

**Minutes**  
**Advisory Traffic & Safety Board Meeting**  
**September 12, 2006**

**1. Zappie Fence Company Parking Concerns on Auburn Road**

Chairperson Colling said the business was not actually called Zappie Fence any longer, but Riteway Fence Company. He said it was an issue that was near and dear to his heart, as it is located on the street where he lives. Mr. Matich had given him a call on this, and he had also gotten calls from several residents in the area. The company recently won a contract with the State or County to replace roadway barriers along the side of the road, the big metal rail systems. Unfortunately they do their loading and off-loading on Emmons Avenue, from Auburn Road to the limit of their property. So in the morning when the kids are going off to school, you have to drive around these huge trucks loading and off-loading equipment.

Additionally, it's kind of a blind corner when making a right turn heading eastbound on Auburn Road, and you don't see the trucks parked until you come around that corner. They operate the high-low out in the street, so you can come around the corner and find the high-low out in front of you. The company has an alleyway behind them that could be used to unload in, but it would require them to rearrange some of their property and knock through the fence.

Chairperson Colling felt it had gotten to the point that it was an unsafe situation, and it was time for the Board to do more than just discuss the issue. The City has had several conversations with the owner, but as late as last week Thursday or Friday they were out there at 6:00 a.m. unloading again. It appears they are attempting to do it at hours when they think City enforcement is not going to hit them, but now with the kids back in school they are impeding school traffic. It was his personal opinion that we have "played patty-cake" with this owner long enough, and it is time to post the area "No Standing, Stopping, Parking" or do something else to prohibit it. The company will just have to find another place to unload.

Mr. Brown asked when they are out there loading and unloading with heavy equipment at 6:00 in the morning, is that a noise violation as well? Chairperson Colling said it might well be, but it is not a huge semi truck but a flat bed. Basically they have a high-low and they are loading and off-loading. The way they do it is to park the truck on the east side of Emmons, then run their high-low out in the street, driving it back and forth.

Until the City clamped down on them, they used to do it all day long. Then they started their activities after 5:00 p.m., until the inspectors must have driven by and seen them, as they have stopped the nocturnal behavior to a degree. They continually try to find time frames to operate when they won't get caught or have a complaint filed against them. Now that the kids have gone back to school, that is actually the bus stop for the high school kids. Students walk to the end of Emmons where it reaches Auburn Road, and that is where the bus picks them up. So the students are right there where all this activity

is going on, which is not a good combination. The second thing that occurs is that they'll bring those trucks right up on Auburn Road, and unfortunately when they do that if you are trying to pull out and make a turn, you can't see around them. The problem with this business is that they've got a lot of heavy equipment, and they like to park it where it either is an impediment, a safety hazard, or it blocks vision. Chairperson Colling asked Mr. Matich what his conversations with the owner were.

Mr. Matich said we can validate your concerns. This has been a recurring situation for years even after the warnings, and they have increased their business by quite a bit through State contracts. Although he didn't have the full story, the City's Ordinance Officer, Mark McLocklin, told him they bought property in Sterling Heights and were talking about moving a lot of their storage operations there. Mr. Shumejko had suggested they could do a temporary TCO, and bring them back in front of the Board to look at making it permanent. Chairperson Colling said he would have no problem with that, if no member of the Board objected.

Mr. Matich said the TCO would not affect other businesses, only the Riteway Fence Company. Chairperson Colling speculated that if you posted the area, "No Stopping, Standing, Parking" it would prevent the parents that drop high school students off, especially in the wintertime, from parking there. Unfortunately we can't say high school parents can park there while keeping their kids warm, but trucks can't. He thought the temporary TCO would probably work the best. He recommended letting the property owner know that parking would not be allowed any longer, and see what they did to adjust. Mr. Shumejko clarified he was talking about prohibiting parking on both sides of Emmons from the alley up to Auburn.

Chairperson Colling asked if he wanted to specify "no stopping, standing or parking," and was told yes. Mr. Matich explained he wanted to avoid the Oakland County Sheriff's Department giving trucks a 10 or 15 minute grace period to park there, which is sometimes given in a "No Parking" zone if you are loading or unloading. Posting the area "No Stopping, Standing, Parking" would preclude them from doing any deliveries on the street.

Chairperson Colling asked what the Board's thoughts were on this. Mr. Brown said that we, as the City, tend to let this kind of thing slide. Mr. Matich just referenced that the Sheriff's Deputy will use judgment and give them ten minutes to unload something in front of a business. He understood that there had to be a judgmental factor here, but his only request would be to be sure that the TCO is enforced.

Chairperson Colling felt that was the point of making it "No Stopping, Standing, Parking." If it is posted "No Parking" there is some tolerance, and if an officer drives by and sees the truck there and cuts him some slack, he might not be back for half an hour or 45 minutes. That is all the time they need to unload the truck anyway, and so there is no way of knowing if we will get our desired result. If you make it "No Stopping, Standing, Parking" there is no tolerance, and that is why he asked the Board's opinion on what the wording on the sign should be.

Mr. Brown said his message was if you are going to do it, do it effectively. He thought what they were suggesting does address that, and when the signs are installed it might be worthwhile to point out via a memo to the Sheriff's Department to say, "We have just changed something here. Can you be on the lookout for it as you go by?"

Chairperson Colling thought that was a good idea. He asked if the fence company would be notified before the signs were installed, or would they just be erected. Mr. Shumejko said we can do it either way, but he thought the signs should be put in prior to bringing the TCO back to the Traffic Board. Chairperson Colling said his point was that this would effectively cause the owner grief, probably as much as he has caused the community, but once the signs are up will he have to find another means of access? Is there any reason why he couldn't park the vehicles in the alley and offload onto the property? Mr. Matich said he didn't believe he had a gate back there, but he has access to the alley and the alley is open on both sides. Mr. Shumejko asked if the alley were improved, and Mr. Matich said it was a dirt alley. Chairperson Colling said it would take the take weight of trucks, and he had seen garbage trucks navigate it. It is open from Longview and Emmons, but doesn't go beyond there. He believed that it could successfully be used as a loading facility and no one would complain.

Mr. Matich said the company had been warned by an ordinance officer to stay out of the side streets and they had been compliant for quite a while, but now the problem has come back. Chairperson Colling said then the thing to do was to go ahead and post it without warning, and let him come to us. He added the Board should plan on this being on next month's agenda.

Mr. Brown asked if there would be any problems using the alley in terms of turn radius, or anything similar. Chairperson Colling said he did not know, but commercial vehicles should not be driven through the subdivision. He believed that the trucks are not so large that they could not negotiate it. Mr. Shumejko asked if the alley were fenced all along on both sides, and Mr. Matich replied yes, he would need to put in a gap.

Mr. Moore felt the City should notify the business owner before the signs were put up. Chairperson Colling said giving him notice was fine, but he knew that ordinance officers had warned this site more than half a dozen times.

Mr. Brown suggested that in giving the business owner notice it might be worth saying, "Hey, Mr. Business Owner, the reason this is happening is because you have ignored this situation in the past." There is a cause and effect reason for doing it that the business owner ought to understand. Chairperson Colling said he would leave it up to staff to put together any verbiage they wanted, and if Mr. Moore would prefer that we send a letter, we can send a letter. He added that he didn't particularly care whether the timing of the letter was such that it gave them advance notice or not.

Mr. Shumejko said they could do that, and they could put in the letter that the owner will be able to attend the next Advisory Traffic & Safety Board meeting to state his case. The signs will go in, and then he will have his opportunity to speak at the next meeting.

Chairperson Colling said that at one point there was a driveway out on Auburn Road, and they used to come in off of Auburn and drive out the side gate. The yard is now so full they can no longer do that. He explained that the trucks they are using are not semis, but what we used to call a stake truck or a flat bed. It is a solid unit, like the small trucks that a lumber company uses to deliver wood, with probably a 20 to 30 foot bed. He thought they could easily negotiate the alleyway, or figure something else out. He added that they have to stop being in the roadway because it is a dangerous situation.

He asked if anyone would like to craft a motion to authorize a temporary TCO that will be brought back to the Board, with notification to the business owner?

**MOTION** by Blackstone, second by Moore, in the matter of **PK-92**, the Advisory Traffic and Safety Board **supports** having TCO No. PK-92 issued, and **recommends** that City Staff give notice to the property owner that he may appear before the Board to discuss this matter at their next regular meeting.

**Ayes: All**

**Nays: None**

**Absent: Scott Hunter**

**MOTION CARRIED**