

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
MARCH 7, 2011**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Hison, Council Members Frederick, Rubello, Rubino, Rusie and Walby

Absent & Excused: Council Member McFadyen

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Babcock, D'Herde, Haney, Rayes and City Attorney Ihrle

**1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present and noted that Ms. McFadyen asked to be excused. The Pledge of Allegiance was recited by those in attendance.

**Motion by Frederick, seconded by Rubello to excuse Ms. McFadyen from tonight's meeting.**

Ayes: All – 6

Absent: McFadyen

**2. PROCLAMATIONS & PRESENTATIONS - NONE**

**3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT)**

Jim Goodfellow, St. Clair Shores Resident, spoke on agenda items #4, #7 and #9. He said that Banner Tire was already approved in 2005 for placing small "For Sale" signs on cars. Banner Tire also has a small "A Frame" sign that they put up. He feels that allowing Banner Tire to place "For Sale" signs on all the vehicles would create a problem for the used car sales lot across Harper Avenue. He was under the impression that the Ethics Ordinance was still under review and was only being discussed tonight. He wanted to make suggestions on the Ethics Ordinance before it's adopted. He doesn't think Your Time Fitness' hours should be 24 hours.

Joe Wielgot, St. Clair Shores Resident, spoke on agenda item #9. He stated that the Ethics Ordinance completely avoids the issues. He feels the Ethics Ordinance does more harm than good because the elected officials could "hide behind" the language. With this ordinance, Council could provide themselves cover, as they do not have to disclose that they sell to a business.

Paul Opper, St. Clair Shores Resident, spoke on agenda item #14. He asked if the City Attorney was asked to review a Freedom of Information requests in the past. He asked if there have been Attorney fees added to a Freedom of Information request before. He mentioned that a Freedom of Information request was filed by the Police Officer's Association, The Detroit News and Free Press and were told that the estimate would be over \$11,000. He asked why such a large fee would be charged for a Freedom of Information request. He asked Council if they would agree to share all emails to uphold the trust of the residents at no fees.

Mike Martel, St. Clair Shores Resident, spoke on agenda item #9. He mentioned that the Ethics Ordinance was promised a while ago. The ordinance does not address drug issues. He asked Mayor Hison if Mr. Rubino would answer questions regarding drug use. He asked why a drug policy was not included in the ordinance. He noted that since 2009, Mr. Rubino voted twice on the marijuana moratorium.

Cynthia Pajkic, St. Clair Shores Resident, spoke on agenda item #9. She stated that the ethics and behavior of Council is the basis of what represents the City. She is worried about the inconsistencies she has seen. She mentioned that she was glad to see that Mr. Rubello abstained from voting on the realtor for the NSP homes.

Gary Crandall, Clarkston Resident, spoke on agenda item #14. He said he is the president of the Police Officer's Association and is highly upset because he feels Council created a new Freedom of Information request policy in order to avoid completing a recent Freedom of Information request. The Police Officer's Association completed a Freedom of Information request for the emails of four Council Members. The Police Officer's Association never intended to release any harmful information if discovered. The Police Officer's Association has not requested any emails to the Mayor or Council from citizens.

#### **4. REQUEST FOR SITE PLAN AMENDMENT BY BANNER TIRE, TO ALLOW POSTING "FOR SALE" SIGNS IN VEHICLES (POSTPONED FROM 2/22/11)**

Mr. Zgol is requesting Council's approval to post "For Sale" signs on vehicles on his property. He hasn't been able to post the signs and it is causing him hardship. Selling vehicles helps his business "stay afloat".

Mayor Hison noted that around January 2006, Mr. Zgol was approved by Council to have two vehicles for sale on his property at a time. He asked how many vehicles Mr. Zgol currently has for sale. He mentioned that last Sunday, there were four or five vehicles on his property that had signs on them. He asked Mr. Zgol how many signs he has in the windows of his business because he noticed two, one sign that states, "cars for sale" and another sign that states, "we buy cars". He mentioned that there is also a sandwich board sign.

Mr. Walby verified that Mr. Zgol requested to have small signs on the vehicles in the past. He asked him how many signs he would like to have now.

Mr. Zgol said that he currently has four cars for sale on his property. He is requesting to be able to keep signs on at least two vehicles at a time in order for him to stay in business. He confirmed that he has two signs in the windows and one sandwich board (a frame) sign.

Mr. Rayes confirmed that Mr. Zgol is allowed to have the "a frame" sign, but the one he has up is too large.

Ms. Rusie questioned if these vehicles are kept on his property. She asked how many cars Mr. Zgol sold last year.

Mr. Zgol replied that the vehicles are kept on his property and he sold around fifteen cars last year.

Mr. Frederick asked about the placement of the vehicles on the property.

Mayor Hison commented that there was no discussion of the placement of the vehicles when this was originally approved by Council. Council only agreed for two vehicles to be for sale at a time.

Mr. Rubello asked the City Attorney if there was an issue in regards to him to voting on this item since he previously did business with Banner Tire. Mr. Ihrle informed him that there would not be a conflict of interest and it would be okay for him to vote on this item.

**Motion by Walby, seconded by Frederick to approve a request for site plan amendment, to allow a small "For Sale" sign in two (2) vehicles at a time, consistent with Council's approval of the Special Land Use PC Case 05-25, only two (2) vehicles for sale at a time.**

Ayes: All – 6  
Absent: McFadyen

#### **5. REQUEST FROM SHAMROCK CAB CO., INC, FOR A RATE INCREASE TO THEIR FEE SCHEDULE**

Mr. Finazzo is having hardship due to the increasing gas prices and other costs. He stated that they follow all the rules to ensure that they are getting the cheapest insurance rates. He requested an increase two or three years ago and he thought that things would settle. He is requesting a \$.40 per mile increase, \$3.00 flag throw and \$36.00 per hour waiting/traffic delay time. The average taxicab ride is about three miles and he has nineteen taxicabs licensed in the City. The taxicabs are inspected regularly from Roseville, Eastpointe, Warren and St. Clair Shores.

Mr. Finazzo mentioned that they transport a considerable amount of senior citizens even with the senior van service running in the City. Senior citizens get a discount of \$2.50 per ride.

Mayor Hison mentioned that there were a few complaints that the interior was not clean and in good repair on some vehicles. He stated that he wants to make sure the cars are clean and kept in good order.

Mr. Finazzo explained that they go through every car once a week on Saturdays to check them and clean them out. He said that it is almost impossible to make sure the vehicles are cleaned for every ride. The drivers go through a checklist before every shift to make sure the vehicles are kept in good order. He has sixty-five employees and fifty employees are St. Clair Shores residents.

Mr. Finazzo said the current average age of his vehicles is eight years. They try to recycle all the parts including fluids and tires. Then the vehicles are given to the New Haven High School for the students to work on in auto class.

**5. REQUEST FROM SHAMROCK CAB CO., INC. (Cont'd)**

**Motion by Rusie, seconded by Walby to approve a request for a rate increase are \$3.00 flag throw, \$2.50 per mile and \$36.00 per hour for waiting/traffic delay time.**

Ayes: All – 6  
Absent: McFadyen

**6. REQUEST FROM ARDMORE CAFÉ, LLC FOR A NEW CLASS C LIQUOR LICENSE WITH SUNDAY SALES TO BE LOCATED AT 26717 LITTLE MACK, ST. CLAIR SHORES, MI 48080, MACOMB COUNTY**

Mr. Palazzolo, Attorney representing Ardmore Café, said that Ardmore Café is applying for a Class C quota liquor license from the City. He explained that Ardmore Café has met all the requirements (for a facility with a capacity of less than 150) and has provided all the necessary documents to the City. He mentioned that the owners of Ardmore Café are St. Clair Shores residents. The building encompasses a restaurant, a boutique, a gift shop and a salon. They currently have five employees at the restaurant and will probably hire two new employees. There is no dancing and no bar. The drinks would be served with food at the tables. The ordinance requires a restaurant to invest \$50,000 of improvements into the business if there is a capacity of less than 150. The owners are planning more improvements to the building and parking lot. The restaurant was originally opened in 2008 and was a bridal boutique before that.

Mayor Hison noted that the ordinance does indicate certain criteria need to be met when there is less than a 150 seating area. They meet the "years in business" criteria as they were the owner/operator of the Victorian Place previously.

Mr. Ihrie explained that the City has nine on premise licenses of which two are awaiting Liquor Control Commission approval. The ordinance allows for the approval for an establishment with fewer than 150 seats if they invest a minimum of \$50,000 into the business. The establishment has to have been in existence for at least five years. The City decided years ago to set the fee at \$2,500 to cover the cost for the City to go through the application investigation process.

Mr. Rubello mentioned that he has done business with the owners in the past, so he will abstain from voting.

Mr. Ihrie noted that Council could request the approval of the Class C license and require the license to remain in the City if the business ceases.

Mayor Hison commented that there is sufficient parking for the vehicles on this property.

**Motion by Walby, seconded by Frederick to approve the request from Ardmore Café, LLC for a new Class C Liquor License with Sunday Sales, located at 26717 Little Mack, St. Clair Shores, MI 48081, Macomb County be approved "above all others" and that it is the consensus of the legislative body that this application be recommended for issuance.**

Ayes: All – 5  
Absent: McFadyen  
Abstain: Rubello

**Motion by Walby, seconded by Frederick to enter into an agreement regarding issuance of Class C Liquor License with the City.**

Ayes: All – 5  
Absent: McFadyen  
Abstain: Rubello

**7. REQUEST RENEWAL TO EXTEND APPROVAL FOR BUSINESS HOURS TO 24-HOUR OPERATION, FOR YOUR TIME FITNESS, AT NEW LOCATION, 23707 JEFFERSON AVE., PETITIONER, J. RAHAMAN (POSTPONED FROM 2/22/11)**

Mr. Rahaman is requesting approval to have a 24-hour fitness center, at 23707 Jefferson. Council previously granted approval for the petitioner's prior business location, at 26610 Harper, on October 1, 2007. He mentioned that today was the first day of operation.

Mayor Hison asked Mr. Ihrie if this should not be considered a renewal because this was approved in October 1, 2007 for a prior business and this is a new business and new location.

**7. REQUEST RENEWAL TO EXTEND APPROVAL FOR BUSINESS HOURS TO 24-HOUR OPERATION, FOR YOUR TIME FITNESS (Cont'd)**

Mr. Ihrie explained that the word "renewal" was generated from the application. In his opinion, this is not to be considered a renewal. The original request for a 24-hour operation in 2007 required a number of things, such as, location, surrounding community and proximity. Because this is a new location, this should involve reconsideration as to whether the new location is sufficient for a 24-hour operation.

Mayor Hison asked the City Attorney to explain the difference between these resident petitions and rezoning protest petitions.

Mr. Ihrie explained that the petitions in this situation are not the same as rezoning protest petitions. When rezoning protest petitions are received, it forces a super majority requirement. The petitions filed in this use are informational only and do not condition Council's vote.

Mr. Rahaman mentioned that the current business hours are from 5:00 a.m. to midnight.

Mayor Hison noted that this location is right next to where people live, whereas when the business was on Harper, they did not directly abut residential. He was not in favor of a 24-hour operation at this time.

Mr. Rahaman stated that he moved the business because the cost of utilities made it difficult to remain at the old location. He opened a "Your Time Fitness" on Harper. The building has fifteen parking spaces, which is difficult to find on Harper.

Mr. Frederick is concerned with how the neighbors feel about the operation on Jefferson.

Mr. Rahaman said he spoke to several neighbors. He is trying to be a good neighbor by being respectful of the neighbors. He is requesting that Council approve the 24-hour operation to allow the professionals to come in at their convenience. There is only a small amount of people that would like to workout between the hours of midnight and 5:00 a.m.

Mr. Frederick questioned the neighbor next door and installing a knee wall.

Mr. Rahaman said that the knee wall would obstruct the view of the neighbor to Jefferson. He stated that he would ask his customers to park on the opposite side during the hours of midnight to 5:00 a.m.

Ms. Rusie asked if Council decides to approve this today, could Council still address the 24-hour if there were resident complaints. She asked if Council could approve only a trial period.

Mr. Ihrie replied that Council could decide to do a trial period, but once a regular approval is made, it is difficult to rescind.

Mayor Hison suggested Mr. Rahaman have a trial period without Council approving the operation to be 24-hours. The business only opened for operations today and he feels that it would take some time for Mr. Rahaman to decide if it would be beneficial to stay open 24-hours. He mentioned that there's a pathway that vehicles are driving on that shouldn't be.

Mr. Rahaman said that he will put something to block the pathway to prevent people from driving on it, but he noticed that it was the neighbor who was driving on the pathway. He agreed to do a trial and he would like to come back in 90 days for reconsideration.

After discussion, item withdrawn at petitioner's request for a ninety-day trial period.

**8. REQUEST FOR SPECIAL EVENT APPROVAL FROM PAT O'BRIEN'S TAVERN, 22385 10 MILE ROAD, TO HOLD ST. PATRICK'S DAY PARTY ON MARCH 17, 2011 FROM 7:00 A.M. TO 2:00 AM WITH OUTSIDE TENT AND ENTERTAINMENT ENDING AT MIDNIGHT**

Mr. Kohl, representing Pat O'Brien's Tavern, was requesting approval to hold their annual St. Patrick's Day Party on March 17, 2011. The details of the party will be the same as last year except that they are running a more experienced crew this year and they all attended classes.

Mayor Hison questioned if they will be setting up the tent the day before the event and removing the tent the day after the event like last year. He asked if they secured the parking agreements from the neighbors.

Mr. Kohl said he provided the parking agreements to the City and they are the same as last year. They will use the lot behind them and the lots on both sides of the cleaner's across the street.

**8. REQUEST FOR SPECIAL EVENT APPROVAL FROM PAT O'BRIEN'S TAVERN (Cont'd)**

Mr. Rubello asked how many years they have been doing this.

Mr. Kohl said that he has been a partner for five years and this is the fourth year that he will be involved in planning the party.

Mayor Hison mentioned that Pat O'Brien's needs to make sure the taxes and water bills are up to date.

Mr. Kohl replied that they are up to date on all bills.

Mr. Ihrie has been in communication with them over the past couple of weeks to make sure the loose ends are tied up and stated that Mr. Kohl has been very cooperative.

**Motion by Rubino, seconded by Walby to approve the Request from Pat O'Brien's Tavern, 22385 10 Mile Road, to hold St. Patrick's Day Party Event on March 17, 2011 from 7 am – 2 am, with outside tent and entertainment starting at 10 am and ending at midnight, (with set up day on the 16<sup>th</sup> and tear down on the 18<sup>th</sup>).**

Ayes: All – 6

Absent: McFadyen

**9. ADOPTION OF PROPOSED ETHICS ORDINANCE**

Mr. Ihrie explained that Mayor and Council appointed an Ethics Committee to look at the concept of adopting an Ethics Ordinance. Previously, there has not been an Ethics Ordinance, but Council has been being careful to uphold ethics on a daily basis. The Ethics Committee discussed ethics and the type of ordinance the City wanted to have. They reviewed numerous ethics ordinances from surrounding communities. He has become aware that there is some type of controversy recently.

Mr. Ihrie said ethics ordinances are all over the map. Some ordinances speak very generally and some speak very specifically. Many ordinances that have been reviewed have what he calls "weasel" language in them. Certain standard language is general and vague. Some ordinances are so restrictive that could discourage anyone from wanting to be an elected official. We need to be careful of what we ask for because it could have a negative impact.

Mr. Ihrie stated that the Ethics Committee proposed a model ordinance that was proposed by the Attorney General. It is understandable that this model ordinance can be criticized just like the ordinances that will follow it, but there is no perfect ordinance. It's fair to say that those that criticize this ordinance are entitled to their opinion. We need to be a little careful not to see things in purely black and white modes because there are areas of gray. Ethics ordinances can only go so far and they can't create good government.

Mr. Ihrie said that it was mentioned that Detroit's Ethics Ordinance is more stringent and we all see what happened in Detroit. We see what a stringent Ethics Ordinance has done there. It's only as good as the integrity of the elected officials.

The proposed Ethics Ordinance does not prohibit a Councilperson from engaging in business with other local businesses. It does prohibit Councilpersons from influencing decisions. The attacks on this ordinance could be legitimate, but reasonable minds can differ on what is the best ordinance. There is no ordinance that would come before this Council that will be perfect.

Mr. Rubino stated that some people are saying that he wrote the Ethics Ordinance, but the City Attorney wrote the ordinance. He understands that people are saying that the Ethics Ordinance has been talked about for two years, but he hasn't been in office for two years. They are looking at forming an Ethics Board so residents could have issues addressed and seek resolution. He has no problem making a stricter ordinance, but he would like to receive more input. There was only a small amount of input in the "final minute". There has been a very small amount of input in the last year.

Mr. Frederick said he should have come to some of the meetings and offer some opinions. He submitted his thoughts last Thursday because the City Manager asked for comments. He spoke to a few attorneys, and he feels that the proposed Ethics Ordinance was a little less than expected. The Charter is tougher than this ordinance. He didn't feel that we needed an Ethics Ordinance because he feels that everyone tries to be ethical, but expected more in the ordinance since it was being discussed. He hopes that we can scrap this ordinance or add more to make it more stringent. This ordinance is not ready to be adopted because it is no stronger than what is stated in State law.

Discussion was held about Councilpersons having associations with businesses from a business standpoint and then voting or abstaining from voting on issues that involve these businesses. It was mentioned that there is a fine line

## **9. ADOPTION OF PROPOSED ETHICS ORDINANCE (Cont'd)**

between relatives of Councilpersons being involved in a business aspect with businesses that are somewhat connected or linked to the City. It was mentioned that Councilpersons have received money from businesses during campaigning and then chose to vote on issues relating to these businesses.

Mr. Walby noted that this was an attempt to do something right by making an Ethics Ordinance. Maybe some corrections need to be made, but this was the first attempt. He disagrees with the statement that the proposed Ethics Ordinance was "worse than Detroit's". He would be more than happy to go back and make changes.

Mr. Rubello stated that he thinks of himself as being "business friendly and resident friendly". He has discussed issues with Mr. Rayes numerous times when people have had problems. He has done his best to fight for businesses that are struggling. He commented that he is not perfect. He declared that his vote is not for sale. From this point on, he will disclose any interactions with businesses if they are requesting approval from Council.

Mayor Hison stated that this is about an ordinance that we are trying to establish. It was noted that the ordinance is not perfect and needs work. This was meant to be a draft ordinance. We originally had only a few residents input and now we have more input by the residents. When something is brought to our attention, we need to review it. We should reconsider comments that were made tonight. He recommends sending it back to the Committee.

### **Motion by Walby, seconded by Frederick to postpone adoption of the City's Ethics ordinance to the May 2, 2011 Council Meeting.**

Ayes: All – 6  
Absent: McFadyen

## **10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (POSTPONED FROM 2/22/11)**

Mayor Hison mentioned there was a study group that reviewed the Sign Ordinance. The group consisted of three Council Members, the City Attorney, a City employee, business owners and residents.

Mr. Rubello thanked Mr. Simek and Mr. Fitzsimmons for their help. The goal was to be more business friendly and to help the businesses.

Mr. Rayes noted the change to the awning sign section in the ordinance. Awning signs were not permitted in the Harper Overlay Zone and striping patterns on awning signs were considered signage. The change now states, "For the purposes of this ordinance striping patterns without the use of words on a canvass awning shall not constitute a sign".

Mr. Rubello mentioned the change to the ordinance concerning electronic message boards. The message on the electronic message boards in the old ordinance could not change any sooner than five minutes and now the new ordinance states, "the message shall be allowed to change not more than once every thirty (30) seconds".

Ms. Rusie discussed the temporary political signs. The ordinance stated that temporary political signs could be put up no sooner than 30 days before an election and removed no later than 10 days after an election. The ordinance now states, "There shall be no limitation on the number of temporary political signs per parcel. Only one such sign per candidate or issue shall be permitted per parcel", and "The candidate, campaign committee, sign owner, or organization desiring to erect a temporary political sign shall obtain the permission of the owner of the building, structure or parcel prior to posting same". There will no longer be a time frame of when to put up and take down the temporary political signs.

Mr. Frederick mentioned that only a sign that was four square feet could have been installed on the back doors of the businesses that have rear entry. Now the ordinance states, "Rear entry signs shall be limited to sixteen (16) square feet".

Mayor Hison commented that the Sign Ordinance is approximately thirty-two pages in length. After being reviewed, it is still a good ordinance today, and can still be adjusted over time. Overall, the amount of changes should not be dramatic to any resident or business.

Mr. Frederick thanked everyone for the help and participation.

### **Motion by Frederick, seconded by Rusie to approve adoption of amendments to the Sign Ordinance Chapter 19.150, which reads as follows:**

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

19.150 SIGN LIGHTING AND DISPLAY ORDINANCE CITY OF ST. CLAIR SHORES, MICHIGAN Chap. 39  
Effective: April 8, 1986

19.151 Purpose.

Sec. 39.1. The regulations contained herein are instituted to provide for the establishment of signs, lighting, and displays that will promote viable commercial and industrial activity, but will not by reason of their size, location, spacing, construction, or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety. Furthermore, it is the intent of these regulations to preserve and improve the appearance of the city by preventing placement of 1) oversized signs that are out-of-scale with surrounding buildings and structures, and 2) an excessive accumulation of signs that would cause visual clutter. These regulations are further intended to regulate permitted signs in such a way as to create land-use patterns compatible with other major land-use objectives and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the city.

(chap. 39 eff. Apr. 8, 1986; adopted July 5, 2005, eff. Mar. 12, 2007)

**19.152 Scope of requirements.**

Sec. 39.2. It shall be unlawful for any person, firm, or corporation to erect, construct or alter any sign in the City of St. Clair Shores without complying with the provisions of this Ordinance. Applicable penalties for any violation of this Ordinance are set forth in Section 11.054 of the Code of Ordinances and Section 11.150, et seq., of the Municipal Civil Infractions Ordinance.

Any sign already established on the effective date of this Ordinance, and which is rendered nonconforming by the provisions herein and any sign which is rendered nonconforming as a result of subsequent amendments hereto, shall be subject to the regulations concerning nonconforming structures and uses set forth in Section 39.4 [19.154] (D), herein, and Section 35.68 [15.498] of the Zoning Ordinance of the City of St. Clair Shores.

(chap. 39 eff. Apr. 8, 1986; amend. eff. Aug. 11, 1992; adopted July 5, 2005, eff. Mar. 12, 2007)

**19.153 Definitions.**

Sec. 39.3. For the purpose of this Ordinance, the following definitions shall govern the meaning of the terms used:

"Sign:" Any use of words, numbers, figures, devices, designs, logos or trademarks visible to the general public and designed to inform or attract the attention of persons not on the premises on which the sign is located, including the structure upon which such words, numbers, figures, devices, designs, logos or trademarks are or may be written, printed or affixed unless said structure is a building as defined in applicable city ordinances. A sign shall include a device commonly known as a "search light" or mechanism which emits beam(s) of light into the air as well as "floating" displays such as balloons or stuffed or inflated figures.

"A-Frame Sign or Sandwich Sign:" A portable non-permanent sign placed within the public right-of-way during regular business hours; consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself.

"Animated Sign:" A sign which uses lights, moving parts, or other means to depict a creature or being as living or having life.

"Awning Sign:" Sign which is printed on or affixed to an awning or canopy. Note: An awning utilized as or for a sign shall be constructed of durable material and maintained in such a manner so as to continue its original appearance and provide proper safety to the persons and property it may affect. Awnings shall be compatible with the architectural integrity of the building to which they are attached. Awnings signs shall not be permitted above the first floor.

**Shall be amended as follows:**

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

"Awning Sign:" Sign which is printed on or affixed to an awning or canopy. Note: An awning utilized as or for a sign shall be constructed of durable material and maintained in such a manner so as to continue its original appearance and provide proper safety to the persons and property it may affect. Awnings shall be compatible with the architectural integrity of the building to which they are attached. Awnings signs shall not be permitted above the first floor. **For the purposes of this ordinance striping patterns without the use of words on a canvass awning shall not constitute a sign. (amend. eff. March 31, 2011)**

"Banner Sign:" Signs produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.

"Billboard:" A freestanding or ground sign with an area in excess of two hundred (200) square feet.

"Building Line:" The minimum distance required between the center of the road, and the nearest supporting member of a building, structure, or sign, as specified in Section 25-3 [22.003] of the St. Clair Shores Building Code, Chapter 25.

"Canopy Sign:" For the purposes of this Ordinance a canopy sign shall be analogous to an awning sign.

"Electronic Message Boards:" A sign which utilizes internal or electrical lighting to display its message. Note: Electronic changeable message boards (signs) may be incorporated as part of any permitted pole or ground sign. The message board area shall not incorporate more than twenty-four (24) square feet or one-half (1/2) of the permitted pole/ground sign allowance, whichever is less. Any electronic sign shall comply with Section 39.5(B)(4) and 39.5(E)(4) except the message shall be allowed to change not more than once every five (5) minutes. Text displays shall be a minimum of eight (8) inches in height and incorporate at least two (2) lines of text.

**Shall be amended as follows:**

"Electronic Message Boards:" A sign which utilizes internal or electrical lighting to display its message. Note: Electronic changeable message boards (signs) may be incorporated as part of any permitted pole or ground sign. The message board area shall not incorporate more than twenty-four (24) square feet or one-half (1/2) of the permitted pole/ground sign allowance, whichever is less. Any electronic sign shall comply with Section 39.5(B)(4) and 39.5(E)(4) except the message shall be allowed to change not more than once every **thirty (30) seconds**. Text displays shall be a minimum of eight (8) inches in height and incorporate at least two (2) lines of text. **(amend. eff. March 31, 2011)**

"Festoon Sign:" A sign consisting of a wreath or garland of flowers, leaves, paper or other material hanging in a loop or curve.

"Freestanding or Ground Sign:" A sign which is erected upon or supported by the ground, including signs on poles or pylons that are anchored in the ground.

"Gasoline Canopy Sign:" A sign adhered to a structurally supported canopy covering gasoline dispensers.

"Gasoline Price Sign:" A gasoline price sign is any sign more than two (2) square feet in area which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign. The portion of the sign used for advertising the price is permitted to have electronic changeable numbers. The electronic portion must comply with Section 39.5(B)(4) and 39.5(E)(4).

"Lot:" Part of a subdivision, the plat of which has been recorded in the office of the Macomb County Register of Deeds; or a plot of land, the deed of which has been recorded in the office of the Macomb County Register of Deeds.

"Marquee:" A roof like [roof-like] structure or awning projecting over an entrance, as to a theatre.

"Monolith Signs:" A three-dimensional, self-supporting, base-mounted, freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A monolith sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

"Nonconforming Signs:" Signs which are prohibited under the terms of this Ordinance but were in use and lawful at the date of enactment of this Ordinance, shall be deemed nonconforming.

"Obsolete Signs:" Signs that advertise a product that is no longer made or that advertise a business that has closed.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

"Outline Tubing Sign:" A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.

"Parcel:" One or more lots under single ownership and control, which are used, developed, or built upon as a unit. Such lots may be in one or more subdivisions, and in one or more municipalities.

"Pennant Sign:" Signs or displays consisting of long, narrow, usually triangular flags.

"Portable Signs:" Signs which are not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. Portable signs are capable of being readily moved from one location to another.

"Projecting Sign:" A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure and projecting out there-from.

"Real Estate Sign:" A sign used to indicate that a parcel of property or building is for sale, lease or rent.

"Roof Sign:" A sign erected upon and structurally supported by the roof of a building.

"Sandwich Sign or A-Frame Sign:" A portable non-permanent sign placed within the public right-of-way during regular business hours; consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself.

"Sign Arbitration Committee:" A committee consisting of the city manager, city clerk, and a City Council appointee who shall be empowered to hear appeals as provided in this ordinance and, by vote of majority, may reverse, modify, or amend any order denying a sign permit or place reasonable conditions upon issuance of a permit.

**Shall be amended as follows:**

"Sign Arbitration Committee:" A committee consisting of the city manager, city clerk, and a City Council appointee, ***and one (1) alternate member appointed by City Council*** who shall be empowered to hear appeals as provided in this ordinance and, by vote of majority, may reverse, modify, or amend any order denying a sign permit or place reasonable conditions upon issuance of a permit. ***(amend. eff. March 31, 2011)***

"Spinners:" A sign or display consisting of paper, plastic, or other types of parts that spin.

"Temporary Political Sign:" A sign used to advertise a political candidate or a forthcoming election, or urging support for a particular cause or a vote on a particular topic which is intended to be erected only a few days or weeks.

**Shall be amended as follows:**

"Temporary Political Sign:" A sign used to advertise a political candidate or a forthcoming election, or urging support for a particular cause or a vote on a particular topic. ***which is intended to be erected only a few days or weeks. (amend. eff. March 31, 2011)***

"Temporary Sign:" A sign which is intended to be erected only a few days or weeks including portable signs, trailer signs, banners, pennants or any other sign which is not permanently affixed to a building face or to a pole, pylon or other support that is permanently anchored on the ground.

"Trailer Signs:" A sign that is mounted on a frame with wheels, and is capable of being pulled by a vehicle or by hand. For the purposes of this Ordinance, trailer signs shall be considered portable signs.

"Variance:" A modification of the literal provisions of this Ordinance, granted when strict enforcement would cause undue hardship due to circumstances unique to the individual parcel on which the variance is granted.

"Wall Sign:" A sign which is attached to, affixed to, placed upon, or painted upon any exterior wall or surface of any building, building structure, or part thereof, provided that no part of any such sign extends more than twelve (12) inches from the face of the exterior wall. For the purposes of this Ordinance, signs attached to the face of a mansard roof shall be considered wall signs.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

"Window Sign:" Any sign located in or on a window and visible to the general public on the exterior.

**Shall be amended as follows:**

"Window Sign:" Any sign located in or on a window and visible to the general public on the exterior. **Each tenant in a multi-tenant building shall be permitted to have their own window signs: provided however, such signs must comply with the window coverage limitations detailed in this ordinance. (amend. eff. March 31, 2011)**

(chap. 39 eff. Apr. 8, 1986; amend. eff. Apr. 16, 1987; further amend. eff. Sept. 9, 1987; Jan. 19, 1988; Feb. 21, 1990; Feb. 12, 1991; adopted July 5, 2005, eff. Mar. 12, 2007, amend. eff. May 27, 2010 **(amend. eff. March 31, 2011)**)

**19.154 Enforcement.**

## Sec. 39.4.

- A. Plans, specification and permits.
- (1) Permits. No new sign shall be erected, constructed, affixed, or painted, unless a sign permit therefore shall have first been approved and issued in accordance with the provisions set forth herein.
  - (2) Permit fee. A permit fee, in the amount of fifty dollars (\$50.00) for all signs, shall be paid to the City Treasurer prior to the issuance of a sign permit in order to cover the costs of examination of sign plans and specifications. Said permit fee shall be credited to the general revenue fund of the City of St. Clair Shores.
  - (2.1) Bond fee. A bond fee of one hundred dollars (\$100.00) per property is required to be submitted at the time the permit is issued, said bond to be in cash or check form and refundable upon final inspection of sign and electrical work where applicable.
  - (3) Application for permanent signs. Although only one permit per sign may be required, the sign erector, contractor or builder and the owner or lessee of the premises upon which the sign is to be erected shall be jointly and severally responsible for applying for and securing a permit and complying with this Ordinance. Application for sign permits shall be made upon forms provided for this purpose by the Building Department and shall include:
    - (a) Plans and specifications showing the dimensions, materials and required details of construction, including loads, stresses, and anchorage.
    - (b) Plans indicating the location of the building structure, or parcel of land upon which the sign is to be placed.
    - (c) Written consent of the owner or lessee of the premises upon which the sign is to be erected whenever the application is submitted by a person, firm or corporation other than the owner or lessee.
    - (d) The name of the person, firm, or corporation owning, erecting, maintaining, or operating such sign.
    - (e) All other information required on the application form.
  - (4) Review of application for permanent signs. The application for sign permit and all supporting plans and specifications shall be reviewed as follows:
    - (a) Sign permit applications submitted in conjunction with the proposed construction of a new building shall be reviewed by the Planning Commission as part of the required site plan review. The Planning Commission shall also review sign permit applications for nonconforming signs. Planning Commission review shall be in accordance with the site plan review procedures set forth in Section 35.79 [15.509] of the Zoning Ordinance of St. Clair Shores.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (b) The Building Official or Designee shall review sign permit applications for conforming signs to be erected on a site or existing building where no other new construction is proposed. The Building Official or Designee shall also review sign permit applications submitted in conjunction with the proposed construction of a new building and for nonconforming signs, following the review by the Planning Commission.
- (c) The Building Official or Designee shall have the authority to issue a sign permit, provided that the application meets the approval of all reviewing authorities, as outlined above.
- (5) Alteration. A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. The changing or movable parts of an approved sign that is designed for such changes (such as lettering on a marquee sign or numbers on a gasoline price sign) or the repainting or reposting of display matter, shall not be deemed an alteration and shall not require a new permit, provided the conditions of the original approval and the requirements of this article are not violated.
- (6) Permit not required. A permit shall not be required for the following signs:
  - (a) Any sign listed as an exception under Section 39.5 [19.155](A) of this Ordinance.
  - (b) Street address signs.
  - (c) Nameplate and identification signs in residential districts.
  - (d) Signs accessory to parking areas.
  - (e) Real estate signs.
  - (f) Temporary window signs.
  - (g) Temporary political signs as outlined in Section 39.5 [19.155](H).
  - (h) Open house signs as permitted in Code Section 19.156H(2).
- (7) Applications for temporary signs.
  - (a) An application for a temporary sign permit shall be submitted to the City Clerk's Office upon forms provided by the clerk. Such forms shall contain all information specified in Section 19.154A (3) for application for a permanent sign permit. An application and permit shall be required for each such sign.
  - (b) The City Clerk shall have the authority to approve a temporary sign application and issue a permit to be valid for up to thirty (30) days in length or the duration of the event to which the sign applies, whichever is shorter.
  - (c) The following size limitations shall apply for all temporary signs.
    - (i) In residentially zoned areas: Sixteen (16) square feet total for all faces of the sign combined.
    - (i) *In residentially zoned areas: **Twelve (12) square feet total for all faces of the sign combined. (amend. eff. March 31, 2011)***
    - (ii) In commercially zoned areas: Thirty-two (32) square feet.
    - (iii) In industrially zoned areas: Thirty-two (32) square feet.
  - (d) A sign with more than one face shall have its faces back-to-back or arranged so that any two (2) faces which form a "V" in plan shall not have any angle greater than fifteen (15) degrees.
  - (e) The sign shall contain no visible, revolving or mechanical parts or movement, or other apparent visible movement achieved by electrical, electronic or mechanical

**Shall be amended as follows:**

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

means, including intermittent electrical pulsations or blinking lights, or by action of normal wind current.

- (f) The location, design, structure, materials and support shall not constitute a hazard to safety, health or welfare of the general public during its period of erection.
- (g) The sign shall not be attached to a tree, fence, utility pole, standpipe, gutter, drain or fire escape or impair access to a roof or ingress or egress of any structure.
- (h) The sign shall not be located on any public property, right-of-way or sidewalk or on any property designated or required for parking.
- (i) The applicant shall submit the permit for a temporary sign which shall be established by resolution of city council except as follows:
  - (1) City organizations, city-sponsored organizations or quasi-city organizations and functions will not be required to pay a temporary sign permit fee. Whether such organizations are city-sponsored or quasi-city associations or functions shall be within the sole discretion of the City Clerk, the Sign Arbitration Committee or City Council, when applicable.
- (j) No person, firm or organization shall be entitled to more than two (2) temporary sign permits per year. This regulation shall not be circumvented by a business, firm or organization's having a permit issued on its behalf to different applicants. In all cases where a person applies on behalf of any other person, firm, business or organization, such applicant shall divulge on the application form the name of the entity which is intended to benefit by issuance of the temporary sign permit.
- (k) Prior to issuance of a temporary sign permit to a nonprofit organization, such organization shall provide to the City Clerk a permission form signed by the owner of the property where the sign is to be located. Such form, which shall be provided by the City Clerk, shall specifically indicate that such organization has permission to erect a sign upon the owner's premises. A temporary sign for any organization which is not nonprofit shall only be erected on the organization's own property.

**B. Inspection and maintenance.**

- (1) Inspection of new signs. All signs for which a permit has been issued shall be inspected by the Building Official when erected, and if found to have been constructed, supported, braced and painted in accordance with the approved plans submitted to the Building Official and in accordance with the provisions of this Ordinance, then a certificate of inspection shall be issued, upon request and without charge to the owner or erector.
 

In cases where fastenings, anchorages, etc., are to be installed and bricked in or enclosed in such a manner that the inspector would not be able to inspect the anchorages or fastenings used, the sign erector shall advise the Building Official in writing when such anchorages and fastenings are to be installed so that inspection may be completed before enclosure; otherwise the Building Official shall be empowered to stop further construction or erection of said sign until any such concealed anchorages or fastenings are inspected and approved by the Building Official.
- (2) Inspection of existing signs. All signs shall be inspected by the Building Official once a year. If found to be adequately supported, painted to prevent corrosion, and so secured to the building as to safely support the weight of the sign as well as resist wind pressure in accordance with the general structural requirements for new signs, a certificate of inspection shall be issued, upon request. Upon receipt of the inspector's written report, an annual inspection fee of ten dollars (\$10.00) shall be paid by the owner or applicant to the city.
- (3) Correction of defects--New signs. Should any new sign erection of any kind be found unsafe, insecure, improperly constructed, or not in accordance with the approved plans or

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

the requirements of this Ordinance, the sign erector, owner of the sign, or owner of the land shall make such erection safe, secure, and according to the requirements of this Ordinance, or entirely remove the sign in accordance with the following timetable:

- (a) If the Building Official determines that the sign is an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within forty-eight (48) hours (two (2) working days) from time of notification in writing from the Building Official, provided the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If said sign cannot be cordoned off or secured so as to eliminate any immediate threat to safety, then all required action to correct the defects shall be made without delay.
  - (b) If the Building Official determines that the sign is not an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within seven (7) working days after notification in writing from the Building Official.
  - (c) If defects are not corrected within the specified time limits, the Building Official may remove such sign at the expense of the sign owner or lessee.
- (4) Correction of defects--Existing signs. If, upon inspection, an existing sign is found to be unsafe, insecure, corroded, or subject to corrosion or otherwise poorly maintained so that the sign may become unsafe or insecure before the next annual inspection, then the owner shall make the sign safe and secure by completing any necessary reconstruction, repairs, painting, or other improvements, in accordance with the following timetable:
- (a) If the Building Official determines that the sign is an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within forty-eight (48) hours (two (2) working days) from the time of notification in writing from the Building Official, provided the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If said sign cannot be cordoned off or secured so as to eliminate any immediate threat to safety, then all required action to correct the defects shall be made without delay.
  - (b) If the Building Official determines that the sign is not an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within thirty (30) days after notification in writing from the Building Official. The Building Official may extend the 30-day timetable if temperatures below 25 deg. F. prevent painting, or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety (such as replacement of burned-out bulbs).
  - (c) If defects are not corrected within the specified time limits, the Building Official may remove such sign at the expense of the sign owner or lessee.
- C. Obsolete signs. Obsolete signs, which include all signs that advertise a product that is no longer made or that advertise a business that has closed, shall be removed by the owner, agent, or person having beneficial use of the building or structure upon which such sign is located, within thirty (30) days after written notification from the Building Official. Upon vacating a commercial or industrial establishment, the proprietor and property owner shall be responsible for the removal of all signs used in conjunction with the business and shall maintain a blank panel within any pole or ground sign.
- However, where a conforming sign structure and frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with the standards of this Ordinance and the city's adopted building code.
- D. Nonconforming signs. No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of Section 35.68 [15.498] of the

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

Zoning Ordinance of the City of St. Clair Shores, except that nonconforming signs shall comply with the following regulations:

- (1) Repairs and maintenance. Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; repair or replacement of electrical wiring or electrical devices; or changing of movable parts of a sign that is designed for such changes, as specified in Section 39.4 [19.154](A) of this Ordinance.
  - (2) Change of occupancy, tenancy or ownership. All nonconforming signs shall be removed upon change of the business which occupies the premises or building upon which or for which said signs have been posted, including a change in tenancy or ownership of the premises to which the nonconforming signs apply. However, where a change in ownership occurs, which does not result in a simultaneous change of tenancy, then the nonconforming signs which belong or apply to the tenant need not be removed during such tenancy provided they meet with all other applicable ordinance requirements.
  - (3) Whenever a building upon which a nonconforming sign has been posted or which a sign is physically attached is structurally extended or enlarged such that the building's size is increased by thirty (30) percent or more, or whenever such a building has thirty (30) percent or more of the area of its interior or exterior remodeled or altered, then all such posted or attached nonconforming signs shall be removed by completion of the structural extension, enlarged [enlargement], remodeling or alteration.
- E. Alteration of signs. A sign that is altered in appearance or dimension in any manner, including a change in face, lettering, coloring or lighting, or moved to a new location shall be subject to all restrictions applying to a new sign, as set forth herein.
- F. Compliance with the Zoning Ordinance. Notwithstanding anything to the contrary, the provisions of Chapter 35 [15.000], the Zoning Ordinance of the City of St. Clair Shores, shall be strictly complied with. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by provisions in the Zoning Ordinance, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- G. Appeal to Sign Arbitration Committee; City Council.
- (1) Any **party** who has been refused a sign permit by the Building Official or City Clerk for a proposed sign installation may file a claim of appeal to the Sign Arbitration Committee. Upon receipt of the appeal and payment of an appeal fee as established by City Council, the Sign Arbitration Committee shall schedule a date for an appeal hearing. At such hearing, the Sign Arbitration Committee may grant such appeal and allow a variance to the provisions of this ordinance as to nontemporary sign(s) upon a finding that:
    - (a) Because of the particular physical surroundings, shape, or topographical conditions of the property, compliance with the provisions of this Ordinance would result in a particular hardship on the owner, as distinguished from inconvenience or a desire to make more money;
    - (b) Strict enforcement of the provisions of this Ordinance would serve no useful purpose, and
    - (c) A variance would be in the best interest of the City and not against the spirit and intent of this Ordinance.
  - (2) In considering a request for erection of a temporary sign, the Sign Arbitration Committee may consider, in addition to the factors above, their criteria enumerated below and may establish the appropriate setback of the sign, its size and location and may, by majority vote, reverse, modify or amend any order denying a temporary sign permit or may place reasonable conditions upon the issuance of such a permit. The criteria, along with any

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

other factors found by the Sign Arbitration Committee to be relevant to the request, shall include:

- (a) Whether hardship or practical difficulty is the motivation of the request, i.e. an existing or otherwise permanent sign is out of commission or not yet erected;
- (b) Whether the person or business presently and actually is going-in or going-out of business;
- (c) Whether the type of sign structure would pose a significant risk to public health or safety on the premises or on adjacent public property, and
- (d) Whether the benefit of the temporary sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the city's desire to eliminate the accumulation of visual clutter in accordance with this Ordinance's stated purpose.

- (3) A party may appeal the decision of the Sign Arbitration Committee to the City Council. Upon filing a claim of appeal and payment of an appeal fee which shall be established by City Council, the City Council shall establish a date for a final appeal hearing. With regard to temporary signs, the City Council shall consider the appeal in accordance with the factors set forth in subsection (2) above. In all other cases, the City shall consider the factors set forth in subsection (1) prior to issuance of or denial of a sign permit.

- H. Registration of sign contractors, licensing and bonding. Sign contractors, construction companies, maintenance companies, and individual builders or maintenance workers shall register annually with the Building Official prior [to] erecting, construction, or repairing any sign in the City of St. Clair Shores. Such persons or companies shall be required to apply for and secure a business license in accordance with the general regulations of Ordinance Chapter 7 [19.300] and shall post a one hundred (\$100.00) dollar cash bond with the Building Department for each licensing year. The Building Official shall also be empowered to require a cash bond in an amount he deems appropriate for erection of a sign which, due to its size, location, type and manner of construction, may pose a risk to the health, safety and welfare of the general public during its erection or construction on site.

(chap. 39 eff. Apr. 8, 1986; amend. eff. July 29, 1986; further amend. eff. Apr. 16, 1987; May 31, 1989; Feb. 21, 1990; Feb. 20, 1991; Feb. 8, 1994; adopted July 5, 2005, eff. Mar. 12, 2007 (**amend. eff. March 31, 2011.**)

**19.155 General limitations and provisions.**

## Sec. 39.5.

- A. Exceptions. The provisions of the Ordinance shall not apply to the following signs, provided such signs are in compliance with the provisions restricting placement of structures in the road right-of-way, as set forth in Section 33.10 [30.020] of Chapter 33, the Streets, Sidewalks and Public Ways Ordinance:
  - (1) Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way.
  - (2) Miscellaneous traffic and other official signs of any public or governmental agency, such as traffic control or directional signs, railroad crossing signs, trespassing signs, signs indicating danger, signs indicating the location of U.S.G.S. benchmarks, or signs used as aids to service or safety.
  - (3) Directional signs required for the purpose of orientation, when approved by the City of St. Clair Shores, or by the County or State Government. Any such signage shall be free of any corporate names, logos, etc.
  - (4) Any flag, emblem or insignia of our nation, its governmental units, or its schools.
  - (5) Any sign which is located completely within an enclosed building, and which is not visible from outside the building.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (6) Tablets, grave markers, headstones, statuary, or remembrances of persons or events that are noncommercial in nature.
  - (7) Temporary decorations or displays celebrating the occasion of traditionally-accepted patriotic or religious holidays, and special municipal and public school activities.
  - (8) Public safety and routing signs used on public and private construction sites.
  - (9) Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business which is not primarily the display of signs.
- B. Prohibited signs. The following signs shall not be permitted or erected in any district:
- (1) Signs which have flashing, blinking or moving lights, or expose incandescent light bulbs. This shall include strobe lights which are wholly located inside a building which are visible to the public outside the premises and are intended to attract the attention of persons not on the premises.
  - (2) Cloth and banner signs, pennants, spinners, and paper festoon signs, except as permitted in Section 39.7 [19.157](F), herein.
  - (3) String lights used for commercial purposes, other than Christmas or other decorations.
  - (4) Any sign which has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind current, except time, temperature, and stock market signs as provided in Section 39.7 [19.157](I), and as provided in Section 19.155J.
  - (5) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shock to persons likely to come in contact with it.
  - (6) Any sign which obstructs a window, door or other opening that could be used for fire escape.
  - (7) Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead or confuse traffic.
  - (8) Any sign or other advertising structure containing obscene, indecent, or immoral matter.
  - (9) Any sign unlawfully installed, erected, or maintained.
  - (10) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold.
  - (11) Any sign attached to a standpipe, gutter drain, or fire escape, or any sign erected so as to impair access to a roof.
  - (12) Any sign that would project above the parapet line of any roof [except as permitted in Section] 39.7 [19.157](J), and as permitted with ground or freestanding signs.
  - (13) Projecting or overhanging signs except as defined in Section 39.7 [19.157](L) and permitted wall signs which may project up to twelve (12) inches from the face of the wall.
  - (14) Any sign which is attached to a tree, fence, or utility pole.
  - (15) Portable or temporary signs, except as specifically provided for in this Ordinance.
  - (16) Signs painted on or attached to a parked vehicle, truck, trailer, or van which is being used principally for advertising purposes, rather than for transportation purposes. This restriction shall not apply to permitted temporary truckload sales.
  - (17) Roof signs
  - (18) Any other sign not specifically authorized by this Ordinance.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (19) Signs on street furniture, such as benches, newspaper stands, and trash receptacles.
- C. Structural requirements, mounting. All signs shall be constructed and erected in a safe and stable manner in accordance with provisions of the city's adopted building code, the National Electrical Code, and of this section. All electrical wiring associated with freestanding signs shall be installed underground. All signs must be mounted in one of the following ways:
- (1) Flat against a building or wall.
  - (2) Back-to-back in pairs, so that the backs of the signs will be screened from view.
  - (3) Clustered in an arrangement which will screen the backs of the signs from view.
  - (4) Mounted so that the backs of the signs are painted and maintained in a neutral color that blends with the surrounding environment.
- D. Motorist visibility. No sign shall be located on or near any street corner or near any right-of-way which would obscure vision of drivers using said street, and no sign shall in any way conflict with traffic control signals at the intersection of any streets. No sign shall be located so as to impair or impede the visibility of a vehicle entering into or exiting from a parcel of property.
- E. Illumination. The following provisions shall apply to the illumination of signs:
- (1) Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
  - (2) All exterior illumination shall be shaded so as not to project onto adjoining property or thoroughfares.
  - (3) Direct exterior illumination and internally illuminated signs shall avoid the use of glaring undiffused lights or bulbs that could distract motorists.
  - (4) No signs shall be illuminated by the use of flashing, moving, or intermittent lighting, except for time, temperature, or stock market signs as provided in Section 39.7 [19.157](l).
  - (5) Illuminated signs shall not produce more than one footcandle of illumination measured four (4) feet from the signs.
- F. Measurement. Except as noted, the area of all signs shall be computed by measuring the area of the regular shaped envelope required to enclose the lettering and/or logo and the structures to which the letters and/or logo are attached. In the case of a wall sign attached to the building, the envelope shall be around the letters. The sign support shall not be considered when measuring the area of ground or freestanding sign.

The area of a double-faced freestanding sign shall be computed using only one face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given location.

The area of a monolith sign shall be computed by measuring the entire vertical surface of a face upon which the letters and/or logo are attached. In the case of a double-faced or multi-faced monolith sign, the area of the sign shall be computed using only one face of the sign. The area of a cylindrical monolith sign shall be computed by multiplying the diameter of the cylinder by its height.

In determining conformance with setback standards and distance requirements, the following guidelines shall be used:

The distance between two (2) signs shall be measured along a straight horizontal line that represents the shortest distance between the two (2) signs. The distance between a sign and a parking lot or processing area shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot or processing area. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- G. Real estate signs (except in residential districts). Freestanding and wall-mounted signs offering the premises on which they are located "for sale", "for lease", or "for rent", shall be permitted in any nonresidential district subject to the following controls:
- (1) Number: There shall not be more than one such sign per parcel, except that on a corner parcel two (2) signs, one facing each street, shall be permitted.
  - (2) Area: No real estate sign in a nonresidential district shall exceed thirty-two (32) square feet in area.
  - (3) Height: No freestanding sign shall project higher than eight (8) feet above curb level. No wall-mounted sign shall project higher than ten (10) feet above curb level.
  - (4) Duration: Real estate signs must be removed within thirty (30) days after sale or lease of a property, or in the case of rental property, thirty (30) days after final occupancy has been issued to the entire development.
- H. Temporary political signs. Temporary political signs shall be permitted subject to the same standards as other temporary signs for the district in which the temporary political signs are located except that no permit for their erection shall be required. The following provisions, however, recognize the special needs of the community in presenting diversified opinions, educating the public or advertising or advocating a candidacy or cause in a forthcoming election. Therefore, in addition to the types of temporary political or temporary signs otherwise permitted in a particular district, the following types of temporary political signs shall also be allowed without a permit for their erection subject to the following standards:

**Shall be amended as follows:**

- H. Temporary political signs. Temporary political signs shall be permitted subject to the same standards as other temporary signs (see section 39.4 A (7) "Applications for Temporary Signs") for the district in which the temporary political signs are located except that no permit for their erection shall be required. The following provisions, however, recognize the special needs of the community in presenting diversified opinions, educating the public or advertising or advocating a candidacy or cause in a forthcoming election. Therefore, in addition to the types of temporary political or temporary signs otherwise permitted in a particular district, the following types of temporary political signs shall also be allowed without a permit for their erection subject to the following standards: (amend. eff. March 31, 2011)
- (1) Office, commercial and industrial districts: In office, commercial and industrial districts or on such property, temporary political signs shall be no larger than sixteen (16) square feet and shall not project higher than five (5) feet above curb level.
  - (2) Residential districts: In residential districts or on such property, temporary political signs shall be no larger than three (3) feet in height by four (4) feet in width and shall not project higher than five (5) feet above curb level.
  - (3) Location: No temporary political sign shall be placed within or upon any public right-of-way or on any public property. Nor shall any such sign be located or placed on any property in a manner which is likely to obstruct the view of travelers along a public way or otherwise endanger public safety. Any such sign so located or placed may be immediately removed by the proper city authority.
  - (4) Number: Two (2) such temporary political signs shall be permitted per parcel in office, commercial or industrial districts or on such property. One such sign per candidate shall be permitted in residential districts or on such property.

**Shall be amended as follows:**

- (4) Number: There shall be no limitation on the number of temporary political signs per parcel. Only one such sign per candidate or issue shall be permitted per parcel. (amend. eff. March 31, 2011)

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (5) Permission required: The candidate or campaign committee or other person or organization desiring to erect a temporary political sign shall obtain the permission of the owner of a building, structure or property prior to posting same.

**Shall be amended as follows:**

- (5) Permission required: **The candidate, campaign committee, or other person sign owner, or organization desiring to erect a temporary political sign shall obtain the permission of the owner of a building, structure or parcel prior to posting same. (amend. eff. March 31, 2011)**
- (6) Erection of signs: No temporary political sign shall be erected sooner than thirty (30) days before the date of the election or vote upon the proposition to which the sign or signs pertain. The political candidate, any campaign chairperson or campaign officer or director as well as the sign owner, the sign erector and the subject property owner shall be jointly and severally responsible for complying with this provision.

**Shall be repealed as follows:**

- ~~(6) Erection of signs: No temporary political sign shall be erected sooner than thirty (30) days before the date of the election or vote upon the proposition to which the sign or signs pertain. The political candidate, any campaign chairperson or campaign officer or director as well as the sign owner, the sign erector and the subject property owner shall be jointly and severally responsible for complying with this provision. (amend. eff. March 31, 2011)~~
- (7) Removal of signs: It shall be the responsibility of the political candidate, campaign chairperson, and the structure or property owner where the sign is located or other person or organization which erected a temporary political sign to cause same to be removed within ten (10) days after the date of the election or vote upon the proposition to which the sign or signs pertain. Any such sign still posted after the ten-day period may be removed by the proper city authority.

**Shall be repealed as follows:**

- ~~(7) Removal of signs: It shall be the responsibility of the political candidate, campaign chairperson, and the structure or property owner where the sign is located or other person or organization which erected a temporary political sign to cause same to be removed within ten (10) days after the date of the election or vote upon the proposition to which the sign or signs pertain. Any such sign still posted after the ten-day period may be removed by the proper city authority. (amend. eff. March 31, 2011)~~

I.

Church signs. Church signs shall be permitted subject to the same standards as other signs for the district in which the church signs are located. However, in recognition of the fact that a church may be located in a residential district where signs may not be allowed, a church may nevertheless erect signs as follows: on the premises or property of the church when such signs are used for the identification of the church or a church-affiliated school, parsonage, or other facility; and/or used for advertising the time or subject of church services, denomination of the church; and/or presenting other related information or church ideology:

- (1) Number: There shall be no more than one (1) sign per parcel, except that on a corner parcel, two (2) signs, one (1) facing each street, shall be permitted. In the case of a school, parsonage, or other facility affiliated with and located on the same parcel as a church, one (1) additional sign shall be permitted for the purposes of identification of said school, parsonage, or other affiliated facility.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (2) Area: No sign shall exceed twenty (20) square feet.
  - (3) Location: Signs shall be located at least ten (10) feet inside all property lines.
  - (4) Height: No sign shall project higher than eight (8) feet above the curb level.
  - (5) Signs advertising special church events: One (1) additional sign shall be permitted per parcel for the purposes of advertising special church events, such as bingo or church picnics. Any sign shall conform to the standards for area, location, and height for church signs as outlined in this section.
- J. Municipal signs. Signs erected on municipal sites by the City of St. Clair Shores shall conform to the standards for permitted signage on adjacent parcels, except that the city shall be permitted to erect municipal signs for the purpose of disseminating general city-related or community-related noncommercial information as follows:
- (1) Type of permitted signs: In addition to the city's authority to erect signs in conformance with the standard for permitted signage on adjacent parcels, the city shall be permitted to erect permanent and temporary message center signs with an electronic advertising display.
  - (2) Area: Where total parcel frontage is sixty-four (64) feet or less, the total sign area of a message center sign shall not exceed forty-eight (48) square feet. Where the parcel frontage exceeds sixty-four (64) feet, the total sign area shall not exceed three-quarters (3/4) of a square foot per linear foot of parcel frontage, up to a maximum of two hundred (200) square feet.
  - (3) Setback: A message center sign shall be located on city-owned property or property in which the city has an interest and no part of the sign or its structure shall extend beyond the established building line. No such line shall project over public right-of-way.
  - (4) Height: The top of a message center sign should not be higher than twenty-five (25) feet.
- K. Billboards. The following regulations are intended to protect the public health, safety, and welfare by regulating the location, size, height, spacing and other aspects of billboards. These regulations are necessary because billboards can reduce traffic safety by diverting the attention of motorists from the road, and because billboards are often incompatible with other signs and land uses in surrounding areas. Consequently, billboards shall be permitted in nonresidential district subject to the following controls:
- (1) Number: No billboard shall be erected at any time when there are fifteen (15) or more billboard faces in the city.
  - (2) Area: The total sign area of any billboard shall not exceed thirty (30) square feet per face or six hundred (600) square feet for all sign faces per sign structure for signs located in the "adjacent area" next to an interstate highway, freeway, or primary highway, as defined in the Highway Advertising Act, Michigan Public Act 106 of 1972, as amended. The total sign area of any billboard located elsewhere in the city shall not exceed three hundred (300) square feet per face or six hundred (600) square feet for all sign faces per sign structure.
  - (3) Setback: No billboard shall be closer than fifteen (15) feet from a property line. No billboard shall project over public property.
  - (4) Distance from other signs: Along interstate highways, freeways, and primary highways, no permanent sign structure located in a business area or unzoned commercial or industrial area (as defined in Michigan Act 106 of 1972, as amended) shall be erected closer than one thousand (1,000) feet to another sign structure on the same side of the highway.
- Billboards located elsewhere in the city shall not be erected closer than fifty (50) feet to any freestanding or ground sign.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (5) Distance from noncommercial uses: No billboard shall be closer than five hundred (500) feet to any residential property, church, school, or neighborhood park, or playground. A neighborhood park or playground is one that serves primarily the residents living in the neighborhoods immediately surrounding the park or playground, as contrasted with a city-wide park, ball field or stadium that is intended to provide for the recreation needs of residents throughout the city.
  - (6) Height: The top of any billboard shall be no higher than twenty-five (25) feet above grade for signs located in the "adjacent area" next to an interstate highway, freeway, or primary highway, as defined in Michigan Act 106 of 1972, as amended. The top of any billboard located elsewhere in the city shall be no higher than twenty (20) feet above grade.
  - (7) Illumination: The light rays of a billboard with external illumination shall be cast directly upon the billboard and shall not be visible to motorists except as reflected from the billboard.
- L. Signs on street furniture. Signs on street furniture such as benches, which are by this Ordinance temporary signs and in general specifically prohibited by Section 39.5 [19.155]B.(19), shall be permitted upon appeal to and approval of the City Council subject to the criteria set forth in Section 39.4 [19.154]G. and in accordance with the following conditions:
- (1) The structure or furniture shall not be placed on public property right-of-way or sidewalk or in area on private property designated for parking.
  - (2) The setback of the structure or furniture shall conform to the setback requirement of ground or freestanding signs in the district where it is to be located, except that in no case shall any such structure or furniture be permitted in a residential district.
  - (3) No such structure or furniture shall be located on a parcel with less than five hundred (500) feet of frontage on the street abutting the proposed location of the structure or furniture. No such structure or furniture shall be located within five hundred (500) feet of a structure or furniture of the same or similar type, said footage requirement to be determined on a lineal basis along the street.
  - (4) All other applicable ordinance requirements including the registration, licensing and bonding of the sign contractor, are met.
- Upon City Council approval, a six (6) month permit shall be issued for the placement of the structure or furniture at the approved location. The permit shall not be transferable to another location and shall expire six (6) months from the date of its issuance.
- M. A-Frame/Sandwich Board Signs. A-Frame signs as defined in Sec. 39.3 shall be permitted subject to the following regulations:
- (1) The maximum message area shall be six (6) square feet per side of sign with the maximum height being 42 inches. The sign board shall continue to the ground for detection by those who are visually impaired. The bottom two (2) inches of the sign shall also have a strong color contrast with the grade below.
  - (2) Acceptable A-Frame signs shall be in good condition and consist of the following durable materials: stainless steel or other weather resistant steel, iron, metal and wood or plastic.
  - (3) There shall only be one sign at each customer entrance, regardless of the number of tenants on the premises and the sign cannot refer to off-premise locations.
  - (4) The signs shall be placed in the right-of-way between the sidewalk and the street or upon private property. Signs are not to be placed on the public sidewalk. Signs shall not be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape. Signs shall not be placed any nearer to the street or sidewalk than the measured total height of the sign.
  - (5) The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (6) A sign permit is required prior to the placement of the A-Frame sign. Only one sign permit for an A-Frame sign is allowed per business and such permit is not transferable. Permits are valid for one (1) year and are renewable. A numbered sticker will be issued with the sign permit. The sticker must be affixed to the sign in a location that is visible from the street. If the sign is to be located within the public right-of-way, business owners shall sign a hold harmless agreement that indemnifies the City of any liability for use of said public right-of-way.
- (7) A sketch including dimensions, materials, and location of the A-Frame sign must be attached to the permit application. The permit application must be approved and signed by the Community Development Department before the A-Frame sign may be displayed. If a sign is displayed prior to obtaining an A-Frame sign permit, the application may be denied.
- (8) The signs shall not be illuminated, nor shall they contain moving parts, or have balloons, windsocks, pinwheels, streamers, pennants, or similar adornment attached to them. Attaching the signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited.
- (9) Signs placed in violation of this section may result in immediate removal of the sign and the business' temporary sign permit privileges may be denied for the remainder of that year. A-frame signs displayed without approved permits shall be disposed of at owner's expense.
- (10) Signs within the public right-of-way may be moved/removed by the City for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.)
- (11) Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times.
- (12) The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions and materials of the sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion and graffiti. Any cracked or broken surfaces, missing sign copy or other poorly maintained or damaged portion of a sign shall be repaired, replaced or removed. No glass, breakable materials or attached illumination shall be allowed.
- (13) The sign shall be removed when weather conditions create potentially hazardous conditions.

(chap. 39 eff. Apr. 8, 1986; amend. eff. July 29, 1986; further amend. eff. Apr. 16, 1987; eff. Sept. 5, 1990; amends. eff. June 25, 1992; adopted July 5, 2005, eff. Mar. 12, 2007, *amend. eff. May 27, 2010*) (**amend. eff. March 31, 2011**)

**19.156 Residential district signs.**

Sec. 39.6. The following signs shall be permitted in all districts zoned for residential purposes, including those districts zoned RA, RB, RM-1 and RM-2:

- A. Required street address. For the purposes of public safety, the street number of every residential building shall be prominently displayed on a side of the building facing the street, using numbers that are at least three (3) inches in height.
- B. Nameplate and identification signs. Nameplate and identification signs shall be permitted in residence districts subject to the following controls:
  - (1) Content: Nameplate and identification signs may be used only to indicate the name and address of the occupant.
  - (2) Number: There shall be not more than one (1) nameplate or identification sign, which may be either freestanding or attached to the building.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (3) Location: Such signs shall be located at least six (6) feet inside all property lines.
  - (4) Size: Such signs shall be no larger than one (1) square foot.
  - (5) Height: Such signs shall project no higher than five (5) feet above curb level.
- C. Nonresidential advertising or identification signs. No signs shall be permitted in a residential-zoned district that advertise or identify a nonresidential use, except as permitted herein.
- D. Signs accessory to parking areas. Signs accessory to parking areas shall be permitted in multiple-family residential districts subject to the following:
- (1) Entrance/exits signs: Signs designating parking area entrances and exits shall be limited to one (1) sign for each such exit or entrance, and to a maximum size of two (2) square feet each.
  - (2) Identification sign: One (1) sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine (9) square feet, shall be permitted. Parking lots that are accessible from more than one (1) street shall be permitted to erect one (1) identification sign facing each street.
  - (3) Directional signs, no parking signs, and signs identifying parking spaces for the handicapped shall be permitted as needed within parking areas. Any such signage shall be free of any corporate names, logos, etc., unless approved by the Building Official or Designee.
- E. Garage sale signs. Garage sale signs shall be permitted in residence districts subject to the following controls:
- (1) Permit: A permit shall be obtained from the Building Department. Each garage sale sign applicant shall be charged a nominal fee of five dollars (\$5.00) for such permit. The permit shall be valid for the length of the garage sale, but in no case shall it be valid for more than three (3) consecutive days.
  - (2) Number: A maximum of three (3) signs shall be posted for each garage sale.
  - (3) Size: Garage sale signs shall be no larger than two (2) square feet.
  - (4) Location: Such signs shall be located on private property, and in strict compliance with the provisions restricting placement of structures in the road right-of-way, as set forth in Section 33.10 [30.020] of Chapter 33, the Streets, Sidewalks, and Public Ways Ordinance.
  - (5) Removal: Upon the close of the garage sale business each day, all garage sale signs shall be removed. Such signs may be erected again at the start of the garage sale on each day of business in accordance with permit conditions. All garage sale signs shall be removed upon the termination of the garage sale or upon expiration of the sign permit, whichever occurs first.
- F. Permanent residential identification signs. Residential development permanent identification signs shall be permitted in residential districts subject to the following controls:
- (1) Content: Permanent residential identification signs shall bear only the name of the development or subdivision, the address of the building if a multiple-family structure, and the name and address of the management if applicable.
  - (2) Area: No such sign shall exceed forty-eight (48) square feet in area.
  - (3) Number: There shall not be more than one (1) such sign located at each entrance to the subdivision or development.
  - (4) Height: No such sign shall project higher than six (6) feet above curb level.
- G. Temporary accessory signs in residential developments. Temporary signs accessory to residential developments and other permitted improvements shall be permitted in residential districts subject to the following controls:
- (1) Content: Temporary accessory signs in residential developments shall be used only for the purposes of identification of homes, condominiums, apartments, or mobile home sites

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

for sale or rent in the residential development under construction, or for the identification of other nonresidential uses under construction.

- (2) Area: Temporary accessory signs shall not exceed sixty-four (64) square feet in area.
- (3) Number: One (1) such sign shall be permitted for each entrance, provided that no more than two (2) such signs shall be permitted per development or subdivision.
- (4) Location: Such sign shall observe the front yard requirements of the district in which it is located, and shall be located at least fifty (50) feet from the perimeter of the development on all other sides.
- (5) Height: No sign shall project higher than eight (8) feet above curb level.
- (6) Time limitation: A sign permit for any temporary accessory sign in a residential development shall have a time limitation of ninety (90) days. The sign permit may be extended for subsequent 90-day periods if applied for by the applicant and granted by the Building Official.

H. Real estate signs in residential districts.

1. "For Sale" or "For Rent" Signs: Freestanding and wall-mounted signs offering the premises on which they are located "for sale" or "for rent" shall be permitted in a residential district. Not more than one (1) such sign shall be permitted per parcel, except that on a corner parcel two (2) signs, one facing each street, shall be permitted. No such sign shall exceed six (6) square feet in area or project higher than six (6) feet above curb level. Such signs shall be removed within thirty (30) days after sale or rent of the subject property.
2. "Open House" Signs: Signs which indicate that a particular residence is open for viewing by the public may be erected on Sundays between 12:00 p.m. and 6:00 p.m. as follows:
  - (a) On collector roads or major thoroughfares, as same are defined by the Zoning Ordinance and master plan of the City of St. Clair Shores, such signs shall be placed at least ten (10) feet from the curb to the leading edge of the sign. If, however, on any such roads, the distance between the curb and sidewalk is less than ten (10) feet, then such signs shall be placed on the furthest side of the sidewalk from the curb at a point which is at least ten (10) feet from the curb to the leading edge of the sign.
  - (b) On local roads, as same are defined in the Zoning Ordinance and Master Plan, such signs shall be placed between the sidewalk and curb with the legs or sign edge immediately adjacent to the sidewalk. In the event no sidewalk exists, then such a sign shall be placed at least ten (10) feet from the curb.
  - (c) In all cases, the sign owner and erector shall secure the permission of the private property owner if the sign is to be placed upon private as opposed to public property. Further, it shall be the responsibility of the sign owner and sign-erector to determine whether the property is privately or publicly owned.
  - (d) No such sign shall exceed five (5) square feet or project higher than three (3) feet above the ground level.
  - (e) Each such sign shall contain the name, address and phone number of the sign erector or owner.
  - (f) All such signs shall be removed by 6:00 p.m. on the same Sunday on confiscation by the city, their storage for no more than five (5) days and assessment of the storage fee against the sign erector or owner, and their destruction by the city if the sign owner or erector fails to reclaim any such sign. The city shall not be required to notify the sign erector or owner of any such sign in its possession, but, rather, it shall be the obligation of the sign owner or erector to contact the city to determine the location of its signs which have been confiscated or removed.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (g) No permit shall be required to erect such a sign, nor shall permission of the City Council be required to place such a sign upon city or public property provided such sign is erected in accordance with the requirements set forth in this section.
- I. Signs for nonconforming uses. Each nonconforming nonresidential use in a residential district shall be permitted one (1) accessory sign which shall conform to the requirements of Section 39.7 [19.157]B. concerning content, location, height and projection. In addition, the following requirements shall be met:
  - (1) Area: No such accessory wall sign shall exceed two (2) square feet in area.
  - (2) Lighting: No such accessory wall sign shall be intentionally lighted.
- J. Temporary political signs and church signs. Temporary political signs and church signs shall be permitted in residential district subject to the provision set forth in Section 39.5 [19.155]H. and 39.5 [19.155]I. respectively.

(chap. 39 eff. Apr. 8, 1986; amend. eff. July 7, 1987; further amend. eff. May 31, 1989; Feb. 21, 1990; adopted July 5, 2005, eff. Mar. 12, 2007)

**19.157 Office and commercial district signs.**

Sec. 39.7. The following signs shall be permitted in all districts zoned for office or commercial uses, including those districts zoned O-1, CR, B-1, B-2, B-3, WM, R-F and P-1:

- A. Signs for residential district uses in office or commercial districts. Signs for nonconforming residential district uses in office or commercial districts shall be governed by the sign regulations for residential district uses set forth in Section 39.6 [19.156], herein.
- B. Wall-mounted signs. Wall-mounted signs shall be permitted in office and commercial districts subject to the following controls:
  - (1) Number: One (1) wall-mounted sign shall be permitted per street frontage on each parcel. However, where more than one (1) tenant share a building, one (1) wall sign shall be permitted per tenant, and total permitted sign area shall be allocated on an equal basis to all tenants.
  - (2) Area: Total wall sign area shall not exceed one and one-half (1 1/2) square feet per lineal foot of building frontage.
  - (3) Location: Wall-mounted signs shall be located on the fronts of buildings, except that buildings located on a corner lot shall be permitted to have one (1) wall-mounted sign on the side facing a street.
  - (4) Vertical dimensions: The maximum vertical dimension of any wall-mounted sign shall not exceed one-third (1/3) of the height of the building.
  - (5) Horizontal dimensions: The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths (3/4) of the width of the building.
  - (6) Height: The top of a wall-mounted sign shall not be higher than whichever is lowest:
    - (a) Twenty-five (25) feet above grade.
    - (b) The top of the sills at the first level of windows above the first story.
    - (c) The height of the building facing the street on which the sign is located.
  - (7) Projection: Wall-mounted signs shall not project farther than twelve (12) inches from the face of the wall.
- C. Rear entry signs. Rear entry signs shall be permitted in commercial/office districts subject to the following controls:

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (1) Number: One (1) wall mounted flat panel ( 1/16 inches thick), nonilluminated sign shall be permitted for buildings whose primary entry is served by a parking area to the rear of a commercial/office building.
- (2) Rear entry signs shall be limited to four (4) square feet.

**Shall be amended as follows:**

- (2) Rear entry signs shall be limited to sixteen (16) square feet. (***amend. eff. March 31, 2011***)
  - (3) Rear entry signs shall display the name of the business(es) and address(es) only.
  - (4) All wall rear entry signs shall be located no higher than six (6) feet above grade.
- D. Ground or freestanding signs. One (1) ground or freestanding sign shall be permitted in office and commercial district subject to the following controls:
- (1) Content--Office districts: Ground or freestanding signs in office districts shall be permitted to indicate only the name and address of the building, the name of the management, and the name and titles of each tenant.
  - (2) Number: One (1) ground or freestanding sign shall be permitted per street frontage on each parcel. If more than one (1) tenant share a building or shopping center, only one (1) ground or freestanding sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.
  - (3) Area: Where total parcel frontage is sixty-four (64) feet or less, the total sign area shall not exceed forty-eight (48) square feet.  
  
Where the total parcel frontage exceeds sixty-four (64) feet, the total sign area shall not exceed three-quarters ( 3/4) of a square foot per lineal foot of parcel frontage, up to a maximum of two hundred (200) square feet, except that the maximum area of monolith signs shall be one hundred twenty-five (125) square feet.
  - (4) Setback: A ground or freestanding sign shall be located on private property and no part of the sign or its structure shall extend beyond the established building line. No such sign shall project over public right-of-way.
  - (5) Distance from other signs: Ground or freestanding signs shall be located at least thirty-five (35) feet from any other existing ground or freestanding sign. Where compliance with this standard would not be possible due to the close proximity of existing signs on adjacent parcels, installation of a ground or freestanding sign on an intervening parcel shall be permitted provided said sign is located midway between signs on adjacent parcels.
  - (6) Height: The top of a ground or freestanding sign shall not be higher than twenty-five (25) feet. Dockside marina signs shall be exempt from this standard.
  - (7) All pole and ground signs shall include the address of the property. On signs that display multiple tenants, the address displayed shall be the first address of the complex.
- E. Marquees. Marquees shall be permitted in commercial districts subject to the following controls:
- (1) Construction: Marquee signs shall consist of hard incombustible materials. The written message must be affixed flat to the vertical face of any marquee.
  - (2) Vertical clearance: A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee sign.
  - (3) Projection: Limitations imposed by this Ordinance on the projection of signs from the face of the wall of a building or structure shall not apply to marquee signs.
  - (4) Number: One (1) marquee shall be permitted per street frontage.
  - (5) Area: Total marquee sign area shall not exceed one and one-half (1 1/2) square feet per lineal foot of building frontage.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- F. Signs on awnings and canopies. Signs shall be permitted on awnings and canopies in commercial and office districts subject to the following controls:
- (1) Lettering and logo area: The total area of the lettering and logo shall not exceed twenty-five (25) percent of the total area of the awning or canopy that is visible from the street. The lettering and logo shall be a color that visually contrasts the solid color fabric to which it is adhered.
  - (2) Vertical clearance: A minimum vertical clearance of eight (8) feet shall be provided beneath any awning or canopy.
  - (3) Any awning or canopy sign shall be architecturally compatible with the existing architectural integrity of the building to which it is attached. Awnings and canopies shall not be allowed to extend above a roofline, cover architectural features such as mansard roofs, clerestory windows or other architectural elements.
  - (4) Construction: The written message must be affixed flat to the face of any awning or canopy.
  - (5) Projection: Limitations imposed by this Ordinance on the projection of signs from the face of a wall of a building or structure shall not apply to awnings or canopies.
  - (6) An awning or canopy sign shall only be permitted in lieu of a wall-mounted sign, a ground or freestanding sign, a marquee, a projecting sign, a gasoline price sign, a time/temperature/stock market sign or roof sign otherwise permitted on the subject property.
- G. Cloth and banner signs. Temporary cloth and banner signs shall be permitted in commercial districts subject to the following controls:
- (1) Duration: Temporary cloth and banner signs shall be erected for no longer than thirty (30) days. Damaged signs shall be removed or repaired immediately.
  - (2) Area: Such signs shall not exceed forty-eight (48) square feet in area.
  - (3) Number: One (1) temporary cloth or banner sign shall be permitted per street frontage.
  - (4) Location: No such sign shall extend beyond the building line or into a public right-of-way or obstruct points of escape from buildings or structures.
  - (5) Illumination: Cloth or banner signs shall not be purposely illuminated.
  - (6) Bond: Permits for temporary cloth or banner signs may be obtained from the Building Official. A cash bond or [of] fifty dollars (\$50.00) dollars shall be posted with the Building Official with each temporary sign application. The cash bond shall be released to the applicant upon removal of the temporary sign in compliance with the time stated on the application.
- H. Gasoline price signs. Gasoline price signs shall be permitted in commercial district subject to the following controls:
- (1) Number: One (1) gasoline price sign shall be permitted for each gas station, except that on a corner lot, two (2) signs, one (1) facing each street, shall be permitted.
  - (2) Area: Such signs shall not exceed twenty (20) square feet in area per face as permitted.
  - (3) Location: Such signs shall be located on private property, no closer than one (1) foot from the building line.
  - (4) Height: The top of a gasoline price sign shall be no higher than fifteen (15) feet.
  - (5) Vertical clearance: A minimum vertical clearance of ten (10) feet shall be provided beneath any gasoline price sign.
- I. Gasoline canopy signs. Gasoline canopy signs shall be permitted in commercial districts subject to the following controls:
- (1) Number: One (1) gasoline canopy sign shall be permitted for each face of the canopy that abuts a road right-of-way.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- (2) Gasoline canopy signs shall be limited to twenty-five (25) square feet.
  - (3) No signage shall be permitted on gasoline dispensers except to identify the grade of the gasoline.
- J. Window signs. Temporary and permanent window signs shall be permitted on the inside in commercial or office districts provided that the total combined area of such signs does not exceed one-third ( 1/3) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall-mounted signs on the parcel. Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.
- One (1) indoor neon "Open" sign indicating that a commercial/office use is open for business is permitted, so long as it is not greater than four (4) square feet. The neon sign must read "OPEN". It may not flash, blink, oscillate, rotate or intermittently turn on and off. Any such sign must be located in the window of the business and will not be included in the maximum area requirement for window signage. The sign may only be illuminated while the business is open to the public.
- K. Time/temperature/stock market signs. Time, temperature, or stock market signs shall be permitted in commercial and office districts provided the following conditions are met:
- (1) The message change shall not be more frequent than once every ten (10) seconds.
  - (2) The area of these types of signs shall be included within the maximum sign area permitted on the site.
  - (3) One (1) time, temperature, or stock market sign shall be permitted per street frontage.
- L. Projecting signs. Projecting signs shall be permitted in commercial and office districts only on buildings that are located at the 60-foot setback line. Each sign shall be a minimum of twenty (20) feet from another projecting sign and be located above the public entry door whenever possible. If no door existing along the major thoroughfare the sign shall be located at the center of the building frontage or as determined by the Building Official or Designee to meet the intent of the ordinance. All projecting signs shall have a minimum six-inch separation between the sign and the wall face. No projecting sign may project a distance greater than thirty (30) inches beyond the property line. In measuring the sign projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
- (1) Area: Total sign area of a projecting sign shall not exceed eight and a half (8.5) square feet.
  - (2) Height: The bottom of the projecting sign shall be eight (8) feet above grade and shall not extend past the top of the roof or parapet.
  - (3) Content: Projecting signs shall be permitted to indicate only the name of the business and address. The bottom eight (8) inches shall be reserved for the address of the building using six-inch numbers.
  - (4) Number: One (1) projecting sign shall be permitted per major street frontage. Where there are multiple storefronts, each tenant space shall be allowed to have a projecting sign.
  - (5) Location: Projecting signs shall be located on the major street side of any building.
  - (6) Vertical dimensions: The maximum vertical dimension of any projecting sign shall not exceed four (4) feet three (3) inches and be located eight (8) [feet] above grade.
  - (7) Horizontal dimensions: The maximum horizontal dimension of any projecting sign shall not exceed two (2) feet and shall project six (6) inches from the face of the building.
  - (8) Thickness: Projecting sign shall be no thicker than one (1) inch.
  - (9) Projecting signs shall be permitted individually or in conjunction with wall signs only.
  - (10) Projecting signs shall have a light-colored background with dark-colored copy.
- M. Required street address. For the purposes of public safety, the street number of every commercial and office building shall be prominently displayed on a side of the building facing the street, pole or ground sign and/or the canopy valance shall use numbers that are six (6) inches in height.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

- N. Temporary political signs. Temporary political signs shall be permitted in office and commercial districts subject to the provisions set forth in Section 39.5 [19.155](H).
- O. A-Frame Signs. A-Frame signs shall be permitted subject to the provisions set forth in Section 39.5 [19.155] M.

(chap. 39 eff. Apr. 8, 1986; amend. eff. July 29, 1986; further amend. eff. Sept. 9, 1987; Sept. 7, 1988; Feb. 20, 1991; adopted July 5, 2005, eff. Mar. 12, 2007, *amend. eff. May 27, 2010*) (***amend. eff. March 31, 2011***)

**19.158 Industrial district signs.**

Sec. 39.8. The following signs shall be permitted in the LI District, which is zoned for industrial uses.

- A. Signs for residential, commercial and office uses in an industrial district. Signs for nonconforming residential, commercial and office uses in industrial district shall be governed by the sign regulations for residential, commercial and office district uses set forth in Sections 39.6 [19.156] and 39.7 [19.157] herein.
- B. Wall-mounted signs. Wall-mounted signs shall be permitted in industrial districts, subject to the following controls:
  - (1) Number: One (1) wall-mounted sign shall be permitted per street frontage on each parcel. However, where more than one (1) tenant share a building, one (1) wall sign shall be permitted per tenant, and total permitted sign area shall be allocated on an equal basis to all tenants.
  - (2) Area: Total sign area shall not exceed one and one-half (1 1/2) square feet per lineal foot of building frontage.
  - (3) Location: Wall-mounted signs shall be located on the fronts of buildings, except that buildings located on a corner lot shall be permitted to have one wall-mounted sign on the side facing the street.
  - (4) Vertical dimensions: The maximum vertical dimension of any wall-mounted sign shall not exceed one-third (1/3) of the height of the building.
  - (5) Horizontal dimensions: The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths (3/4) of the width of the building.
  - (6) Height: The top of a wall-mounted sign shall not be higher than whichever is lowest:
    - (a) Twenty-five (25) feet above grade.
    - (b) The top of the sills at the first level of windows above the first story.
    - (c) The height of the building facing the street on which the sign is located.
  - (7) Projection: Wall-mounted signs shall not project farther than twelve (12) inches from the face of the wall.
- C. Ground or freestanding sign. Ground or freestanding signs shall be permitted in industrial districts subject to the following controls:
  - (1) Number: One (1) ground or freestanding sign shall be permitted per street frontage on each parcel. If more than one (1) tenant share a building, only one (1) ground or freestanding sign shall be permitted, but the total sign area shall be allocated on an equal basis to all tenants.
  - (2) Area: Total sign area shall not exceed one hundred (100) square feet.
  - (3) Setback: Ground or freestanding signs shall be located on private property no closer than fifteen (15) feet from the building line or front property line of the industrial park or parcel. Where compliance with this standard would not be possible due to the location of existing industrial buildings or structures within the required 15-foot setback area, a ground or freestanding sign shall be permitted provided it is located on private property and no part

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

of the sign or its structure extends beyond the established building line. No such sign shall project over public right-of-way.

- (4) Height: The top of a ground or freestanding sign shall be no higher than twenty-five (25) feet.
- (5) All pole and ground signs shall include the address of the property. On signs that display multiple tenants, the address displayed shall be the first address of the complex as approached by a vehicle in the direction of travel.

D. Signs on awnings and canopies. Signs shall be permitted on awnings and canopies in industrial districts subject to the following controls:

- (1) Lettering and logo area: The total area of the lettering and logo shall not exceed twenty-five (25) percent of the total area of the awning or canopy that is visible from the street.
- (2) Vertical clearance: A minimum vertical clearance of eight (8) feet shall be provided beneath any awning or canopy.
- (3) Construction: The written message must be affixed flat to the vertical face of any awning or canopy.
- (4) Projection: Limitations imposed by this Ordinance on the projection of signs from the face of the wall of a building or structure shall not apply to awnings or canopies.
- (5) An awning or canopy sign shall only be permitted in lieu of a wall-mounted or ground or freestanding sign otherwise permitted on the subject property.

E. Required street address. For the purposes of public safety, the street number of every industrial building shall be prominently displayed on side of the building facing the street, using numbers that are at least five (5) inches in height.

F. Temporary political signs. Temporary political signs shall be permitted in industrial districts subject to the provisions set forth in Section 39.5 [19.155]H.

G. A-Frame Signs. A-Frame signs shall be permitted subject to the provisions set forth in Section 39.5 [19.155] M.

(chap. 39 eff. Apr. 8, 1986; amend. eff. July 29, 1986; further amend. eff. Sept. 9, 1987; Feb. 20, 1991; adopted July 5, 2005, eff. Mar. 12, 2007, amend. eff. May 27, 2010)

**GENERALIZED SCHEDULE OF SIGN STANDARDS**  
(Specific sections of the Ordinance should be consulted for details.)

TABLE INSET:

TYPE OF SIGN	COMMERCIAL		INDUSTRIAL	
	NUMBER	AREA	NUMBER	AREA
Wall-Mounted	1	1 1/2 sq. ft. per ft. of bldg. front	1	1 1/2 sq. ft. per ft. of bldg. front
Rear Entry Sign	1	2 sq. ft.	N.P.	
Ground or Freestanding	1	48 sq. ft. OR 3/4 sq. ft. per ft. of bldg. frontage up to 150 sq. ft.	1	100 sq. ft.
Projecting Sign	1	8.5 sq. ft.	N.P.	
Window Signs	N.A.	One-third of Window area	N. P.	
Signs on Awnings or Canopies	N. A.	25 percent of awning area	1	25 percent of awning area

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

Cloth or Banner Signs	1	48 sq. ft.	N.P.	
Marquees	1	1 1/2 sq. ft. per ft. of bldg. front	N.P.	
Gasoline Price Signs	1	20 sq. ft.	1	.75 sq. ft. per ft. of bldg. front
Time/Temp./Stock Market	1	Based on max. permitted sign area on site	N.P.	
Real Estate Signs	1	32 sq. ft.	1	32 sq. ft.
Street Address	Required	6 in. height	Required	6 in. height

N.A. -- NOT APPLICABLE

N.P. -- NOT PERMITTED

(adopted July 5, 2005; eff. Mar. 12, 2007)

GENERALIZED SCHEDULE OF SIGN STANDARDS  
(Specific sections of the Ordinance should be consulted for details.)

TABLE INSET:

	RESIDENTIAL SIGNS	
TYPE OF SIGN	NUMBER	AREA
Nameplate and Identification	1	1 sq. ft.
Permanent Residential Identification	1	48 sq. ft.
Street Address	Required	3 in. height
Garage Sale Signs	3	2 sq. ft.
Real Estate Signs	1	6 sq. ft.
Temporary Accessory Signs	1	64 sq. ft.
Signs Accessory to Parking	1	2 sq. ft.
Wall Signs for Nonconforming Uses	1	2 sq. ft.
Church Signs	1	20 sq. ft.

(adopted July 5, 2005, eff. Mar. 12, 2007)

**Shall be amended as follows:**

GENERALIZED SCHEDULE OF SIGN STANDARDS  
(Specific sections of the Ordinance should be consulted for details.)

TABLE INSET:

	COMMERCIAL		INDUSTRIAL	
TYPE OF SIGN	NUMBER	AREA	NUMBER	AREA
Wall-Mounted	1	1 1/2 sq. ft. per ft. of bldg. front	1	1 1/2 sq. ft. per ft. of bldg. front
Rear Entry Sign	1	2 sq. ft.	<b><u>sixteen (16) sq.ft.</u></b>	
Ground or Freestanding	1	48 sq. ft. OR 3/4 sq. ft. per ft. of bldg. frontage up to 150 sq. ft.	1	100 sq. ft.

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

Projecting Sign	1	8.5 sq. ft.	N.P.	
Window Signs	N.A.	One-third of Window area	N. P.	
Signs on Awnings or Canopies	N. A.	25 percent of awning area	1	25 percent of awning area
Cloth or Banner Signs	1	48 sq. ft.	N.P.	
Marquees	1	1 1/2 sq. ft. per ft. of bldg. front	N.P.	
Gasoline Price Signs	1	20 sq. ft.	1	.75 sq. ft. per ft. of bldg. front
Time/Temp./Stock Market	1	Based on max. permitted sign area on site	N.P.	
Real Estate Signs	1	32 sq. ft.	1	32 sq. ft.
Street Address	Required	6 in. height	Required	6 in. height

N.A. -- NOT APPLICABLE

N.P. -- NOT PERMITTED

(adopted July 5, 2005; eff. Mar 12 2007) (**amend. eff. March 31, 2011**)

GENERALIZED SCHEDULE OF SIGN STANDARDS  
(Specific sections of the Ordinance should be consulted for details.)

TABLE INSET:

	RESIDENTIAL SIGNS	
TYPE OF SIGN	NUMBER	AREA
Nameplate and Identification	1	1 sq. ft.
Permanent Residential Identification	1	48 sq. ft.
Street Address	Required	3 in. height
Garage Sale Signs	3	2 sq. ft.
Real Estate Signs	1	6 sq. ft.
Temporary Accessory Signs	1	64 sq. ft.
Signs Accessory to Parking	1	2 sq. ft.
Wall Signs for Nonconforming Uses	1	2 sq. ft.
Church Signs	1	20 sq. ft.

(adopted July 5, 2005, eff. Mar. 12, 2007)

Shall be amended to include the following :

**Penalty for violation and severability clause.**

- a. **Any violation of this ordinance shall constitute a civil infraction and upon a finding of responsibility shall be punishable by a fine of not more than five-hundred (\$500.00) dollars. (amend. eff. March 31, 2011)**
- b. **All of the sections, sub-sections, and provisions of this ordinance are independent. If one section, sub-section, or provision of this ordinance is held unconstitutional or invalid in a court of law, all other sections, sub-sections, or provisions shall remain valid and enforceable. (amend. eff. March 31, 2011)**

**10. REQUEST FOR ADOPTION OF AMENDMENTS TO THE SIGN ORDINANCE (Cont'd)**

Any ordinance or parts of any ordinance in conflict with any provision of these ordinances are hereby repealed.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the City Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue, the Fire Hall 26700 Harper Avenue, and the City Hall 27600 Jefferson Circle Drive.

STATE OF MICHIGAN                    )  
  ) ss  
COUNTY OF MACOMB                )

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the St. Clair Shores City Council on the 7<sup>th</sup> day of March 2011, and that the necessary Charter provisions have been observed.

\_\_\_\_\_  
ROBERT A. HISON, MAYOR

\_\_\_\_\_  
MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 31<sup>st</sup> day of March 2011.

\_\_\_\_\_  
MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. *March 31, 2011*)

Ayes: All – 6  
Absent: McFadyen

**11. REQUEST TO ACCEPT THE OFFER TO SELL 24927 FREDERICK**

Mr. Rayes noted that 24927 Frederick is not an NSP Home. This home was acquired through the County from foreclosure. We are recommending accepting the bid, which is within \$1,000 dollars of the asking price. The repairs made to the home were \$43,000, the additional \$10,000 repair cost was due to tree roots in the sanitary sewer.

Ms. Rusie asked about the profit.

Mr. Rayes said there is a 3% profit, which goes back into the fund that we used to purchase the properties.

**Motion by Rubino, seconded by Walby to approve a request to approve sale of 24927 Frederick for a sale price of \$63,000 (less \$2,100 for closing, for a net sale of \$60,900).**

Ayes: All – 6  
Absent: McFadyen

**12. BIDS/CONTRACTS/PURCHASE ORDERS**

**a) Request to award 2011-2013 Cross Connection Control Program (Bids Opened 03/01/11)**

Mr. Babcock explained that the City maintains a Cross Connection Control (CCC) Inspection Program as mandated by the MDEQ Safe Drinking Water Permit. The purpose of the program is to control cross-connections and prevent backflow occurrences into the water system. A cross-connection is an actual or potential connection between the public water supply and a source of contamination or pollution. The Cross Connection Control Program includes initial inspections, compliance inspections, and re-inspections of commercial, industrial and institutional facilities.

Mr. Babcock said on March 1, 2011, the City received proposals for the 2011-2013 Cross Connection Control Program. Three bids were submitted and the lowest bidder has only picked up one municipal client and has not completed one full cycle year yet. It is his recommendation to award a three-year contract to Hydro Designs, Inc., in the amount of \$27,066.25 (2011), \$27,066.25 (2012), and \$27,066.25 (2013). The total cost is \$81,198.75.

**12a) Request to award 2011-2013 Cross Connection Control Program (Cont'd)**

**Motion by Walby, seconded by Rubello to award the 2011-2013 Cross Connection Control Program Bid to Hydro Designs, Inc., 5700 Crooks Road, Suite 100, Troy, MI 48098, in the amount of \$27,066.25 (2011) + \$27,066.25 (2012) + \$27,066.25 (2013) = \$81,198.75.**

Ayes: All – 6  
Absent: McFadyen

**b) Request to Purchase Police Vehicles**

Lt. Dave Pietrzak is requesting the purchase of five police vehicles as budgeted in the fiscal year 10/11 budget. The current budget available in the Motor Pool Department account is \$170,000. The request is to purchase one Dodge Charger police vehicle, two Chevrolet Tahoe's and two Chevrolet Caprices. The total purchase for all five vehicles is \$127,484.28. The remainder of the budgeted amount will be used to outfit the vehicles with radar units, light bars, radios, etc. Any useable equipment will be transferred from the old vehicles to the new vehicles.

Lt. Pietrzak said the Motor Pool Department will "recycle" all of the vehicles into other Police Department divisions or throughout the other departments in the City to replace older, higher mileage vehicles. If the cost of operation and maintenance are too high, the Motor Pool Department will auction off the vehicles.

Mayor Hison said the Chevrolet Caprices all used to be front wheel drive.

Lt. Pietrzak stated that for the vehicles to be pursuit rated they must be rear wheel drive vehicles.

Mr. Rubello questioned if these were the best prices. He asked why we can't get more mileage out of the police vehicles.

Lt. Pietrzak stated that they are taking the Chargers out of service at 80,000 to 90,000 miles because the miles on the odometer don't include the idle hours. Idle hours shorten the life of the engine.

Mayor Hison asked that if these vehicles taken out of service are good for other services, and if not, if they go to auction.

Lt. Pietrzak said two vehicles are currently out of service and will not be fixed.

Mr. Hughes noted that in the 2010 budget, we asked for seven vehicles and we reduced the number of vehicles to five.

Mr. Frederick asked if the total amount includes the cost of installing the equipment into the vehicles.

Lt. Pietrzak stated that the total amount does not include the cost of installing the equipment and is only for the cost of the vehicles alone. The budget balance will be used, which had been bid earlier this year.

**Motion by Walby, seconded by Rubino to purchase two (2) Chevrolet Tahoes and two (2) Chevrolet Caprices from Shaheen Chevrolet under State bid for \$104,181.28. Purchase one (1) Dodge Charger from Slingerland Dodge under Macomb County bid for \$23,303.00.**

Ayes: All – 6  
Absent: McFadyen

**c) Request to enter into and authorize the execution of MDOT Contract No. 10-5777 for 2011 Little Mack Avenue Whitetopping Project, from 10 Mile Road to 12 Mile Road, by the City Manager and City Clerk**

Mr. Rayes explained that the Michigan Department of Transportation received bids in January 2011, for the 2011 Little Mack Whitetopping Project, from 10 Mile Road to 12 Mile Road. The project will consist of milling down existing pavement 5" and laying a new concrete surface on top of the remaining pavement. Work is scheduled to begin in early April and last through September. This is the best way to preserve the road. The total construction cost is \$2,328,500 and the City's local cost share is \$445,100. This project includes Transportation Improvement Program Funds.

**12c) Request to enter into and authorize the execution of MDOT Contract No. 10-5777 for 2011 Little Mack Avenue Whitetopping Project (Cont'd)**

Mr. Babcock stated that a portion of Woodward Avenue has been completed. This was not common in the past, but this new technology is cheaper and this is being done more often. In the past, asphalt was more common because it was cheaper.

**Motion by Frederick, seconded by Walby to approve a request to enter into and authorize the execution of MDOT Contract No. 10-5777 for the 2011 Little Mack Whitetopping Project - 10 Mile Road to 12 Mile Road by the City Manager and City Clerk.**

Ayes: All – 6  
Absent: McFadyen

Mr. Rayes said once all approvals come through they are planning to start on April 1<sup>st</sup>. They will send notices out and then as it comes closer to a set date they will send notices out again. This will be an inconvenience for the residents.

**d) Request to extend Tiseo Brothers Paving Contract for 2011 Local Streets**

Mr. Rayes said the contractor, Tiseo Brothers, sent the City a letter extending their 2010 prices for 2011, requesting that Council renew their contract. On June 8, 2010, the City received bids for the 2010 Concrete Pavement Reconstruction Project. The bid was sent to over 400 contractors on MITN, was viewed by over 50 contractors, and 6 bids were submitted. These are per unit prices. This contractor's work has been satisfactory.

Ms. Rusie commented that she doesn't want to set a precedent by extending the contract from last year. She mentioned that there were some concerns that were raised on the City's Facebook page.

Mr. Rubino said he doesn't like contract extensions.

Mr. Rayes added that the price of gas, sand and cement could increase, which would have an affect on the total price. We can do a change order before the July 1 budget or we can do a full year extension.

Mr. Rubello asked why the approval is done yearly and not every three years.

Mr. Rayes said that it is Council's decision on whether to approve it for one year or three years at a time. If they didn't perform to our liking, then we would be locked in for three years.

Mayor Hison said that it's best to ensure that we have a good contract. There are always measures to take if we are not satisfied with them. There's a possibility the block grant money could decrease nearly 62%. It is wise to utilize the block grant money to our advantage.

Mr. Rayes clarified that we have approximately \$500,000 dollars in block grant money that we only get when we spend.

Mayor Hison commented that we need to utilize the money in order to receive the money. We are only nine months away from the June 8, 2010 quote.

Ms. Rusie made a statement that she is not comfortable with giving one year extensions, but would have approved a partial extension to use the CDGB funds project.

**Motion by Walby, seconded by Rubello to approve a request to extend the Local Paving Contract, with Tiseo Brothers, at 2010 unit prices.**

Ayes: Walby, Rubello, Rubino, Hison  
Nays: Frederick, Rusie  
Absent: McFadyen

**13. CONSENT AGENDA** – All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.

### 13. CONSENT AGENDA (Cont'd)

Motion by Walby, seconded by Rusie to approve the Consent Agenda items a - f, which include the following:

a. **Bills**

February 22, 2011 \$2,360,985.30

To approve the release of checks in the amount of \$2,360,985.30, of the report that is 16 pages in length and of the grand total amount of \$2,360,985.30, \$240,965.62 went to other taxing authorities.

b. **Fees - None**

c. **Progress Payments**

Doetsch Environmental Services \$24,316.25

To approve the above progress payments, subject to audit.

d. **Approval of Minutes**

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council Workshop	February 12, 2011
Council Meeting	February 22, 2011

e. **Receive & File Boards, Commissions & Committee Minutes**

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Dog Park Committee	February 3, 2011
Historical Commission	January 4, 2011
Library Board	January 20, 2011
Planning Commission	January 11, 2011

f. **Adoption of Bylaws for the Older Persons Advisory Committee (OPAC), a copy of which shall be attached to the original minutes of this meeting (Exhibit A)**

Ayes: All – 6  
Absent: McFadyen

### 14. REQUEST FOR ADOPTION OF FREEDOM OF INFORMATION PROCEDURES AND GUIDELINES

Mayor Hison mentioned that this is not new and we have been following these Freedom of Information procedures for years.

Mr. Ihrie responded to some residents' comments under audience participation about the cost of the Freedom of Information and the "motivation" behind the high cost of a particular Freedom of Information request. The City receives hundreds of requests throughout the year. These requests are distributed to the appropriate departments and to his office. In some situations, they have input, as is the case for a recent request for emails between Council Members. The vast majority of these emails will be disclosable. The City recently had four separate requests for Council Members' emails. Each request overlapped the other in a sense. It was probably under the assumption that the IT Department could simply get the emails, but this is not the case. The request asked for emails between certain Council Members. There are over 10,000 thousand emails. The courts have confirmed what is retrievable and what is available, and attorney – client privilege emails. The only way to extract which emails are available through the Freedom of Information Act is to read each email. One email may have five, ten or fifteen threads attached to it that also need to be reviewed. This would be very time consuming and the cost is passable to the requester through the Freedom of Information Act. The larger cost is the complete and total review of emails to extract the personal and private emails.

#### **14. REQUEST FOR ADOPTION OF FREEDOM OF INFORMATION PROCEDURES AND GUIDELINES (Cont'd)**

Mr. Ihrie explained that he would be the one to read those emails and there is an hourly rate cost that his firm charges the City. After communicating with the City Manager and City Clerk, he got a better comprehension of the number of emails that need to be reviewed. It is difficult to determine how many emails can be reviewed in one hour. The Freedom of Information Act allows the coordinator to collect 50% of the estimated cost before hand. He would hope that it would be less than what is estimated, but there is no way to get an exact estimate. This is the largest Freedom of Information request the City has ever received. He assured the residents and Freedom of Information requestors that the cost is in no way to hide anything or to deter requests. This is because of the amount and detail of what is involved in this request. This is a higher cost and passed on to the requestor. The City is abiding by the request. This does comply with the Freedom of Information Act and he recommends it's approval.

Ms. Rusie asked Mr. Ihrie to clarify for the residents what the attorney – client privilege entails. These costs are passed on to the requestor in order to prevent the City from incurring the costs. The comment that Citizens emails would not be disclosed is not correct if the citizen is "cc'd" on an email.

Mr. Ihrie said the vast majority of the emails would be disclosed. There may be threads of emails that include residents' emails and that would be disclosed.

Mayor Hison noted that in 1976 the Freedom of Information Act 442 was enacted by the State and we have been following it since then. In 1997, Council adopted the City Clerk to serve as the Freedom of Information coordinator.

Mr. Ihrie quoted part of section 15.234 of the Freedom of Information Act as follows:

In calculating the cost of labor incurred in duplication, mailing, and the cost of examination, review, separation, and deletion under subsection (1), a public body may not charge more than the hourly wage of the lowest paid public body employee capable of retrieving the information necessary to comply with a request under this act. Fees shall be uniform and not dependent upon the identity of the requesting person. A public body shall utilize the most economical means available for making copies of public records. A fee shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs. A public body shall establish and publish procedures and guidelines to implement this subsection.

Mr. Ihrie quoted a part of section 15.240 of the Freedom of Information Act as follows:

Sec. 10 (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do one of the following at his or her option:

- (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
- (b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

Ms. Kotowski continued by explaining part of Section 15.240, Sec 10 (1) of Freedom of Information Act as follows:

(2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

- (a) Reverse the disclosure denial.
- (b) Issue a written notice to the requesting person upholding the disclosure denial.
- (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

Mr. Frederick stated that he doesn't understand why the City Attorney would need to read every email. The City Clerk was named as the Freedom of Information Act Coordinator. He feels that the City Clerk could review the emails and forward anything questionable or private in nature to the City Attorney for review.

Mayor Hison commented that the Clerk does not have the legal aspect to review and determine if emails are private in nature.

Mr. Ihrie explained that there may be emails that are not only Attorney – Client privilege, but are private in nature.

#### **14. REQUEST FOR ADOPTION OF FREEDOM OF INFORMATION PROCEDURES AND GUIDELINES (Cont'd)**

Mr. Frederick feels that the Clerk could review the emails first and then pass the emails that are "questionable" to the City Attorney.

Discussion was held on if the appeal should be to Council or the Mayor.

**Motion by Rusie, seconded by Walby to approve the Adoption of Freedom of Information Procedures and Guidelines which read as follows (Noting #10: The City Council was changed to the Mayor):**

#### **FREEDOM OF INFORMATION PROCEDURES AND GUIDELINES PUBLIC RECORDS POLICY**

**Purpose – The Public Records Policy is established to facilitate the dissemination of records as requested by the public at the lowest cost and minimum impact on the environment, consistent with applicable law.**

- 1. The City of St. Clair Shores shall make public records available to the general public in accordance with the Freedom of Information Act (FOIA) and City Charter 10.434, Section 17.4 and City Ordinance 12.054, Section 4.4.**
- 2. The City Clerk shall be designated the FOIA Coordinator. The Clerk may designate others to fulfill FOIA requests, but shall keep copies of requests according to the Records Retention and Disposal Schedule; except for Police Department FOIA requests (Clerk designates the Chief of Police Designee) which shall be maintained by the Chief of Police designee and retained in accordance to the Records Retention and Disposal Schedule.**
- 3. The City Clerk shall make available a standard form for requests for public records. There is no requirement under FOIA for lists or reports to be created.**
- 4. Copying of public records shall only be done by City employees or may be reproduced by an outside source as arranged by the FOIA coordinator or his or her designee. The actual cost of employing such outside sources and staff time involved in the delivery and retrieval of this outsourcing process shall be assessed.**
- 5. Printed copies of public records shall be charged at \$0.25 each page and each side for black and white copies plus the actual cost of mailing.**
- 6. Labor costs for search, examination, review and deletion and separation of exempt information, shall be assessed at the hourly wage of the lowest paid full-time employee of the City capable of retrieving the information necessary to comply with the request, and legal review fees may be assessed when determining Attorney Client privilege document status; where the failure to charge such a fee would result in unreasonably high costs to the City of St. Clair Shores because of the nature of the request. In such instances, the City shall specifically identify the nature of the unreasonable high cost.**
- 7. Requests for computer generated lists or documents shall be made available in accordance with FOIA and the City Code Enhanced Access Ordinance. Costs for such documents shall be determined according to the departmental costs to produce such records and Enhanced Access Ordinance.**
- 8. Copies of the video tapings of City Council meetings shall be sold for \$10 per Tape/DVD.**
- 9. In addition to the foregoing fees for photocopying, the City may also charge additional fees for the actual costs of the search, examination, review, and the deletion and separation of exempt from non-exempt material as provided by the Freedom of Information Act.**
- 10. The Mayor shall be deemed to be the head of the public body authorized to consider appeals of all or portions of requests.**

**Freedom of information authority MCL 15.231 et seq  
Adopted: March 7, 2011**

Ayes: All – 6  
Absent: McFadyen

#### **14. REQUEST FOR ADOPTION OF FREEDOM OF INFORMATION PROCEDURES AND GUIDELINES (Cont'd)**

Mr. Ihrie said he sees no problem with the City Clerk reviewing the request first to cheapen the cost of the request. There is a five-business day time frame and a ten-day extension has already been submitted.

Mr. Frederick asked if it's possible to disseminate as we go.

Mr. Ihrie said that it is legal to disseminate as you go. We are working to provide the materials in the best and cost effective manner possible.

#### **15. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING**

- **PCB's** – Mr. Hughes stated that the Environmental Protection Agency will hold a meeting in the City Library on Thursday, March 31, 2011, with times to be announced.
- **Harper Water Main and Street Lighting** – Mr. Rayes stated that the last connection will be completed this week. He has not met with the County yet on the schedule for the paving. He will send notices out as soon as he is informed.
- **Replacement of Police Personnel** – Mr. Hughes stated that at the budget session held on February 12, 2011, discussion was held concerning moving a police officer in the records bureau to patrol and filling the position in the records department with a civilian. They are researching and proceeding with care. Many Police Departments utilize their Records Bureau differently, this is the nerve center of our Police Department.
- **Parking on Residential Streets During the Fireworks** – Mr. Hughes said residents suggested that the City limit the parking to one side of the residential streets during the fireworks. He respects what the residents are asking and will explore the possibility. Putting up signs for this one day and the impact on displacing more cars into further residential streets are concerns to review as well.

#### **16. COMMENTS BY INDIVIDUAL COUNCILPERSONS**

**Council Member Rubino** said that people have been questioning his ethics (three of the people are related to each other). He asked where these people were when Councilpersons were handing out no bid contracts and when the City signed titles over to certain Council people. He asked where were these people when Councilpersons liquidated over \$20,000 in City funds and a Mayor was made Director of the Department of Public Works, yet people want to question his ethics. We had department heads hiring family members, there were water meter issues, and employees were afraid to speak up.

Mr. Rubino said he expects there to be disagreements and debates, but he doesn't expect debate to come in the form of attacks and last minute "mine fields". He feels that this is not about policy and debating issues and it is being done to hurt him personally and financially. He referred to these tactics as "dirty politics".

Mr. Rubino mentioned that during the budget sessions, discussion will be held on tax hikes or cutting services. If these department heads cannot come up with creative ways to save money then they should be fired and the City Manager too.

Mr. Rubino clarified that he was not involved with the NSP Broker. He clarified that there was no incident during a closed session and someone notified the news that he created an incident. This is a "smear campaign" and it will continue. He refuses to be bullied or intimidated and will stand his ground.

Mr. Rubino notified the residents that he took the drug test and showed the result only to the City Attorney. He did it for himself, for his family and for his clients.

**Council Member Rusie** discussed that the challenge of the drug test was against all seven of them and not just Mr. Rubino and she refuses to make herself guilty until proven innocent. She wouldn't be addressing this if she didn't receive a phone call from a reporter from the Detroit News. She was asked if she would take a drug test prior to the next meeting. She refuses to. She is innocent until proven guilty. She is not going to play "prove it" politics by taking a drug test, providing her client list, and providing her personal finances. She is offended. She already gave her blood, sweat and tears, and she isn't giving her urine.

## **16. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)**

Ms. Rusie thanked the residents for their comments about the Kroger Gas Station. She said they came at a great time. She quoted a resident who said, "most of you have full time jobs as we don't pay you enough".

Ms. Rusie commented about a certain Councilman's quotes and how they take campaign contributions from City employee unions and then vote on their contracts.

Ms. Rusie said the mudslinging at the last meeting shows the political discourse in the community.

Ms. Rusie said the Police Officer's Association has requested all emails sent and received between us and the City Manager. She identified all four Freedom of Information requests and notified the residents that if they sent an email to a Council Member, it will end up in the hands of these four Freedom of Information requests.

Ms. Rusie said the Police Officer's Association's statement on the request said, "we believe these emails will show how these Council Members have abused their authority. The Police Officer's Association does not gain anything by these requests". She commented, "Do they gain anything from endorsing candidates, yes". She said they are engaging in the fishing expedition to gain anything to embarrass us. She asked why these news organizations are involved.

Ms. Rusie stated that there has been talk of, "skeletons in the closet", so she decided to bring out her own skeletons in her closet. Ms. Rusie stated a misunderstanding that took place when she was running for office. She had a small gathering at a restaurant and was told it was okay for her to bring in wine. She brought in wine and beer to the event and was informed the day after the event that it was improper to have wine at this event. She revealed that she lives with her fiancé and she left her job this summer for a new job that allows her to devote more time to the City. When she was running for office, her opponents made an issue because her boyfriend drives a Honda. She said in 1999 she wrote a book report based on a class assignment and someone accused her of being a communist.

Ms. Rusie stated that playing "skeletons in the closet" is a distraction of the more important issues of dealing with a \$2.2 million deficit. She said pay attention to who is attacking and who is being attacked.

**Council Member Rubello** stated that the Ethics Ordinance is important to have. He has done his best to further his community as a whole. We still have a \$2.2 million dollar deficit. He agrees to disclose any affiliation with any business or person that comes before Council. He hopes we can move forward. He thanked the City employees for all their hard work.

Mr. Rubello stated that in the Freedom of Information requests for his emails, you will find some disagreements with Council Members. Sometimes you make votes and you make enemies out of friends. He hoped when all is said and done we come back to business.

**Council Member Frederick** echoed Mr. Rubello's sentiment on City employees doing a good job and doing more with less as the number of our employees has decreased.

Mr. Frederick stated that the people of the City voted on Proposition 2 saying do not reduce my services. Citizens of the City said I will give more money to not reduce services.

Mr. Frederick asked Mr. Rayes to work the Harper construction schedule around the soccer and baseball leagues that are scheduled to play at Kyte Monroe Park.

Mr. Frederick commented that the Police Officer's Association donated \$500 towards the skate park and Cops for Kids donated \$500 towards the skate park. The Police Officer's Association donated \$150 to the seniors programs.

Mr. Frederick asked if he can sit with Mr. Rubino to include language into the Ethics Ordinance because he realized that he has not done that.

Mr. Frederick continued that his wife told him that he should tell people what he does with the pizza oven, so he clarified questions about the portable pizza oven, tables and chairs that he loans out for non-profit organizations. He said that his father told him that whatever you do charitable in life is rewarded in heaven. He has a portable pizza oven to raise money for his brother's foundation and is run by South Lake Schools to give out scholarships to students. He also rents out tables and chairs and he sends in donations. He mentioned that 32 scholarships worth about \$22,000 were gifted out. This is ethical and has nothing to do using this Council seat. He has done this long before he was on City Council at St. Germaine Festival and Art Fair to raise money for scholarships. This is something that he would like to continue to do. He offered to demonstrate how it works to whoever is interested. He is proud of this.

## **16. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)**

**Council Member Walby** stated that the House passed Legislation that permits the State Treasure to train 150 Emergency Managers to assist the communities that are in financial straights. The powers they will have are frightening. He stated things are tough and they're going to get tougher.

Mr. Walby said the President of the Police Officer's Association used the word layoffs, he can't recall in twelve years laying off Police Officers.

Mr. Walby stated that he will not take a drug test. He doesn't have anything to hide. He does not do drugs. He understands that he is a public official, but where does it ever stop. He has some rights.

Mr. Walby stated that changes have to be made everywhere. We have declining property values and declining State Shared Revenues. We have Increasing costs in health care and pension. We are trying to do the best we can to run the City. We only asked for a reduction of 5% of Police wages, which they refused to do. He feels that the Police Officer's Association is using "scare tactics" by making comments that thirty police officers will be replaced with non-officers. He feels that we haven't asked for much from the Police Officer's Association and they thumbed their noses at the other employees who gave 5% of their wages.

Mr. Rubello announced the spaghetti dinner to be held on March 10, 2011, to benefit the Memorial Day Parade.

**Mayor Hison** passed.

## **17. CITY MANAGER'S REPORT**

Mr. Hughes discussed the Harper Avenue project between 13 Mile and 14 Mile Roads. The Macomb County Road Commission eliminated the City's cost share. They have met with Macomb County concerning Harper Avenue from 9 Mile Road to 11 Mile Road. The crack sealant will be 50% City cost.

Mr. Hughes mentioned the Budget Session on Saturday, March 19, 2011 and the Study Session on Monday, March 28, 2011.

Mr. Hughes announced that an American Red Cross blood drive will be held on April 6, from 10:00 a.m. to 3:45 p.m.

## **18. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)**

Bob Fetter, St. Clair Shores Resident, commented that after he spoke at the last meeting he was verbally attacked on the City's Facebook page by a Councilperson. He and every other resident has the right to speak their mind without being attacked. He mentioned how a former Councilperson was slandered and received no apologies as of yet. This disrespectful behavior must stop. The pattern is clear here, if you disagree, you are met with public attacks.

Jamie Victory, St. Clair Shores Resident, thanked Mr. Rubino for his hard work. He thinks the attacks that happened are horrible. He thinks Mr. Rubino has done a great job as Councilmember.

Jack Doerr, St. Clair Shores Resident, suggested that the City put the Ethics Ordinance suggestions in the paper and have residents vote on them. This would offer a direction of the best way to go.

Daniel L., St. Clair Shores Resident, said he lives directly behind Roy O'Brien Ford. Roy O'Brien Ford purchased the property next to his property. The house on this property was torn down after a water leak issue. Since then Roy

O'Brien Ford removed the wall that was between this property and their dealership. He is not sure what their intentions are with this property now that the house has been torn down, but he heard that they want to make a park for their employees to use. His attorney has contacted the City Manager on this issue and he has not received a response yet.

Rick Swanquist, St. Clair Shores Resident, said he was disappointed because he wanted to see the City move forward with the Ethics Ordinance. He would like the Ethics Ordinance to include sub-committees. He and his business were slandered by one former Councilmember and one current Councilmember. He hopes that these personal attacks would cease by Councilpersons. He is not against the Police and Fire unions. He disagrees with the people that are coming up to retirement working a lot of overtime in their last three years to increase their pension. He said the Police Officer's union hasn't really given up anything yet.

Erin Stahl, St. Clair Shores Resident, wished her father and mother a happy anniversary. Nothing will stop her from saying her peace. She said if public officials lie, cheat or steal, they should go to jail. She thinks the majority of Council are here for the residents.

## **18. AUDIENCE PARTICIPATION (Cont'd)**

Chris Vitale, St. Clair Shores Resident, thanked the DPW employee who assisted him recently. He brings issues to Council in order to get things corrected because he is concerned that people will start moving away if these issues aren't corrected. He discussed homes that have issues in his neighborhood.

Gary Crandall, President of Police Officer's Association, said that he heard that Council gave direction to hire civilians for police department positions. This is something that should have come to the police unions. In the Police Officer's Association negotiation, they offered 15% in rollback wages and 8% in concessions. We offered other options than the flat 5% in wages, we did try. They do not want Code Enforcement moved to the Police Department. He explained the reason they submitted a Freedom of Information request for the emails of certain Council Members and not others is that Councilman Frederick was against moving Code Enforcement to the Police Department and Mayor Hison announced he is retiring.

Keith Bammel, St. Clair Shores Resident, said he doesn't think it's fair to compare our Ethics Ordinance to Detroit's Ethics Ordinance because Detroit has full time Council Members and we have part time Council Members. He was disappointed with attacks on Mr. Rubello.

Don Lopsinger, St. Clair Shores Resident, stated that Council Members' comments should be limited to five minutes as audience members' comments are limited. He has never attacked Council Members. He has never publicly accused anyone without proof of being a communist. As a veteran of the cold war he believes that the City was wrong in allowing a Memorial Day Parade participant to participate in the parade. The Memorial Day Parade is to honor our fallen heroes and he is highly upset that a float was allowed to enter the parade by the round table. He asked that Council restore the Memorial Day Parade integrity and not allow the round table to enter a float in the parade this year.

Bryan Murphy, St. Clair Shores Resident, commented that the City has excellent Police, Fire, services, and recreation. He hopes all departments can come together so they can continue to provide these for the residents.

## **19. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8 (c) AND (e) Goraiczuk v St. Clair Shores**

**Motion by Rubino, seconded by Walby to enter Closed Session by State Statute MCLA 15.268 Section 8 (c) and (e) at 11:32 p.m.**

A roll call vote was taken.

Ayes: All – 6

Absent: McFadyen

**Motion by Frederick, seconded by Rubino to return to Open Session at 12:12 a.m.**

Ayes: All – 6

Absent: McFadyen

**Motion by Rubino, seconded by Frederick to direct the City Attorney to proceed as discussed regarding Goraiczuk v St. Clair Shores.**

Ayes: All – 6

Absent: McFadyen

## **20. ADJOURNMENT**

**Motion by Frederick, seconded by Rubino to adjourn at 12:13 a.m.**

Ayes: All – 6

Absent: McFadyen

(THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD.)

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ROBERT A HISON, MAYOR

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MARY A. KOTOWSKI, CITY CLERK