



Rochester Hills

Minutes

City Council Work Session

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*John L. Dalton, Bryan K. Barnett, Jim Duistermars, Melinda Hill,
Barbara L. Holder, Linda Raschke, Gerald Robbins*

Wednesday, March 10, 2004

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

Vice President Holder called the Special Rochester Hills City Council Work Session Meeting to order at 7:33 p.m. Michigan Time.

ROLL CALL

Present: Duistermars, Hill, Holder, Raschke and Robbins

Absent: Dalton and Barnett

Council Members Dalton and Barnett provided previous notice that they would be unable to attend and asked to be excused.

Others Present:

*Ed Anzek, Director of Planning/Development
Scott Cope, Director of Building/Ordinance Enforcement
John Sage, Ordinance Inspector*

PLEDGE OF ALLEGIANCE

ADMINISTRATION

2004-0259 Non-Conforming Sign Code Amortization Work Shop

Attachments: Agenda Summary.pdf; Memo Sage 030204.pdf; Letter Cope 030104.pdf; Ordinance Chp. 134 Signs.pdf; Minutes CC Work Session 062503.pdf; Master Report.pdf

Mr. Scott Cope, Director of Building/Ordinance Enforcement, and Mr. John Sage, Ordinance Inspector, provided a brief overview of the City's sign ordinance adopted in April of 1997. Mr. Cope provided a time line of meetings that addressed the issue as well as notifications sent to interested parties. He also described a meeting attended by himself, Mayor Somerville and three (3) members of City Council at Bill Fox Chevrolet with local business owners to discuss the non-conforming sign ordinance issue. He noted that there are approximately seventy (70) signs that do not conform to the current ordinance.

In response to questions by Council members, Mr. Cope and Mr. Sage explained that all new business owners are made aware of the necessary compliance. Also, any existing business owners applying to make changes to their existing signage are informed of the impending change. Mr. Cope was unable to identify the overall percentage of non-conforming signs within the City, but assured Council he would provide that information at a later date. Mr. Sage listed several local businesses that had already

complied with the sign ordinance. However, neither Mr. Cope nor Mr. Sage were able to identify the motivation for these changes, as businesses are not required to inform the City as to their reasons for compliance.

PUBLIC COMMENT:

Ms. Mary Verstraete, 3140 South Rochester Road, read a letter on behalf of her husband, a local restaurant owner. The letter expressed concern for the financial impact on his businesses that would result from compliance with the current sign ordinance. In addition, the letter claimed that monument-style signs result in limited visibility resulting in a safety hazard.

Mr. Bill Saputo, 808 Rochester Road and 2985 Walton, stated that he owns several McDonald's restaurants in Rochester Hills as well as other communities. He indicated that, while Auburn Hills has similar sign guidelines as Rochester Hills, that municipality has been "working with the businesses" in allowing some leeway in meeting compliance. He requested the same consideration from Rochester Hills.

Ms. Christy Stevens, 1923 West Auburn Road, questioned the need for the change to the sign ordinance, noting that other communities do not have similar guidelines. She stressed the safety hazard posed by lowered signs.

Mr. Sam Harris, 650 South Rochester Road, asked Mr. Cope if he had a communication from the Federal Government regarding the City's sign ordinance.

Mr. Cope explained that the communication in question was in reference to a circumstance in Walled Lake and referred to highway signage.

Mr. Marc Stolaruk, 1928 Star Batt Drive, questioned how many laws, after being enacted, are enforced retroactively, stating that the sign ordinance changes should not apply to existing businesses. He explained that his business property is located on "freeway service property" and is designed to draw people from the freeway. Thus, his business requires higher signage than the new ordinance would allow.

Mr. Mike Hoornaert, 3277 South Rochester Road, asked that council "grandfather the current signs." He contended that his car dealership would be negatively impacted by the new ordinance, as relocating his signage would impact his display area.

Mr. Dave Duda, 1650 East Auburn Road, described the process he went through to install his current sign and suggested that this change to the ordinance was arbitrary asking, "Who's to say that the next Council won't say these [signs] are dangerous?"

Ms. Eileen Youngerman, 35 West Huron, Pontiac, indicating that she was representing Mr. Arnold Becker, stressed that neither she nor Mr. Becker had received notification of any changes to the ordinance or relevant meetings. She stressed the financial hardship compliance would visit on the various small-business tenants renting space in her building.

Mr. John Fox, 725 South Rochester Road, representing Bill Fox Chevrolet, expressed his belief that other business owners who have complied with the new ordinance were "coerced" to do so. He stressed the safety issue related to visibility and asked that existing businesses be "grandfathered in" and that car dealerships in particular be allowed higher signage.

Mr. Glenn Gerhard, 3793 South Rochester Road, representing Nevada Bob's Golf, expressed his support for a grandfather clause allowing existing businesses to maintain their current signage.

Mr. Michael Nedelman, 32000 Northwestern Highway, Farmington Hills, an attorney representing a local shopping center, stressed that forced compliance with this ordinance will drive businesses from the City. He also stressed the safety hazard of passing motorists having difficulty reading monument signs.

Mr. Martin Liles, Hampton Village Centre (no address given), stressed the financial burden he would face having to replace signage at "the largest strip center in Rochester Hills." He noted that signage is essential to business and compliance would negatively impact business visibility.

ADMINISTRATIVE AND COUNCIL DISCUSSION:

Council members explained that the change in the sign ordinance was primarily to address concerns regarding aesthetics and the proliferation of signs, as well as an attempt to establish an "identity for the community." They addressed the following issues:

- * It would be unfair to those business owners who have met compliance to make exceptions for others.*
- * There are administrative avenues available for dealing with compliance problems such as the Sign Board of Appeals (SBA).*
- * There is no indication that the monument signs pose a greater safety risk than other signs.*
- * While City Council sets City policy, it is City Staff's responsibility to administer the policy.*
- * Claims of financial impact could be mitigated by other avenues of financial assistance, especially in the case of franchises.*
- * Claims that the Building Department used "strong arm tactics" to influence compliance were disputed.*

(RECESS 9:00 p.m. - 9:23 p.m.)

Vice President Holder permitted a second session of Public Comment to allow audience members the opportunity to address Council again.

PUBLIC COMMENT:

Ms. Christy Stevens, 1923 West Auburn, estimated that approximately thirty-three percent (33%) of businesses in the City were not in compliance with the ordinance. She claimed that the Sign Board of Appeals only makes exceptions in cases of hardship and that hardship is very difficult to establish. She indicated that there are many small nuisance signs that appear in the community in great numbers and that that issue is more pressing than the business signage issue.

Mr. John Fox, 725 South Rochester Road, stated that business owners should have been notified of this change in the ordinance via certified letter. He stressed that if the purpose of the new ordinance is one of beautification, he disputed the Council's authority to dictate what is beautiful to the City of Rochester Hills. He also noted that he was insulted that a Council member would question the legitimacy of business owners' claims of financial hardship associated with compliance. Mr. Fox stated that several local business owners had agreed that they would take legal action against the City

rather than comply with this ordinance.

Mr. Mike Hoornaert, 3277 South Rochester Road, stated that he has worked with the Building Department on this issue and the two (2) locations identified where he could place his signs would allow passing traffic to see the signs from only one direction.

Mr. Bill Saputo, 808 Rochester Road and 2985 Walton, claimed that the businesses represented at the meeting have been in the area the longest and, thus, helped establish Rochester Hills and Rochester Road.

Mr. Marc Stolaruk, 1928 Star Batt Drive, suggested that existing businesses be permitted to maintain their current signage and that compliance be allowed to take place in the natural course of redevelopment.

ADMINISTRATIVE AND COUNCIL DISCUSSION:

Council members expressed a desire to work with local businesses to bring all signs into compliance where possible and suggested the following:

- * Area businesses should be re-notified of the deadline for compliance via certified letters.*
- * Non-complying businesses should meet with City Staff to discuss their specific challenges with regard to reaching compliance.*
- * A one (1) year compliance extension could be sought through the Sign Board of Appeals on a case-by-case basis.*
- * Council will reconvene a Work Session meeting at a yet to be determined date to examine the issues in greater detail and establish criteria for addressing these difficulties.*
- * It was noted that it is unlikely non-complying signs will be brought into compliance by the December 31st deadline due to time constraints.*

Mr. Sage noted that the Building Department had made a concerted effort to notify all business owners, including, in some cases, notifying corporate offices.

Mr. Cope indicated that the ordinance does allow exceptions in certain cases. He expressed the desire of the Building Department to work with business owners to address specific, unique challenges.

With regard to nuisance signage, Mr. Cope explained that the Building Department had spent one week primarily focusing on this issue by writing numerous citations, removing signs, etc. He stressed that these efforts were extremely time consuming and his department does not have the staff or resources to maintain that level of enforcement.

Discussed

COMMENTS & ANNOUNCEMENTS

Ms. Holder announced that, following adjournment of this meeting, Council would convene a Special Meeting to vote to adjourn to a Closed Session meeting.

Mr. Duistermars announced that the Public Safety Committee meeting had been rescheduled to March 15th.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting on March 17, 2004 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, Vice President Holder adjourned the meeting at 10:14 p.m.

*JOHN L. DALTON, President
Rochester Hills City Council*

*BEVERLY A. JASINSKI, Clerk
City of Rochester Hills*

*MARGARET A. STRATE
Administrative Secretary
City Clerk's Office*