

# FOWLER VILLAGE COUNCIL



President  
Vernon J. Thelen  
President Pro-Tem  
David Klein  
Trustees  
Roy Smith  
John Childers  
Mike Porter  
Rick Fink  
Greg Halfmann

Treasurer  
John C. Rademacher  
Clerk  
Rhonda Feldpausch  
DPW Employees  
Vern Feldpausch  
Brad Smith

DATE: OCTOBER 13, 2014

The Fowler Village Council met Monday, October 13, 2014 at 7:00 PM with President Vernon J. Thelen presiding.

PLEDGE OF ALLEGIANCE AND ROLL CALL

The pledge of allegiance was given to the flag. Roll was called and a quorum reported. Present were: Rick Fink, Roy Smith, Greg Halfmann, John Rademacher, John Childers, David Klein, Mike Porter and Rhonda Feldpausch. Absent: None.

VILLAGE PERSONNEL

Vern Feldpausch.

VISITORS

Kyle Knight, Curt Rademacher, and Ken and Kathy Farley.

AGENDA

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Childers, to approve the agenda as presented. Motion carried.

MINUTES

**BOARD ACTION:** Trustee Smith moved, supported by Trustee Childers, to approve the minutes of the September 8, 2014 regular meeting as presented. Motion carried.

BILLS

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Childers, to approve payment of \$50,115.03 from the General Fund, \$4,836.76 from the Water O & M Fund, \$215.00 from the Local Street Fund and \$537.14 from the Sanitary O & M. Motion carried.

ZONING PERMITS

None.

CLINTON COUNTY SHERIFF

Sergeant Kyle Knight was present and reported one illegal tobacco sale found during an alcohol and tobacco compliance check.

TREASURER REPORT

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Smith, to approve the Treasurer's report. Motion carried.

PLANNING COMMISSION

The October 13, 2014 Planning Commission meeting has been moved to November 13, 2014.

DPW REPORT

Vern Feldpausch reported on the following issues:

- Spot asphaltting
- Partial completion of sidewalk replacements
- Sewer lining project end of September
- M-21 Drain Project
- Ulrich drain work complete

DOWNTOWN REVITALIZATION PROJECT

Work in progress.

WELCOME SIGNS

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Porter, to table Welcome Signs and remove from agenda pending receipt of quote. Motion carried.

PUBLIC ART POLICY

**BOARD ACTION:** Trustee Klein moved, supported by Trustee Fink to adopt the Village of Fowler Public Art Policy. Motion carried.

FRAUD RISK MANAGEMENT POLICY

Work in progress.

HALLOWEEN HOURS

**BOARD ACTION:** Trustee Klein moved, supported by Trustee Fink, to set time for Trick or Treat activities for Friday, October 31 5:30 PM – 7:30 PM. Motion carried

ITC – NOTICE OF SAFETY RISK

Community Developers, Inc. is working with legal counsel to resolve the easement dispute with ITC regarding the electrical lines on the north end of Country Pines Subdivision.

**BOARD ACTION:** Trustee Klein moved, supported by Trustee Childers to adopt the following ordinance amendments:

**AN ORDINANCE TO AMEND TITLE XI, CHAPTER 110, BUSINESS LICENSING, SECTION 110.02, PEDDLERS AND SOLICITORS, IN ITS ENTIRETY. SECTION 110.02 IS HEREBY REPEALED PURSUANT TO CHAPTER 10.17 (A) OF THE CODE OF ORDINANCES. THE FOLLOWING SECTION IS ADOPTED IN ITS PLACE.**

**§ 110.02 SOLICITORS, PEDDLERS AND HAWKERS.**

(A) Purpose. The purpose of this ordinance is to protect the public against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of citizens and the disruptions of privacy, and to preserve the public health, safety and welfare by regulating and controlling solicitors, peddlers and hawkers.

(B) License Required. It shall be unlawful for any person either as principal agent or representative to engage in the business of soliciting, peddling, or hawking as herein defined within the Village of Fowler without first having obtained a license as provided in this section. Licenses issued for such activity shall be available for review when requested by the owner or occupant of the premises and/or by a public official.

(C) Definitions: For purposes of this section, solicitors, peddlers, and hawkers shall be defined as follows:

**Solicitor:** Any person offering merchandise or services for sale by sample or description for delivery at a future time, going door to door or passing from house to house, not including representatives of non-profit corporations organized under the laws of the State of Michigan or other public purpose organizations.

**Peddler:** Any person offering merchandise or services for sale by going door to door or by passing house to house, not including regular route delivery persons delivering products on a continuous order basis.

**Hawker:** Any person offering merchandise or services from a fixed place not within a building.

(D) Application for License and Exemption:

- 1. Application to be made on a form provided by the Village Clerk.
- 2. Application fee shall be established by the Village Council.
- 3. The License shall be valid for a period of one (1) year from date of issuance.
- 4. The Village Clerk shall determine which applicants do not require a license and may be exempted based on the definition of non-profit or other public purpose under this section.
- 5. Appeals to a decision of the Village Clerk under this section shall be made to the Village Council.

(E) Prohibited Conduct: The following conduct by a hawker, peddler, or solicitor is prohibited:

- 1. Entering a private residence under pretenses other than peddling or soliciting.
- 2. Remaining in a private residence or on the premises after the owner or occupant has requested such person to leave.
- 3. Entering private residence or private building when a "no peddling" or "no soliciting" sign has been displayed on such premises.
- 4. Peddling, hawking or soliciting before 10 a.m., after sunset, on a Sunday, or on a state or national holiday.

**AN ORDINANCE TO AMEND CHAPTER 3, GENERAL PROVISIONS, SECTION 3.20 NONCONFORMING USES, STRUCTURES, AND LOTS, SUBSECTION D1, BY ADDING SUBSECTION "c" AS FOLLOWS:**

**Section 3.20 Nonconforming Uses, Structures, and Lots**

D. Nonconforming Lots of Record

- 1. (c) A nonconforming lot of record may increase the lot coverage requirement of the Zoning District within which it is located by up to ten percent (10%) to allow reasonable reinvestment in the property.

**AN ORDINANCE TO AMEND CHAPTER 9 I, INDUSTRIAL DISTRICT, SECTION 9.2 PERMITTED USES, BY ADDING SUBSECTION "O" AS FOLLOWS:**

**Section 9.2 PERMITTED USES.**

O. Commercial Storage warehouses.

**AN ORDINANCE TO AMEND CHAPTER 14, OFF-STREET PARKING AND LOADING, BY ADDING SECTION 14.17 PARKING AND STORAGE REGULATIONS AS FOLLOWS:**

**Section 14.17 Parking and Storage Regulations.**

- A. Seasonal Parking: Parking of a recreational vehicle in a residential driveway is allowed during the customary season of use. Parking of out of season recreational vehicles is considered in storage and would have to meet the storage criteria as identified below. Parking time limits do not apply if the vehicle's primary use is for transportation of the owner. Parking of recreational vehicles shall not obstruct views of pedestrians and/or drivers and shall be 15 feet from exterior edge of roadway and five feet from exterior edge of sidewalk.
- B. Storage:
1. Location: The recreational vehicle shall be parked on a lot with an inhabited dwelling unit as follows:
    - a. Rear yard: setback distance shall be five (5) feet from the rear lot line, or shall meet the setback requirements of an accessory building.
    - b. Side yard: the recreational vehicle cannot project past the front wall of the house. Setback distance from the side lot line shall be three (3) feet, or shall meet the setback requirements of an accessory building.
  2. Size: The space which can be dedicated to vehicular storage shall not exceed one half of the ground floor area of the main building.
- C. Condition of Recreational Vehicle: The recreational vehicle shall be fully operational and display the current license plate/registration. It cannot be used for living or housing purposes and shall not have any fixed connections to electricity, water, gas, or sanitary sewer.

Motion carried.

DAVE POHL – CLINTON COUNTY COMMISSIONER

Dave Pohl – Clinton County Commissioner reported on the following topics:

- Economic Alliance Brownfield grant
- Aerial photographs
- Enhanced reverse 911 system approved
- Public Hearing for county budget scheduled for 10-14-14

CORRESPONDENCE

None.

10 MINUTE OPEN DISCUSSION

- Stop sign on Blue Spruce Drive and on Sorrell St.
- Pressure wash Village Office and replace doors
- Designation of Industrial District
- Car show scheduled for end of July 2015

ADJOURNMENT

**BOARD ACTION:** Trustee Childers moved, supported by Trustee Smith, to adjourn the meeting. Motion carried

Meeting adjourned at 8:05 PM.

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Rhonda Feldpausch, Village Clerk