

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
JANUARY 18, 2010, 6:00 P.M., COUNCIL CHAMBERS
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The meeting was called to order by Councilwoman Paula Zelenko at 6:02 p.m.

MEMBERS PRESENT: Haskins, Wells and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: D. Heidenberger, Assessor; Attorney R. Austin and G. Webster,
City Clerk.

PURPOSE OF THE MEETING: Discussion and possible recommendations concerning the following:

- 1. Sale of City owned properties**
- 2. Sign Ordinance concerning electronic sign boards**

PRESENTATION:

Sale of City Owned Properties

Mr. Austin reviewed a packet of information regarding the Property Sales Procedures. The City has acquired approximately 241 parcels of property. Mrs. Heindenberger said that does not mean that all these properties would be up for sale. Each property has to be identified and determine if it would be used for a public purpose. Mr. Austin indicated these parcels range in value from small unbuildable lots to valuable property. The property in Trail Ridge and Burton Estates is encumbered by special assessments. The special assessments exist to pay off bond indebtedness.

Currently, the City has a one-page Property Sale Procedure. This process has proven to be cumbersome and does not accommodate the various aspects to be considered when selling City property. The current procedure has hindered and contributed to the loss of land sales due to required time restrictions, which requires a 28-day public comment period. It could actually take 35-40 days to complete the entire process. He said the quicker we can get sellable property back on the tax roll, the quicker we can pay off those special assessments. This would prove to be very beneficial to the City. The idea is to abide by all the Charter requirements and devise a method by which we could sell these properties as quickly as possible, with the intent of recouping as much money as possible. If some properties are determined to be valueless, we should be able to dispose of that land in a quick reasonable fashion, such as to adjacent property owners.

The proposed Sale Procedure provides for an initial resolution at the beginning of every year that would give the approval for the properties to be sold. That initial resolution in January would work to satisfy the Charter requirements that we have two resolutions approving sale. In addition, this would start the 28-day public comment period. A second resolution would be required for the final sale of the property. Special assessment properties might require an additional resolution before the final approval, which would set specific prices for certain parcels. This new procedure would allow the City to expedite the disposal of valueless property and streamline the whole process.

LEGISLATIVE COMMITTEE MEETING MINUTES

JANUARY 18, 2010 / 6:00 P.M.

PAGE 2

Attorney Rick Austin continued with a detailed outline of the proposed Real Property Sales Procedure. (This document is available for review in the Clerk's Office.)

Electronic Sign Ordinance

Mr. Austin said that LED signs were not regulated in the codified ordinances. He referred to Ordinance 153.10 that relates to signage. Basically, there is not very much information relating to electronic signs. When a referral was suggested to the Legislative Committee, it was due to a specific sign. There were problems with that particular sign because permit and size requirements were not met. These requirements do not pertain to the lighting issue. He gave the committee an example of Monitor Township's LED sign ordinance. Similar wording could be added to our sign ordinance. Mrs. Zelenko asked for clarification on Subsection 153.10 (A), (8) of the sign ordinance. There shall be no flashing, oscillation, or intermittent type of illuminated sign or display in any residential district. Mr. Austin said that section refers to the distance from the sign to the residential district. That particular sign is not illegal by virtue of this provision. He said the Legislative Committee could make a determination to preserve the health and welfare of residents from the LED lights. He referenced the Monitor Township sign ordinance that addressed the candlepower outlet of signs. This would address the brightness of the signs. These amendments would only pertain to new or renovated signs. Under the Zoning Ordinance there are non-conforming use rights. If a sign exist lawfully now, it cannot be zoned out.

AUDIENCE PARTICIPATION:

John Stapish, PO Box 190134, wanted to know how many of these properties had structures. He made reference to the home that was sold on Norton St for \$5,000. He opposed DPW putting uninhabitable signs up and charging \$100.00 for an inspection. He wanted to know if the City would be imposing these rules on the new owners. In addition, he wanted to know if Bendle's \$30,000 sign would qualify for re-examination.

Mrs. Heidenberger said only three of the properties had homes.

Mrs. Zelenko said the cost to complete the sale would be attached to the property. She did not know about the inspections.

Mrs. Zelenko wanted to incorporate specific requirements for LED signs and make sure they are enforced. There will be no recommendations tonight. The Legislative Committee will continue to review this information.

Rick Fuhst, 1208 S. Genesee Rd., said the City should insist on developers paying for their own infrastructure instead of relying on the taxpayers. Then we would not be in the situation we are in now. The developers should be taking the risk, not the City. In addition, he felt that the large LED television signs on the roadway were a safety hazard.

LEGISLATIVE COMMITTEE MEETING MINUTES

JANUARY 18, 2010 / 6:00 P.M.

PAGE 3

COMMITTEE DISCUSSION:

In reference to the LED signs, Mr. Austin said Mr. Strasser hoped the new regulations would be easily and objectively enforceable. He did not want subjective standards attached. He suggested the sign not change more frequently than 7 or 8 seconds. This would make it safer for the drivers. Mr. Austin said the Monitor Township ordinance was very restrictive. Signs can only change once every four hours. That may be completely unreasonable for Burton.

Mr. Wells thought the timing was added to the ordinance. There was a lot of discussion on this topic. Mr. Austin said no more information was found in the existing ordinance.

Mrs. Zelenko said we do not want signs to be so distractive that drivers don't pay attention to the roads. Mr. Wells wanted to know if the State had any regulations on these signs. Mr. Austin said the State regulates highway billboard signs. However, they will defer to a local municipality's regulations if they are more restrictive. The State deals more with spacing between signs. He believed they have set 7 or 8 seconds for the blinking LED signs.

Mr. Wells wanted to know if there were a lot of complaints on these types of signs. Mr. Austin said someone complained about the Bubba sign right away. Mr. Wells understood they did not follow the ordinance. However, he has not heard about any other sign complaints. Mrs. Zelenko and Mr. Haskins have not heard of any sign complaints.

Mr. Haskins said there needed to be more discussion on these topics. He understood there was a safety concern with these signs. The liability would be with the driver. They need to pay attention to the roadway. There are a lot of other distractions, such as cell phones, Christmas lights, cats, dogs, deers, etc. We have a lot of things to consider before making recommendations. We do not want to hinder businesses either.

Mrs. Zelenko thanked Mr. Austin and Mrs. Heidenberger for their input on these issues. The committee will take this information under advisement. She planned to schedule another Legislative Meeting for February 1st at 6:00 p.m. Mr. Austin reminded the committee that he would be out of town the first two weeks in February.

COMMITTEE RECOMMENDATIONS:

None.

Meeting adjourned at 6:58 p.m.

Gayle K. Webster, MMC
City Clerk