



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, June 22, 2005

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hill called the Regular Rochester Hills City Council Meeting and Work Session to order at 7:32 p.m. Michigan Time.

ROLL CALL

Present: Melinda Hill, Bryan Barnett, John Dalton, Jim Duistermars, Barbara Holder, Linda Raschke and Gerald Robbins

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Susan Galeczka, Deputy Clerk
Scott Cope, Director of Building/Ordinance Enforcement
Derek Delacourt, Planner III
Mike Hartner, Director of Parks & Forestry
Jack Sage, Ordinance Inspector
Bob White, Supervisor of Ordinance Services*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council amends the agenda for the June 22, 2005 regular City Council meeting to Add under ATTORNEY MATTERS Item Number 2005-0439 to adopt a resolution to adjourn to a Closed Session at the conclusion of the meeting.

A motion was made by Barnett, seconded by Dalton, to Approve Agenda as Amended.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

PUBLIC COMMENT

Ms. Christine Hughes, 1408 New Life Lane, listed the many activities and races occurring at the Velodrome at Bloomer Park during the summer and encouraged residents to participate.

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, indicated that residents oppose further commercial development in the City

and prefer single-family residential development on large lots. She suggested that the recent approval of the Grand Sakwa development violates the desires of the residents and the City's own Master Land Use Plan.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hill noted the following:

* The recently reinstated consent judgment with Grand Sakwa was no different than the original consent judgment approved two years ago, the purpose of which was to secure the needed right-of-way for the Adams Road realignment.

* The City's Fourth of July celebration, the Festival of the Hills, would be held on June 30th.

* Rochester Road would be closed for construction between Orion Road and Mead Road beginning June 24th.

* The City of Troy would be holding Sustainable Design Sessions regarding green design on June 28th, July 26th and August 3rd.

Ms. Holder noted the following:

* In neither the original nor reinstated consent judgment with Grand Sakwa was the right-of-way a "gift" from the developer; it was negotiated through development concessions on the part of the City.

* No parkland property was given away for the REI development. On the contrary, the detention pond to be built by the developer will, in fact, enhance and improve the watershed.

* The Rochester Hills/Auburn Hills Sister City Committee has been meeting regularly and has established a mission statement.

Mr. Barnett indicated the roadwork on Livernois Road south of Avon Road would enhance the intersection to make the Clinton River Trail more accessible.

Mr. Dalton described the Velodrome and Rochester College as two examples of controversial issues that resulted in success via all parties communicating and working together. He urged this type of cooperation going forward.

Ms. Raschke noted the following:

* Praised the Older Persons Commission (OPC) adult day care services and urged residents to contact the OPC if they need assistance.

* Announced that the Public Safety Committee would be using the recently adopted Sterling Heights false alarm ordinance as an example from which to draft a similar ordinance for Rochester Hills.

Mr. Robbins touted the many positive aspects of the Velodrome and urged residents to take advantage of this unique feature of the City.

Mayor Somerville urged any residents with questions regarding decisions made by City staff or elected officials to contact the City directly to seek answers prior to disseminating information on any subject.

ATTORNEY MATTERS

City Attorney John Staran described the recent court-ordered facilitation regarding the Adams/Hamlin Road development zoning challenge. While noting that it was a "healthy discussion," he indicated that facilitation was suspended until July 14th while the environmental consultants work to resolve a "significant difference of opinion" regarding the environmental conditions of the property.

2005-0439

Adoption of a Resolution to Adjourn to Closed Session at the conclusion of tonight's meeting (June 22, 2005) for the purpose of discussing pending litigation that could financially impact the City of Rochester Hills, namely Adams/Hamlin Development Co. v City of Rochester Hills

A motion was made by Dalton, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Wednesday, June 22, 2005 at the conclusion of tonight's meeting (June 22, 2005). The purpose of the Closed Session is to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation (specifically Adams/Hamlin Development Co. v City of Rochester Hills), where an open meeting would have a detrimental financial effect on the litigating or settlement position of the City. City Council will not convene to open session at the conclusion of the Closed Session.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0194-2005

ORDINANCE FOR ADOPTION

2004-1057

Acceptance for Second Reading and Adoption - An Ordinance to Repeal Sections 138-1001 through 138-1008, of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, Adopt new Sections 138-1001 through 138-1008 governing Planned Unit Developments, repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations

Attachments: Agenda Summary Second Reading.pdf; Revised PUD Ordinance Second Reading.pdf; Agenda Summary First Reading.pdf; PUD_amend_memo_11-12-04.pdf; First Reading Resolution.pdf; PUD Ordinance 060905.pdf; 1057 Resolution Second Reading.pdf

A motion was made by Robbins, seconded by Dalton, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to Repeal Sections 138-1001 through 138-1008, of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, Adopt new Sections 138-1001 through 138-1008 governing Planned Unit Developments, repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations is hereby accepted for second reading and adoption and shall become effective on Friday, July 1, 2005 the day following its publication in the Rochester Eccentric on Thursday, June 30, 2005.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0195-2005

2004-0905

Acceptance for Second Reading and Adoption - An Amendment to Chapter 138 of the Code of Ordinances to rezone three parcels of land totaling approximately 80 acres, known as Parcel Nos. 15-15-376-001, 15-15-451-003 and -006 to PUD (Planned Unit Development) - City File No. 94-426, Rochester College, applicant.

Attachments: Agenda Summary Second Reading.pdf; Agenda Summary First Reading.pdf; Map.pdf; Report Staff 041905.pdf; 031605 Agenda Summary.pdf; Staff Report 020405.pdf; Memo Delacourt 022405.pdf; 0905 Exhibits.pdf; 102704 Agenda Summary.pdf; Maps - proposed.pdf; Survey

Mr. Derek Delacourt, Planner III; Mr. John Gaber, Attorney with Williams, Williams Ruby and Plunkett, 380 North Old Woodward, Birmingham, appearing on behalf of Rochester College; and Mr. Allen Waites, Vice President of Rochester College, 800 West Avon, were present to answer questions.

A motion was made by Dalton, seconded by Robbins, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone three parcels of land totaling approximately 80 acres, known as Parcel Nos. 15-15-376-001, 15-15-451-003 and -006 to PUD (Planned Unit Development) - City File No. 94-426, Rochester College, applicant, is hereby accepted for second reading and adoption, and shall become effective on Friday, July 1, 2005 the day following its publication on Thursday, June 30, 2005 in the Rochester Eccentric newspaper.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0196-2005

2005-0361

Approval of the Planned Unit Development (PUD) Agreement for Rochester College, City File No. 94-426, located north of Avon, west of Rochester Road, Zoned SP, Special Purpose District, known as Parcel Nos. 15-15-376-001, 15-15-451-003 and 15-15-451-006, Rochester College, applicant.

Attachments: Agenda Summary.pdf; PUD Agreement 051805.pdf; 0361 Resolution.pdf

Mr. Derek Delacourt, Planner III, noted that the conditions originally included in the resolution had been met and were no longer necessary.

A motion was made by Dalton, seconded by Duistermars, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby approves the Final Planned Unit Development Agreement for Rochester College, City File No. 94-426, with the following findings.

Findings:

- 1. The proposed project meets the standards for use of the Planned Unit Development (PUD) process.**
- 2. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.**

3. The proposed PUD has been designed to promote convenient vehicular and pedestrian circulation within the site.

4. The PUD allows for resolution to the modification of the Historic District located within the college campus and flexibility for future College expansion.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0197-2005

ORDINANCE FOR INTRODUCTION

2005-0421 Acceptance for First Reading - An Ordinance to Amend Section 118-98 of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the Noncontiguous Historic Districts listing concerning Rochester College, repeal conflicting or inconsistent ordinances, and to prescribe a penalty for violations

Attachments: Agenda Summary.pdf; Revised Ordinance Amendment.pdf; 062205 Agenda Summary.pdf; Ordinance Amendment .pdf; Resolution 1st Rdg.pdf; Resolution2ndRdg.pdf

Mr. Derek Delacourt, Planner III, explained that this is the final step in this process and would change the tax ID number and address located in the Historic District Ordinance, following review and approval of the land division for the modified Historic District.

Some Council members expressed confusion as to the reference "part of" in the Noncontiguous Historic Districts listing for parcel number 15-15-451-009. It was suggested that this matter be clarified prior to second reading and adoption of the ordinance.

A motion was made by Dalton, seconded by Robbins, that this matter be Accepted for First Reading by Resolution.

Resolved that an Ordinance to amend Section 118-98 of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the Noncontiguous Historic Districts listing concerning Rochester College, repeal conflicting or inconsistent ordinances, and to prescribe a penalty for violations, is hereby accepted for first reading.

Be It Further Resolved that

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0214-2005

UNFINISHED BUSINESS

2005-0249 Approval of the Older Persons Commission (OPC) Millage Renewal Plus Additional Millage Ballot Proposal

Attachments: Agenda Summary.pdf; 051805 Agenda Summary.pdf; 050205 Staran Letter re Ballot language.pdf; OPC Ballot Language.pdf; 040605 Agenda Summary.pdf; Letter Miller.pdf; Transportation Information.pdf; List of OPC Mini Buses.pdf; 2004 OPC Transportation Annual

President Hill noted that it was necessary to include language in the resolution indicating that this proposal would be placed on the November General Election ballot if a Primary Election were not held in September.

A motion was made by Dalton, seconded by Barnett, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby approves placing the following Proposal on the September 13, 2005 Primary Election:

BALLOT QUESTION

Older Persons Commission (OPC) Millage Renewal Plus Additional Millage

Shall the City of Rochester Hills renew and continue to levy a millage of up to 0.0222 mills (\$0.0222 per \$1,000) (reduced by the Headlee Amendment from the original 0.0245 mills) and also levy a new additional millage of up to 0.0678 mills (\$0.0678 per \$1,000) for a total millage of up to 0.09 mills (\$0.09 per \$1,000) to provide funds to the Older Persons Commission to enable it to maintain or increase handicapped and senior transportation services, on the taxable value of all property assessed for taxes in the City for ten (10) years, beginning in 2005 and continuing through 2014 inclusive, which will provide an estimated revenue of \$304,647.00 if levied in full in the first year of such levy?

_____ Yes
_____ No

Be It Further Resolved that if there is not a City-wide Primary Election on September 13, 2005 that the OPC Transportation Millage proposal shall be moved to the November 8, 2005 General Election.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0198-2005

2005-0327

Approval of Millage Proposal to Provide Funding to Permanently Preserve Green Spaces and Natural Features within the City of Rochester Hills

Attachments: Agenda Summary.pdf; Email Funk P 061505.pdf; Agenda Summary 060105.pdf; Agenda Summary 050405.pdf; Memo Galeczka.pdf; Memo Jenuwine and Millage Revenue.pdf; 0327 Resolution.pdf

PUBLIC COMMENT:

President Hill read a letter into the record from **Ms. Deanna Hilbert**, 3234 Quail Ridge Circle, expressing her support of green space preservation, while acknowledging she "cannot support this current effort if there are no mechanisms or policies in place to prevent the 'trading away' by Council of park property to a developer [REI]." She suggested that an "independent residential elected board" be responsible for purchasing and preserving green space and asked that the City Attorney discuss these issues.

City Attorney John Staran stated that he would be "happy to assist" with the matter, but he would take his direction from the Council, noting it would be their decision as to how the matter of purchasing and preserving these properties would be conducted.

Council members indicated that a separate committee to oversee the purchase and preservation of acquired green space has been discussed and will be considered should the millage pass.

Mr. Dalton stressed that no parkland was "traded away," but rather parkland would be enhanced by REI through the construction of a detention pond.

Mr. Robbins expressed his belief that the money and purchases can be overseen by Mr. Mike Hartner, Director of Parks & Forestry, and the Leisure Activities Committee, rather than creating another new committee.

Mr. Barnett stressed that this is a unique proposal in that it is entirely resident driven. Therefore, he noted, "Attacking this millage is not attacking the City or the Council."

A motion was made by Dalton, seconded by Robbins, that this matter be Discussed.

Resolved that the Rochester Hills City Council hereby approves placing the following Proposal on the September 13, 2005 Primary Election:

BALLOT QUESTION

Millage Proposal to Provide Funding to Permanently Preserve Green Spaces and Natural Features within the City of Rochester Hills

Shall the City of Rochester Hills permanently preserve natural green spaces, wildlife habitats and scenic views; protect woodlands, wetlands, rivers and streams; and expand the Clinton River Greenway and other trail corridors by funding the purchase of land and interests in land, and enable the City to seek matching grant funds by levying a new millage of up to 0.3 mills (\$0.30 per \$1,000 of taxable value) for ten years, 2005 through 2014, inclusive. If approved, the estimated revenue the City will collect in the first year if the millage is authorized and levied in full is \$1,020,593.

Yes

No

Be It Further Resolved that if there is not a City-wide Primary Election on September 13, 2005 the Millage Proposal to Provide Funding to Permanently Preserve Green Spaces and Natural Features within the City of Rochester Hills shall be moved to the November 8, 2005 General Election.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder, Raschke and Robbins

Nay: Duistermars

Enactment No: RES0200-2005

2005-0369

Approval of Rochester Avon Recreation Authority (RARA) Operating Millage Renewal Plus Additional Millage Ballot Proposal

Attachments: Agenda Summary.pdf; Letter Anderson 061705.pdf; 051605 Agenda Summary.pdf; Staran Letter re Ballot Language.pdf; Initial RARA Ballot Language.pdf; 0369 Resolution.pdf

Council members described the benefit RARA provides to the community and the small amount of money this millage request represents to support the many youth activities.

Mr. John Anderson, Director of RARA, and Mr. Scott Van Meter, Assistant Director of RARA, were present to answer questions.

A motion was made by Barnett, seconded by Robbins, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby approves placing the following Proposal on the September 13, 2005 Primary Election:

BALLOT QUESTION

Rochester-Avon Recreation Authority (RARA) Millage Renewal Plus Additional Millage

Shall the City of Rochester Hills renew and continue to levy a millage of up to 0.1586 mills (\$0.1586 per \$1,000) (reduced by the Headlee Amendment from the original 0.1691 mills) and also levy a new additional millage of up to 0.0372 mills (\$0.0372 per \$1,000) for a total millage of up to 0.1958 mills (\$0.1958 per \$1,000) to provide funds for the Rochester-Avon Recreation Authority (RARA) to enable it to provide adult and youth sports leagues and recreational activities, on the taxable value of all property assessed for taxes in the City for ten (10) years, beginning in 2006 and continuing through 2015, inclusive, which will provide an estimated revenue of \$690,860 if levied in full in the first year of such levy?

____ Yes
____ No

Be It Further Resolved that if there is not a Citywide Primary Election on September 13, 2005 that the Rochester-Avon Recreation Authority (RARA) Millage Renewal proposal shall be moved to the November 8, 2005 General Election.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder, Raschke and Robbins

Nay: Duistermars

Enactment No: RES0201-2005

2004-0122

Approval of RFP Requests for Water Reservoir Design Phase

Attachments: Agenda Summary.pdf; Referral Report.pdf; Amendment to Water Distribution System Study January 2005.pdf; CDV Draft Min Excerpts 012204.pdf; Water Distribution 012204.pdf; Water Distribution Outline & Presentation 042204.pdf; 0122 Resolution.pdf

Mr. Dalton noted that the request before Council would provide preliminary costs on the building and design of water reservoirs. He indicated that the information from this study would assist Council in reaching a decision as to whether to move forward with this project.

Ms. Linda Davis-Kirksey, 1337 North Acre Drive, acknowledging that she has a thorough understanding of funding matters, expressed her concern that others in the community may not, and asked that Council consider the timing and perception of this request.

Ms. Theresa Munglioli, 3435 Palm Aire Drive, asked that the following issues and/or questions be considered during the research process for this project:

* *What are the statistics that support a need for reservoirs to address water pressure problems in the City?*

* *Will taxpayers see a reduction in their water and sewer bills as a result of this plan?*

* *How will residents react to Council using approximately two acres of parkland for reservoirs when there already exists a trust issue with regards to a retention pond in Riverbed Park?*

* *Will reservoirs create a noise problem once up and running?*

* *If the reservoirs are built on parkland will those parks be developed?*

* *There is a need for better communication with residents, as few are aware of this project despite Council's claims that this matter has been under consideration for two years.*

Council members stressed the need for a solution to water pressure problems in the City and a remedy for peak water rates. It was noted that this resolution merely seeks proposals for design work, but does not award a contract. This process will provide needed information to determine if the pursuit of water reservoirs should continue.

Mr. Robbins expressed his concern that he did not have sufficient information to support this resolution.

President Hill noted that the matter was discussed in detail at a Council Work Session earlier in the year, in addition to discussions at the Committee level.

In response to accusations that this project has not been discussed openly, Ms. Holder indicated that all Council and Committee meetings are open to the public, as are all meeting minutes.

A motion was made by Dalton, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council concurs with the recommendation of the Financial Services Committee reaffirming its interest in moving forward with the Water Reservoir Project and requests the Administration to move forward with requesting RFPs for the design phase of the Water Reservoirs.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Attachments: Agenda Summary.pdf; Referral Report.pdf; Amendment to Water Distribution System Study January 2005.pdf; CDV Draft Min Excerpts 012204.pdf; Water Distribution 012204.pdf; Water Distribution Outline & Presentation 042204.pdf; 0122 Resolution.pdf

City Attorney John Staran indicated that he had previously been asked to examine legal issues associated with the reservoir project, including "some of the things that Ms. Mungoli brought up." However, that request had been put on hold, as Council had not yet moved forward with the project. Mr. Staran asked if Council would like him to resume that research.

Mr. Dalton stated that this legal information should go "hand-in-hand" with the RFP request in that Council is attempting to "get the final cost so we can make some final decisions."

A motion was made by Dalton, seconded by Duistermars, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council authorizes the City Attorney to continue to investigate all legal issues as they relate to the proposed construction of Water Reservoirs in the City of Rochester Hills.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0203-2005

ANY OTHER BUSINESS

2005-0313

Prepare Resolutions of Opposition to House Bill 522 and the Elimination of Local Government Involvement in Telecommunications

Attachments: Alert RE: SB 522.pdf; Alert RE: MTA Rewrite.pdf

A motion was made by Dalton, seconded by Barnett, that this matter be Adopted by Resolution.

Whereas, House Bill (HB) 522 would prevent local governments from having any say on whether any utilities are sited within the rights of ways of limited access highways running through their jurisdictions; and

Whereas, the Senate Technology & Energy Committee is in the process of rewriting the Michigan Telecommunications Act which could potentially eliminate local government involvement in telecommunications affecting cable service, wireless communications and the possible elimination of local cable franchise fees.

Resolved that the City of Rochester Hills, Michigan, hereby instructs the City Clerk to prepare Council Resolutions opposing House Bill 522 preventing local government say regarding utilities sited within the rights of ways of limited access highways within their jurisdictions, as well as any efforts to eliminate local government involvement in telecommunications by the Senate Technology & Energy Committee during the rewrite of the Michigan Telecommunications Act.

Be it Further Resolved that copies of these resolutions of opposition be conveyed to the appropriate elected and appointed officials of the State government.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

Enactment No: RES0205-2005

NEXT MEETING DATE

Regular Meeting - Wednesday, July 6, 2005 at 7:30 p.m.

ADJOURN TO WORK SESSION

(Recess 9:15 p.m. - 9:26 p.m.)

ADMINISTRATION

2005-0418

Discussion Regarding Revisions to Chapter 134, Sign Ordinance of the Code

of Ordinances for the City of Rochester Hills

Attachments: Agenda Summary.pdf; sign ordinance memo 6-13-05.pdf; Sign Ordinance Amendments.pdf; sign ordinance table2.pdf

Mr. Scott Cope, Director of Building/Ordinance Enforcement, indicated that the changes to the Sign Ordinance under discussion had not yet been reviewed by **City Attorney John Staran**. He praised **Mr. Jack Sage**, Ordinance Inspector, for his single handed effort in reviewing the existing ordinance word-for-word and documenting the changes and their impact for Council. **Mr. Bob White**, Supervisor of Ordinance Services, was present to address Council's questions.

Mr. Sage discussed the existing ordinance, with changes highlighted, and reviewed a Sign Ordinance Revisions Summary table item-by-item as follows:

Item #134-1: Definition for Building Facade

Reason: Sign area maximum based on size of facade for General Commercial

Impact: Minimal - Allows larger wall signs up to a maximum of 200 square feet when setback permits and sign area is available

Item #134-1: Definition for Changeable Sign

Reason: Did not have a definition for manual/electronic signs

Impact: None

Item #134-1: Definition for Community Activity/Event Sign

Reason: Allows non-profit signs with permission but without permit

Impact: Will ease regulations for off-premise signs in these instances

Item #134-1: Definition - Electronic Message Sign

Reason: Did not have a definition

Impact: None

Item #134-1: Definition for Flagpole Sign

Reason: Did not have a definition or provision

Impact: Allows for the ability of businesses to display one flag identifying same (logo, insignia, etc.)

Item #134-1: Definition for Hospital

Reason: No provision or definition

Impact: Allows specific sign area for hospital uses

Item #134-1: Monument Sign (definition revision)

Reason: Previous ordinance permitted monument or pole signs

Impact: Will eliminate pole-type signs with exposed posts

Item #134-1: Definition for Open House Signs/Flags

Reason: To allow limitations for Open House signs

Impact: Will ease regulations for developers/real estate companies

Mr. Sage and **Mr. Cope** explained that it is difficult to regulate temporary business signs, as they tend to multiply rapidly if not removed. They are a concern if placed in the City's rights-of-way, as they can create a visibility safety hazard. It is an ongoing process for City staff to remove as many signs as possible and ticket repeat offenders.

Item #134-1: Add "Churches" to Institutional Definition

Reason: Not listed

Impact: None; was previously included

Item #134-1: Definition for Story

Reason: Not previously included; needed for calculation of sign size which is based on building height (story)

Impact: Will allow a method for additional sign area for office/medical per story

*Item #134-4: Moved to different area (Determination of Sign Area)
Reason: To consolidate sign area methodology information
Impact: None*

*Item #134-8.(1): Exempt - Addressing Numbers from Sign Area
Reason: Not previously provided
Impact: None; not enforced previously*

*Item #134-8.(2): Provision for Community Activity/Event Signs
Reason: To provide a method and limitations for allowing these signs
Impact: Will ease regulations for non-profit groups, schools, etc.*

*Item #134-8: Eliminated Exemption for Permit Requirements for Changeable Letter Signs
Reason: More uniform regulation of allowable sign area by permit
Impact: Will still be allowed, but will require a permit*

*Item #134-7.(3): Flags Included as Exempt
Reason: To provide specific provisions for allowing flags including business flags
Impact: Will regulate, yet ease provisions*

*Item #134-8.(5): Exempt - Gasoline Pump Top Signs
Reason: Signs on pumps are a common element for this type of business
Impact: Little or none; signs are typically visible to on-site customers only*

*Item #134-8.(7): Exempt - Holiday Lights
Reason: Already existed in a separate section, but was moved to exemptions
Impact: None*

Council determined that holiday lights are not a problem in the City and, thus, regulation of them can be eliminated from the ordinance.

*Item #134-8.(11): Exempt - Open House Signs/Flags
Reason: There is a real need for these signs/flags in the current housing climate
Impact: Minimal; tied to certain size and time provisions*

*Item #134-8.(12): Political Signs
Reason: To be amended by City Attorney
Impact: Unidentified at this time*

*Item #134-8.(15): Real Estate Sign (Single Family)
Reason: Previously noted in separate section
Impact: None*

*Item #134-8.(16): Roadside Stand and Christmas Tree Sale Signs
Reason: Additional square footage limitation (12 square feet)
Impact: None*

*Item #134-8.(17): Service Station Price Signs
Reason: To regulate the placement so signs cannot be in separate locations
Impact: Will reduce the possibility of separate, multiple signs*

*Item #134-8.(18): Truck Signs (clarified for business-owned trucks or vehicles with signs)
Reason: To clarify the intent that business trucks can only be located where the business is located
Impact: None*

Council members expressed concern that the use of parked vehicles as signs was increasing and should be addressed more strenuously in the ordinance.

Mr. Staran noted that trucks being used as signs are not easily regulated because it to determine what constitutes a sign under these circumstances is subjective.

Mr. White and **Mr. Sage** indicated that enforcement of such matters can be time consuming and frustrating.

PUBLIC COMMENT:

President Hill indicated that an audience member was present to address Council and provided an opportunity for public comment.

Ms. Eileen Youngerman, 35 West Huron, Pontiac, stated that she manages a building at Livernois and Walton with a unique configuration that results in no visibility for three of the six tenants. While acknowledging that the City's changes to the sign ordinance are positive, she asked for assistance in addressing the unique circumstances of the property. She stressed that she was appealing on behalf of her tenants.

Council advised Ms. Youngerman to contact the Building Department and consult with the ordinance representatives present at the meeting for one-on-one assistance.

Item #134-8.(9): Model Signs (Exempt)

Reason: Previously required a permit; unnecessary

Impact: Will ease regulations; can be no larger than real estate sign (exempt)

Item #134-108.(b): Materials - Fasteners for Signs

Reason: More specific maintenance regulations

Impact: Will improve any need for sign maintenance

Item #134-111: Holiday Lights (exempt) Electronic Signs (moved)

Reason: Provides a better location in sign ordinance

Impact: None

Item #134-113: Strings of Flags / Streamers Moved

Reason: Added to Temporary Signs section (same type)

Impact: None

President Hill expressed concern that forty-eight hours to correct an "unsafe" sign may be too long and suggested that twenty-four hours is more appropriate.

Mr. Cope explained that, if a sign presents an imminent danger, it can be addressed through the building code and the City can step in to remove it immediately.

Item #134-117.(a): Off-Premises Signs (reduced time to correct violation)

Reason: Provides for a more reasonable time limit

Impact: Minimal; there are very few off-premises signs

Item #134-117.(b): Amend Sign Board of Appeals - Discretion to Building Department

Reason: To provide more administrative control

Impact: Will reduce Sign Board of Appeals requests and save time

Item #134-146: Real Estate Development Sign

Reason: To add "by permit" and tie time frame to specific condition(s)

Impact: Will provide more clarification and eliminate the indefinite display of signs

Item #134-148: Model Signs (moved to Exempt status)

Reason: No more impact than standard real estate signs

Impact: Will ease permit requirements for signs located on interior of new subdivision in front of model

Item #134-149: Temporary Signs - Add banners, pennants, strings of flags or streamers and freestanding portable signs

Reason: To provide more specific control over display time and size of temporary signs; consolidation

Impact: None

Mr. Sage and **Mr. Cope** explained that the length of a temporary sign permit is linked to the purpose of the sign (i.e. grand opening signs are issued one-time only for no longer than thirty days).

Item #134-176: Signs Permitted for Residential Development (provision for sign on entrance walls)

Reason: Needed clarification for walls constructed higher than seven (7) feet for subdivisions

Impact: None; sign height remains at seven (7) feet

Item #134-177: Added "Church" to Signs Permitted on Recreational, Church, Institutional, Public and Quasipublic Premises (prohibited certain wall and ground signs)

Reason: Signs cannot face residential districts without meeting certain conditions

Impact: None

Item #134-178.(1): Add Second Ground Sign

Reason: To provide for larger sites or those with two frontages

Impact: Will provide greater visibility with more signs

Item #134-178.(2): Provide for Increased Size of Sign for Taller Buildings

Reason: To increase visibility and legibility

Impact: Will result in larger signs

Item #134-179.(1): Clarify Language for Window Signs

Reason: To require a specific permit

Impact: Will reduce the number of window signs in the area

President Hill recommended that definitions for exempt signs be in the same portion of the ordinance.

Mr. Dalton suggested that the exempt sign definitions appear in this section as well as with all other definitions at the beginning of the ordinance. He stressed that all definitions should be in one place.

Item #134-180 A: Relocated Table

1) Eliminate Business Center

Reason: To condense sign calculation methods and tables

Impact: None

2) Increased to 200 square feet (if available)

Reason: To increase sign area for big box stores/visibility

Impact: Larger signs for "big box"-type stores

3) Added "Ground Sign"

Reason: Further clarification

Impact: None

4) Ten (10) foot setback for ground signs in I-1

Reason: To be consistent with other setbacks

Impact: None

5) Added freeway service business

Reason: Did not exist in ordinance

Impact: Will increase visibility

Item # Notes to Table (c):

- 1) *Specified "Ground" Sign*
Reason: Clarification
Impact: None
- 2) *Eliminate Business Center*
Reason: To allow tenant signs on monument signs
Impact: Will ease regulations for tenant signs
- 3) *Clarified application of additional sign area*
Reason: To clarify the use of additional areas
Impact: None

Item # Notes to Table (f): Limit number of ground signs based on length of frontage

Reason: Due to the elimination of Business Center
Impact: Will allow two (2) signs per frontage of all uses in the district based on certain conditions

Item # Notes to Table (k): Add limitation to placement of wall signs facing residential

Reason: No previous provision
Impact: Will eliminate the possibility and negative impact of signs facing residential

Item # Notes to Table (l): Provide method for increased wall sign size based on setback with limits

Reason: To allow the possibility for larger signs for large stores at a greater distance from the road
Impact: Could result in larger signs (where available) and greater visibility

Item # Notes to Table (m): Add provision for Auto Sales Ground signs (three)

Reason: Based on the need by this type of business and the consolidation of multiple products
Impact: Will result in less Sign Board of Appeals intervention

Item # Notes to Table (n): Provision for location of changeable letter signs in certain district

Reason: Not previously provided
Impact: More regulation

Item # Notes to Table (o): Added provision for greater height in freeway service district

Reason: Resulted from a previous discussion by staff and City Council
Impact: Possible greater sign height/increased visibility for freeway service businesses

Item # Table 134-180 B: Increase distance requirements for wall signs

Reason: To allow larger wall signs
Impact: Larger signs under certain conditions; more visibility for larger stores

Item # Hospital Signs: Added sign provision for hospitals

Reason: None existed
Impact: Will provide certain visibility for hospital use

Council members expressed their desire that Crittenton Hospital be identified more clearly with the universal "H" sign.

Mr. Cope noted that Building Department ordinance representatives would meet with Crittenton Hospital officials to discuss their desires with regard to this specific signage.

Mr. Sage noted that Volkswagen had expressed a desire for a sign on their building that would be visible from the freeway, similar to the one on the Bog Warner building in Auburn Hills.

President Hill suggested that it should depend on the height of the building. She further noted that she would not want this practice to result in a cluttered appearance.

Discussed

ADJOURNMENT

There being no further business before Council, President Hill adjourned the meeting at 10:57 p.m.

*MELINDA HILL, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the October 5, 2005 Regular City Council Meeting.