

OPEN PORTION

Accessory Uses – Section 1157.06

Chairman Saponaro called the meeting to order with the first order of business; Accessory Uses.

NEXT STEP

HOLD pending Hamill / Scasny B.O.A. Case # 2010-2 resolution.

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Zoning Standards Wind Turbines

Chairman Saponaro has one question on the following wording;

“**.08 Shadow Flicker** (a) The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a Non-Participating Landowners property”.

Chairman asked, how does one ‘make reasonable effort’ to minimize shadow flicker? Shouldn’t that be more specific? To ‘make reasonable effort’ is not enough.

Mr. Marrelli said that’s paying attention to the orientation of the blade versus where the sun goes east to west, to make sure you’re not making a strobe effect on somebody’s house or building. They can calculate that.

Consensus: Delete “~~make reasonable efforts to~~”.

DECISION

Chairman Saponaro, seconded by Mr. Catalano made a motion to approve the Wind Turbines Ordinance under Building Section 13.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Recommendation to Council

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Temporary Advertising Signs

Chairman Saponaro said we received a memo from Diane Wolgamuth who received feedback from the Citizen’s Advisory folks. We requested other people’s opinions. I am very surprised by their feedback. They think these signs should be permitted. Here are their comments;

- Temporary advertising signs should be permitted. Rationale: If businesses are unable to advertise, we run the risk of losing them. Since the Village has such limited retail, that would not be a good result.
- The signs should NOT be limited to only 2 weeks before a holiday; they should be permitted year-round.
- Business owners should not be charged a permit fee every time they place a sign. The Committee suggested a year-long or even a permanent permit for as long as the business stays at the location.
- There should be restrictions put in place regarding size, location, number of signs per property, etc.

Mr. Marrelli said our next task is to figure out size, location & design. I'm getting used to seeing the little A-Frame plastic signs. I'll check with a sign company to see if those are called 'sandwich board signs'.

Chairman thinks for aesthetics & uniformity it would be appropriate for A.R.B. to look at these.

Mr. Marrelli disagrees, doesn't think A.R.B. needs to be involved. These are temporary signs. We need to look at color, lettering, size & location. I don't want them out by the road.

Chairman said it can't obstruct pedestrian traffic. We need language that says it can not increase the risk of harm to the public.

Mr. Kucharson asked if we reached out to the business owners as well.

Mr. Marrelli tried to. Tommy V's I talked to, he'd really love to do something for his specials. We'll have to develop a standard. I'll take a look at surrounding community examples the Law Dept provided us.

Ms. Calta asked about the sign Austin's has in front.

Mr. Marrelli replied that has a base & frame for specials.

Chairman thinks we need to create the district their permitted in, standards in terms of placement, size, uniformity of colors & font size. The sign must be kept in good working order and in tact (no missing letters). I wouldn't want us to allow window decals. A temporary sign will change all the time. Other thing is the permit itself. We have to make sure when they fill out the application that they get the requirements & standards of how to display the signs properly. I suggest an annual fee. We don't want to create something that's too hard to enforce.

Ms. Calta will look at enforcement provisions that aren't too cumbersome. i.e. sign allowed out during business hours only.

Mr. Kucharson said to summarize, we envision a display board, the business owner pulls the permit for one (1) year, and they can change the message daily.

Chairman added the message has to relate to the business. This is not an opportunity for Bible versus or vote for so & so. It has to be specific to that business.

Mr. Kucharson asked about the banner Fisher's has displayed on their deck. Would that be permitted?

Mr. Marrelli replied that's something they can do on a sandwich board.

Chairman suggests banners be treated differently, i.e. Grand Opening or Now Hiring. There's nothing stopping Fisher's from coming to us and asking for a variance for the banner.

Mr. Marrelli said they have to explain a hardship, i.e. the land can't accommodate a sandwich board.

Chairman asked if we're going to have a 'Temporary Sign Ordinance'.

Mr. Marrelli doesn't want to go too far with this. This is specifically for small business owners in a retail area to be able to communicate with customers as to changes that are being made on a daily basis.

NEXT STEP

Keep on agenda. Law Dept to draft Ordinance for Committee review & comments.



Sign Ordinance Amendments
Sections 1185.10 & 1185.14

Ms. Calta said these are the political sign provisions. I took out the fees and anything referencing the permit. **Section 1185.10 (b)** I struck out any reference to political sign. This section isn't specific to political signs, so I didn't take it all out, just the political sign part of it. In addition to permit fees, there's a line item for a ~~political sign cash deposit which is \$100.00~~, I took that out.

Chairman Saponaro asked if we get a deposit for real estate signs.

Mr. Marrelli asked, do we? No. Are we supposed to? Yes.

Chairman said if there's no good reason to have it, all we're doing is holding onto money that at some point has to be refunded.

Ms. Calta will take out the ~~permit fee of \$2.00 for each real estate sign~~ in **Section 1185.10 (b)**. Ms. Calta continued in **Section 1309.05 (g) (22)**, we'll take out '~~Political Sign Deposit~~'.

Chairman asked what **Section 1309.05 (g) (21)** 'Temporary Signs Fee' is for.

Ms. Calta replied 'Temporary Signs' would be real estate & political, but we're taking both out so nothing's left.

Mr. Marrelli said it would now be 'Temporary Advertising Signs for Retail Businesses', and it would be an annual fee.

Chairman asked about the \$5.00 garage sale fee in Section 1185.12 (e).

Mr. Marrelli replied we charge \$5.00 for them to have a garage sale. If we have to pick up their signs, that's what it covers.

Chairman disagrees, it doesn't really cover. That's a problem.

Ms. Calta continues, **1185.14 (c)** I put in the 'Non-Commercial opinion sign' which you could have. In **1185.14 (d) (5)** I left in the responsible party shall pay a \$10.00 charge for each sign remaining after the deadline.

Mr. Kucharson asked about **1185.14 (d) (6)**;

"Such signs shall not present a vision problem to vehicular traffic".

Do we have anywhere that says who gets to make that determination? Chairman thinks it's important to clarify this. Mr. Marrelli said when it's traffic, it should be the Chief of Police.

Chairman suggests **adding (f) under Section 1185.14** for 'Garage Sale Signs'.

Ms. Calta will review the garage sale regulations and get back to the Committee.

NEXT STEP

Keep on agenda. Working on amendments.

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Nuisance Abatement Ordinance - Foliage @ Thornapple blocking Right-of-Way

Mr. Marrelli said we already have a nuisance abatement ordinance which covers visibility on corners. Our Service Director is following up on this particular Thornapple issue. We'll have the foliage cut away for visibility.

NEXT STEP

Service Director following up. Remove from agenda.

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Garbage Can Ordinance

Ms. Calta said **Section 1363.02**; DUMPING, DEPOSITING, STORAGE OF GARBAGE, RUBBISH, REFUSE PROHIBITED. I added a line that states; are stored out of site from any and all public streets and roadways. This means if somebody puts one in front of their garage and you can see it from the street. If somebody's on a corner lot, they're going to be a little more restrictive.

Mr. Marrelli said as long as you can't see it, i.e. keep them behind bushes or an air conditioner, out of site.

DECISION

Chairman Saponaro, seconded by Mr. Kucharson made a motion to adopt the language to Ordinance Section 1363.02.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Recommendation to Council

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**Section 1309.22; Parks & Recreation Improvement Fund Fee
New Single Family Construction**

Chairman Saponaro said **1309.04** LUMP SUM PERMIT FEE; EXCEPTIONS (a) Single-Family Dwelling. "For construction of a new single-family dwelling, a total lump sum permit fee of seven hundred dollars (\$700.00) shall be charged for all permits issued pursuant to the original plans as approved".

Mr. Marrelli said there's a \$500 Recreation Fee for a new home that was passed in 1992. Then in 1995 they enacted one (1) permit for a whole house @ \$700. It might have been my error or maybe I was misdirected, but I thought the \$700 included the \$500 but it doesn't. To make a long story short, I worked with Bernie in 04, 05 & 06 where we had a couple houses built and we never collected the \$500 Recreation Fee. It's still on the books.

Chairman asked if we have a Recreation Fund still in existence.

Ms. Calta confirmed we do. I don't know how much is in it or what the Finance Director has used it for.

Mr. Marrelli said Ron Wynne said they do use it. I don't know how the money goes into it, there're other things that feed into it. They use the money for supplies, etc.

Chairman said my feeling on this is we don't have huge home construction going on here and we're not in the near future. I think it's kind of a smack if somebody comes into our Village and has to pay a \$500 Fee into a Recreation Fund. It doesn't make sense.

Mr. Marrelli agreed. I went back and read when they passed it. The feeling of why they did it never came across in the minutes.

Chairman said might be what its intended purpose was has already been achieved somehow. Back in 1992 we didn't have a full Parks & Recreations Dept with all the programming that's gone on. There wasn't programming going on back in 1992 so they collected the fees to maybe i.e. line the ball fields.

Mr. Kucharson suggested maybe it originated from when Hanover subdivision was constructed.

Mr. Marrelli said that \$500 per house every once a year can't be making a difference.

DECISION

Chairman Saponaro, seconded by Mr. Marrelli made a motion to repeal Ordinance 1309.22
PARK AND RECREATION IMPROVEMENT FUND FEE.

Chairman asked if any discussion.

Mr. Marrelli said I think we're already charging people their fees for passes (user fees), etc. I don't see any huge developments coming that will overpower our Recreation Dept.

Chairman Saponaro added if we do see that and see there's a need for whatever reason, we'll have to revisit this at that point.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Recommendation to Council

OLD BUSINESS

Chairman Saponaro opened the floor up to any further discussion.

- **Properties in Disrepair**

Chairman said I asked John about rental properties the other day, whether or not we have an ordinance for rental properties.

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Mr. Marrelli said we adopted the International Property Maintenance Code which is for everybody, renters & owners.

Chairman said the biggest complaint I get from residents is homeowners that don't take care of certain aspects of their house. The problem is that anything we do we have to go to court. Is that because of the way the ordinance is written that requires that or as a municipality we are not able to assess fines?

Ms. Calta said it depends on what kind of enforcement. If it's abating a nuisance, you have the authority to do that.

Chairman said if we have to send someone out to cut grass.

Mr. Marrelli said we bill the owner. If they don't pay, it goes on their tax duplicate for collection.

Ms. Calta said John issues citations for people that don't comply with the code. As far as a citation that turns into a fine, that's when you get into the court. I don't see that there's a mechanism or authority to go out and start fining people.

Mr. Marrelli said because it's a minor misdemeanor, in order to get a finding of guilty, you have to go to the court of law.

Chairman Saponaro said we have someone who hasn't painted their house and it looks in disrepair. Is that considered a nuisance?

Mr. Marrelli replied no. It's a housing maintenance violation. It wouldn't be a nuisance because it's not a safety concern.

Chairman asked, how do we know it's not a safety concern?

Mr. Marrelli said the fact that it doesn't have paint doesn't have any effect on anybody's safety or health.

Chairman said generally where there's smoke, there's fire. If someone's not taking care of painting the outside of their house, there're other structural issues. How are we supposed to know that?

Ms. Calta said I've had communities where paint has been a nuisance. Usually paint is not the only problem, i.e. the grass is not being cut, steps to the house are falling apart, gutters not being maintained, trees down, etc. Usually you look at it aesthetically and it becomes a nuisance to the neighborhood.

Chairman asked, can we expand the definition of what nuisance is in order to address those types of issues without running afoul?

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Ms. Calta said I think you're looking at the difference between a criminal citation as opposed to a misdemeanor with a fine versus a civil manner. I'd have to look at it. It might be a little bit arbitrary. What you want with enforcement is compliance. If you go the civil route, that doesn't necessarily get the violation corrected.

Chairman said I'm saying add a layer to it to create more leverage, ultimately trying to achieve giving a bigger hammer, a quicker handle.

Mr. Marrelli said this could go on for one year if you end up in court with somebody. Our Inspector Walter gave out about 40 or 50 'Courtesy Warning Notices' at the end of May. I've already had 1/2 those people call and say "Don't fine me, we're going to paint the garage door". I had a guy already move his shed. He was too close to the property line. He slid it 6' one way and everybody's happy. A lot of this is that somebody just needs to tell them. Your concern with the standing water, mosquito infested pond on Thornapple, that's for the County Board of Health. As far as gravel driveways, we don't have driveway standards.

Chairman asked, should we look at a driveway ordinance?

Mr. Marrelli said we could.

Chairman suggested language to the effect that if you have an existing drive that was never paved, it doesn't have to be paved, however it does have to be maintained.

Mr. Marrelli said I had a guy come in who wanted to put more gravel down and wanted to know if that was o.k. I said yes.

Ms. Calta said if somebody comes in now and builds a house, they're going to have to have a hard surface for a driveway. Anybody else would be considered grandfathered. Could you argue that that homeowner has lost their grandfathered status because they haven't maintained their gravel driveway? Because they haven't maintained it, they no longer enjoy the grandfathered status which then requires them to comply with the code and the code is a hard surface. That's the only thing I can come up with.

ADJOURNMENT

There being no further business, Mr. Marrelli, seconded by Mr. Kucharson made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried.

Meeting adjourned at 6:00 p.m.

Chairman

Secretary