRASER PLANNING COMMISSION
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
WEDNESDAY, MAY 7TH, 2014 ~ 7:00 P.M.
MINUTES**

11. COMMISSION MEMBERS TO BE HEARD:

Chairman Rickard: Read prepared letter from Member Barr.
Member Laramie: Pleased Member Barr is on the Planning Commission.
Member Barr: Expressed negative feedback regarding Pocket Neighborhoods
Member Calabrese: Request notice of new businesses in the City of Fraser
Member Ehrke: Fraser Public Library Open House 5-17-2014
Member Loy:
Member Neiborg: Nothing at this time
Member Quertermous: Nothing at this time
Member Stonebreaker: Expressed negative feedback regarding Cottage Housing
City Planner Meagher: Cottage Housing
City Attorney:
Building Official:

12. PUBLIC TO BE HEARD:

13. ADJOURNMENT:

Motion by **Member CALABRESE**, Support by Member **EHRKE**

TO: Adjourn the meeting of May 7th, 2014 at 7:55pm

AYES **8** NAYS **0** MOTION CARRIED.

THE MOTION WAS CARRIED UNANIMOUSLY.

ROBERT NEIBORG, Secretary

RANDY WARUNEK, Building Department Director

Audience members:

Joe Chimenti

Anthony Amine



Mark A. Hackel
County Executive

COMMUNITY SERVICES AGENCY

21885 Dunham Road, Suite 10 • Clinton Township, Michigan 48036

Phone: (586) 469-6999 • Fax: (586) 469-5530

www.macombgov.org/MCCSA



Rhonda M. Powell
Director

June 27, 2014

Richard Haberman
City of Fraser
33000 Garfield
Fraser 48026

RE: Urban County of Macomb Renewal for the 2015-2017 program years.

Dear Richard,

I recently notified all 21 member communities of the Urban County of Macomb's CDBG program of their options for participation for the 2015-2017 program years. As you know, Macomb County has an automatic renewal provision written into its Cooperation Agreements, and membership is automatically renewed unless a community specifically exercises its option not to renew. Fortunately, none of the members of the Urban County opted out of the program so our membership will remain the same for the 2015-2017 program years.

While the existing Cooperation Agreements contain an automatic renewal clause, the document needs to be amended to include language required under the FY 2014 HUD appropriation bill, to reflect the addition of the Emergency Solutions Grant, and to clarify administrative responsibilities. Since your community has opted to stay with the County's program the amended agreement, which was approved by the County Board of Commissioners on June 19, 2014, must be approved by your governing body and executed by the proper officials.

Please return one copy of the agreement with original signatures to this office by **August 1, 2014**. The second copy of the agreement should be kept with your records. When returning the agreement please make sure to provide documentation to verify that the agreement was approved by your governing body.

I look forward our continued partnership. Please let me know if you have any questions or concerns about the information contained in this correspondence.

Sincerely,

Stephanie Burgess, Program Manager
MCCSA Community Development

COOPERATIVE AGREEMENT

"Urban County"

Community Development Block Grant Program

Amended for the FYs 2015-2017 Urban County Qualification

THIS AGREEMENT made and entered into this _____ day of _____, 2014 by and between the City of Fraser, State of Michigan hereinafter referred to as the "COMMUNITY", and the County of Macomb, a Michigan Constitutional Corporation, State of Michigan, hereinafter referred to as the "COUNTY":

WHEREAS, the Housing and Community Development Act of 1974 as amended provides an entitlement of funds for Community Development purposes for urban counties; and

WHEREAS, COUNTY has been designated as an Urban County provided that it secures Cooperation Agreements with various communities in Macomb County; and

WHEREAS, this agreement covers both the Community Development Block Grant (CDBG) Entitlement Program and, where applicable, the HOME Investment Partnership program, and the Emergency Solutions Grant Program (ESG).

NOW THEREFORE, the COMMUNITY and COUNTY do hereby promise and agree:

THAT the COMMUNITY may not apply for grants under Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the COUNTY's CDBG program; and

THAT the COMMUNITY may not participate in a HOME consortium except through the COUNTY, regardless of whether the COUNTY receives a HOME formula allocation; and

THAT the COMMUNITY may participate in the Emergency Solutions Grant (ESG) Program through the Urban County; and

THAT the COUNTY has the final responsibility for determining the method of allocating funds covered under this agreement.

THAT the COUNTY shall have final responsibility for selecting CDBG (and where applicable, HOME and ESG) activities and annually filing Final Statements with HUD;

THAT the COUNTY will, on behalf of the COMMUNITY, execute essential Community Development and Housing Assistance applications, plans, programs and projects eligible under the Housing and Development Act of 1974 as amended; and

THAT the COMMUNITY and the COUNTY will cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities; and

THAT the COMMUNITY and the COUNTY will take all actions necessary to assure compliance with the COUNTY's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The COMMUNITY and the COUNTY are also obligated to comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975 and other applicable laws; and that funding by the COUNTY is contingent upon the COMMUNITY's Compliance with the above: and

THAT the COUNTY is prohibited from funding activities in, or in support of, any COMMUNITY that does not affirmatively further fair housing within its own jurisdiction, or that impedes the COUNTY's action to comply with its fair housing certification; and that funding by the COUNTY is contingent upon the COMMUNITY's compliance with the above; and

THAT the COMMUNITY has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights remonstrance within its jurisdiction; and

THAT the period of time of this agreement (Federal FY 2015-2017) shall be automatically renewed in successive three-year qualification periods, unless the COUNTY or the COMMUNITY provides written notice it elects not to participate in a new qualification period. A copy of this notice must be sent to the HUD Field Office; by the date specified in HUD's urban county qualification notice for the next qualification period, the urban COUNTY will notify the participating unit of general local government in writing of its right not to participate; and

THAT failure by either party to adopt an amendment to the agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the urban county qualification notice, will void the automatic renewal of such qualification period; and

THAT the agreement remains in effect until the CDBG (and where applicable, HOME and ESG) funds and program income received (with respect to activities carried out during the three year qualification period and any successive qualification periods under this automatic renewal provision) are expended and the funded activities completed, and that the COUNTY and participating unit of general local government (COMMUNITY) may not terminate or withdraw from the agreement while the agreement remains in effect; and

THAT the COMMUNITY shall inform the COUNTY of any income generated by the expenditure of CDBG funds received by the COMMUNITY; and

THAT any such program income generated by the COMMUNITY must be paid to the COUNTY, unless at the COUNTY's discretion, the COMMUNITY may retain the program income as set forth in 24 CFR 570.503; and

THAT any program income the COMMUNITY is authorized by the COUNTY to retain may only be used for eligible activities approved by the COUNTY in accordance with all CDBG requirements as may then apply; and

THAT the COUNTY has the responsibility for monitoring and reporting to HUD on the use of any such program income, thereby requiring appropriate record keeping and reporting by the COMMUNITY as may be needed for this purpose; and

THAT in the event of closeout or change in status of the COMMUNITY, any program income that is on-hand or received subsequent to the closeout or change in status shall be paid to the COUNTY; and

THAT the COMMUNITY shall provide timely notification to the COUNTY of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition; and

THAT the COMMUNITY shall reimburse the COUNTY in the amount equal to the current fair market value (less any portion of the value attributable to expenditures of non-CDBG funds) of real property acquired or improved with Community Development Block Grant funds that is sold or transferred for the use which does not qualify under the CDBG regulations; and

THAT the COMMUNITY shall return to the COUNTY program income generated from the disposition or transfer of real property prior to or subsequent to the closeout, change of status or termination of the cooperation agreement between the COUNTY and the COMMUNITY; and

THAT the terms and provisions of this agreement are fully authorized under State and local law, and that the agreement provides full legal authority for the COUNTY to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly-assisted housing; and

THAT pursuant to 24 CFR 570.501 (b), the COMMUNITY is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503; and

THAT the COMMUNITY may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

THAT the COMMUNITY shall designate a staff person as the primary contact to whom all notices and communication from COUNTY shall be directed. The COUNTY's duty to notify COMMUNITY shall be complete when the communication is sent to the designated staff person. It is the exclusive duty of that person to notify the correct individuals or departments within the COMMUNITY; and

THAT the COMMUNITY, to the furthest extent permitted by law, shall defend, indemnify and hold harmless the COUNTY, its officers, employees and agents from liability for any fines, penalties (including repayment of funds), or damage of any type accruing to COUNTY by virtue of COMMUNITY's failure to comply with any requirement of the program and the regulations issued pursuant thereto, or failure to comply in any respect with the program described herein. Further, the COMMUNITY shall defend, indemnify and hold harmless COUNTY, its officers, employees, and agents against any and all liability for injury or damage caused by any act or omission of the COMMUNITY or any of the COMMUNITY's employees or volunteers in the performance of the contract or program and the COMMUNITY shall hold the COUNTY harmless from any and all loss occasioned in the performance of, or otherwise arising out of, this Agreement.

THAT If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected and all other parts of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the COMMUNITY and the COUNTY have by resolutions authorized this agreement to be executed by their respective officers thereunto as of the day and year first above written.

County of Macomb

City of Fraser

By: Pamela J. Lavers
Name: ~~Albert E. Lorezno~~
Title: **Pamela J. Lavers**
Date: **Macomb County Assistant Executive**
6/20/14

by: _____
Name: _____
Title: _____
Date: _____

Approved as to Form:
County of Macomb Corporation Counsel

Approved as to Form:
City Attorney

Jill K Smith
Name: Jill K Smith
Date: 6/15/14

Name: _____
Date: _____

CERTIFICATION BY COUNTY CORPORATION COUNSEL

The undersigned, Corporation Counsel for the County of Macomb, certifies that the terms and provisions of the foregoing Cooperative Agreement are fully authorized under existing State and local law and that this agreement provides full legal authority for the County to undertake, or assist in undertaking, essential community renewal and lower income housing assistance activities in cooperation with local units of government.

Dated: June 5, 2014



Name: Jill K. Smith
Title: Assistant Corporation Counsel
Macomb County Corporation Counsel

Rich Haberman

From: Kelly Dolland
Sent: Thursday, July 03, 2014 8:45 AM
To: Rich Haberman; Kathy Kacanowski
Cc: Kelly Dolland; Randy Warunek

Kelly Ann Dolland
City of Fraser
Building & Code Enforcement Department
33000 Garfield Rd
Fraser, MI 48026
Phone ~ 586-293-3100 ext. 154
Fax ~ 586-293-4717
E-mail ~ Kellyd@micityoffraser.com

Rich and Kathy,

Please include this action made by the Planning Commission in the 7-10-2014 Fraser Council meeting.
At the 7-2-2014 Planning Commission meeting, the commission made the recommendation to city council to approve the rezoning of 34720 Garfield. (#01-14RZ / Hicks Leasing Company, LLC / 34760 Garfield Rd / To Rezone property with former day-care facility from residential high (RH) to office service (OS) to accommodate office facility).

Thank you,

Kelly Dolland



City of Fraser
June 26, 2014

RE: Dongan Electric Manufacturing Company Rezoning Request

Dongan Electric Manufacturing Company was founded in upstate New York in 1909 by Lyle J. Hicks, the current owners' grandfather. The Company was moved to Detroit in 1911 into the building we have occupied for 103 years. The business initially manufactured ammeters and voltmeters and gradually moved into making low voltage doorbell transformers and "B battery" conversion components for console radios. Neon transformers and ignition transformers followed. During World War II, the company made dry-type distribution transformers and Department of Defense designated products for the war effort. Ownership transferred to Charles E. "Bud" Hicks in the early 50's and then to Gary and Steve Hicks during the 80's.

Current product lines include dry-type, non-oil filled, general purpose, distribution transformers, buck-boost, ignition, industrial control, K-rated and energy efficient distribution transformers. In addition, Dongan is known for its ability to make custom designed, OEM transformers in a very timely manner. Sales and marketing efforts are through electrical distributors and independent manufacturing representatives throughout the United States. Products may be reviewed at www.dongan.com.

We have developed several international clients in India, China, Thailand and Europe. All manufacturing operations are conducted at our location in Pioneer, Ohio - a plant built in 1957.

The purpose of our relocation to the Fraser site is to house our administrative and headquarters staff of approximately 13 people. This staff is comprised of accounting, engineering, sales and administrative members. There will be no manufacturing facilities at the location and hours will follow general accepted industrial office hours. We expect limited customer, professional and vendor visits to the site as well as some package delivery / pickup for corporate communications, catalog requests, mail and envelope traffic mostly via UPS or Fed-Ex. No products will be warehoused or sold from the Fraser site.

Our intent is to modify the interior of the building from the existing day care center layout to accommodate our staff with offices, a conference room, break area and open areas for office cubicles. Additionally, the building will be equipped with new communication gear including telephones, computer servers, and associated equipment.

The site and grounds represent a wonderful change for our staff and we look forward to being a part of the Fraser community for the next 100 years!

Sincerely,
Dongan Electric Manufacturing Co.

Gary Hicks: General Manager
Steve Hicks: President

MOTION MADE BY:_____

MOTION SECONDED BY:_____

AN ORDINANCE AMENDING AND REVISING PROVISIONS RELATING TO APPLICATIONS AND ISSUANCE OF LICENSES, GROUNDS FOR SUSPENSION, REVOCATION AND REPEAL, FOR TRANSIENT MERCHANTS AND PEDDLERS PROVIDING FOR REPEALER, SEVERABILITY 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 to promote the orderly use of streets and public places, the safe transfer of goods, the avoidance of crime and the preservation of streets and neighborhoods, the city enacts the ordinance hereinafter.

Section 2. Section 19 of the Code of Ordinances as noted below are revised and amended to read as follows:

Sec. 19-3. License required; Exceptions.

- (A) It is unlawful to engage in the business of a transient merchant or peddler without obtaining and maintaining a valid license.
- (B) This section shall not apply to any persons selling goods, wares, or merchandise exclusively raised, produced, or manufactured by the individual offering them for sale at the same location.
- (C) This section shall not apply to any person engaged in the sale of goods and association with the temporary fair, festival, or similar event sponsored by a non-profit charitable organization within the city. Persons engaged in such activity shall be required to submit a statement outlining the duration of the event, the method of handling parking, pedestrian traffic, sanitary disposal and other matters as reasonably required by the City Manager to the City Manager’s office. Approval by the City Council shall be required prior to engaging in any activity pursuant to this subsection.
- (D) A person depending on the nature of the activity may be required to have both the license pursuant to this section and a street vendor license and is required to set forth the nature of such activities so that a determination may be made by the clerk’s office as to whether each license is required.

Sec. 19-4. Application for License.

Prior to issuance of a license, applicants shall apply for a license upon forms furnished by the Clerk’s office submitting the following complete information for each person who will engage in peddling or transient merchant business, each of whom requires a separate license:

- 1. Name, permanent address and date of birth.
- 2. Fingerprints of each person pursuant to procedures as approved by the

Department of Public Safety.

3. Locations within the City where applicant proposes to carry on business and anticipated length of time and hours of operation.
4. A copy of the proposed identification card to be approved by the Public Safety Department and displayed by all persons carrying on such business.
5. All addresses and names of businesses in which the applicant has been an employee, or conducted business, within the preceding 24 months.
6. A description of the proposed goods to be sold, the source of supply, including name, address and phone number.
7. Copies of all licenses and permits issued associated with the sale of such goods, including by way of illustration, Public Health Department licensure.
8. A list of all civil actions whether administrative or court actions including parties, case number and court in which applicant has been involved as a party, agent or employee of a party in the preceding 5 years, regardless of whether any proceedings are opened or closed.
9. A list of any and all locations where the applicant is engaged in similar activities for the preceding 10 years, including statements as to whether any licenses have been issued for such activity and whether any such licenses were ever suspended or revoked.
10. A list of any and all felony convictions, misdemeanor convictions involving fraud or dishonesty, the possession, use or sale of alcohol and drugs, assault, or criminal sexual conduct.
11. A list of traffic offenses within the preceding 10 years involving any alcohol related offenses, reckless driving, leaving the scene of a property damage, or personal injury accident, suspended license, failure to comply with judgments or failure to appear in court.

Sec. 19-5. Investigation; Issuance of a License.

Upon a complete application being submitted, including all necessary questions answered and fingerprinting having been completed, the City Clerk within 21 days shall act to issue or deny the application. Criteria utilized in denying the application include any of the following:

- A. Existence of any felony within the previous 10 years.
- B. Existence of any misdemeanor conviction within the previous 10 years for fraud, dishonesty, criminal sexual conduct, assault, or other similar charges within the previous 10 years.
- C. The absence of a valid drivers license and/or any suspensions of a drivers license within the preceding 3 years.
- D. Any convictions for alcohol related driving offenses, illegal sale of alcohol, or furnishing alcohol to minors within the preceding 10 years.
- E. Any reckless driving, leaving the scene of property damage or personal injury accidents within the previous 10 years.
- F. Any outstanding arrest warrants and/or the existence of any outstanding arrest warrants within the preceding three years.

- G. Any outstanding, unsatisfied judgments, or liens.
- H. Any judgments or court orders finding or making determinations of fraud, conversion, misappropriation, or dishonesty.
- I. Any false or inaccurate information furnished in support of the application.

Sec. 19-6. Revocation of a License, Notice and Hearing.

A license issued pursuant to this chapter may be suspended or revoked by the Director of Public Safety after a notice and hearing for any of the criteria which could be utilized in denying the application as set forth under section 19-5, or any similar cause. Notice of hearing for the revocation shall be given in writing to the address set forth on the application specifying the grounds, the date, time and place of hearing. It shall be mailed by first class mail at least 10 days prior to the hearing date set, or personally delivered to the licensee. The Director of Public Safety may revoke or suspend the license and impose reasonable conditions associated with any suspension.

Section 19-7. Appeals Procedure.

Any applicant aggrieved by the denial of the issuance of an application, any suspension, or revocation of an application, or other action against an application, may appeal by filing with the City Manager within 10 days after denial of such application or other action, a written statement claiming an appeal and setting forth the grounds for appeal. The City Manager shall set a date, time and place for hearing of such appeal commencing such hearing within 45 days providing notice by mailing the same by first class mail to the last address of the applicant furnished to the City in writing. The decision of the City Manager shall be final and the reasons for such decisions shall be furnished in writing to the applicant appealing.

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 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:

Doug Hagerty, Mayor

Attested:

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 _____ 2014.

Kathy Kacanowski, City Clerk

PUBLICATION DATE:

Macomb Daily, _____, 2014.

MOTION MADE BY:_____

MOTION SECONDED BY:_____

AN ORDINANCE DEFINING AND REGULATING THE LICENSING ACTIVITIES AND CONDUCT OF STREET VENDORS WITHIN THE CITY OF FRASER AND PROVIDING FOR REPEALER, SEVERABILITY, 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 street vendors within the City, in order to promote the orderly use of streets and public places, the safe transfer of goods, the avoidance of pedestrian and vehicular traffic congestion, the preservation of tranquility within neighborhoods, the avoidance of crime and the promotion of a harmonious relationship between surrounding properties and public streets and places and to provide for the quiet enjoyment of private property, the City enacts the ordinance hereinafter.

Section 2. Article III of the Code of Ordinances is hereby revised and amended as follows:

ARTICLE III STREET VENDORS

DIVISION 1. GENERAL.

Sec. 19-47. Defined.

For the purpose of this Article, Street Vendor shall be defined to be any person who sells or peddles on the streets, alleys, or public places, or from door to door of homes, offices, buildings, or other places of business, food or other products. Excluded are persons who sell by invitation only, from the occupant or owner of non public premises to which a vendor travels.

Sec. 19-48. Prohibited Areas.

The City Manager, or his designee, shall have the power to designate such streets, parks, alleys, parts of streets, districts or areas, where it shall be unlawful for any street vendor to operate or conduct business. In determining prohibited areas, the interaction of pedestrian and vehicular traffic, the proximity and uses of surrounding property and the conditions and character of the neighborhood shall be evaluated in determining such prohibition.

Sec. 19-49. Prohibited Near Schools.

It is unlawful for any street vendor to park, stand, or stop for purposes of making any sale within 200 feet of any public or private school.

Sec. 19-50. Use of Noise or Oscillating Lights to Attract Attention Prohibited.

It shall be unlawful for any street vendor to use bells, whistles, horns, or other amplification of noise, or to use oscillating lights to attract attention.

Sec. 19-51. Movement of Vehicles.

Vehicles used by street vendors when engaged in their business on city streets and other public places, must be kept in motion, except when making sales and their movement must be timed and executed so as to cause a minimum interference with traffic.

Sec. 19-52. Sales to Persons Standing in Roadway Prohibited.

It shall be unlawful for any street vendor to make any sale or delivery to any person while such person is standing in the portion of the roadway designed for vehicular traffic, or the shoulder area of the road.

Sec. 19-53. Sanitation of Vehicles Selling Food Stuff.

All vehicles used in the sale of food stuff under this Article, must be kept in a clean and sanitary condition at all times and any foods must be kept in a sanitary condition, properly covered and refrigerated and maintained. All Health Department licenses and other required licenses associated with the preparation and sale of food stuffs or other products must be maintained current and displayed upon the vehicle in a location where they can be observed from the vehicle by customers.

DIVISION 2. LICENSES.

Sec. 19-54. License Required.

No person shall engage in the business for occupation of street vendor within the limits of the City without a valid current license issued from the City Clerk.

Sec. 19-55. Application for License.

Prior to issuance of a license, applicants shall apply for a license upon forms furnished by the Clerk's office submitting the following complete information for each person who will engage in street vending, each of whom requires a separate license:

1. Name, permanent address and date of birth.
2. Fingerprints of each person pursuant to procedures as approved by the Department of Public Safety.
3. Locations within the City where applicant proposes to carry on business and anticipated length of time and hours of operation.
4. A copy of the proposed identification card to be approved by the Public Safety Department and displayed by all persons carrying on such business.
5. All addresses and names of businesses in which the applicant has been an employee, or conducted business, within the preceding 24 months.
6. A description of the proposed goods to be sold, the source of supply, including name, address and phone number.
7. Copies of all licenses and permits issued associated with the sale of such goods, including by way of illustration, Public Health Department licensure.
8. A list of all civil actions whether administrative or court actions including parties, case number and court in which applicant has been involved as a party, agent or employee of a party in the preceding 5 years, regardless of whether any proceedings are opened or closed.
9. A list of any and all locations where the applicant is engaged in similar

activities for the preceding 10 years, including statements as to whether any licenses have been issued for such activity and whether any such licenses were ever suspended or revoked.

10. A list of any and all felony convictions, misdemeanor convictions involving fraud or dishonesty, the possession, use or sale of alcohol and drugs, assault, or criminal sexual conduct.
11. A list of traffic offenses within the preceding 10 years involving any alcohol related offenses, reckless driving, leaving the scene of a property damage, or personal injury accident, suspended license, failure to comply with judgments or failure to appear in court.

Sec. 19-56. Issuance/Denial.

Upon a complete application being submitted, including all necessary questions answered and fingerprinting having been completed, the City Clerk within 21 days shall act to issue or deny the application. Criteria utilized in denying the application include any of the following:

- A. Existence of any felony within the previous 10 years.
- B. Existence of any misdemeanor conviction within the previous 10 years for fraud, dishonesty, criminal sexual conduct, assault, or other similar charges within the previous 10 years.
- C. The absence of a valid drivers license and/or any suspensions of a drivers license within the preceding 3 years.
- D. Any convictions for alcohol related driving offenses, illegal sale of alcohol, or furnishing alcohol to minors within the preceding 10 years.
- E. Any reckless driving, leaving the scene of property damage or personal injury accidents within the previous 10 years.
- F. Any outstanding arrest warrants and/or the existence of any outstanding arrest warrants within the preceding three years.
- G. Any outstanding, unsatisfied judgments, or liens.
- H. Any judgments or court orders finding or making determinations of fraud, conversion, misappropriation, or dishonesty.
- I. Any false or inaccurate information furnished in support of the application.

Sec. 19-57. Suspension/Revocation Notice and Hearing.

A license issued pursuant to this chapter may be suspended or revoked by the Director of Public Safety after a notice and hearing for any of the criteria which could be utilized in denying the application as set forth under section 19-56, or any similar cause. Notice of hearing for the revocation shall be given in writing to the address set forth on the application specifying the grounds, the date, time and place of hearing. It shall be mailed by first class mail at least 10 days prior to the hearing date set, or personally delivered to the licensee. The Director of Public Safety may revoke or suspend the license and impose reasonable conditions associated with any suspension.

Thomas Township, (Saginaw Co.), Michigan, Code of Ordinances >> TITLE 13 - SIGN REGULATIONS
>> CHAPTER 1 SIGN REGULATIONS BY DISTRICT >>

CHAPTER 1 SIGN REGULATIONS BY DISTRICT

SECTION:

13-1-1: INTENT, PURPOSE AND OBJECTIVES:

13-1-2: GENERAL:

13-1-3: ZONING DISTRICTS:

13-1-4: BILLBOARD SIGNS:

13-1-5: TEMPORARY SIGNS:

13-1-6: EXCEPTIONS:

13-1-7: PROHIBITED SIGNS:

13-1-8: STRUCTURAL REQUIREMENTS AND STANDARDS:

13-1-9: PERMIT:

13-1-10: ILLUMINATION:

13-1-11: NONCONFORMITIES:

13-1-12: INSPECTION, REMOVAL, SAFETY:

13-1-13: DEFINITIONS:

13-1-14: SANCTIONS:

13-1-15: APPLICATIONS FOR APPEALS AND VARIANCES:

13-1-1: INTENT, PURPOSE AND OBJECTIVES:

The sign regulations as herein set forth are intended to protect and further the health, safety and welfare of the residents of the township; and to further the intent of the township's zoning ordinance and its zoning districts; to prevent traffic hazards; to provide safer conditions for pedestrians; to improve community appearance; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

Thomas Township has a substantial governmental interest in achieving the following objectives and has narrowly drawn these regulations to be the least extensive means to achieve them:

- A. Types Of Restrictions: This ordinance regulates such things as sign size, height, placement, illumination and structural components.
- B. Public Safety: The regulations are intended to improve public safety by minimizing the visual obstructions, distractions and traffic hazards caused by signs.
- C. Aesthetics: The regulations address the aesthetic purpose of avoiding visual clutter, thus furthering the objective of protecting property values and improving public safety.
- D. Balance: The regulations attempt to balance the public's need to identify locations of public and private facilities with:
 - 1. The needs of businesses to attract customers and create awareness of products.
 - 2. The limitations of human ability to deal with information especially while driving a motor vehicle.
 - 3. The constitutional objective to preserve freedom of speech.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-2: GENERAL:

- A. Scope: The following sign regulations by zone are intended to include every zone in the community. The zones are as defined by the zoning ordinance and official zoning map. Only signs as described in this ordinance shall be permitted in each particular zone.
- B. Discontinued Or New Zoning Districts: If any zone is discontinued from the zoning ordinance or if a new zone is created after the enactment of this ordinance, no signs shall be permitted herein until the zoning ordinance and this ordinance are amended to include such zone and all permitted signs are specified therein. Such amendments shall be enacted within ninety (90) days.
- C. Applicability; Conduct, Premises And Persons Regulated: This ordinance shall apply to all persons, firms, partnerships, associations, and corporations owning, occupying or having control or management of any exterior premises located within Thomas Township, Saginaw County, Michigan.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

- D. Nonconforming Signs: All nonconforming signs located within the B, business districts, or M, manufacturing district, must be brought into compliance by October 4, 2009, except for any nonconforming billboard sign.

(Ord. 03-G-02, 10-6-2003, eff. 11-14-2003)

13-1-3: ZONING DISTRICTS:

- A. Business Districts And Limited Manufacturing District:
 - 1. General: This subsection shall apply to all zones designated by the zoning ordinance as B, business districts and M-1 limited manufacturing district.
 - 2. Sign Area: The total square feet of permanent signs allowed per parcel is as follows:
 - a. Pole Or Ground Signs: The amount of signage allowed shall be determined by multiplying each lineal foot of building frontage by three-fourths (3/4). The maximum square footage shall not exceed fifty (50) square feet on any pole or ground sign. At the owner's option, a canopy's lineal frontage may be used to determine sign square footage in lieu of using a building's lineal frontage.
 - b. Wall Signs: A total sign area of one square foot for each lineal foot of a building store frontage of primary use or uses, but the maximum for any one business shall be fifty (50) square feet.
 - c. Electronic Message Boards: Provided the square footage of said sign is to be included in determining the maximum square feet for pole, ground, or wall signs.
 - 3. Allocation Of Sign Area:
 - a. Wall Signs: Each business allowed on a parcel shall display its own calculated wall signage.
 - b. Pole Or Ground Signs: When only one business is located on a parcel, it shall be allocated all of the available signage for that parcel not to exceed fifty (50) square feet.

If more than one business is located on a parcel, the percentage of total signage allowed shall be determined by calculating the building frontage for the business in question and dividing that by the total amount of building frontage of all businesses on said parcel. The percentage obtained will be the

percentage of allowable signage that the business in question will be allowed to display on the pole or ground sign, not exceeding fifty (50) square feet total. In lieu of the foregoing, on a parcel where three (3) or more businesses are located, a pole or ground sign may be used having a maximum of thirty five (35) square feet in order to identify the general location of the businesses. Each business on the parcel shall be allowed a one foot by five foot (1' x 5') sign.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

4. Number Of Signs:

- A. Wall Signs: A business may use no more than two (2) wall signs per road frontage and may not exceed the allowable total calculated signage of fifty (50) square feet when all signage is combined.
- B. Pole Or Ground Signs: A parcel may have a maximum of one pole or ground sign.
- Exception: If a parcel of land has more than three hundred feet (300') of frontage on a road or highway, district, one additional duplicate pole or ground sign may be erected. In addition, for every additional one hundred fifty (150) lineal feet of frontage, an additional pole or ground sign may be erected. The amount of sign area per pole or ground sign shall be equal to the first pole or ground sign calculated pursuant to subsection A2a hereof; provided, however, not more than fifty percent (50%) of the sign area permitted on any additional duplicate pole or ground sign may be added to the sign area calculated pursuant to subsection A2a hereof but not exceed a maximum sign area of one hundred twenty five (125) square feet in lieu of erecting any such signs.

(Ord. 03-G-02, 10-6-2003, eff. 11-14-2003)

5. Location: A pole or ground sign must be located at least ten feet (10') from a side property line and ten feet (10') from a road or highway right of way.
6. Height:
- Pole or ground signs may be constructed up to a height of twelve feet (12') above the average grade level under the sign.
 - Wall signs may be on the horizontal faces of a canopy structure projecting from and attached to a building, but may not project above the roofline and may not project below the lower edge of the canopy.

B. Residential Districts:

- General: This subsection shall apply to all zones designated by the zoning ordinance as R, residential districts.
- Size And Number:
 - Single- Or Two-Family Dwelling: One sign not exceeding one and one-half (1 1/2) square feet in area attached to the building or placed in the yard shall be permitted per dwelling unit provided said sign does not advertise a business.
 - Subdivision Signs: For groups of multiple dwellings or subdivisions, two (2) ground signs totaling twenty four (24) square feet in area shall be permitted. The height of this ground sign cannot exceed eight feet (8') from the ground. The two (2) signs must be of the same size and construction and be used to mark the location of a group of homes or areas in which homes are located.
- Location: The setback from the road right of way and property line shall be at least ten feet (10').

C. Environmental And Agricultural Districts:

1. General: This subsection shall apply to all zones designated by the zoning ordinance as E-1 environmental as well as A-1 and A-2 districts.
2. Size: The allowed area per primary use in the zoning district shall be limited to one-half (1/2) square foot for each lineal foot of lot frontage not to exceed a maximum of thirty two (32) square feet.
3. Location: Permitted ground or pole signs shall be no closer to any lot line or right of way than ten feet (10').
4. Height: The height of any pole or ground sign shall not exceed a maximum of twelve feet (12') from the average grade level to the top of the sign.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-4: BILLBOARD SIGNS:

Such signs may be permitted in the B-3 and B-4 business districts and in the M-1 manufacturing district subject to the following conditions:

- A. General: This section is adopted for the following general purposes:
 1. To promote traffic safety in Thomas Township.
 2. To protect public and private investment and property values in buildings, land development, and open land in Thomas Township.
 3. To prevent obstruction of light and sunshine.
 4. To limit the adverse impact that would be caused by a proliferation of billboards and off premises advertising signs and resulting visual pollution contrary to the master plan adopted by the township board to protect the public health, safety and general welfare of residents as well as visitors.
- B. Size: Such signs shall not exceed two hundred (200) square feet in area, shall not be placed closer than three hundred feet (300') to any residential structure, and shall be set back at least three hundred feet (300') from any road or highway right of way.
- C. Height: No billboard shall exceed a height of thirty feet (30') measured from the grade under the sign. A minimum of twelve feet (12') from the lowest point of the sign's supporting structure is required from the average grade level. A sign permit is required prior to construction.
- D. Location: No billboard may be established within three thousand feet (3,000') of any other billboard sign on the same side of the road or highway, and may not be established within one thousand feet (1,000') of any other billboard sign on the other side of the road or highway.
- E. Illumination: Billboard signs may be either nonilluminated or illuminated, but must be nonflashing, nonmoving and nonblinking, provided the direct source of light is shielded in such a manner so as to prevent beams or rays of light from being directed onto adjoining residential structures or at any portion of the traveled ways, and are of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-5: TEMPORARY SIGNS:

The following temporary signs shall be permitted anywhere within the township and shall conform with front and side yard setbacks of five feet (5') when applicable:

- A.

Construction Sign: Construction signs shall be allowed during the time of construction having a maximum area of twenty (20) square feet. The signs shall be confined to the site of the construction and shall be limited to two (2) years from issuance of permit.

- B. Temporary Directional Sign: A sign not exceeding four (4) square feet in area and four (4) in number are allowed. Signs shall not exceed three feet (3') in height and shall be allowed for four (4) days.
- C. Real Estate Sign: One temporary real estate sign may be displayed for each side of a parcel having road frontage and shall not exceed four (4) square feet in area for each sign. Such signs must be removed within twenty (20) days after the sale of the property.
- D. Political Campaign Sign: Political campaign signs shall be removed within five (5) days after the day of election to which the campaign relates.
- E. Street Banners: Street banners may be allowed for twenty one (21) days if approved by all state and local authorities.
- F. Temporary Portable Sign:
 - 1. General Requirements: Temporary portable signs may not exceed a total height of six feet (6') and a total sign area of thirty two (32) square feet, and may not be displayed for more than a total of forty five (45) days in any calendar year. Front and side yard setbacks shall conform to five feet (5') from property lines or road rights of way.
 - 2. Permit Required: Such signs shall be displayed only after a temporary sign permit has been obtained from the township. Seasonal businesses shall be able to keep a temporary portable sign for the duration of the season, not to exceed one hundred twenty (120) days.
- G. Signs On Parked Vehicles: Signs on parked vehicles of any kind are allowed provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body of the vehicle. A vehicle intended for displaying a message temporarily may do so provided a temporary sign permit is obtained and it is displayed for a maximum of forty five (45) days per year.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-6: EXCEPTIONS:

- A. Permit Fee Not Required: The following signs are not required to pay a fee for a permit issued, but must obtain a permit prior to use, and must comply with all other requirements set forth in this ordinance:
 - 1. Public Signs: Signs of a governmental nature or of a noncommercial nature and in the public interest erected by or on the order of a public officer in the performance of a public duty.
 - 2. Property Number Address: All improved properties shall have a legible number address displayed with numbers at least three inches (3") in height. Number addresses must be placed on the front of the principal structure if located at or near the minimum front yard setback. Where the principal structure's number address cannot be viewed from the road or is more than ninety feet (90') away from the road, the number address shall be displayed within ten feet (10') of the driveway and not more than twenty feet (20') from the road. The foregoing requirements shall not be satisfied by displaying the home number on a mailbox when two (2) or more mailboxes are grouped.

(Ord. 03-G-02, 10-6-2003, eff. 11-14-2003)

- B. Home Occupation Sign: Home occupations may display one sign one foot by one foot (1' x 1') attached to the wall of the house.
- C. Institutional Sign: One noncommercial permanent sign located within an R, A or E district for use by organizations such as a public, charitable, educational, or religious institution, up to twenty five (25) square feet in area. If a pole or ground sign is used, the maximum height shall be twelve feet (12') above average grade.
- D. Accessory On Site Signage: Signs which are accessory to primary use on a parcel must meet the following:
 - 1. Not be directly visible from a road or highway.
 - 2. Have a maximum height of not more than eight feet (8') from the ground.
 - 3. Have a maximum combined size of not more than sixty-four (64) square feet.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

- E. Vacant Parcel Signage: An owner of a parcel which has no building structure may display up to a twenty-five (25) square foot sign with a maximum height of twelve feet (12') above average grade, having a setback from any property line and any road right of way of ten feet (10') so long as the sign contains no commercial advertising.
- F. Directional Signs: Directional signs shall have a sign area of not more than two (2) square feet, shall be located not closer than one foot (1') from the road right of way, and shall not exceed a maximum height of four feet six inches (4'6") and are permitted in all zoning districts.
- G. *Governmental Signs*: A sign erected and maintained by Thomas Township, the County, State or Federal Government. The sign may be located on vacant or developed land owned, maintained or leased by Thomas Township, the County, State or Federal Government. Signs may not exceed fifty (50) square feet in size, maximum twelve (12) feet in height and must be located ten (10) feet from the road right-of-way. Signs placed on water towers owned by a municipality shall be exempt from sign regulations.

(Ord. 03-G-02, 10-6-2003, eff. 11-14-2003; Ord. No. 10-G-01, § 1, 7-21-2010, eff. 8-20-2010; Ord. No. 10-G-03, § 1, 10-13-2010, eff. 11-15-2010)

13-1-7: PROHIBITED SIGNS:

- A. General Prohibitions: All violations pertaining to this section must be corrected within twenty-four (24) hours of receiving a written notice from the township building inspector or code enforcement officer notifying the property owner or the business owner or occupant of said violation before an appearance citation can be issued.
- B. Standards:
 - 1. Moving Parts: A sign shall not move in any manner or have moving parts. No sign shall consist of banners, posters, ribbons, streamers, strings of light bulbs, spinners, or other similar moving devices. These devices are prohibited, unless they are permitted specifically in this ordinance.

(Ord. 02-G-04, 9-3-2002, 10-11-2002)

13-1-8: STRUCTURAL REQUIREMENTS AND STANDARDS:

- A. Signs And Sign Structures: All signs and sign structures shall be designed and constructed to meet the requirements of this ordinance as well as provisions found in the building and electrical codes. The following standards shall be followed:
 - 1.

All signs shall be constructed to withstand all normal weather conditions for this area. Where the back is visible, it must be suitably painted or otherwise covered to present a neat and clean appearance. All signs require a sign permit issued by the building inspector before they are erected.

2. No sign shall have any face more than two feet (2') from the other when used back to back.
3. All electrical wires must be placed underground when running to any pole or ground sign.
4. All signs must comply with the pertinent requirements of the building code and all other applicable ordinances. Engineering requirements shall be required for billboard supporting structures, or when the building inspector feels an engineering report is necessary to inspect any regulated sign within this ordinance.
5. All signs must be attached to the main body of the principal sign on the pole or ground. In no case shall signs protrude from the side of a pole or hang below another sign. All signs must be uniformly spaced in relation to its frame.
6. In no case shall a sign that was designed for or used as a temporary type sign be converted for use as a permanent wall, pole or ground sign. Only those signs designed to use changeable copy and designed as a permanently mounted outdoor sign shall be allowed to be incorporated as part of a permanent wall, pole or ground sign.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-9: PERMIT:

- A. Application And Permit Required: An application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located or by his or her authorized agent or by a sign contractor. Such application shall be made in writing on forms furnished by the township and shall be signed by the applicant. Within seven (7) working days after the date of receipt of the application, the Thomas Township building inspector shall either approve or deny the application or refer the application back to the applicant where insufficient information has been furnished. If the application is denied, the building inspector shall state the reason(s) for denial. The applicant shall have the right to appeal to the sign board of appeals as specified in this ordinance.
- B. Permit: Prior to construction, establishment, or replacement of a sign having a computed cost of more than fifty percent (50%) of the current value of the sign as determined by the township assessor using the latest depreciation schedule for signs, a permit shall be required from the township building inspector. When a sign permit is issued for a pole or ground sign, all pole or ground signs on the parcel must be brought into compliance with all provisions of this ordinance.
 1. At the time a sign permit is issued for a sign located on a parcel, that parcel shall no longer be considered legal nonconforming in terms of the number, height, location or size of a sign as it relates to pole or ground signs that were considered previously legal nonconforming prior to the issuance of a sign permit.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

2. If construction, establishment, or replacement is commenced on a regulated sign, and no sign permit was obtained from the Thomas Township building inspector, any legal nonconforming signs on the parcel shall no longer be considered legal nonconforming signs and must be brought into compliance with all provisions of this ordinance.

(Ord. 03-G-02, 10-6-2003, eff. 11-14-2003)

- C. Plans Required: A set of plans for any sign that is to be installed, changed, or replaced must accompany the application and shall include the following:
1. A drawing having a scale of (1/4 inch to 1 foot) or greater showing the front profile of the sign from grade to the top of the sign excluding text.
 2. A plot plan of the site showing the location and dimensions of the sign in relation to property lines, right of way lines, parking spaces, and building, as well as any existing signs on the parcel including billboards. All sign sizes shall be indicated on the plot plan as well as each business' building frontage.
 3. A lighting diagram shall be provided with the application.
 4. A footing plan showing the footing depth and size meeting the standards found in the Michigan building code which is incorporated herein by reference.
 5. A structural plan showing structural members and fasteners meeting the standards found in the Michigan building code which is incorporated herein by reference.
- D. Appearance Standards: The following standards shall be required for all pole, wall or ground signs:
1. No pole, wall or ground sign may be established using the structure or face of any sign that was designed for use as a temporary sign.
 2. Any pole, wall or ground sign face to be installed must be clean and neat.
 3. No seasonal exceptions shall be given to these standards. All signs must be completely finished and in display condition meeting all standards and able to withstand wind, rain and all normal weather conditions when installed.
- E. Fee: Sign permit fees for either permanent or temporary signs are to be established by board resolution. All permit fees shall be doubled if a permit is not obtained prior to the construction, setup, or erection of any sign.
- F. Expiration Of Permit: All permits issued for permanent signage shall expire according to the provisions found in the Michigan building code which is incorporated herein by reference.
- G. Exemptions From Permit: The following operations shall not be considered as creating a sign by the permit holder and therefore shall not require a sign permit.
1. Replacing Copy: The changing of the advertising copy or message.
 2. Maintenance: Cleaning and other normal maintenance and repair as defined in section 13-1-13 hereof.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-10: ILLUMINATION:

- A. Compliance With Electrical Code: Any electrical illumination of a sign must fully comply with the national electrical code as amended by Thomas Township. All electrical wiring must be protected with conduit or similar metallic covering.
- B. Shading Requirements: The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

- C. Blinking, Moving Lights: No sign shall have blinking, flashing or fluttering lights or other illuminating devices such as a changing light intensity, brightness, or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. The foregoing provisions of this subsection shall not apply to electronic message boards.

(Ord. 03-G-02, 10-6-2003, eff. 11-14-2003)

- D.

Traffic Hazard: Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

- E. Exposed Light Source: No sign shall use exposed reflective type bulbs or strobe lights. In addition no sign shall use incandescent lamps over 15 watts that are exposed directly to any public street or adjacent property.
- F. Parking Lot Lighting: Only planning commission approved parking lot lights may be attached to a sign or sign pole, and said light must comply with all parking lot lighting standards found within the township's zoning ordinance. In no case shall any part of a light or light structure that is attached to a sign, extend over the height of the sign or sign pole.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-11: NONCONFORMITIES:

- A. All signs not in conformance with the sign regulations contained in this ordinance on the date this ordinance is effective, shall be listed as nonconforming signs in township records.
- B. Nonconforming signs may continue to exist as they are at the time this ordinance is effective provided there is no change to the sign's structure, location, size, or lighting, excluding normal maintenance and repairs at a cost of less than fifty percent (50%) of the then current value of the sign as determined by the township assessor using the latest depreciation schedule for signs and the value as reported on the sign owner's personal property statement.
- C. At the time any structural, location, size or lighting change excluding normal maintenance and repairs at a cost of less than fifty percent (50%) of the then current value of the sign as determined by the township assessor using the latest depreciation schedule for signs and the value as reported on the sign owner's personal property statement is made to any nonconforming sign on a parcel, all nonconforming aspects of the sign including any other nonconforming sign located on that parcel must be brought into conformance as follows:
 - 1. When a parcel having one entity displaying signs changes a sign located on a building, all signs on all buildings on that parcel must be brought into compliance with this ordinance. If the sign being changed is a ground or pole sign, all ground or pole signs on the parcel must be brought into compliance with this ordinance.
 - 2. When a parcel contains multiple entities sharing a wall, pole or ground sign, only that entity proposing a change to the size of a sign shall be required to meet the size standards in this ordinance. New height and location standards for the wall, pole or ground sign shall not be applicable.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

- D. All nonconforming signs located within the B-1, B-2, B-3, B-4, B-5, business districts or M-1, limited manufacturing district must be brought into compliance by October 4, 2009, except for the nonconforming billboard signs. Nonconforming aspects of the signs are on file with the community development department of Thomas Township. The elimination of these specific nonconforming signs shall be considered essential to protect and further the health, safety, and welfare of the residents of the township, to prevent traffic hazards within Thomas Township, to provide safer conditions for pedestrians within the business districts, and to protect business patrons while shopping within Thomas Township. A significant hazard exists by having confusing and cluttered signage, and as stated in section 13-1-1 hereof, Thomas Township intends to protect the public from such potential hazards.

(Ord. 03-G-02, 10-6-2003, eff. 11-14-2003)

13-1-12: INSPECTION, REMOVAL, SAFETY:

- A. Inspection: Any sign may be inspected periodically by the building inspector to assure the sign is kept in good repair and condition to assure the safety of the public and for compliance with this ordinance and any other applicable ordinances or laws.
- B. Notice To Comply: All signs and components thereof shall be maintained in good repair and sound structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports. The building inspector shall inspect and shall order compliance with the requirements within this ordinance. The written notice to comply shall allow the sign owner ten (10) days to bring the sign into compliance with this ordinance or such greater time as may be agreed upon by the building inspector and sign owner. The written notice to comply shall be personally served upon the sign owner or served by first class mail addressed to the sign owner, if known, and the owner of the real property where the sign is located as reflected in the township assessing real property tax records.
- C. Removal Of Dangerous Sign: The building inspector may order the immediate removal of any sign which is determined to present a clear and existing danger to public safety.
- D. Discontinued Business Signs: Within thirty (30) days after a business goes out of business that business shall remove all of its sign faces on the property or, in lieu of removal of sign faces, shall not display on any sign any commercial advertising of that business or any of its products, goods, or services.
- E. Two Zoning Districts: When a parcel of land is subject to two (2) types of zoning districts sharing the same road frontage, the total allowable signage for the property is determined by using the district which would allow the most amount of signage.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-13: DEFINITIONS:

AREA, SIGN:	That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
AUTHORIZED REPRESENTATIVE:	A person designated by the zoning administrator to enforce the sign ordinance.
BILLBOARD SIGN:	A freestanding outdoor sign, up to two hundred (200) square feet in area, which advertises something not located on the immediate parcel.
CANOPY SIGN:	A sign that is painted or affixed to a canopy.
DIRECTIONAL SIGN:	A sign identifying the exit(s) and entrance(s) of premises which may contain the name or logo of the premises or information directions.
ELECTRONIC MESSAGE BOARD:	Changeable copy wall, pole or ground signs in which the copy consists of an array of lights.
GRADE LEVEL, AVERAGE:	The elevation to be used for computing the height of signs. Defined as the average ground elevation under and around the base of the sign that was not artificially raised.
GROUND SIGN:	A sign that is designed to begin advertisement or display at ground level.
ILLUMINATED SIGN:	A sign that provides artificial light directly or through any transparent or translucent material.
INSTITUTIONAL SIGN:	A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution.
LOCATION:	A lot, premises, building, wall or any place whatsoever upon which a sign is located.
MAINTENANCE:	Painting chipped or faded areas of a sign without changing the message or location of any letters, logos, or previously painted areas on the sign. Changing light bulbs or repairing electrical wiring is also included. Repairs at a cost of less than fifty percent (50%) of the then current value of the sign as determined by the township assessor using the latest

	depreciation schedule for signs and the value as reported on the sign owner's personal property statement.
PERMIT:	Shall mean written approval from the jurisdiction requiring the permit.
POLE SIGN:	A sign that is freestanding above grade level.
PUBLIC SIGNS:	Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.
ROOFLINE:	The high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
SEASONAL BUSINESS:	A business that sells items which are only available during the Michigan growing season for a limited period of time.
SETBACK:	A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A front setback is measured from the edge of the right of way of any abutting roadway. A rear setback is measured from the property line opposite the roadway. A side setback is measured from any other abutting property line. Corner lots shall require two (2) front setbacks, but only one rear setback.
SIGN:	A "sign" is any outdoor device, structure, fixture, using graphics, symbols or written copy which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to, advertise or identify an object, product, place, goods, services, activity, person, institution, organization or business. A pole, frame or structure used to hold a sign, is to be considered part of that sign.
SIZE:	The area of a sign face (including the sign area of a wall sign or other sign with only 1 face) shall be computed by taking the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
STREET BANNERS:	Fabric signs, suspended across public streets advertising a public entertainment or event.
TEMPORARY PORTABLE SIGN:	A sign that is portable and temporary in nature.
TEMPORARY SIGN:	A sign that is temporary in nature.
WALL SIGN:	A sign that is attached parallel to a wall on a building.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002; amd. Ord. 03-G-02, 10-6-2003, eff. 11-14-2003)

13-1-14: SANCTIONS:

Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00), plus costs, which may include all direct or indirect expenses, to which the township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Any person or entity who violates any of the provisions of this ordinance and who has been issued a "municipal civil infraction violation notice" as defined by section 1-3-2 hereof and who admits responsibility therefor within the time specified thereon shall pay a civil fine and costs at the Thomas Township municipal ordinance violations bureau in accordance with the schedule of civil fines and costs in section 1-3-9 hereof which is herein incorporated by reference.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

13-1-15: APPLICATIONS FOR APPEALS AND VARIANCES:

- A. Sign Board Of Appeals: The Thomas Township planning commission shall constitute the sign board of appeals for the purposes of this ordinance and a quorum shall consist of four (4) members thereof.
- B. Hearings: Any person aggrieved by a notice or order of the building official or code enforcement officer issued in connection with any alleged violation of the provisions of this ordinance, may file with the sign board of appeals a petition setting forth their reasons for contesting the notice or order.
- C. Petition Filing: A petition shall be filed with the township clerk within twenty (20) days after mailing the notice or order or within twenty (20) days after personal service. The petition shall be accompanied by a fee as set by township board resolution.
- D. Time Of Hearing, Notice: A valid petition shall be filed a minimum of thirty (30) days prior to a regularly scheduled sign board of appeals meeting. The township clerk shall set the time and place for a hearing on the petition for a regular meeting date and time of the sign board of appeals meeting. At least ten (10) days prior to the hearing date the clerk shall serve the petitioner with notice thereof by regular mail.
- E. Action Of Sign Board Of Appeals:
 - 1. The sign board of appeals shall have the power to modify or reverse, wholly or partly, the notice or order, and may grant an extension of time for the performance of any act required of not more than three (3) additional months, where the sign board of appeals finds that there is practical difficulty or undue hardship resulting from the application of the provisions of this ordinance and that such extension is in harmony with the general purpose of this ordinance to secure the public health, safety, and welfare.
 - 2. The sign board of appeals shall return a decision upon each petition within forty five (45) days after a request or appeal has been filed, unless a longer time is agreed upon by the parties concerned; provided, however, the sign board of appeals may not order action on a petition until its next regularly scheduled meeting.
 - 3. The concurring vote of a majority of the members present of the sign board of appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the building official or code enforcement officer; or to decide in favor of the applicant any matter upon which the sign board of appeals is required to consider or to effect any variation of the provisions of this ordinance.
 - 4. After a variance has been denied in whole or in part by the sign board of appeals, then such petition shall not be resubmitted for a period of one year from the date of the last denial, provided however, that a denied variance may be reconsidered by the sign board of appeals within said one year period when, in the opinion of the building official, or code enforcement officer or the sign board of appeals, newly discovered evidence or changed conditions warrant such reconsideration.
- F. Scope Of Hearing: At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.
- G. Stay: An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the sign board of appeals, that by reason of facts stated in

the certificate, imminent harm to persons or property exists, in which case the proceedings shall not be stayed, except by an order of a court of competent jurisdiction.

H. Variances:

1. A variance may be allowed by the sign board of appeals only in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal supports all the following affirmative findings:
 - a. That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the township;
 - b. That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, or mere inability to attain a higher financial return;
 - c. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this ordinance, the individual hardships that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent and purpose of this ordinance.

The above findings of fact shall be made by the sign board of appeals, which is not empowered to grant a variance without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the board.

2. The following criteria shall be used by the sign board of appeals when determining any request before them related to this ordinance:
 - a. Has the appellant shown that a variance will not adversely affect the intent and purpose of the ordinance?
 - b. Has the appellant shown that a variance will not cause a substantially adverse effect on the adjacent properties?
 - c. Has the appellant shown that a variance will not produce a nuisance condition to occupants on nearby premises?
 - d. Is the hardship unique and not shared by other properties in the same zoning district?
 - e. Has the appellant shown that a variance will relate only to the property under control of the applicant?
 - f. Has the appellant shown that a variance will not otherwise impair public health, safety, comfort, or general welfare?

Nothing contained herein shall be construed to empower the sign board of appeals to change the terms of this ordinance, or to add to the types of signs permitted on any premises.

I. Appeal Procedure:

1. The board of appeals shall give due notice of all hearings to all owners of record of real property within three hundred feet (300') of the premises in question; such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll.
2. All persons shall be required to appear in person or to be represented by a duly authorized agent.
- 3.

The clerk or his designee shall prepare an official record for each appeal. The sign board of appeals shall base their decision on this record. The official record shall include:

- a. The relevant administrative records and administrative orders issued herein relating to the appeal.
 - b. A notice of appeal.
 - c. Such documents, exhibits, photographs, or written reports as may be submitted to the sign board of appeals for its consideration.
4. The requisite written findings of fact, the conditions attached, the decisions and orders by the sign board of appeals in disposing of the appeal shall be signed by the secretary of the board.

(Ord. 02-G-04, 9-3-2002, eff. 10-11-2002)

WestlawNext

King Enterprises, Inc. v. Thomas TownshipOriginal Image of 215 F.Supp.2d 891 (F.D.C.)
United States District Court, E.D. Michigan, Northern Division, July 24, 2002 215 F.Supp.2d 891 (Approx. 34 pages)United States District Court,
E.D. Michigan,
Northern Division.

KING ENTERPRISES, INC., d/b/a Stanley Steamer Carpet Cleaner, a Michigan Corporation, Richard King, individually, C.T. Leasing Company, a Michigan Corporation, Martin Chevrolet Sales, Inc., a Michigan Corporation, William Martin, individually, A.T. Frank Company, Inc, a Michigan Corporation, Ward Building Products, Inc., a Michigan Corporation, Self Serve Lumber Company, a Michigan Corporation, D.W.S. Inc., d/b/a Dale Stroebe's Complete Automotive Service, a Michigan Corporation, Debut Coach Company, Inc., d/b/a Debut Automotive Design, a Michigan Corporation, R & D, Inc., d/b/a Tuffy Auto Service Centers, a Michigan Corporation, Old Tyme Roadhouse, Inc., d/b/a Old Tyme Roadhouse, a Michigan Corporation, Coco Investments, L.L.C., a Limited Liability Company, Jack's Fruit Market, Inc., a Michigan Corporation, K.J. Properties, L.L.C., d/b/a Cornerstone Center, a Limited Liability Company, Craig S. Bye, Sr., individually, Redmond Automotive, Inc., a Michigan Corporation, JWP, Inc., a Michigan Corporation, Duclos Insurance Agency, Inc., a Michigan Corporation, David Duclos, and Bonnie Duclos, husband and wife, and Azimuth Investments, Inc., Plaintiffs,

v.

THOMAS TOWNSHIP, a general law Township, Defendant.

No. 01-10242-BC. July 24, 2002.

Section 1983 action was brought challenging constitutionality of township's outdoor sign ordinance. On plaintiffs' motion for summary judgment, the District Court, Lawson, J., held that: (1) plaintiffs had standing to sue; (2) sections of ordinance, regulating size, height, location, and illumination of billboard signs, and structural standards and illumination for all signs, were valid, content-neutral time, place, and manner restrictions; (3) ordinance's other, content-based regulations were unconstitutional speech restrictions or prior restraints; (4) constitutional portions of ordinance were severable from unconstitutional portions; (5) surviving portions of ordinance did not unlawfully impair contractual obligations; and (6) surviving portions of ordinance were not unconstitutionally vague or overbroad.

Motion granted in part and denied in part.

West Headnotes (35)[Change View](#)

- 1 **Constitutional Law**  First Amendment in General
Although plaintiff, to have standing, must normally show actual or threatened injury resulting from alleged illegal action and may only assert violation of its own rights, third parties may wage facial challenge to offending law based on First Amendment rights. U.S.C.A. Const. Art. 3, § 2, cl. 1; U.S.C.A. Const.Amend. 1.

2 Cases that cite this headnote
- 2 **Constitutional Law**  Licenses
Affected residents and business owners had standing to challenge township's outside sign ordinance as facially violative of First Amendment; ordinance was content-based, and delegated licensing discretion to public official who was not

RELATED TOPICS

Municipal Corporations

Police Power and Regulations

Ordinance Regulation of Off Site
Advertising SignsFreedom of Speech, Expression, and
PressPurposes of First Amendment Analysis of
Speech RegulationScope of the First Amendment Protection of
Free Speech and Press

constrained by any provision of ordinance to assure that it is administered in content-neutral fashion. U.S.C.A. Const. Art. 3, § 2, cl. 1; U.S.C.A. Const.Amend. 1.

4 Cases that cite this headnote

- 3 **Federal Civil Procedure**  Burden of proof
Party opposing summary judgment motion may not rely on hope that trier of fact will disbelieve movant's denial of disputed fact, but must make affirmative showing with proper evidence in order to defeat motion.
- 4 **Constitutional Law**  Scope of inquiry in general
When ordinance is challenged as facially violative of First Amendment, relevant scope of inquiry is focused on text of law, not facts surrounding its application. U.S.C.A. Const.Amend. 1.

1 Case that cites this headnote
- 5 **Constitutional Law**  First Amendment
First Amendment is applicable to states and their political subdivisions via Fourteenth Amendment's Due Process Clause. U.S.C.A. Const.Amend. 1, 14.
- 6 **Constitutional Law**  Content-Neutral Regulations or Restrictions
Constitutional Law  Content-Based Regulations or Restrictions
First determination court must make when evaluating law that governs speech is whether regulation is content-neutral or content-based, inasmuch as this determination prescribes level of scrutiny that is used in assessing constitutionality of law. U.S.C.A. Const.Amend. 1.
- 7 **Constitutional Law**  Content-Neutral Regulations or Restrictions
Regulation is "content-neutral," for purpose of First Amendment analysis, if it can be justified without reference to content of regulated speech, even if regulation has incidental effect on some but not all speakers or messages. U.S.C.A. Const.Amend. 1.
- 8 **Constitutional Law**  Content-Neutral Regulations or Restrictions
Law which controls substance of speaker's message is not content-neutral, for purpose of First Amendment analysis, even if it has broad application. U.S.C.A. Const.Amend. 1.
- 9 **Constitutional Law**  Narrow tailoring requirement; relationship to governmental interest
Constitutional Law  Existence of other channels of expression
If regulation of speech is content-neutral, it may permissibly impose reasonable time, place, and manner restrictions; restrictions are valid if they (1) are narrowly tailored to serve substantial government interest and (2) leave open ample alternative channels for communication of information. U.S.C.A. Const.Amend. 1.

1 Case that cites this headnote
- 10 **Constitutional Law**  Signs
Constitutional Law  Billboards
Zoning and Planning  Signs and billboards
Sections of sign ordinance, regulating size, height, location, and illumination of billboard signs, and structural standards and illumination for all signs, were valid, content-neutral time, place, and manner restrictions on sign owners' free speech rights. U.S.C.A. Const.Amend. 1.
- 11 **Constitutional Law**  Signs
Zoning and Planning  Signs and billboards
Sections of sign ordinance which classified signs based on purpose and import of their messages were content-based restrictions on speech, for purpose of First Amendment analysis. U.S.C.A. Const.Amend. 1.

- 12 Constitutional Law**  Strict or exacting scrutiny; compelling interest test
Content-based restrictions on non-commercial speech are analyzed under "strict scrutiny" test, under which government must show that regulation is necessary to serve compelling state interest and that it is narrowly drawn to achieve that end. U.S.C.A. Const.Amend. 1.
- 3 Cases that cite this headnote
- 13 Constitutional Law**  Strict or exacting scrutiny; compelling interest test
Although safety and aesthetics are substantial government interests, they are not compelling enough to justify content-based restriction on fully-protected, noncommercial speech. U.S.C.A. Const.Amend. 1.
- 4 Cases that cite this headnote
- 14 Constitutional Law**  Signs
Zoning and Planning  Signs and billboards
Section of township ordinance limiting content of signs to information pertaining to use permitted in zoning district where sign was located was unconstitutional, content-based restriction on protected, non-commercial speech. U.S.C.A. Const.Amend. 1.
- 15 Constitutional Law**  Off-premises signs
Zoning and Planning  Signs and billboards
Section of township ordinance allowing only churches, service clubs and charities to post small, off-premises signs, and confining messages of those organizations to announcing their location and activities, was unconstitutional, content-based restriction on protected, non-commercial speech; limitations did not promote township's stated safety and aesthetic goals. U.S.C.A. Const.Amend. 1.
- 16 Constitutional Law**  Signs
Zoning and Planning  Particular uses or structures as nonconforming
Section of township sign ordinance which conditioned privilege of maintaining nonconforming signs on not altering message or content of sign was unconstitutional, content-based restriction on protected, non-commercial speech. U.S.C.A. Const.Amend. 1.
- 1 Case that cites this headnote
- 17 Constitutional Law**  Temporary signs
Zoning and Planning  Signs and billboards
Section of township sign ordinance which conditioned allowance of temporary signs on messages they contained was unconstitutional, content-based restriction on protected, non-commercial speech. U.S.C.A. Const.Amend. 1.
- 1 Case that cites this headnote
- 18 Constitutional Law**  Signs
Zoning and Planning  Signs and billboards
Sections of township sign ordinance which based exceptions to permit requirements on types of signs, which were categorized according to content, and which identified prohibited signs by content, were unconstitutional, content-based restrictions on protected, non-commercial speech. U.S.C.A. Const.Amend. 1.
- 1 Case that cites this headnote
- 19 Constitutional Law**  Reasonableness; relationship to governmental interest
When assessing constitutionality of content-based restrictions of commercial speech, court must determine whether (1) speech is protected by First Amendment, (2) government interest is substantial, (3) regulation directly advances governmental interest asserted, and (4) regulation is no more extensive than necessary to serve governmental interest. U.S.C.A. Const.Amend. 1.
- 1 Case that cites this headnote

- 20 **Constitutional Law** Reasonableness; relationship to governmental interest
Safety and aesthetics are substantial governmental interests that can justify regulation of some commercial speech. U.S.C.A. Const.Amend. 1.
- 21 **Constitutional Law** Temporary signs
Zoning and Planning Signs and billboards
Section of township sign ordinance which imposed time and content-based restrictions on temporary advertising signs were unconstitutional restrictions on commercial speech; restrictions did not advance township's stated safety and aesthetic goals. U.S.C.A. Const.Amend. 1.
- 22 **Constitutional Law** Prior Restraints
"Prior restraint" exists when speech is conditioned upon prior approval of public officials. U.S.C.A. Const.Amend. 1.

1 Case that cites this headnote
- 23 **Constitutional Law** Presumption of invalidity
Although prior restraints on speech come to court bearing heavy presumption against their validity, they are not unconstitutional per se. U.S.C.A. Const.Amend. 1.

1 Case that cites this headnote
- 24 **Constitutional Law** Licenses and Permits in General
Licensing scheme that requires advance authorization to display protected message may not be content-based. U.S.C.A. Const.Amend. 1.
- 25 **Constitutional Law** Signs
Zoning and Planning Signs and billboards
Section of township sign ordinance which required official permission to change sign's message was unconstitutional prior restraint; ordinance contained no procedural safeguards, and no restrictions on or standards governing official's discretion. U.S.C.A. Const.Amend. 1.
- 26 **Municipal Corporations** Effect of partial invalidity
Under Michigan law, constitutional portions of township sign ordinance were independent of, and thus severable from, unconstitutional portions; valid provisions were capable of enforcement apart from remainder of ordinance. U.S.C.A. Const.Amend. 1.

1 Case that cites this headnote
- 27 **Municipal Corporations** Billboards, signs, and other structures or devices for advertising purposes
Under Michigan law, township's outdoor sign ordinance was not required to accommodate nonconforming uses. M.C.L.A. § 41.181.

1 Case that cites this headnote
- 28 **Constitutional Law** Leases in general
Zoning and Planning Signs and billboards
Under Michigan law, township's outdoor sign ordinance was not unlawful impairment of commercial lessors' contractual obligations; ordinance, which prescribed manner in which signs could be constructed, illuminated and maintained, was valid exercise of township's police power, and accommodated existing uses by allowing nonconforming signs to remain unchanged for five years. M.C.L.A. Const. Art. 1, § 10.

1 Case that cites this headnote
- 29 **Constitutional Law** Signs
Zoning and Planning Signs and billboards

Township's outdoor sign ordinance was not unconstitutionally vague restriction on speech; ordinance contained reasonably clear and concise requirements for physical aspects of signs to be displayed in township. U.S.C.A. Const.Amend. 1.

- 30 Constitutional Law**  Prohibition of substantial amount of speech
Constitutional Law  Overbreadth
 For non-commercial speech, regulation is overbroad if it reaches substantial amount of constitutionally protected speech; concept of overbreadth does not apply to commercial speech. U.S.C.A. Const.Amend. 1.
- 31 Constitutional Law**  Signs
Zoning and Planning  Signs and billboards
 Sections of township sign ordinance governing physical features of signs were not unconstitutionally overbroad. U.S.C.A. Const.Amend. 1.
- 32 Constitutional Law**  Procedural due process in general
 In analyzing procedural due process claim, court must first determine whether liberty or property interest exists, and then must decide whether procedures attendant to that interest were constitutionally sufficient. U.S.C.A. Const.Amend. 14.
- 33 Constitutional Law**  First Amendment
 Freedom of speech guaranteed under First Amendment is liberty interest protected under Fourteenth Amendment due process clause. U.S.C.A. Const.Amend. 1, 14.
- 34 Constitutional Law**  Notice and Hearing
 Procedural due process involves right to notice and opportunity to be heard. U.S.C.A. Const.Amend. 14.
- 35 Constitutional Law**  Legislative Procedure
 Legislative process provides protection for procedural due process rights, even if law of general applicability affects certain individuals more than others. U.S.C.A. Const.Amend. 14.

1 Case that cites this headnote

Attorneys and Law Firms

*895 Robert C. Miller, Shinnors & Cook, Saginaw, MI, for plaintiffs.

Otto W. Brandt, Jr., Saginaw, MI, for defendant.

Opinion

OPINION AND ORDER GRANTING IN PART PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

LAWSON, District Judge.

In 1999, the defendant, Thomas Township, enacted a comprehensive ordinance which was intended to regulate "the construction, alteration, repair, maintenance, size, location, and number of signs" that *896 property owners may construct or display on their land within each of five zoning districts in the Township. Thomas Township Ordinance 99-G-18 § 13-1-1 (hereinafter "Ord. § 13-1-1"). The plaintiffs, who include business owners and operators and residents of the Township, contend that the ordinance impermissibly regulates the content of the signs and constitutes a prior restraint on speech in violation of the First Amendment, and they have filed an amended complaint seeking a permanent injunction preventing enforcement of the ordinance. The parties have submitted a joint stipulation of facts, and based thereon the plaintiffs filed a motion for summary judgment. The parties presented their arguments through counsel in open court on December 17, 2001 and the matter is now ready for decision. The Court finds that although some of the sections of the ordinance are valid, many of the ordinance's provisions impermissibly regulate the content of protected speech, and also constitutes an unlawful prior restraint on expression, and is therefore repugnant to the First Amendment of the Constitution. The Court therefore will grant the plaintiffs' motion for

summary judgment in part, sever the non-offending sections of the ordinance, and enjoin enforcement of the balance of the ordinance.

I.

The sign ordinance was adopted by the Thomas Township Board in October 1999 after approximately sixteen months of study, according to Daniel Sika, the Thomas Township Community Development Director. Aff. of D. Sika ¶ 5. Motivated primarily by concerns of public safety, aesthetics and economic development, the township board and planning commission set about the task of regulating exterior signage in accordance with the enabling authority granted to them by the General Township Police Power Act, Mich.Comp.Laws § 41.181. The ordinance which resulted from their effort creates a comprehensive scheme that covers virtually every outdoor sign in the Township, see Ord. § 13-1-2(B) ("If any zone is omitted from this Chapter or if a new zone is created after the enactment of this amendatory Ordinance, no signs shall be permitted therein until this Zoning Ordinance is amended to include such zone and all permitted signs are specified therein."), and applies to "all persons, firms, partnerships, associations, and corporations owning, occupying or having control or management of any premises located within Thomas Township, Saginaw County, Michigan." Ord. § 13-1-2(C).

The ordinance defines a "sign" as

any device, structure, fixture, placard, name, identification, display or illustration using graphics, symbols or written copy which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to, advertise or identify an object, product, place, goods, services, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag of any political unit or school. A "sign" shall not include a sign located completely within an enclosed building. A pole, frame or structure used to hold a sign, not on a building is to be considered part of that sign.

Ord. § 3-1-14. Various sections of the ordinance prescribe the size, shape, location and content of allowed signs in each of the five zoning districts and, with some specifically enumerated exceptions, require a permit to be issued "[p]rior to construction, establishment, repair, replacement or changing of message" of a sign within the Township. Ord. § 13-1-10 (A).

*897 There are also provisions allowing non-conforming signs to remain intact for up to five years after the ordinance's effective date, but certain triggering events can curtail that privilege and require immediate compliance. For instance, section 13-1-12(C) of the ordinance requires existing signs to be brought into compliance if the content of the message on the sign is changed.

Two of the plaintiffs in this case, C.T. Leasing Co. and Azimuth Investments, Inc., are business owners who displayed signage before the ordinance took effect. C.T. Leasing owned a building which included an outdoor pole sign displaying the names of the tenants who occupied the building. When one of the tenants vacated its suite and another tenant moved in, C.T. Leasing changed the panel display on the sign to reflect the name of the new tenant. C.T. Leasing did not obtain a permit for this change. The Township contended that the change in the sign's message caused a forfeiture of the sign's legal nonconforming status, and that the pole sign did not conform to the ordinance's requirements, and therefore it issued a citation to C.T. Leasing to answer charges constituting a civil infraction. Azimuth has also been cited for a violation of the ordinance under similar circumstances.

Thereafter, the plaintiffs commenced this action under 42 U.S.C. § 1983 alleging that the sign ordinance impairs freedom of expression and exceeds the Township's regulatory authority under the First and Fourteenth Amendment "by imposing a complicated array of restrictions, limitations, conditions and bans on the content and type of signs that citizens of the Township currently use or may elect to use in the future." First Am.Compl., ¶ 28. In their first amended complaint, the plaintiffs set forth nine counts contending that the sign ordinance (1) violates the First Amendment as an unconstitutional regulation of both commercial and non-commercial speech; (2) violates the First Amendment as an unconstitutional prior restraint on a protected activity; (3) violates the Fourteenth Amendment's Equal Protection Clause; (4) violates the First Amendment as unconstitutionally overbroad; (5) violates the First Amendment as unconstitutionally vague; (6) violates the Fourteenth Amendment as unreasonable regulation under substantive due process; (7) lacks a legitimate purpose under the General Township Police Power Act, Mich.Comp.Laws § 41.1(a); (8) unconstitutionally interferes with the private contractual rights; and (9) violates the Fourteenth Amendment under the Procedural Due Process Clause.

The defendant has responded that the primary purpose of the ordinance is to regulate off-premises advertising, that the ordinance is permissive in that it allows all signs and messages except those which are specifically regulated or prohibited, and that it is the intent of the township officials to administer the ordinance in a content-neutral fashion. The Township contends, therefore, that the ordinance constitutes a valid regulation of the time, place, and manner of displaying messages which does not contravene the First Amendment.

The ordinance itself has fourteen sections which state the purpose of the ordinance; define its scope; set forth regulations for signage in the different zoning districts and for specific types of signs (billboard, off-premises and temporary signs); describe prohibited signs and nonconforming signs; prescribe the permitting process and exceptions to the permitting process; establish structural and illumination requirements; outline inspection, removal, and safety procedures; and define several terms.

Section three of the ordinance addresses the basic regulation for each of the five ***898** zoning districts: business, manufacturing, residential, environmental, and agricultural. A subsection of the ordinance purports to regulate the contents of the message on the signs in each district; the subsection, which is repeated in the description of permitted signs in each of the five districts, states, "Signs allowed in this zone shall contain information pertaining to permitted uses and applicable to a use therein." Ord. § 13-1-3(A)(10), (B)(4), (C)(4), (D)(4), & (E)(4).

The business district subsection contains a provision which distinguishes between "pole or ground signs" and "wall signs." A "pole sign" is "[a] sign that is free standing and supported by one or two poles which can be seen and who's [sic] advertisement begins off of grade level, and is not considered a ground sign." Ord. § 13-1-14. A "ground sign" is "[a] sign that is designed to begin advertisement or display at or near ground level, and no supporting poles are shown, and it is not considered a pole sign." *Id.* A wall sign is "[a] sign that is attached parallel to a wall on a building." *Id.* The total square feet of sign area for pole or ground signs is three-quarters the building frontage in lineal feet, not to exceed fifty square feet on any pole or ground sign. Ord. § 13-1-3(A)(2)(a). Wall signs are limited to "one (1) square feet for each lineal foot of building store frontage of primary use or uses, but the maximum for any one business shall be fifty (50) square feet." Ord. § 13-1-3(A)(2)(b). In addition,

[a]ll wall signs shall attach to the business structure and not project above the roof line. The allowed wall signage may be divided into not more than two (2) wall signs per business. Signage for parcels which lie on a corner lot shall be computed by using the building frontage which gives them the most signage.

Id. Display case signs are included in the total signage allowed on a parcel. Ord. § 13-1-3(A)(7).

The ordinance provides that

[i]f more then [sic] one business is located on a parcel, the percentage of total signage allowed shall be determined by calculating the building frontage for the business in question and dividing that by the total amount of building frontage of all businesses on said parcel. The percentage obtained will be the percentage of allowable signage that each business will be allowed to display on the pole or ground sign, not exceeding fifty (50) square feet total.

Ord. § 13-1-3(A)(3). Three or more businesses on a parcel are allowed to have a combined identity sign that identifies the building, plaza, or place of the businesses (not to exceed thirty-five square feet) and identify up to eight businesses with one foot by five foot signs. Ord. § 13-1-3(A)(3).

Business district parcels may have no more than two wall signs and a maximum of one pole or ground sign, unless it has more than three hundred feet of frontage; then, it may have an additional pole or ground sign and "[o]ne additional pole or ground sign may be erected for every additional one hundred fifty (150) lineal feet of frontage." Ord. § 13-1-3(A)(4)(b). Pole or ground signs may not exceed twelve feet above average grade level. Ord. § 13-1-3(A)(6)(a).

Gasoline stations and drive-thru restaurants are allowed additional signage. Gasoline stations are allowed "(a) Gasoline pump signs not exceeding three (3) feet per pump containing customary information regarding the brand and type of gasoline sold, (b) One changeable copy sign attached to protective vehicle bumper poles at the end of each row of pumps, [and] (c) Display rack signs for the orderly ***899** display of oil, tires, beverages or other accessories or goods sold at the gasoline stations." Ord. § 13-1-3(A)(8). Drive-thru restaurants are allowed "(a) Menu sign not exceeding twenty (20) square feet in total, located along the drive thru lane, (b) One changeable copy sign not exceeding six (6) square feet in total, located within ten feet

of the menu sign, [and] (c) Special direction signs not exceeding one (1) square foot in area and five (5) in total number." Ord. § 13-1-3(A)(9).

The subsection regulating the manufacturing district permits each individual establishment "one (1) identity sign per parcel with a maximum area of one (1) square foot for each lineal foot of building frontage or one-half (½) square foot for each lineal foot lot frontage, whichever is greater, up to a fifty (50) square foot maximum." Ord. § 13-1-3(B)(2). For corner lots, "[o]nly one ground or pole sign is allowed per parcel" and signage "shall be computed by using the building frontage which gives them the most signage." Ord. § 13-1-3(B)(3). Permitted signs "shall not be closer to any lot line than ten (10) feet ... [and][o]ff-premise signs shall be no closer than ten (10) feet to any lot line or right-of-way." *Id.* However,

[t]he Zoning Administrator, Building Inspector, Code Enforcement Officer or his or her authorized representative may require any pole or ground sign to establish a minimum sight distance by use of a greater setback from a property line or right-of-way where the sign could obstruct the vision of traffic.

Ord. § 13-1-3(B)(2). Further, "[t]he height of any pole or ground sign shall not exceed a maximum of twelve (12) feet from the average grade level to the top of the sign." Ord. § 13-1-3(B)(5).

The subsection regulating residential districts allows single or two family dwellings "[o]ne sign not exceeding one and one half (1 ½) square foot in area attached to the building or place in the yard, ... provided said sign does not advertise a business." Ord. § 13-1-3(C)(2)(a). In addition, one "home occupation" sign is permitted. *Id.* Multiple dwellings or subdivisions may mark the location of a group of homes by erecting "two ground-mounted signs totaling twenty four (24) square feet in area," not exceeding eight (8) feet in height, and "of the same size and construction." Ord. § 13-1-3(C)(2)(b). All signs in the residential district must be ten feet from the road right of way and the property line. Ord. § 13-1-3(C)(3).

The subsection regulating environmental districts allows one sign for each "permitted principal use." Ord. § 13-1-3(D)(2). The sign is limited to "one-half (½) square foot for each lineal foot of lot frontage not to exceed a maximum of thirty two (32) square feet." Ord. § 13-1-3(D)(2). Like the manufacturing district, corner lots are only allowed one pole or ground sign "computed by using the lot frontage which gives them the most signage" and all signs "shall be determined by the Zoning Administrator, Building Inspector, Code Enforcement Officer or his or her authorized representative to give clear vision on all corners and near existing or future structures to assure the safety of the public." Ord. § 13-1-3(D)(3).

Agricultural district property owners are limited to one sign "one-half (½) square foot for each lineal foot of lot frontage not to exceed a maximum of thirty two (32) square feet." Ord. § 13-1-3(E)(2). The sign "shall not exceed a maximum of twelve (12) feet from the average grade level of the top of the sign" and be "no closer to any lot line or right of way than ten (10) feet." Ord. § 13-1-3(E)(3). Like signs in the environmental district, a determination by a township representative as to clear vision is required. Ord. § 13-1-3(E)(3).

***900** Section four of the ordinance regulates the construction, size, and placement of billboards. There is no provision in this section which touches upon the content of the billboards.

Section five of the ordinance regulates small off-premise signs, which are defined as "freestanding sign[s] advertising the location or activities of any church or nonprofit service club or charitable association[. They] may be erected anywhere except for parcels zoned (R-1) or (R-2)." Ord. § 13-1-14. See also Ord. § 13-1-5. These signs require a sign permit, and a maximum of two small off-premise signs per church or service club may be erected and maintained within Thomas Township. Ord. § 13-1-5(6) & (7). Small off-premise signs "must be placed back-to-back with a maximum of one (1) foot in between the backs of the faces" and "signs shall be on a single post not greater than twelve (12) inches wide unless a licensed engineer documents a need from a greater width." Ord. § 5(3) & (4). The signs "may not be larger than three (3) square feet in area[,] setback ten (10) feet from any road or highway right-of-way[,] setback [] ten (10) feet from property line," and may not "be established within three thousand (3,000) feet of any other [] sign on the same side of the street or highway, [or] within one thousand (1,000) feet of any other [] sign on the other side of the street or highway." Ord. § 13-1-5(1) & (2) (citing Ord. § 13-1-4(D)).

Section six sets forth regulations for thirteen different "temporary signs." Construction signs "identify the architects, engineers, contractors and other individuals or firms involved with the construction" and shall not exceed a maximum area of twenty square feet per firm. Ord. § 13-1-6(A). They are allowed during the construction period, limited to two years, and "shall be

removed upon the occupancy of the intended use of the project." *Id.* "Temporary real estate directional signs" shall not exceed four in number, nor exceed three feet in height, nor exceed four square feet in area. Ord. § 13-1-16(B). They shall be "placed out of the right-of-way ... on approach routes to an open house up to two (2) days prior to an open house [and] must be removed within one day after the open house." *Id.* "Residential district" signs are temporary real estate signs (i.e. "For Sale," "For Rent," or "For Lease"). Ord. § 13-1-6(C). One sign per road frontage is allowed; each sign in a residential zoning district shall not to exceed four square feet, while each sign in non-residential zoning districts shall not exceed ten square feet. *Id.* If the sign "list[s] two or more parcels in the same subdivision or development," it shall not exceed six square feet. *Id.* All residential district signs "must be removed within twenty (20) days after the sale of the property." *Id.*

"Political campaign" signs "announc[e] referendum issues or candidates seeking public political office and other data pertinent thereto." Ord. § 13-1-6(D). The signs are confined to private property and each premises has a limit of thirty-two square feet of signage; signs twelve square feet or larger require a temporary sign permit. *Id.* The signs may be displayed up to thirty days prior to and up to five days after the election. *Id.*

"Street banners" are "[f]abric signs, suspended across public streets advertising a public entertainment or event." Ord. § 13-1-14. The banner require approval by the Township Board and the Saginaw County Road Commission or Michigan Department of Transportation. *Id.*; Ord. § 13-1-6(E). The ordinance requires that banners "shall be determined to give clear vision on all corners and near existing structures to assure the safety of the public." *Id.* The banner may be displayed for *901 a period of up to fourteen days before through up to seven days after the event. *Id.*

"Seasonal business" signs are allowed "for a maximum of sixty (60) days per calendar year." Ord. § 13-1-6(F). They require written permission prior to "acquiring a temporary sign permit from the Community Development Department." *Id.* A "seasonal business" "sell items which are only available due to the growing season for a limited period of time, during which time only those items produced during the growing season can be advertised. A seasonal business is one that is only open during the Michigan growing season." Ord. § 13-1-14. These signs are limited to "[o]nly items grown on a parcel within Thomas Township." Ord. § 13-1-6(F). These signs shall not exceed thirty-two square feet or twelve feet in height. *Id.*

"Temporary Advertising Displays" includes "only the display of pennants, constructed of cloth, canvas, plastic sheet or other like materials displayed for a limited period of time" by "site plan approved businesses" and the "temporary outdoor use of a display tent for items typical [sic] found within the approved business." Ord. § 13-1-6(G). Items designated as "temporary advertising displays" are not allowed "in any part of the required front yard setback area." Ord. § 13-1-6(G)(1). These displays require a temporary sign permit and are limited to "no more than forty five (45) days per calendar year per business on said parcel.... Only one such display may take place on a single parcel at a time." Ord. § 13-1-6(G)(2). Pennant displays are allowed if

a display pattern showing the color and design is submitted and approved upon temporary sign permit request. A sample of the pennants to be used shall be inspected to assure their condition is clean and neat upon temporary sign permit request. It shall be the Zoning Administrator, Building Inspector, Code Enforcement Officer or his or her authorized representative duty to assure that the pennants are in good condition.

Ord. § 13-1-6(G)(4). However, pennants displayed by automobile sales and dealer lots are not "temporary signs" and may be displayed "in a traditional manner within the front and side yards providing it is done in a clean and safe manner. No worn or tattered pennants may be used." Ord. § 13-1-6(G)(3).

"Temporary Portable Advertising Signs" are "portable in nature and used for the advertisement of a product or event excluding specific signs addressed in the Sign Ordinance." Ord. § 13-1-14. They may not "exceed a total height of six (6) feet and a total sign area of thirty two (32) square feet" and must comply with "all other requirements of this Zoning Ordinance." Ord. § 13-1-6(H)(1). Like the "temporary advertising displays," these signs may not be displayed more than a total of forty-five days in any calendar year; however, the forty-five-day limit does not apply to "seasonal business," whose signs may be displayed for not to exceed 120 days. *Id.*; Ord. § 13-1-6(H)(2). A temporary sign permit is required, except in residential districts. Ord. § 13-1-6(H)(5). Residential districts may have "temporary portable advertising signs" for forty-eight hours "for birthdays and other events related to the household" provided they conform to the five foot setback from property lines and right-of-way. Ord. § 13-1-6(H)(5).

A subclass of "temporary portable advertising signs" are "seasonal displays." "Seasonal displays" are "[d]isplays within the Business District, Environmental District, and Industrial District, used for such events as Christmas, Easter, and others for the purpose of promoting community *902 spirit and good will." Ord. § 13-1-14. Although seasonal displays require a temporary sign permit, no permit fee is charged. These displays must be "determined to give clear vision on all corners and near existing structures to assure the safety of the public [and] shall not obstruct the traffic in any parking areas or cause a lack of parking in any parking location." Ord. § 13-1-6(H)(4).

"Off-Premise Temporary Signs" "shall include content strictly for the uses allowed by agricultural, residential, environmental and charitable purposes" and may be located in any district except R-1, R-2, or R-3. Ord. § 13-1-6(I). They shall not exceed five feet in height or thirty-two feet in area and shall be located at least ten feet from any front or side property line. The ordinance states that

[t]his type of sign is allowed for a maximum of forty five (45) days per calendar year and is subject to acquiring a temporary sign permit from the Community Development Department. Written permission from the property owner is required before a temporary sign permit is issued. If an off-premise temporary sign is used on a parcel zoned (B) business or (M) manufacturing, the business located on that parcel shall have its total allowable days for the year to display a temporary sign reduced for every day the off-premise temporary sign is used on that parcel.

Id.

"Single purpose signs" are "intended to convey a message for a short period of time" and "may portray persons, events, locations or functions of general interest to the community." Ord. § 13-1-6(J). Commercial announcements are allowed for up to fourteen days "subject to the judgment of and approval of the Zoning Administrator, Building Inspector, Code Enforcement Officer or his or her authorized representative and issuance of a temporary sign permit." *Id.* Noncommercial announcements "for personal and public interest" are allowed for up to three days. *Id.*

"Institutional" signs "set[] forth the name of any single announcement for any public, charitable, educational, or religious institution." Ord. § 13-1-6(K). These signs must be entirely within the premises of the institution, cannot exceed twenty-five square feet, and if a pole or ground sign, shall be less than twelve feet above average grade. *Id.*

Signs indicating the name of a child care center or day care center in any residential district shall not exceed five square feet, not be more than five feet above average grade, and be approved by the Township Planning Commission. Ord. § 13-1-6(L).

The ordinance regulates "signs on vehicles" under the temporary signs section. The "sign on vehicles" subsection states that

[s]igns on vehicles of any kind are allowed provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body of the vehicle, provided that the primary use of the vehicle is not for advertising purposes. If a vehicle is parked at a location in such a manner and for such a purpose as to constitute a use primarily intended for sign advertising purposes, then the regulations as to signs in the zoning district in which it is located shall be applied to include the sign on the vehicle and said sign shall be considered a ground sign. Any vehicle used specifically for business purposes with the name of the business or products painted or attached directly to the body of the vehicle must be parked beyond the front yard setback, and any applicable street side yard setback or, with written approval of the Zoning Administrator, *903 Building Inspector, Code Enforcement Officer or his or her authorized representative, may be parked in an area determined by the Zoning Administrator, Building Inspector, Code Enforcement Officer or his or her authorized representative as a parking area for said vehicle. If the vehicle can be parked in an area which meets the requirements of the Ordinance, the Zoning Administrator, Building Inspector, Code Enforcement Officer or his or her authorized representative shall not give written approval to park outside of said area.

Ord. § 13-1-6(M).

Section seven of the ordinance lists seven categories of signs which do not require a permit. These signs must, however, "comply with all other requirements set forth in this ordinance." Ord. § 13-1-7. They include "public signs" ("erected by or on the order of a public officer" and are of a "governmental" or "noncommercial" nature "in the public interest," such as "safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest," Ord. § 13-1-7(A)); "integral" signs ("names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure," Ord. § 13-1-7(B)); "private traffic direction signs," ("[s]igns directing traffic movement or giving instructions, located within a parcel," Ord. § 13-1-14); "small signs" ("not exceeding two (2) square feet in area, stationary and not illuminated, announcing the name and occupation of building," Ord. § 13-1-7(D)); "temporary land development" signs ("pertaining to the sale, lease, rent, or development of a subdivision, planned shopping center, industrial park, or similar land parcel," Ord. § 13-1-7(E)); "farm" signs (stating the "[n]ames of occupants and other identification painted or otherwise made a part of the surface or roof of a barn or other accessory building pertaining to and identifying the owner and/or activity of the farm unit provided said identification is not for advertising purposes," Ord. § 13-1-7(F)); and "property address" signs (which are placed "on the front of the home or business if located at or near the minimum front yard setback" or "on a mailbox or in an area that can be seen clearly from the roadway" where a greater setback is used, Ord. § 13-1-7(G)).

The eighth section of the ordinance lists categories of prohibited signs. Included are signs with "obscene content," (i.e., "[c]ontain statements, words, or pictures of an obscene or indecent character, such as will cause a potential traffic hazard by distracting drivers," Ord. § 13-1-8(B)(1)); "imitation traffic signs," (which "[c]ontain or are in imitation of an official traffic sign or signal, or contain the words 'stop', 'go slow', 'caution', 'danger', 'warning', or similar words," Ord. § 13-1-8(B)(2)); signs which "resembl[e] or interfer[e] with traffic-control devices," Ord. § 13-1-8(B)(3); "abandoned business or product" signs (which "[a]dvertise an activity, business, product or service no longer conducted on the premises upon which the sign is located," Ord. § 13-1-8(B)(4)); signs that "hide any traffic or street sign or signal from view" or are "placed within any clear vision area or obstruct the view of pedestrian traffic in any direction," Ord. § 8(B)(6); signs located "in the right of way of any public street unless it is approved by the body with jurisdiction over said street, roadway or highway," Ord. § 13-1-8(B)(7); and signs with "moving parts." This subsection states that signs

[m]ust not move in any manner or have moving parts. Only minor decorative parts may move. No sign shall consist of a[sic] banners, posters, ribbons, *904 streamers, strings of light bulbs, spinners, or other similar moving devices. These devices are prohibited, unless they are permitted specifically by other legislation in this ordinance.

Ord. § 13-1-8(B)(5). The subsection recognizes one exception: "Auto sale dealerships, new or used may use customary displays of ribbons or pennants if kept in like new condition and not determined to distract drivers to cause a traffic hazard. In no case shall such display take place over any landscaping or green areas." *Id.*

Section nine of the ordinance regulates the structural requirements and standards for signs and deals with durability, compliance with electrical and building codes, appearance and painting.

The tenth section addresses sign permits. Sign permits are required "[p]rior to construction, establishment, repair, replacement or changing or message." Ord. § 13-1-10(A). Once a sign permit is issued for a pole or ground sign, "all pole or ground signs on the parcel must be brought into compliance with all provisions of this ordinance." *Id.* Thus, a "parcel shall no longer be considered legal nonconforming" when a sign permit is issued, when a sign is erected without obtaining a sign permit if required, or a repair is ordered by a township official. Ord. § 13-1-10(A)(1)-(3) sign permit application must include a "set of plans for any sign that is to be installed, changed, replaced or repaired." Ord. § 13-1-10(B). The plans shall be in scale of at least ¼ inch to 1 foot; "show [] the front profile of the sign from grade to the top of the sign" including a lighting diagram and

a plot plan ... of the sign in relation to property lines, right-of-way lines, parking spaces, and building, as well as any existing signs on the parcel including billboards. All sign sizes shall be indicated on the plot plan as well as each businesses building frontage. A picture of the existing building or wall signage as well as a picture of any existing pole or ground signage must be provided with the application.

Ord. § 13-1-10(B)(1)-(3). The sign permit fee is established by the Board and is doubled if a permit is not obtained prior to construction, set-up, or erection of the sign. Ord. § 13-1-10(D). Permanent sign permits expire if work on the sign is not completed within six months of the date of issuance. Ord. § 13-1-10(E).

Certain signs are exempt from the sign permit requirements. These include "replacing copy" signs, which are "approved theater marquee, gas station pricing board or similar approved signs which are specifically designed for the use of replaceable copy"; "cleaning and other normal maintenance [to signs,] such as painting and light bulb replacement"; signs listed under the "exemptions" section; and "commemoration signs," signs less than three feet by three feet which "use donations to support recreation and athletics and use these funds to construct items such as ball fields, back stops, outfield fences, bleachers and other related items" and only display "the name of the business and location." Ord. § 13-1-10(F)(1)-(4).

The eleventh section regulates illumination of signs. All illuminated signs must comply with the National Electrical Code as amended by Thomas Township. Ord. § 13-1-11(A). Illuminated signs must be "shaded, shielded or directed [so] the light intensity or brightness will not be objectionable to surrounding areas." Ord. § 13-1-11(B). "[B]linking, flashing or fluttering lights"; illumination devices that "chang[e] light intensity, brightness or color"; and "moving patterns of light so as to convey an illusion of motion or animation" are prohibited. Ord. § 13-1-11(C). The ordinance states that "[n]o colored lights shall be used at any location or in any ***905** manner so as to be confused with or construed as traffic-control devices. Only seasonal displays can use colored lights, but only after a temporary sign permit for such a display is issued by the Zoning Department." Ord. § 13-1-11(D).

The ordinance allows "electronic message boards" in zoning district B-1, B-2, B-3, B-4 and M-1. Ord. § 13-1-11(G). The message may not change more than every twenty seconds and "all lights in a display shall activate simultaneously, remain activated for not less than twenty (20) seconds and deactivate simultaneously." *Id.* No moving patterns of light are allowed and electronic message boards are not allowed on parcels with "nonconforming, currently existing" signs. *Id.* Two subsections later, the ordinance provides that "[s]igns which electronically display only the time and temperature are exempt from the above, provided the frequency of message change is not less than five (5) seconds." Ord. § 13-1-11(I).

The twelfth section of the ordinance addresses nonconformities. It states that all signs that do not conform to the ordinance as of its effective date shall be listed as such in the township records, but may continue to exist "provided there is no change to the sign's structure, facade, location, size, lighting, message, or content, excluding normal maintenance such as painting the sign without changing any aspect listed including changing font or font size." Ord. § 13-1-12(B). When a change is made to the nonconforming sign, all signs on the parcel must be brought into compliance at that time, or by October 4, 2004, whichever is earlier. Ord. § 13-1-12(C) & (D).

The thirteenth section of the ordinance regulates the "inspection, removal, [and] safety" of signs. Signs may be inspected periodically "to assure the sign is kept in good repair and attractive condition, and to assure the safety of the public and for compliance with this and other Codes of the Township." Ord. § 13-1-13(A). To aid in inspection, "[a]ll signs requiring permits shall display in a place conspicuous to inspectors the name, address and phone number of the owner In an area where the Inspector can see clearly using no ladder or similar device." Ord. § 13-1-13(B).

Signs shall be kept "in good repair and sound structural condition," which includes keeping them neatly painted and replacing non-functioning lights. Ord. § 13-1-13(C). Signs must be repaired or brought into compliance within ten days of notice from the township or may be removed by a township official at the owner's expense. Ord. § 13-1-13(C) & (D). The notice "shall be made in writing, delivered personally to the parcel or by certified mail [and] shall be served to the owner or manager of the building, structure or occupant of the building or parcel on which such sign is located". Ord. § 13-1-13(D). When a sign is removed, an invoice is sent to the owner of record of the parcel where the sign is located. *Id.* If an invoice is not paid within sixty days, the cost is added to the subsequent year's property taxes. *Id.*

Signs which are "prohibited" or "present a clear and existing danger to public safety" must be removed within twenty-four hours after notice is given. Ord. § 13-1-13(E) & (F). Because of the "urgency of the such situations, written contact is not required before a [dangerous] sign is so removed." Ord. § 13-1-13(F). Abandoned signs shall be removed by the owner or will be removed by the township after ten days notice is given. Ord. § 13-1-13(G). Violations pertaining to "temporary" and "temporary advertising display" signs must be corrected within

forty-eight hours after receiving written notice by certified letter or a ticket can be issued. Ord. § 13-1-13(H).

*906 The ordinance provides that "[w]hen a parcel of land is subject to two (2) types of zoning districts sharing the same road frontage, the total allowable signage for the property is determined by using the district which would allow the *least* amount of signage." Ord. § 13-1-13(1) (emphasis added).

II.

1 Although the defendant has not contested the plaintiffs' standing to challenge the constitutionality of the sign ordinance on its face, it is important to observe that prudential standing rules are somewhat relaxed in the First Amendment context. See *Lac Vieux Desert Band of Lake Superior Chippewa Indians v. Michigan Gaming Control Bd.*, 172 F.3d 397, 407 (6th Cir.1999). Normally, a party bringing a lawsuit must show an actual or threatened injury resulting from the alleged illegal action and may only assert a violation of its own rights. *Virginia v. American Booksellers Assoc., Inc.*, 484 U.S. 383, 392, 108 S.Ct. 636, 98 L.Ed.2d 782 (1988). However, the freedom of expression and the unfettered exchange of ideas is considered the lifeblood which sustains a democracy. *Roth v. United States*, 354 U.S. 476, 484, 77 S.Ct. 1304, 1 L.Ed.2d 1498 (1957) (stating that "[t]he protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people"). Thus, where a law regulates speech based on content, *R.A.V. v. City of St. Paul*, 505 U.S. 377, 381, 112 S.Ct. 2538, 120 L.Ed.2d 305 (1992), contains a prior restraint of protected speech, *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 108 S.Ct. 2138, 100 L.Ed.2d 771 (1988); *FW/PBS, Inc. v. Dallas*, 493 U.S. 215, 110 S.Ct. 596, 107 L.Ed.2d 603 (1990), chills the right of expression of third parties, *American Booksellers*, 484 U.S. at 392, 108 S.Ct. 636, or restricts the expression of others not before the court, *Members of the City Council for the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 104 S.Ct. 2118, 80 L.Ed.2d 772 (1984), third parties may wage a facial challenge to the offending law based on First Amendment rights. *American Booksellers*, 484 U.S. at 392-93, 108 S.Ct. 636.

2 In this case, two of the named plaintiffs have been cited for civil infractions stemming from a change in the content of the message on their respective signs. The defendant has not contested other allegations in the amended complaint that the named plaintiffs are residents and business owners who rely upon signs to communicate informational messages, both commercial and noncommercial, to other businesses and to the general public. See Am.Compl. ¶¶ 32 & 33.

The text of the ordinance in several instances prescribes the allowable content of the messages on signs within the various zoning districts. Further, the sign ordinance is pervasive and regulates virtually all signs to be displayed on land within the Township, requiring a permit in most instances issued by a public official who is not governed by any discernable standards contained within the ordinance. The permitting process is engaged whenever there is a proposed change in the *message* of the sign, even if no structural or aesthetic changes are also made, and permits are required before a message may be displayed.

The plaintiffs in this case have standing to challenge the constitutionality of the sign ordinance because it is content based, *R.A.V.*, 505 U.S. at 381, 112 S.Ct. 2538, and because it delegates licensing discretion to a public official who is not constrained by any provision of the ordinance to assure that it is administered in a content-neutral fashion. *Freedman v. Maryland*, 380 U.S. 51, 56, 85 S.Ct. 734, 13 L.Ed.2d 649 (1965) *907 ("[I]t is well established that one has standing to challenge a statute on the ground that it delegates overly broad licensing discretion to an administrative office, whether or not his conduct could be proscribed by a properly drawn statute, and whether or not he applied for a license.")

III.

The plaintiffs have filed their motion for summary judgment pursuant to Fed.R.Civ.P. 56. A motion for summary judgment under Rule 56 presumes the absence of a genuine issue of material fact for trial. A party opposing a motion for summary judgment must show by affidavits, depositions, or other factual material that there is "evidence on which the jury could reasonably find for the [non-moving party]." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986). "Materiality" is determined by the substantive law claim. *Boyd v. Baeppler*, 215 F.3d 594, 599 (6th Cir.2000). The Court must view the evidence and draw all reasonable inferences in favor of the non-moving party, and determine "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law." *Anderson*, 477 U.S. at 251-52, 106 S.Ct. 2505.

A party may support a motion for summary judgment by demonstrating that an opposite party, after sufficient opportunity for discovery, is unable to meet her burden of proof. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986). The non-moving party may not merely rely upon the pleadings to oppose a motion for summary judgment but must come forward with affirmative evidence in the form of materials described in Rule 56(c) to establish a genuine issue on a material fact. *Id.* at 324, 106 S.Ct. 2548. Even in complex cases, "[w]here the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no 'genuine issue for trial.'" *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986).

3 The party opposing the motion may not "rely on the hope that the trier of fact will disbelieve the movant's denial of a disputed fact" but must make an affirmative showing with proper evidence in order to defeat the motion. *Street v. J.C. Bradford & Co.*, 886 F.2d 1472, 1476–81 (6th Cir.1989).

4 The defendant in this case contends that an adequate factual record has not yet been developed to establish the manner in which township officials intend to administer the sign ordinance. However, the defendant may not oppose a summary judgment motion on the basis of immaterial facts. *Boyd*, 215 F.3d at 599. The contest to the ordinance leveled by the plaintiffs is a facial challenge. When First Amendment rights are implicated, the relevant scope of inquiry is focused on the text of the law, not the facts surrounding its application. See, e.g., *Belle Maer Harbor v. Harrison Township*, 170 F.3d 553, 556–57 (6th Cir.1999). Thus, irrelevant or unnecessary factual disputes do not create genuine issues of material fact. *Anderson*, 477 U.S. at 248, 106 S.Ct. 2505; *St. Francis Health Care Centre v. Shalala*, 205 F.3d 937, 943 (6th Cir.2000). When the "record taken as a whole could not lead a rational trier of fact to find for the non-moving party," there is no genuine issue of material fact. *Matsushita*, 475 U.S. at 587, 106 S.Ct. 1348. Thus a factual dispute which "is merely colorable or is not significantly probative" will not defeat a motion for summary judgment which is properly supported. *Kraft v. United States*, 991 F.2d 292, 296 (6th Cir.1993); see also *Int'l Union, United Auto., Aerospace and Agric. *908 Implement Workers of Am. v. BVR Liquidating, Inc.*, 190 F.3d 768, 772 (6th Cir.1999).

A.

The plaintiffs contend that the sign ordinance violates their rights under the First Amendment because it contains "pervasive" content-based restrictions on protected non-commercial speech and protected commercial speech. The plaintiffs rely heavily on *North Olmsted Chamber of Commerce v. City of North Olmsted*, 86 F.Supp.2d 755 (N.D. Ohio 2000), in which the court enjoined the enforcement of a local sign ordinance. The *North Olmsted* Court found that the sections of the ordinance which classify signs by their use type were content-based and the sections that classify signs by their structural type were content-neutral. The court held that the content-based restrictions on non-commercial speech were unconstitutional because "the City has not shown that the content-based distinctions are necessary to serve their interests of safety and aesthetics, and because the ordinance is not narrowly drawn by the least restrictive means to achieve those interests." *Id.* at 769. As to content-based commercial speech, the court held that the City "provided no evidence that would support the contention that the content-based restrictions in [these sections] directly and materially contribute to safety and aesthetics." *Id.* at 771. In the end, the court struck down the entire ordinance, finding the ordinance a "thicket of content-based distinctions [and] an impermissible system of prior restraint." *Id.* at 779.

The defendant here argues that *North Olmsted* is distinguishable because (1) the ordinances are significantly different, (2) the *North Olmsted* Court had a more developed factual record because of a prior referral to a magistrate judge, and (3) the plaintiffs "misinterpret significant provisions" of the ordinance to "ratchet the provisions ... into the type of ordinance invalidated in *North Olmsted*." The defendant argues that the township had the authority to enact the sign ordinance, emphasizes that nonconforming signs may remain unchanged for five years, and contends that the ordinance is a valid "time, place, and manner" restriction.

5 The First Amendment states that "Congress shall make no law ... abridging the freedom of speech." U.S. Const. amend I. The First Amendment is applicable to the states and their political subdivisions via the Fourteenth Amendment's Due Process Clause. *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 489 n. 1, 116 S.Ct. 1495, 134 L.Ed.2d 711 (1996); *Lovell v. City of Griffin*, 303 U.S. 444, 450, 58 S.Ct. 666, 82 L.Ed. 949 (1938).

6 7 8 The first determination a court must make when evaluating a law that governs speech is whether the regulation is content-neutral or content-based, inasmuch as this determination prescribes the level of scrutiny that is used in assessing the constitutionality of the law. *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435, 440 (6th Cir.1998). A regulation is

content-neutral if it can be "justified without reference to the content of the regulated speech," even if regulation has an incidental effect on some but not all speakers or messages. *Ward v. Rock Against Racism*, 491 U.S. 781, 791, 109 S.Ct. 2746, 105 L.Ed.2d 661 (1989) (quoting *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293, 104 S.Ct. 3065, 82 L.Ed.2d 221 (1984)). A law which controls the substance of a speaker's message is not content-neutral, even if it has broad application. *Hill v. Colorado*, 530 U.S. 703, 767, 120 S.Ct. 2480, 147 L.Ed.2d 597 (2000) (finding that protesting, educating, or counseling on any subject within eight feet of any health care facility is content-based because it does not apply to all buildings in "909 the state). See also *Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622, 643, 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994) ("As a general rule, laws that by their terms distinguish favored speech from disfavored speech on the basis of the ideas or views expressed are content based.").

1.

9 Certain sections of the sign ordinance regulate the structure, appearance and placement of signs without regard to content. These sections include the provisions dealing with billboards, Ord. § 13-1-4; the section prescribing structural requirements and standards, Ord. § 13-1-9; and regulations dealing with illumination, except the section relating to time and temperature displays, Ord. § 13-1-11, but not subsection (l). If the regulation is content-neutral, it may permissibly impose reasonable time, place, and manner restrictions. *Cleveland Area Bd. of Realtors v. City of Euclid*, 88 F.3d 382, 386 (6th Cir.1996); *Wheeler v. Comm'r of Highways, Commw. of Ky.*, 822 F.2d 586, 589 (6th Cir.1987). The restrictions are valid if they (1) "are narrowly tailored to serve a substantial government interest" and (2) "leave open ample alternative channels for communication of the information." *Cleveland Area Bd. of Realtors*, 88 F.3d at 385. Under the "time, place, and manner" analysis, a "narrowly tailored" ordinance "does not have to have eliminated all less restrictive alternatives," but "must not burden substantially more speech than is necessary to further the government's legitimate interests." *Id.* at 388 (internal quotes omitted).

10 Section 13-1-4 regulates the size, height, location, and illumination of billboard signs; content is not regulated. The ordinance requires the billboard signs to be 300 feet from the road or any residence and 3000 feet from any billboard on the same side of the street and 1000 feet from any billboard on the opposite side of the street; not exceed 200 square feet in area or 30 feet in height; be a minimum of 12 feet from the lowest point of the sign's supporting structure; and, if illuminated, "prevent beams or rays of light from being directed onto adjoining residential structures or at any portion of the traveled ways." These regulations all further the government's stated purposes (promoting traffic safety, protecting public and private investment and property values, preventing light obstruction, and limiting the adverse impact caused by proliferation of billboards).

Section 13-1-9 regulates the structural standards for all signs. This section includes visual regulations:

All signs shall be constructed to withstand all normal weather conditions for this area. Where the back is visible, it must be suitably painted or otherwise covered to present a neat and clean appearance.

Ord. § 13-1-9(A)(1). The regulations in this section further the government's interest in public safety. See Ord. § 13-1-1. Section 13-1-11, like section 13-1-9 regulating the structural standards, furthers the government's interest in public safety by regulating the illumination of all signs.

The last element of the "time, place, and manner" analysis is whether there are alternative channels for communication. This inquiry is only relevant to the section regulating billboards (§ 13-1-4). Because the ordinance does not prohibit billboards and allows other signs, the ordinance does not foreclose alternative channels of communications.

The Court concludes that, if the ordinance is severable, sections 4, 9, and 11 (except (l)) are valid "time, place, and manner" restrictions.

*910 2.

11 Other sections of the ordinance must be viewed differently. The regulations allowing signs in the various zoning districts (Ord. § 13-1-3) are based on content; the signs must include "information pertaining to permitted uses and applicable to a use therein." The section regulating small off-premises signs (Ord. § 13-1-5) applies only to signs "advertising the location or activities of any church or nonprofit service club or charitable association." The classification of temporary signs (Ord. § 13-1-6) is based entirely on the purpose and import of their message. Exceptions to the permit requirements (Ord. § 13-1-7) are likewise allowed

entirely based on the content of the signs described in this section of the ordinance. Content determines whether certain signs are altogether prohibited from display within the Township. See Ord. § 13-1-8. Electronic message boards for time and temperature (Ord. § 13-1-11(l)) are the only electronic message boards which may change as often as every five seconds. Finally, a permit is required in most instances when a message on a sign is changed, Ord. § 13-1-10(A), and permit exemptions may be allowed for "commemoration signs," which are defined as signs acknowledging donors to "[s]chools or parks which use donations to support recreation and athletics and use these funds to construct items such as ball fields, back stops, outfield fences, bleachers and other related items." Ord. § 13-1-10(F)(4).

All of these regulations are content-based.

If the restrictions on expression are content-based, then the Court must determine whether the restrictions involve commercial or non-commercial speech. Commercial speech has been defined as "expression related solely to the economic interests of the speaker and its audience" or "speech proposing a commercial transaction." *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 493, 115 S.Ct. 1585, 131 L.Ed.2d 532 (1995).

a.

12 13 Content-based restrictions on non-commercial speech are analyzed under the "strict scrutiny" test. *Boos v. Barry*, 485 U.S. 312, 321-22, 108 S.Ct. 1157, 99 L.Ed.2d 333 (1988). Under that test, the Township must "show that the regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end." *Id.* (internal quotes omitted). Although "safety" and "aesthetics" are substantial government interests, they are not compelling enough to justify content-based restriction on fully-protected, noncommercial speech. *North Olmsted Chamber of Commerce v. City of North Olmsted*, 86 F.Supp.2d 755, 767 (2000); see also *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507-08, 514-15, 101 S.Ct. 2882, 69 L.Ed.2d 800 (1981).

14 Several provisions of the sign ordinance reach speech that is not "proposing a commercial transaction." For instance, the regulations prescribing signs allowed in the zoning districts (Ord. § 13-1-3) limits the content of the signs to "information pertaining to permitted uses and applicable to a use therein." The defendant argues that these provisions are not at all limiting but are permissive and only purport to regulate off-premises advertising. The defendant contends that the provisions are not exclusive, but rather state what must be included for the sign to qualify under the ordinance. In other words, the defendant says, once the sign contains information pertaining to a permitted use, the sign may, in addition, contain any other message.

The Court cannot accept the gloss on the text of the ordinance urged by the defendant. If it were true that any message on signs were permitted once the "911" "qualifying language" first appeared, then even the ordinance's professed purpose would be overrun, as other messages might well include advertising. Further, it is well understood that legislative texts which list activities that are allowed, such as the text of the subsections of Section 13-1-3—"Signs allowed in this zone shall contain information pertaining to permitted uses"—necessarily exclude activity, or in this case, other messages, that are *not* allowed. See *Olden v. LaFarge Corp.*, 203 F.R.D. 254, 264 (E.D.Mich.2001) (citing *Equal Employment Opportunity Comm'n v. Kimberly-Clark Corp.*, 511 F.2d 1352, 1362 (6th Cir.1975)). Once that principle is recognized, it is clear that this ordinance contains language that would authorize a government official to restrict or prohibit protected speech. Thus, signs in residential districts may not contain messages which relate other than to residential uses; signs in environmental districts must relate to environmental uses; manufacturing signs to manufacturing uses, and so forth. There are obviously other subjects on which residents may want to express an opinion in the form of written messages other than those limited to residential uses. The same holds true for other use zones. However, the Township has not offered sufficient justification under the strict scrutiny test for the authority to curtail protected, noncommercial speech, and therefore Section 13-1-3 of the ordinance is unconstitutional.

15 The section regulating small off-premises signs (Ord. § 13-1-5) is limited in its application to those signs which "advertis[e] the location or activities of any church or nonprofit service club or charitable association." There is no other provision in the ordinance which allows small, off-premises signs which display other messages. This section therefore contains two forms of content-based restrictions: it allows only churches, service clubs and charities to post small, off-premises signs; and it confines the messages of those organizations to announcing their location and activities. The Township has not explained how the limitation of content of these messages advances their stated goals. For instance, safety and aesthetics are promoted no more by allowing a sign which states only location or activities than by a sign which announces a tenet of faith, or a proverb, or the motto or mission of a service club. Nor

has it been established that limiting the display of such messages to churches, charities and service clubs will serve a government interest.

16 The privilege of maintaining nonconforming signs also depends on not altering the "message, or content" of the sign itself. Ord. § 13-1-12(B). The justification for allowing a content-based triggering event has not been established by the Township.

17 Allowance of temporary signs depends on the messages they contain. See Ord. § 13-1-6. Many of the allowed signs described in this section state noncommercial messages, such as information at construction sites, street banners announcing public activities and political campaign signs. Signs which display messages other than those enumerated in this section of the ordinance are not allowed under this section. Thus, a political message exhorting citizens to contact their representative concerning pending legislation would not be allowed, but a sign advocating the election of a candidate displayed with thirty days of an election is permitted.

18 Likewise, exceptions to the permit requirements (Ord. § 13-1-7) are based on the types of signs (public signs, integral signs, private traffic direction signs, small signs, temporary land development signs, farm signs, and property address signs) which are categorized according to content. Similarly, the ordinance section on "912 prohibited signs (Ord. § 13-1-8) identifies them by content. There is even a list of prohibited words ("stop," "go slow," "caution," "danger," "warning," see Ord. § 13-1-8(B)(2)) that may not be contained in signs. Thus, an octagonally-shaped sign stating "Stop Illegal Drugs" would be prohibited. Signs with ribbons or streamers are not allowed, except for automobile dealers. Electronic message boards for time and temperature (Ord. § 13-1-11(G)) are the only electronic message boards which may change as often as every five seconds. Finally, the permit exemptions found in Ord. § 13-1-10(F) allows "commemoration signs," which are defined as a sign no larger than three feet by three feet by "[s]chools or parks which use donations to support recreation and athletics and use these funds to construct items such as ball fields, back stops, outfield fences, bleachers and other related items." Ord. § 13-1-10(F)(4). All of these regulations are content based and must be given strict scrutiny.

Although the foregoing sections of the ordinance promote the goals of aesthetics and safety to the extent that they prohibit or eliminate some signage, they also allow other signs which may very well compromise those goals. The distinction between what is allowed and what is prohibited is based on the content of the message or the identity of the person or institution displaying the sign. The ordinance, then, allows the Township to regulate which messages are displayed, and by whom, and which are prohibited. However, "[w]ith respect to noncommercial speech, the [Township] may not choose the appropriate subjects for public discourse," *Metromedia*, 453 U.S. at 515, 101 S.Ct. 2882. Nor are the regulations narrowly tailored to achieve the Township's goals. "This lack of narrow tailoring, along with the myriad exceptions the [Township] provides to favored speakers, significantly undercuts the [Township]'s rationales of safety and aesthetics." *North Olmsted*, 86 F.Supp.2d at 768.

The Court concludes, therefore, that the sections of the ordinance referenced above impermissibly regulate noncommercial speech and are unconstitutional.

b.

19 20 Content-based restrictions of commercial speech are analyzed under the four-part test announced by the Supreme Court in *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n of New York*, 447 U.S. 557, 100 S.Ct. 2343, 65 L.Ed.2d 341 (1980). Under *Central Hudson*, the Court must determine whether (1) the speech is protected by the First Amendment, (2) the government interest is "substantial," (3) the regulation "directly advances the governmental interest asserted," and (4) the regulation is no more extensive than necessary to serve the governmental interest. *Id.* at 566, 100 S.Ct. 2343. The defendant admits for the purposes of this motion that the plaintiffs' sign messages are protected by the First Amendment. Def.'s Br. in Opp'n to Pls.' Mot. for Summ.J. at 11. Similarly, the Supreme Court has held that "safety" and "aesthetics" are substantial governmental interests that can justify the regulation of some commercial speech. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507-08, 101 S.Ct. 2882, 69 L.Ed.2d 800 (1981).

"The last two steps of the *Central Hudson* analysis basically involve a consideration of the 'fit' between the legislature's ends and the means chosen to accomplish those ends." *Posadas de Puerto Rico Assocs. v. Tourism Co. of Puerto Rico*, 478 U.S. 328, 341, 106 S.Ct. 2968, 92 L.Ed.2d 266 (1986). Thus, the third part of the test requires an examination of the regulation to determine whether it actually and directly addresses the perceived harm or otherwise advances the governmental interest. "913 "[A] governmental body seeking to sustain a restriction on commercial speech must demonstrate that the harms it recites are real and that its restriction will in fact alleviate them to a material degree." *Edenfield v. Fane*, 507 U.S. 761,

770–771, 113 S.Ct. 1792, 123 L.Ed.2d 543 (1993). The Supreme Court has "observed that 'this requirement is critical; otherwise, "a State could with ease restrict commercial speech in the service of other objectives that could not themselves justify a burden on commercial expression." ' " *Greater New Orleans Broad. Ass'n v. United States*, 527 U.S. 173, 184, 119 S.Ct. 1923, 144 L.Ed.2d 161 (1999) (quoting *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 487, 115 S.Ct. 1585, 131 L.Ed.2d 532 (1995)).

The test's fourth part limits the scope of the third. The Supreme Court explained:

The fourth part of the test complements the direct-advancement inquiry of the third, asking whether the speech restriction is not more extensive than necessary to serve the interests that support it. The Government is not required to employ the least restrictive means conceivable, but it must demonstrate narrow tailoring of the challenged regulation to the asserted interest—"a fit that is not necessarily perfect, but reasonable; that represents not necessarily the single best disposition but one whose scope is in proportion to the interest served."

Greater New Orleans, 527 U.S. at 188, 119 S.Ct. 1923 (quoting *Board of Trustees of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 480, 109 S.Ct. 3028, 106 L.Ed.2d 388 (1989)).

21 The only section of the ordinance which regulates purely commercial speech is found at Ord. § 13–1–6, covering temporary signs described as Construction signs, Temporary Real Estate Directional signs, Seasonal Business signs, Temporary Advertising Display signs, Temporary Portable Advertising signs, and Child Care signs. The ordinance regulates the time period for the signs due to the temporary nature of the advertising, although there is no time limit on the display of child care signs. The temporary advertising display and temporary portable advertising signs each have a 45–day limit per parcel of land per year. Seasonal businesses may display signage for sixty days during the year. The sixty-day period is not specified as continuous, and the sign may advertise for sale "[o]nly items grown on a parcel within Thomas Township." Ord. § 13–1–6(F). Off premises advertising signs are allowed except in residential zones, but they may only include "content strictly for the uses allowed by agricultural, residential, environmental and charitable purposes." Ord. § 13–1–6(I). Ord. § 13–1–6(H)(4) provides that "[d]isplays related to Christmas and Easter may be allowed for forty-five (45) days" within the business, environmental and industrial districts.

This section of the ordinance also contains restrictions on size and placement of certain signs in order to "give clear vision on all corners and near existing structures," or to be "clean and in good condition and designed to assure the safety of the public." However, it is not clear how the restriction based on content uniformly advance the goals of safety and aesthetics. For instance, it is difficult to conceive of a justification that allows a produce seller to advertise products grown in Thomas Township but not those grown elsewhere. Allowing certain temporary signage for forty-five days per year while not allowing businesses to use this potentially effective form of speech during the remaining 10½ months of the year is not a regulation "whose scope is in proportion to the interest served." Nor can the other content-based restrictions in this section of the ordinance be justified effective and narrowly tailored to achieve the goals of safety ⁹¹⁴ and aesthetics. The Court concludes, therefore, that the restrictions on commercial speech are unconstitutional.

3.

22 23 The plaintiffs also contend that the ordinance constitutes an unlawful prior restraint on speech. "A 'prior restraint' exists when speech is conditioned upon the prior approval of public officials." *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884, 889 (6th Cir.2000). Although prior restraints "come to the court bearing a heavy presumption against their validity," they are not unconstitutional *per se*. *Id.*

24 25 A licensing scheme that requires advance authorization to display a protected message may not be content-based. See *Forsyth County v. The Nationalist Movement*, 505 U.S. 123, 130, 112 S.Ct. 2395, 120 L.Ed.2d 101 (1992) (citing *United States v. Grace*, 461 U.S. 171, 177, 103 S.Ct. 1702, 75 L.Ed.2d 736 (1983)). Although the ordinance section outlining the requirements for and issuance of permits does not specifically condition the issuance of permits on the nature of the message sought to be displayed, the ordinance section does require engaging the process whenever there is a proposed "changing of [the] message" on a sign. Ord. § 13–1–10(A). Requiring official permission to change a sign's message is disturbingly suggestive of authority to sanction the message itself. The ordinance contains no language to assuage that concern, which leads to another fatal defect in this section.

The Supreme Court has described "two evils that will not be tolerated" in licensing schemes that require prior governmental permission to display or express a protected message.

FW/PBS, Inc., 493 U.S. at 225, 110 S.Ct. 596.

First, a scheme that places "unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." [Citations omitted.] "It is settled by a long line of recent decisions of this Court that an ordinance which ... makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official—as by requiring a permit or license which may be granted or withheld in the discretion of such official—is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms." *Shuttlesworth [v. City of Birmingham]*, 394 U.S. [147,] 151, 89 S.Ct. 935, 22 L.Ed.2d 162 [(1969)] (quoting *Staub [v. City of Baxley]*, 355 U.S. [313,] 322, 78 S.Ct. 277, 2 L.Ed.2d 302 [(1958)]). Second, a prior restraint that fails to place limits on the time within which the decisionmaker must issue the license is impermissible.

Id. at 225–26, 110 S.Ct. 596.

In this case, the permit section of the ordinance contains no restrictions on or standards governing the authority of the issuing official. The Supreme Court's First Amendment jurisprudence requires prior-permission licensing laws relating to speech to contain "narrow, objective, and definite standards to guide the licensing authority." *Forsyth*, 505 U.S. at 131, 112 S.Ct. 2395. This ordinance contains no restrictions at all. It grants the local government official unbridled discretion to decide whether a sign contains an acceptable message, which of several categories into which the nature of the message or identity of the speaker falls, and whether the nature of the communication will be allowed under the specific, content-based ordinance provisions for each of the five zones. The power to deny the permit is thus equivalent to the power to deny the message which, of course, constitutes unconstitutional government censorship.

In addition, there are no procedural safeguards attendant to the permit process. ⁹¹⁵ The Sixth Circuit has held that a licensing system which relates to speech must contain at least two features: "(1) the decision whether to issue a license must be made within a specified brief period, and the status quo must be maintained during that period and during judicial review, and (2) there must be a 'guarantee of prompt judicial review.'" *Nightclubs*, 202 F.3d at 890 (citing *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220, 225 (6th Cir.1995)).

In *Nightclubs*, the city enacted an ordinance to license and regulate sexually oriented businesses and their employees. The ordinance required submissions by the businesses and inspections by the city. The ordinance provided that "[t]he City shall approve or deny the issuance of a license to an applicant within ten (10) business days after receipt of a completed sexually oriented business application." *Nightclubs*, 202 F.3d at 887. The Court held that

[a]lthough the ordinance states that Paducah will approve or deny an application within ten days, the ordinance also states that no license will issue unless the City executes, and the premises passes, a variety of building inspections. See Ord. § 11–7(a). No specific time limits for completion of these inspections are placed on the "appropriate City departments and agencies." *Id.* Further, the ordinance does not indicate that a license shall issue if any of the City departments fails to complete a mandatory inspection within a timely period.

Id. at 890.

The ordinance in this case contains neither of these "safeguards." The ordinance "fails to provide for the prompt issuance of a license," and in that respect is even more egregious than the ordinance in *Nightclubs*: although the ordinance contains many specific time periods for correcting violations and construction of signs after a permit is issued, it does not indicate a time period for the Building Inspector to grant or deny an application for a sign permit. In addition, neither the ordinance nor the variance procedures provide for "prompt judicial review."

The conclusion is unavoidable, therefore, that the permit section of the ordinance constitutes an unconstitutional prior restraint of protected speech and may not be enforced.

4.

²⁶ The ordinance contains a provision that it is "severable," such that if "any provision ... [is] declared invalid or unconstitutional ..., such decision shall only affect the particular provision ..., and shall not affect or invalidate the remainder." Ord. § 13–1–16. The Court has found that certain sections of the ordinance do not violate the First Amendment, specifically sections 13–1–4, 13–1–9, and 13–1–11 (except (I)). The Court must therefore determine whether these

portions are severable, which "is a question of state law." *City of Lakewood*, 486 U.S. at 772, 108 S.Ct. 2138.

The Michigan Supreme Court has stated that the general rule of statutory construction "favors severability." *Blank v. Dep't of Corr.* 462 Mich. 103, 122–23, 611 N.W.2d 530, 539 (2000). See Mich.Comp.Laws § 8.5. Thus, if a non-offending portion of a statute is independent of an unconstitutional provision, and is "otherwise complete in itself and capable of being carried out without reference to the unconstitutional" section, the non-offending portion may stand. *Maki v. City of East Tawas*, 385 Mich. 151, 159, 188 N.W.2d 593, 596 (1971).

In this case, the non-offending sections of the ordinance deal with the placement and construction of billboards, non-content-based structural requirements, and lighting. Absent the prior permit requirement, ***916** these sections are nonetheless enforceable through inspection, compliance demands and judicial violation proceedings. They are, in effect, extensions of the local building code that prescribe the physical requirements for all signs regardless of content, and they may be announced to those seeking to erect signage and enforced after-the-fact. These sections constitute independent provisions capable of enforcement apart from the remainder of the ordinance. The Court concludes, therefore, that sections 13–1–4, 13–1–9, and 13–1–11 (except (l)) of the ordinance are severable and do not violate the First Amendment.

B.

The plaintiffs have raised other grounds attacking the validity of the sign ordinance. Because the Court concludes that all but the severable portions are unconstitutional, the Court will address the plaintiffs' remaining arguments only with respect to the severed sections.

1.

27 The plaintiffs have alleged that the ordinance violates state law because the Township exceeded its authority in enacting it. Michigan law authorizes townships to "adopt ordinances regulating the public health, safety, and general welfare of persons and property." Mich.Comp.Laws § 41.181. Townships are permitted to enact ordinances to regulate a "broad range of activities." *Graham v. Kochville Township*, 236 Mich.App. 141, 146, 599 N.W.2d 793, 797 (1999). Regulatory ordinances are permissible if they are "reasonable and not confiscatory." *Casco Township v. E. Brame Trucking Co.*, 34 Mich.App. 466, 471, 191 N.W.2d 506, 508 (1971). Unlike zoning ordinances, however, they are "not encumbered by a nonconforming use provision." *Id.* In other words, because regulatory ordinances are "blind to zoning differences," a regulatory ordinance is not subject to the requirement of accommodating nonconforming uses. *City of Grandville v. Strobbridge*, 127 Mich.App. 705, 711, 339 N.W.2d 531, 534 (1983). Because the ordinance was enacted for the "health, safety, and welfare" and in fact has a period which permits nonconforming signs to remain, the ordinance was properly enacted under the township's general police power.

Because no genuine issue of material fact exists and the plaintiff has failed to submit evidence to support this claim, the Court denies relief to the plaintiffs concerning the severed sections of the ordinance on count seven of the amended complaint.

2.

28 The plaintiffs also challenge the ordinance as an unlawful impairment of contractual obligations. The Michigan Constitution states that no "law impairing the obligation of contract shall be enacted." Mich. Const. art. I, § 10. This prohibition, however, is not absolute. *Romein v. Gen. Motors Corp.*, 436 Mich. 515, 534, 462 N.W.2d 555, 565 (1990). An accommodation is made for the use of the inherent police power "to safeguard the vital interest of its people." *Id.* (quoting *Energy Reserves Group, Inc. v. Kansas Power & Light Co.*, 459 U.S. 400, 410, 103 S.Ct. 697, 74 L.Ed.2d 569 (1983)). In determining whether accommodation is appropriate, the Court must determine whether the law has (1) operated as a substantial impairment of a contractual relationship, (2) has a legitimate public purpose, and (3) has a reasonable means by which contracting parties' rights and responsibilities are adjusted. *Id.* at 534–36, 462 N.W.2d at 565–66, 462 N.W.2d 555.

Although the plaintiff alleges that "[i]t is common in commercial leases to negotiate and contract signage rights" and that the ordinance "attempts to usurp any private contract in this regard," the plaintiffs have ***917** failed to set forth any facts proving substantial impairment. The severed sections ordinance do not forbid all signs and merely prescribe the manner in which signs may be constructed, illuminated and maintained. In addition, existing nonconforming signs may remain unchanged until October 4, 2004; leases which are renewed between now and that date can be negotiated with the parties having knowledge of the provisions of the ordinance.

The legitimate public purpose prong of the test requires a valid exercise of the police power. *Romein*, 436 Mich. at 535, 462 N.W.2d at 565. As determined above, the enactment of the sign ordinance was a valid exercise of the Township's police power.

The last prong requires the Court to examine the means of adjustment of the rights and responsibilities of the parties. The "courts properly defer to legislative judgment as to the necessity and reasonableness of a particular measure." *Romein*, 436 Mich. at 536, 462 N.W.2d at 566 (quoting *United States Trust Co. v. New Jersey*, 431 U.S. 1, 22-23, 97 S.Ct. 1505, 52 L.Ed.2d 92 (1977)). In the instant case, the ordinance permits signs which fail to comply to remain nonconforming until October 4, 2004, five years after the ordinance was passed.

Because no genuine issue of material fact exists and the plaintiff has failed to submit evidence to support this claim, summary judgment will be denied on count eight of the complaint with respect to the severed sections of the ordinance.

3.

29 The plaintiffs also argue that the sign ordinance is void for vagueness. The thrust of this argument is directed toward sections of the ordinance already invalidated. Under the First Amendment, "speakers are protected from arbitrary and discriminatory enforcement of vague standards." *Nat'l Endowment for the Arts v. Finley*, 524 U.S. 569, 588, 118 S.Ct. 2168, 141 L.Ed.2d 500 (1998). "The prohibition against vague regulations of speech is based in part on the need to eliminate the impermissible risk of discriminatory enforcement." *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1051, 111 S.Ct. 2720, 115 L.Ed.2d 888 (1991).

These risks are not present in sections 13-1-4, 13-1-9, and 13-1-11 (except (l)) of the ordinance. They contain reasonably clear and concise requirements for the physical aspects of signs to be displayed in the Township. Count five of the amended complaint therefore provides no basis for relief as to these sections of the ordinance.

4.

30 Count four of the amended complaint alleges that the ordinance is invalid because it is overbroad. Once again, this argument is directed to those portions of the ordinance which could apply to noncommercial, protected speech. The concept of overbreadth does not apply to commercial speech. *Staley v. Jones*, 239 F.3d 769, 786 n. 22 (6th Cir.2001) (citing *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 496-97, 102 S.Ct. 1186, 71 L.Ed.2d 362 (1982)). For non-commercial speech, the Court looks to "whether the regulation reaches a substantial amount of constitutionally protected speech." *Dambrot v. Cent. Mich. Univ.*, 55 F.3d 1177, 1182 (6th Cir.1995).

31 The sections of the ordinance governing the physical features of signs do not offend these principles, and the plaintiffs are therefore not entitled to relief on count four of the amended complaint as to in sections 13-1-4, 13-1-9, and 13-1-11 (except (l)) of the ordinance.

5.

32 In counts six and nine of the amended complaint, the plaintiffs argue ***918** that the ordinance is invalid because of a violation of both the substantive and procedural aspects of the Due Process Clause. In analyzing a procedural due process claim, the Court must first determine whether a liberty or property interest exists. The Court then decides whether the procedures attendant to that interest were constitutionally sufficient. *Miller v. Lorain County Bd. of Elections*, 141 F.3d 252, 259 (6th Cir.1998) (citing *Kentucky Dep't of Corr. v. Thompson*, 490 U.S. 454, 459, 109 S.Ct. 1904, 104 L.Ed.2d 506 (1989)).

33 An underlying property or liberty right must be a "legitimate claim of entitlement." *Richardson v. Township of Brady*, 218 F.3d 508, 516-17 (6th Cir.2000). Entitlement is not "[a]n abstract need or unilateral expectation." *Id.* A "subjective expectation is irrelevant when determining whether one is entitled to procedural due process protection." *Furlong v. Shalala*, 156 F.3d 384, 395 (2d Cir.1998). Freedom of speech guaranteed under the First Amendment is a liberty interest protected under the Fourteenth Amendment due process clause. *Bauer v. Montgomery*, 215 F.3d 656, 661 (6th Cir.2000).

34 35 Although the plaintiffs have a liberty interest in presenting their messages, they still must prove a constitutional deprivation their liberty interest. *Thompson v. Ashe*, 250 F.3d 399, 407 (6th Cir.2001). Procedural due process involves the right to notice and the opportunity to be heard. *Board of Regents v. Roth*, 408 U.S. 564, 569-70, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972). The legislative process provides protection for procedural due process rights, even if a law of general applicability affects certain individuals more than others. *Rogin v. Bensalem Township*, 616 F.2d 680, 693 (3rd Cir.1980).

General statutes within the state power are passed that affect the person or property of individuals, sometimes to the point of ruin, without giving them a chance to be heard. Their rights are protected in the only way that they can be in a complex society, by their power, immediate or remote, over those who make the rule.... There must be a limit to individual argument in such matters if government is to go on.

Id. (quoting *Bi-Metallic Inv. Co. v. State Bd. of Equalization*, 239 U.S. 441, 445, 36 S.Ct. 141, 60 L.Ed. 372 (1915)).

Moreover, in this case, the sections of the ordinance which govern the physical aspects of signage can be judicially enforced, with all the procedural rights in the state courts that are available to putative offenders.

The Court believes that nothing in sections 13-1-4, 13-1-9, and 13-1-11 (except (l)) of the ordinance offends the notions of fundamental fairness enconced in the concepts of procedural and substantive due process.

VI.

The Court finds that sections 13-1-4, 13-1-9, and 13-1-11 (except (l)) of the ordinance are constitutional and severable from the remaining portions of the ordinance. The balance of the ordinance is inextricable intertwined, and, as noted above, violates the First Amendment. It may not be enforced.

Accordingly, it is **ORDERED** that the plaintiffs' motion for summary judgment [dkt # 13] is **GRANTED IN PART**.

It is further **ORDERED** that the defendant is enjoined from enforcing Thomas Township Ordinance 99-G-18, except for sections 13-1-4, 13-1-9, and 13-1-11 (except (l)) thereof.

It is further **ORDERED** that counts three through nine of the plaintiffs' amended complaint are **DISMISSED**.

*919 JUDGMENT

In accordance with the Opinion and Order Granting In Part Plaintiffs' Motion for Summary Judgment entered on this date,

It is **ORDERED AND ADJUDGED** that judgment is entered for the plaintiffs and against the defendant.

It is further **ORDERED, ADJUDGED AND DECLARED** that the Thomas Township Ordinance 99-G-18 § 13-1-1, *et seq.*, except sections 13-1-4, 13-1-9, and 13-1-11 (except (l)) thereof, is declared unconstitutional as violative of the First Amendment to the Constitution of the United States.

It is further **ORDERED AND ADJUDGED** that defendant, its respective officers, agents servants, employees, attorneys, and those persons in active concern or participation with it who receive actual notice of this judgment by personal service or otherwise, are hereby **ENJOINED AND RESTRAINED** from enforcing or requiring compliance with Ordinance 99-G-18 § 13-1-1, *et seq.*, except sections 13-1-4, 13-1-9, and 13-1-11 (except (l)) thereof.

It is further **ORDERED AND ADJUDGED** that counts three through nine of the plaintiffs' amended complaint are **DISMISSED**.

End of Document

© 2014 Thomson Reuters. No claim to original U.S. Government Works.