

**Fraser City Council - Regular Meeting**  
**Thursday – July 10, 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 7:02 p.m.
2. **Pledge of Allegiance**
3. **Approval of Agenda**

Mayor Hagerty moved, seconded by Member Accavitti, TO ADD 5c FOR A PRESENTATION BY STATE REPRESENTATIVE MARILYN LANE.

The motion carried 6-1 with  
one no vote by Member Jennings

Member Hemelberg moved, seconded by Mayor Hagerty, TO MOVE ITEM 7d FROM THE CONSENT AGENDA AND ADD AS ITEM 8g TO DISCUSS A PARKS AND RECREATION COMMISSION APPOINTMENT.

The motion carried 4-3 with no votes by  
Members Cilluffo, Jennings and Morelli

Member Accavitti moved, seconded by Member Morelli, TO APPROVE THE AGENDA AS AMENDED.

The motion carried unanimously.

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

a) Mayor Hagerty presented a Certificate of Recognition to members and leaders of Girl Scout Troop 30409 for successfully creating a community awareness campaign about McKinley Barrier-Free Park and receiving a Silver Medal Award.

b) City Manager Haberman provided a power point presentation of a 5-Year Capital Improvement Plan along with recommendations. In this presentation, he explained the city has 43 miles of local streets and the major streets are maintained by the county. Pictures of streets in various states of repair were shown and the need for repairs and improvement was discussed. He provided a Pay As You Go option, which would include the adoption of a two mil tax for infrastructure with a sunset provision after ten years. He noted software provided by an engineering firm would be used for qualifying projects.

c) State Representative Marilyn Lane surprised Councilman Morelli with a plaque from Governor Rick Snyder congratulating him on his recent retirement from the Italian American Cultural Center. She also mentioned a state flag will be flown over the city at a future date and she will discuss protocol with Member Carnagie.

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**6. Public Hearings**

- a. Public Hearing on the request from P.T. Tech Stamping Inc. located at 33957 Riviera, for an Industrial Facilities Tax Exemption in the amount of \$1,170,536.

Camille Silva, Macomb County Planning and Economic Development, and Greg Fritz, P.T. Tech Stamping, spoke on this item.

Mayor Hagerty opened the public hearing at 8:04 p.m.  
State Representative Marilyn Lane spoke briefly on this business.  
Mayor Hagerty closed the public hearing at 8:05 p.m.

Member Cilluffo moved, seconded by Member Jennings, TO APPROVE THE REQUEST FROM P.T. TECH STAMPING INC. LOCATED AT 33957 RIVIERA, FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION FOR REAL AND PERSONAL PROPERTY IN THE AMOUNT OF \$1,170,536 FOR 12 YEARS.

The motion carried unanimously.

- b. Public Hearing on the request from Product & Tooling Technologies located at 34152 Doreka, for an Industrial Facilities Tax Exemption in the amount of \$2,536,226.

Camille Silva, Macomb County Planning and Economic Development, and Greg Fritz, P.T. Tech Stamping, spoke on this item.

Mayor Hagerty opened the public hearing at 8:10 p.m.  
With no public to be heard, Mayor Hagerty closed the public hearing at 8:11 p.m.

Mayor Hagerty moved, seconded by Member Hemelberg, TO APPROVE THE REQUEST FROM PRODUCT & TOOLING TECHNOLOGIES LOCATED AT 34152 DOREKA, FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION FOR REAL AND PERSONAL PROPERTY IN THE AMOUNT OF \$2,536,226 FOR 12 YEARS.

The motion carried unanimously.

- c. Public Hearing on the request from PCS Company. located at 34500 Doreka, for an Industrial Facilities Tax Exemption in the amount of \$3,332,192.

Jim Ahee, Macomb County Planning and Economic Development, and Ed Mohrbach, PCS Company, spoke on this item.

Mayor Hagerty opened the public hearing at 8:16 p.m.  
With no public to be heard, Mayor Hagerty closed the public hearing at 8:17 p.m.

Member Cilluffo moved, seconded by Member Jennings, TO APPROVE THE REQUEST FROM PCS COMPANY LOCATED AT 34500 DOREKA, FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION FOR PERSONAL PROPERTY IN THE AMOUNT OF \$3,332,192 FOR 12 YEARS.

The motion carried unanimously.

**7. Consent Agenda**

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

- 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

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- c. Approval of parade permit for Fraser High School Homecoming on October 3, 2014
- d. REMOVED AND ADDED AS ITEM 8g
- e. Receive and file Minutes of the June 3, 2014 Parks and Recreation Commission meeting.
- f. Receive and file Minutes of the May 22, 2014 Zoning Board of Appeals meeting.
- g. Receive and file Minutes of the May 7, 2014 Planning Commission meeting.
- h. Adoption of Resolution for Urban County of Macomb Renewal for the 2015-2017 program years governing CDBG Funds.

The motion carried unanimously.

**8. Requests For Council Action**

- a. Request Council discuss and adopt Capital Improvement Plan as presented by the Administration and/or give direction to the Administration on the plan.**

Discussion ensued with members providing with comments on this topic. Member Jennings stated she prefers a 1½ mil for 8 years and Mayor Hagerty prefers 2 mil. Member Carnagie would like specific percentages planned for each project listed in the ballot language.

The following citizens voiced their opinion on this item:

Anna Cameron, 34273 Garfield Circle,  
Ken Imler, Hawk Industrial/Deluxe Development  
Chris Mellar, 18025 Breezeway

Mayor Hagerty moved, seconded by Member Hemelberg, TO ALLOW THE ADMINISTRATION TO MOVE FORWARD WITH THE PROPER BALLOT LANGUAGE FOR A TWO MIL INCREASE TO BE ADDRESSED TO THE ROADS AND INFRASTRUCTURE.

Members discussed this motion and Attorney Dolan suggested the motion be clarified that the two mils is for ten years.

Motion failed 2-5 with no votes by Members  
Accavitti, Carnagie, Cilluffo, Jennings and Morelli

Member Jennings moved, seconded by Member Cilluffo, TO ALLOW THE ADMINISTRATION TO MOVE FORWARD WITH THE PROPER BALLOT LANGUAGE FOR A 1.75 MIL INCREASE TO BE ADDRESSED TO THE ROADS AND INFRASTRUCTURE FOR FIVE YEARS.

Discussion ensued and Member Jennings AMENDED HER MOTION TO 1.9 MIL INCREASE. After further discussion, Member Jennings WITHDREW THE AMENDED MOTION AND REFERRED BACK TO HER PRIOR MOTION OF 1.75 MIL INCREASE.

A roll call vote was taken:

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

The motion failed 3-4

Member Hemelberg moved, seconded by Member Carnagie, TO ALLOW THE ADMINISTRATION TO MOVE FORWARD WITH THE PROPER BALLOT LANGUAGE FOR A TWO MIL INCREASE TO BE ADDRESSED TO THE ROADS AND INFRASTRUCTURE FOR FIVE YEARS.

A roll call vote was taken:

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Accavitti - yes  
Carnegie - yes  
Cilluffo - yes  
Hagerty - no

Hemelberg - yes  
Jennings - no  
Morelli - yes

The motion carried 5-2

- b. Request Council approve the rezoning recommendation for an office building to be located at 34760 Garfield as approved by the Planning Commission on July 2, 2014.**

Gary Hicks, 10040 Devils Lake Hwy., spoke on this item.

Member Jennings moved, seconded by Member Carnegie, to APPROVE THE REZONING RECOMMENDATION FOR AN OFFICE BUILDING TO BE LOCATED AT 34760 GARFIELD AS APPROVED BY THE PLANNING COMMISSION ON JULY 2, 2014.

The motion carried unanimously.

- c. Request Council approve the amendment of ordinances pertaining to various court costs to allow the 39<sup>th</sup> District Court to collect court costs associated with the offense(s).**

Member Jennings stepped out of the room just prior to the vote.

Member Cilluffo moved, seconded by Member Carnegie, to APPROVE THE AMENDMENT OF ORDINANCES PERTAINING TO VARIOUS COURT COSTS TO ALLOW THE 39<sup>TH</sup> DISTRICT COURT TO COLLECT COURT COSTS ASSOCIATED WITH THE OFFENSE(S).

**AN ORDINANCE AMENDING AND REVISING PART II OF THE CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS ADDING SECTION 1-10(e) PROVIDING FOR THE COLLECTION OF COSTS OF PROSECUTION AND COURT COSTS PROVIDING FOR REPEALER, SEVERABILITY, PENALTIES, AND EFFECTIVE DATE.**

**THE CITY OF FRASER ORDAINS:**

**Section 1. Preamble.**

**WHEREAS,**

In order to preserve, promote and protect public health, safety and welfare; to advance legitimate regulation of activity in the City, to provide for sanctions in the form of recovery of costs which are intended to assist in defraying expenses associated with the enforcement of ordinances, assist in deterring the violation of ordinances and to promote compliance by members of the public with ordinances enacted by the City of Fraser, the Ordinance following is enacted.

**Section 2.** Sec. 1-10 of the Code of Ordinances is hereby revised and amended adding section 1-10(e) to read as follows:

Pursuant to the provisions of this general penalty section and elsewhere where any criminal penalty is provided by the Code of Ordinances or pursuant to any section which is adopting a code by reference in addition to penalties provided for fine, imprisonment or both, the court as a sanction, may collect reasonable costs of prosecution and court costs including in whole or in part the actual court costs or costs of prosecution, in addition to any other sanction or penalty provided.

**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

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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.

The motion carried 6-0  
as Member Jennings was absent.

**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.**

Member Cilluffo moved, seconded by Member Carnagie, TO 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.

**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.**

**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.

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(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.

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- 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.

The motion carried unanimously.

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- e. **Request Council adopt an ordinance defining and regulating the licensing activities and conduct of street vendors within the City of Fraser.**

Member Cilluffo moved, seconded by Member Hemelberg, to ADOPT AN ORDINANCE DEFINING AND REGULATING THE LICENSING ACTIVITIES AND CONDUCT OF STREET VENDORS WITHIN THE CITY OF FRASER.

**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.**

**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.

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**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 Stuffs.**

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

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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.

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**Sec. 19-58. 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.

**Sec. 19-59. Fees.**

License fees under this division shall be established and periodically reviewed and revised by resolution of the City Council.

**Sec. 19-60. Form; Exhibition**

The license issued hereunder shall be in a form so as to contain a true photograph of the licensee, their address, signature, physical description and the name of the type of products being sold. A licensee shall have on their person, while engaged in activities, such license. Any vehicle shall have a copy of such license visible to persons approaching the vehicle from the exterior of the vehicle. Failure to possess such license, or display it appropriately, shall be cause for revocation, or other action.

**Sec. 19-61. Transfer.**

No license shall be transferred or assigned.

**Sec. 19-62. Expiration.**

Licenses issued shall expire on the 31<sup>st</sup> day of December of each year unless sooner revoked or suspended.

**Sec. 19-63. Revocation/Suspension.**

The City Clerk may revoke or suspend the license at any time for cause following a hearing. Notification of the proposed suspension or revocation shall be mailed to the applicant in writing at the last known location provided by the applicant in writing and a hearing scheduled and commenced within 45 days. The revocation may occur for any of the reasons that are permitted for denial of the issuance of a license. Additionally, revocation or suspension may occur for the following reasons:

- A. Dishonesty, or fraud involving a customer.
- B. The sale or use of a good or product causing illness or injury to persons.
- C. A violation of any of the provisions of this ordinance.
- D. The possession use or delivery of alcohol, controlled substances, or tobacco to any persons while engaged in street vending.
- E. The existence of any facts which would serve as a basis for denial under 19-56.

**Sec. 19-64. Records.**

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A full and complete record of each license issued, including renewals, an action upon any such license as well as complaints and a photograph of such licensee shall be kept on file by the City Clerk.

**Sec. 19-65. Nuisance Per Se.**

Any person violating provisions of this chapter is deemed to be committing a nuisance per se, subject to abatement and injunctive relief and shall be responsible to pay the City's attorney fees incurred in bringing such an action should the City prevail in whole or in part.

**Sec. 19-66. Penalties.**

Any person violating any of the provisions of this chapter shall upon conviction, be subject to punishment of a fine not to exceed \$500.00, by imprisonment for a term not to exceed 93 days or both. Each day a violation continues, shall be considered a separate offense.

**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.

The motion carried unanimously.

**f. Request Council adopt amendments to the existing sign ordinance to meet new standards established by court decisions.**

Attorney Dolan explained several amendments to this ordinance are necessary due to court decisions stating content of message cannot be used in decisions of signage approval/denial. We may need to be in compliance in the event we are challenged in court. He explained that since this is a zoning ordinance, there is a two step process. A proper motion would be to refer this matter back to the Planning Commission for them to follow the process, which is to schedule a public hearing, provide publications and notifications. Following the public hearing, the Planning Commission will take action and, if they recommend passage, it will come back to Council for final action.

Member Jennings moved, seconded by Member Morelli, to REQUEST COUNCIL REFER TO THE PLANNING COMMISSION, A SIGN ORDINANCE TO MEET NEW STANDARDS AS ESTABLISHED BY COURT DECISIONS.

The motion carried unanimously.

**g. Request Council approve the appointment of Sherry Stein to the Parks and Recreation Commission to fill an unexpired term ending December 31, 2016.**

ITEM WAS MOVED FROM CONSENT AGENDA. Member Hemelberg stated he would like to discuss the procedures for filling boards and commissions seats. He voiced concern with the application and selection process used by some Commissions noting he had previously applied to the Planning Commission but was not selected. Manager Haberman stated he, and several members, viewed the

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taped meeting and it appears the interviews were done correctly. There was some discussion on the process and it was determined the procedures for filling boards and commissions seats will be reviewed.

The following residents spoke on this item:  
Sherry Stein, 18387 Thirteen Mile Road  
Anna Cameron, 34273 Garfield Circle  
Chris Mellar, 18025 Breezeway  
Vania Apps, 31641 York

Mayor ProTem CALLED TO QUESTION.

Member Jennings moved, seconded by Member Carnagie, to APPROVE THE APPOINTMENT OF SHERRY STEIN TO THE PARKS AND RECREATION COMMISSION TO FILL AN UNEXPIRED TERM ENDING DECEMBER 31, 2016.

The motion carried unanimously.

**9. Report of City Administration/Pending Items**

Manager Haberman spoke briefly regarding SEMCOG, Headlee and Proposal A.

**10. Report of Mayor and City Council/New Business**

Mayor and Council discussed various topics.

**11. Citizen Participation**

Janet Calabrese, 17926 Breezeway  
Ken Imler, Hawk Industrial/Deluxe Development  
Vania Apps, Fraser First Booster Club

Mayor Hagerty invited Member Cilluffo to speak regarding the Optimist Club.

**12. Adjournment**

Mayor Hagerty moved, seconded by Member Cilluffo, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, JULY 10, 2014 AT 10:36 P.M.

The motion carried unanimously.

Respectfully submitted,

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Kathy Kacanowski, City Clerk

\_\_\_\_\_  
Doug Hagerty, Mayor