

**City of South Lyon
Planning Commission Meeting**

October 23, 2008

Chairman Weipert called the meeting to order at 7:00 p.m.

All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Bradley, Weipert, Kurtzweil, Leimbach, Subotich, and Lanam. Commissioners Mosier, Tartaglia, and Culbertson were excused.

Also present were Ben Tallerico (Planning Consultant), Joe Veltri, Building and Zoning Official and Jennifer Hill attorney with Booth Patterson, P.C.

APPROVAL OF AGENDA:

Veltri had the Meijer plans but thought it should go under staff reports. Weipert agreed.

Motion by Bradley, supported by Lanam

To approve the Agenda for October 23, 2008 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Motion by Lanam, supported by Bradley

To approve the Minutes for September 25, 2008 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Sidewalk Signs – Discussion

Veltri was directed by the city manager to draft the ordinance for the entire business community. He compiled information from approximately twenty-five different communities. He noted the language was changed from sidewalk sign to sandwich sign and since the B1 and B3 districts were including the phrasing was deliberate.

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Weipert noted it was not much different from the ordinance they worked on before.

Veltri introduced Jennifer Hill from the city's attorney's office to answer the Commissioners legal questions from the last meeting. Hill stated the intent of the memo from Parvin Lee was meant to be cautionary. If signs are allowed then the city loses the ability to control political signs; she cited several specific legal cases.

Kurtzweil stated she did read the memo as a legal opinion. She believes there would be a different test for commercial speech versus political speech. It was her understanding that commercial speech and political speech were regulated differently. Hill noted speech could be regulated if it were content neutral. One point of view could not be allowed if another point of view was forbidden. Kurtzweil stated that would be a political speech issue and this was a commercial speech matter. She did not see where there was a concern regarding political speech. She asked if there was a case where a political issue challenged the use of the commercial speech. Hill stated she did not research commercial and noted once the door was open to commercial speech then the door was opened to political speech and that was the intent of the memo.

There was a general conversation regarding the legal difference between commercial and political speech and putting signs in the right-of-way. Hill noted that political speech would enjoy more protection than commercial.

Weipert asked if it would be business owners who would put up the political signs. Kurtzweil stated she would not need a permit for her yard. Lanam noted a business would have to get a permit and follow the rules. Hill stated if the business followed the process and the city denied the political sign that would be the problem. Weipert stated the message on the sign could change so they would not provide the content as part of the application. Hill replied that was true so if the business owner wanted their sign to say "Vote for John Doe" the city would be able to prevent that. Lanam did not believe many business owners would want to advertise their politics in this climate.

Leimbach asked if the city could say that they could not have a message that would not pertain to their business. Hill stated if it would be so narrowly regulated she did not know if she would be able to brainstorm every challenge the ACLU might have to hypothetical. The problem was that South Lyon was a small town and if political speech came into play than that would be where the challenge would show. Leimbach noted that other area town had not been challenged. Hill replied correct. Bradley noted they could be tomorrow. Hill stated business and politics go hand in hand and the memo was simply cautionary.

Leimbach stated he did not believe it would be worth worrying about when the intent was to help business owners.

Tallerico noted he made a couple of notes on the draft from Mr. Veltri. Weipert asked for the difference between the draft and the current version. Veltri reiterated the draft was for the entire business community. The draft was reviewed and the changes discussed.

There was a general discussion regarding the single entrance since some buildings had more than one entrance and whether the intent was one sign per entrance or per business.

Leimbach noted he thought they were looking at just the downtown. Veltri stated he had been directed by the city manager to include all businesses. Tallerico noted if they started with downtown and it worked then it could be expanded; if it begins with everyone then there would be no going back.

Lanam asked if there were multiple businesses but one entrance how would the sign be split. Tallerico replied that would not be enforceable. The non-transferable regulations would apply if the business changes hands. Hill noted it could not change from one business owner to another in the same building.

Bradley stated his opinion it should start with only the downtown. Leimbach agreed for now. Lanam agreed the downtown had a disadvantage right now. Kurtzweil stated she was not bothered by the political speech issue. Bradley agreed that would be a small risk.

Subotich thanked Ms. Hill for providing clarity to the issue and noted he felt better after hearing her explanation. He also agreed that he would like to begin with just the overlay district.

One of the business owners from Mill Street asked to talk. He stated this was positive but one concern he wanted the Commissioners to consider was that businesses outside the downtown should also have this ordinance. He felt it would be very important to everyone and not much of a burden to expend it beyond the downtown. Lanam stated there was an ordinance he could already use. The business owner stated he was aware of the thirty-day sign but noted that many people would call the city because they would not fall under the new ordinance. He added there would be a "why not me" concern.

Bradley noted it had been discussed by the Commissioners. Lanam stated the downtown already has disadvantages that those outside of the downtown did not have to deal with. Tallerico added it had been the DDA that came to the Commission to ask for a new ordinance and that it made sense to test it with them first.

Kurtzweil stated she would vote for the sign ordinance but there would be ^a psychological handicap when business ^{es} ^{ea} rely on signs to draw in business. She noted that a sign should not ~~rely on~~ ^{be relied upon} to solve business owner's problems in these times.

Mary Kabisa of 129 North Lafayette, stated she was in the Chamber Building and asked if she could put a sign on the corner. She had been told when she moved in she could and then found out later she could not, so, under the new ordinance would she be able to. Veltri stated it would have been next to the building. Kabisa asked what good that would do her. She did not see the problem with putting the sign in the landscape bed on the corner. Weipert noted there were three businesses in that building. Kabisa stated she had a real issue with the sign and would appreciate their consideration.

Kurtzweil asked why the wording could not say "adjacent to the building". Leimbach noted they had discussed a certain number of feet from the front door.

There was a general discussion regarding near buildings, adjacent to building, and right-of-ways. Tallerico noted there would always be weird situations.

There was general discussion regarding multi-tenant buildings and what the principal entrance would be defined as. Kabisa stated she did not see how multiple tenants in one building would share one sign.

Hill read the Northville ordinance as an example for the wording of adjacent to or near the building. There was a general discussion regarding revising the wording on number eleven of the draft ordinance. Tallerico noted he would make changes.

Kabisa asked if she could use the sign she had made if the ordinance was worked out so that she could have a sign. Veltri stated it would have to be an A or T frame sign, no more than forty-two inches high and not more than six square feet. Tallerico stated it could not be in the flower bed if the bed would make the sign taller than forty-two inches. Kabisa stated she would go without a sign so that everyone else could have one.

There was a discussion regarding the height of signs and the right-of-way. Tallerico noted the issue was being parceled too much. Every circumstance could not be covered and he suggested it should be broader. Veltri agreed and noted with the signs first go up they would be watching carefully to make sure downtown would not be an obstacle course of sign. Hill noted they should keep objective standard and stated "at or near" language would be difficult to enforce. Citizens would need to have guidelines. Lanam noted in the DDA "in front of the property" would cover it. Subotich stated this was a good example of why each business district should be handled separately.

Tallerico stated he would work on changes and send it to the Commissioners.

Blight – Discussion

Veltri stated the Michigan Municipal League had a lot of good information on blight. He reviewed the materials distributed to the Commissioners.

Tallerico stated the challenge would be in abandoned building so he provided Mr. Veltri with some definitions from the building codes. The building did have to be occupied as long as it had been maintained. There was a general conversation regarding the definitions.

Veltri stated most issues were covered by using the property maintenance code and other tools from the state.

Kurtzweil stated her concern was when a house had been foreclosed and there was no way to know who was responsible for the maintenance. Veltri stated the title would not always immediately change. There was a general discussion regarding enforcement of

maintenance notices.

Hill stated she could check into the issue but agreed that enforcement would be difficult. Tallerico stated Ms. Kurtzweil's point was she wanted a card ^{with contact information} on the door and that would be what they need to know could be enforced. Hill stated that was a two-prong test. Veltri stated he could take care of the lawns. Leimbach noted they wanted the city to have one more tool. Hill replied tools were great but they were different from enforcement. Weipert noted there would always be people who would not care. Veltri agreed and noted they also would know how to play the system. Weipert stated they wanted to put people on notice to keep the honest people honest and that posting who would be responsible would be part of that.

Tallerico noted they wanted to be ahead of the curve knowing South Lyon was a well-kept community. Weipert agreed and stated the other part of that was the issues of civil infractions or misdemeanors. Hill stated a municipal civil infraction bureau was created to expedite the process. They actually de-criminalized. A misdemeanor would go on someone's record. Veltri commented that ninety percent of the people would fix it, five percent would argue then fix it and the other five percent end up in the court with the city. Hill agreed and stated the intent would be getting the property fixed and the court did have the power to imprison people under contempt for violating a court order but the end intent would be to fix the problem.

Veltri explained the process for obtaining a court order to correct exterior maintenance issues and vacant properties. There was a general discussion regarding the height of the grass in the ordinance. The Commissioners agreed to review the grass height and pursue the posting of the contact information for maintenance issues. Hill stated she could pull it but there would be an issue with enforcement. Kurtzweil stated she saw her role on the Planning Commission to pay attention to what the community has been saying and then bring it to the meetings to discuss. Tallerico noted the City Council was the representative body. Kurtzweil stated she believed Council should rely on Commissions to advise them with issues that had been fully investigated.

STAFF REPORTS

Veltri brought the approved plan for Meijer's in Lyon Township if the Commissioners would like to see it. Taco Bell would be submitting building plans soon and there was a general discussion regarding Clark's Crossing.

ADJOURNMENT

Motion by Bradley supported by Leimbach

To adjourn the meeting at 9:27 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY


Pam Weipert, Chairperson


Keith Bradley, Secretary


Jennifer Knapp, Recording Secretary