

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL STUDY SESSION MEETING
CITY HALL – COMMUNITY ROOM
JULY 25, 2016 – 6:00PM

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Massey at 6:00pm.

Council Members Present: Bridges, Bruce, Knol, Lerner, Massey, Rich and Steckloff

Council Members Absent: None

Others Present: City Manager Boyer, City Clerk Smith, Assistant City Manager Mekjian, Directors Gardiner and Mondora, City Attorney Joppich and Planning Consultant Arroyo

SIGN ORDINANCE DISCUSSION

Ed Gardiner, Director of Planning and Community Development, stated that this item was discussed at Council's previous study session at which time they did not get through the entire presentation. He stated that Planning Consultant Arroyo will pick up where he left off discussing temporary signs and they hope to get some feedback from City Council to pass along to the Planning Commission. He added that the Planning Commission has also since recommended approval of an amendment to the lighting ordinance, which he would like to briefly discuss this evening if time permits.

Mayor Massey suggested adding that to the agenda as the last item for discussion.

Rod Arroyo, Planning Consultant, stated that for temporary signs he has recommended regulating those signs on the maximum area allowed by district rather than basing it on the number of signs. He indicated that temporary signs would include real estate, political, rental signs, etc., and the intent is to not regulate them based on content. He acknowledged the challenge to regulate signs in this manner.

Mayor Massey commented that the majority of his concerns are with A-frame signs but he asked to hear from Council members to provide their feedback.

Councilmember Bruce also expressed concern with A-frame signs and the aesthetics with different fonts and colors and that they could be a hazard in sidewalk areas. He felt they created more work for the zoning department to have to monitor.

Councilmember Lerner questioned the length of time permitted for temporary signs.

Mr. Arroyo responded that the time frame suggested limits the signs to 30 successive days before they have to be removed, but this could be more restrictive.

Mr. Lerner pointed out that this could potentially allow someone to put out a sign 11 months out of the year and he would prefer including a limitation per year.

Attorney Joppich pointed out that part of the reason for the permissiveness is based on the fact that the restrictions would apply to all temporary signs and not just commercial signs, including political and religious signs. He confirmed that it is very difficult to write an ordinance to address all types of signs.

Mr. Arroyo suggested that another option for residential areas would be to allow for permanent 2 square foot signs so that they could be periodically changed but would be neater in appearance.

Councilmember Bridges inquired if the A-frame signs were part of the original ordinance. He stated that he is concerned with allowing for temporary A-frame signs and the appearance especially along major thoroughfares and how that may affect the image of the community.

Mr. Arroyo responded that they were not and that the Planning Commission added them as they were already being used in many subdivisions and some members also felt that businesses should be allowed to use them.

Councilmember Bruce stated that he would be in favor of not allowing any signs in the front yard of residential areas as he feels this opens this up for all home occupations to have a sign.

Mayor Pro-Tem Knol questioned the rationale behind the permanent residential area sign. She feels A-frame signs are designed to be in pedestrian-friendly, walkable areas and would not mind them at subdivisions entrances or at a business entrance, but is also concerned with allowing them along major thoroughfares or sidewalk areas as to impede motorists or bicyclists.

Mr. Arroyo suggested a change to Page 13, Section E vi. to remove language indicating that the sign shall be so many feet from the right-of-way and to indicate that the sign shall be along a private sidewalk abutting a store front.

Mr. Arroyo explained that the rationale for allowing a 2 square foot permanent sign in residential areas was to have a more attractive sign versus various temporary signs.

Councilmember Lerner inquired if they could apply conditions for the size of lettering allowed on A-frame signs.

Mr. Arroyo felt that this could be challenged.

Councilmember Bridges expressed concern with allowing business signs in residential areas and questioned if this is now being discussed as a result of the court decision.

Attorney Joppich stated that the ordinance is being addressed partly due updates to our ordinance that have become needed generally over time and partly due to the recent Supreme Court decision that changed the landscape of sign regulation. As a result of that court case, communities across the country are now struggling with this same topic. He stated that he called this a "living ordinance" as he believes that subsequent court rulings will eventually clarify the Supreme Court decision. That decision changes the rules for regulating signs and there currently is no clear answer distinguishing between commercial and non-commercial signs; but that topic is starting to be discussed so there may be clarification down the road. He added that his recommendation at this time would be to follow the Supreme Court decision and treat commercial and non-commercial signs the same as much as possible.

Councilmember Bruce inquired if there is clarification on the decision later indicating that communities can regulate residential signs, would signs that had already been installed be grand-fathered in and allowed to remain.

Attorney Joppich that they most likely would be allowed unless it was proven that the business has been abandoned and the sign no longer needed; it then would be a non-conforming sign.

Councilmember Bruce inquired if the city could regulate the orientation and location of a permanent residential sign and allow for no lighting.

Attorney Joppich stated that he would have to review that issue to determine if they could establish a basis for those requirements.

Councilmembers Knol and Steckloff were not in favor of permanent residential signs and preferred allowing for temporary signs.

Mayor Massey inquired if homeowners associations could regulate signs. Attorney Joppich replied that they could as they are not a governmental entity. He added that if their regulations were less restrictive than the city ordinance, then the city ordinance would still apply.

Councilmember Rich pointed out that the size allowed for permanent signs in residential areas is smaller than that allowed for temporary signs and she would prefer a smaller, permanent sign.

Mayor Massey stated that he is not in favor of business signs in residential areas.

Mayor Pro-Tem Knol questioned why temporary banners on walls were only allowed for a period of 7 days and temporary signs were allowed for 30 days. She felt they should be the same.

Mr. Arroyo responded that the 30 day time frame was included to address political signs.

Mayor Massey stated that he would like to have some type of consensus or feedback this evening so that this ordinance can move forward.

Attorney Joppich indicated that City Council had indicated that they would like to review the draft ordinance to provide feedback prior to the Planning Commission scheduling a public hearing on this issue.

Although no vote was taken, the general consensus of Council was that they were generally opposed to A-frame signs and allowing for business signs or permanent signs in residential areas. Specific comments and suggestions by Councilmembers were mentioned above on these topics.

The issue of wall murals was discussed. Mr. Arroyo stated that they could regulate that as a separate topic.

Mayor Pro-Tem Knol felt there should be some flexibility with murals that could be considered public art.

Mayor Massey stated that Councilmember Rich had some good points on the ordinance, which he provided to Director Gardiner to pass along to the Planning Commission. He questioned the limitation of 10 square feet for political signs and felt that was too small of an area.

Mr. Arroyo stated that they could potentially allow for a greater area but limit the time frame for allowing political signs to 30 or 45 days prior to an Election.

Attorney Joppich stated that he would provide a memo or opinion on this issue. He believes it is reasonable but would provide more information based on current law.

Director Gardiner requested the standard Election dates per law.

GREAT LAKES WATER AUTHORITY RESOLUTION DISCUSSION

Karen Mondora, Director of Public Services, explained that Highland Park owes the Great Lakes Water Authority (GLWA) approximately \$30 million and the debt is proposed to be redistributed to all of the customers of the GLWA. She noted that the City's portion for water is approximately \$32,000 and \$231,000 for sewer. The GLWA also expects arrearages to continue for future years. The courts ruled against Highland Park but have since put a stay on that court order. Highland Park has appealed the order. She added that another issue was that Highland Park had not been billing customers due to various issues and just recently starting billing.

Councilmembers expressed concern with the other customers having to take on the debt of another community.

Mayor Massey pointed out that the resolution is in support of the Oakland County Board of Commissioners resolution requesting relief by the Governor.

Councilmember Rich pointed out that Hazel Park was under an Emergency Manager at the time and that the State should also be held responsible. Councilmember Bridges concurred.

The consensus was to leave the resolution on the regular agenda for consideration this evening.

LIGHTING ORDINANCE AMENDMENT:

Director Gardiner stated that the Planning Commission felt strongly about having some regulations for LED window lighting as currently there were no regulations. The items addressed included movement or blinking lights, color changes and brightness. He stated that he will be bringing the proposed ordinance before City Council next month for consideration.

ADJOURNMENT:

The study session meeting adjourned at 7:20pm.

Respectfully submitted,



Pamela B. Smith, City Clerk