

Proposed Minutes
CITY OF PERRY REGULAR COUNCIL MEETING
PERRY COMMUNITY BUILDING

This institution is an equal opportunity provider, and employer.

REGULAR CITY COUNCIL MEETING HELD VIRTUALLY THROUGH ZOOM AND IN PERSON ON MARCH 18, 2021

INVOCATION PRESENTED BY DEANNA SHAW

PRESENT: COUNCILMEMBERS, MINDY GALBAVI, ADAM GRASS,
LARRY LAMBERT AND BOB PORTER;
AND CITY CLERK, DEVIN MILLER

ABSENT: MAYOR, SUSAN HAMMOND

ALSO PRESENT: STUDIO 130, ALEX MALLOY

Mayor Pro-Tem Grass called the meeting to order at 7:00 p.m.
Mayor Pro-Tem led the Pledge of Allegiance.

APPROVAL OF AGENDA:

03-18-21-01

Moved by Lambert, seconded by Galbavi that the agenda be adopted as printed. Carried, all yes.

READING AND APPROVAL OF THE MINUTES:

03-18-21-02

Moved by Porter, seconded by Lambert that we suspend the rules, waive the reading and approve the minutes from the March 4, 2021 regular meeting. Carried, all yes.

COMMENTS FROM THE PUBLIC:

None.

COMMUNICATIONS:

Email was read from Porter regarding the committee with the Historical Society.

MAYOR REPORTS:

Mayor Pro-Tem reported that there are two council seats open and to contact the Mayor if someone is interested.

COMMITTEE REPORTS:

Grass, Chair of Finance & Ordinance stated that the committee has completed the sign ordinance and will be working on the possible zoning violations.

Lambert, Chair of Business & Technology stated that they have

met with staff and moving forward with changes to website.

PRESENTATION AND APPROVAL OF THE BILLS:

03-18-21-03

Moved by Lambert, seconded by Porter that we approve the bills as presented and that payment be authorized. Carried, all yes.

OLD BUSINESS:

Discussion-Create DDA

03-18-21-04

Moved by Porter, seconded by Galbavi to take no action. Carried, all yes.

Possible Workshop for DDA

03-18-21-05

Moved by Porter, seconded by Galbavi to take no action. Carried, all yes.

Possible Approval for CIB to Show DDA Estimate of Tax Capture of DDA

03-18-21-06

Moved by Lambert, seconded by Galbavi to take no action. Carried, all yes.

Discussion-Zoning Violation Recommendations, Finance & Ord. Report

03-18-21-07

Moved by Grass, seconded by Lambert to take no action. Carried, all yes.

Discussion of 2021 City Events

Council discussed future events, stated that National Night out will be discussed at next meeting with Chief of Police and was informed that a car/bike show is being put together to happen on the third weekend of September.

NEW BUSINESS:

Possible Approval of Arborist's Service

03-18-21-08

Moved by Lambert, seconded by Grass that we approve the service of "The Plant Doctor" to access trees located on the Macqueen house property and authorize payment of services for an amount not to exceed \$200.00. Carried, all yes.

Possible Approval of Reimbursement to Historical Society

03-18-21-09

Moved by Lambert, seconded by Grass that we approve the reimbursement to the Historical Society for repairs approved at the March 4, 2021 meeting and we authorize the reallocation of \$4800.00 from general funds to Macqueen House Building and Grounds 101-269.000-931.000 for a total amount of \$4900.00. Discussion. Carried, all yes.

Possible Amendment to Perry City Council Rules of Procedures

03-18-21-10

Moved by Galbavi, seconded by Porter that the following Amendments to the Perry City Council Rules of Procedure be adopted:

Comments from the Public & Public Participation

The public is invited to attend and the Council shall make every effort to engage in discussion with the public participation in the meeting. The presiding officer shall announce "Anyone wishing to comment on any matter may do so during Public Comment or during "Any Other Business That May Come Before Council." Public comments shall be limited to no more than five (5) minutes per person during any call for public comment.

Council Committees

- Minutes. Each Committee or Work Group Chairman shall attend meetings and cause minutes to be kept. Voice recording of each meeting shall be made for committees of more than three (3) members by chairman and then kept by the Clerk for twelve (12) months. The Mayor shall be an ex-officio member of each work group without vote.

Carried, all yes.

Possible First Reading of ZO Amendment No. 352 Re: Signs

03-18-21-11

Moved by Lambert, seconded by Porter that Zoning Ordinance amendment #352 regarding signs and which reads as follows be placed on the next agenda for possible adoption:

The City of Perry Ordains,

Section 13.12 Sign Regulations Applicable to all Districts is amended and the below cited Section shall be inserted as follows,

SECTION 13.12 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. It shall be unlawful for any person to erect, place,

maintain, or continue the use of a sign upon any lands in the City except in accordance with the provisions of this Ordinance. Any sign that is not expressly allowed under an applicable provision of this Ordinance is prohibited.

B. Permit. Unless otherwise provided by this Ordinance, no sign may be installed or utilized until and unless the City has issued a Sign Permit for it. The following shall be submitted to the Zoning Administrator prior to the issuance of a Sign Permit:

1. A complete Sign Permit Application,
2. Plans and specifications for the sign,
3. The payment of any required fee or fees.

C. All permanent signs shall be stationary, securely anchored or fastened to the ground or a structure, and shall be designed and constructed to withstand a ninety (90) mile per hour ground wind load.

D. Signs shall pertain only to the business or activity conducted on the premises, except for political signs and City of Perry special event signs.

E. No sign shall be placed in, extend into, or obstruct clear vision in any public right-of-way.

F. All signs shall be designed and constructed to be stable and capable of withstanding wind loads to avoid being blown from their intended display location.

G. General Setbacks. Unless a different setback is specified for a particular sign elsewhere in this Ordinance, all signs must be set back at least ten (10) feet from a road right-of-way and twenty (20) feet from all other property boundaries.

H. No wall sign shall project above the roof line.

I. Landscaping. If the base portion of a free-standing sign is elevated above ground level it shall be landscaped with low maintenance plants. Such landscaping may be placed in stone, masonry or treated wood bases or containers to achieve a pleasant aesthetic arrangement. Such landscaping shall be reasonably maintained at all times.

J. Traffic Hazards. No sign may be constructed, erected, displayed, maintained, reconstructed or located so that it creates a hazard for vehicle or pedestrian traffic. If the Shiawassee County Road Commission, State of Michigan traffic engineers, or the City of Perry determines that any sign is a traffic hazard, the Zoning Administrator shall notify the owner to remove the sign. In determining whether a sign may be causing a traffic hazard, the Zoning Administrator may consider, but is not limited to, the following:

1. Height, area, supporting structure, and distance from ground level of the sign;
2. Lighting of the sign;

3. Location of the sign in relation to roads;
4. Drives, points of ingress and egress, parking areas, sidewalks, and other vehicular or pedestrian access ways;
5. Location of the sign in relation to nearby buildings and structures; and
6. If it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or be distracting to motorists.

K. Illumination. All signs for which illumination is permitted may be illuminated by a direct or indirect source of light, provided the light source is shielded in a manner so that no direct rays or glare emanating from the light source is visible from any public right-of-way or from the abutting property. No direct light or significant glare from a sign shall be cast onto any property that is zoned and used for residential purposes or onto any public way so as to cause interference with traffic safety. In no case shall any sign be illuminated by open spark or flame. Reflectors, lights, and other forms of illumination shall be permitted, but no sign or any part thereof shall move, nor shall the illumination thereof be by anything other than a steady, continuous burning bulb or light except for informational LED signs. Illumination of LED lighted signs must be reduced between 11 PM and 6 AM when sign is adjacent to residential properties. In no case shall any sign illumination exceed a level of illumination of five hundredths (0.05) of a foot candle, and a luminaire brightness of one thousand six hundred (1,600) foot lamberts, when measured from the nearest adjacent property line.

L. Maintenance. All signs shall be properly maintained in good condition and reasonable repair at all times. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts must be replaced in a timely fashion. The Zoning Administrator has the authority to order the repair or removal of any sign that is unsafe, as defined by the Michigan Building Code or its successor code.

M. Out-of-Business Establishment. If a sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and the sign faces shall be removed, covered or replaced with blank faces within sixty (60) days after written notification from the City of Perry to the sign owner, owner of the property where the sign is located, or other party having control over the sign. Any expense incurred by the City incidental to removal shall be paid by the sign owner, owner of the property or other party having control over the

sign. The expenses associated with sign removal may constitute a lien upon the property to be collected in the same manner as real property taxes.

SECTION 13.13 SIGNS NOT REQUIRING A PERMIT

The following signs shall be permitted in any Zoning District within the City of Perry without the necessity of obtaining a sign permit, subject to the requirements stated herein:

A. House numbers legible from the street, and name plates (apartment, fraternal, social, and professional) identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in display surface area.

B. "For Sale" signs attached to vehicles.

C. Flags bearing the official design of a nation, state, municipality, business, institution, or organization and seasonal, decorative flags.

D. Traffic or other Municipal signs, and private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

E. Park and playground signs.

F. Political signs, subject to the following:

1. They shall not exceed eight (8) square feet in total area.

2. They shall be removed within ten (10) days following the election to which they pertain.

3. They shall not be placed closer than one hundred (100) feet from any polling place entrance.

G. One (1) temporary, non-illuminated real estate sign per lot, advertising the sale or lease of property or buildings, subject to the following:

1. It shall not exceed four (4) square feet in surface display area.

2. It shall be removed within thirty (30) days after completion of the sale or lease of the property.

3. No such sign shall be placed closer than ten (10) feet from the road right-of-way.

H. Temporary construction signs, subject to the following:

1. One (1) construction sign may be erected on the site where work is scheduled to begin.

2. The total surface display area shall not exceed thirty-two (32) square feet.

3. The height shall not exceed eight (8) feet.

4. Placement shall be ten (10) feet inside the property boundaries to which the sign pertains.

5. Construction signs shall not be erected until a building permit has been issued for the building or project which is

the subject of the proposed sign and construction activities have begun.

6. Construction signs shall be removed within fifteen (15) days after the issuance of an occupancy permit for the building or structure which is the subject of the construction sign.

I. Trespassing, safety, discretionary, caution, or announcement signs each not exceeding two (2) square feet in area.

J. One (1) non-illuminated sign attached to a residence, announcing a home occupation or professional service, not to exceed four (4) square feet in surface area and attached flat against a building wall.

K. Garage or yard sale signs and special occasion or event signs in residential districts, so long as they are displayed not more than five (5) days prior to the event or sale they are advertising and shall be removed not more than one (1) day after the event or sale.

L. Signs announcing the sale of produce each not exceeding six (6) square feet in area.

M. Signs placed in windows, so long as they do not exceed twenty-five (25%) percent of the window in which they are displayed.

N. Signs that have been approved in conjunction with a valid Zoning Compliance Permit for any main use as detailed in an approved site plan.

O. Temporary sign advertising a business performing work on the premises where the sign is displayed. Sign cannot exceed four (4) square feet in surface area. Sign must be removed promptly when work has been completed.

P. Community special event signs, not exceeding sixteen (16) square feet in total area, may be permitted for a period not to exceed thirty (30) days for any single event. No more than five (5) such signs shall be permitted for any single event and such signs shall be removed within two (2) days of the end of the event. (Note: Moved from Section 13.14.A.1)

Q. One (1) A-frame sign per business location, subject to the following regulations:

a) The sign shall not exceed eight (8) square feet in total area with a maximum height of four (4) feet.

b) All sign workmanship shall be of a professional nature and maintained in good repair.

c) All signs must be stable and capable of withstanding wind loads to avoid being blown from their intended display location.

d) The A-frame sign may be placed against the building, on the sidewalk, or within the landscape

abutting the business. A minimum pedestrian clearance of four (4) feet of unobstructed sidewalk shall be maintained (per American Disabilities Act). In no case can an A-frame sign be placed on the landscape strip between the outer edge of the sidewalk and the street curb nor on /in the planter boxes.

R. Pole Banner Signs

- a) One (1) pole banner sign per business location. Pole banner signs are not allowed in Central Business District.
- b) The sign shall not exceed eight (8) square feet in total area with a maximum height of eight (8) feet.
- c) All sign workmanship shall be of a professional nature, maintained in good repair.
- d) All signs must be stable and capable of withstanding wind loads to avoid being blown from their intended display location.
- e) All signs must express a statement about the business or activity conducted on the premises.

SECTION 13.14 SIGNS REQUIRING A PERMIT

A. The following signs shall be permitted in any Zoning District within the City of Perry, pending approval from the Zoning Administrator.

1. On-site directional signs, not exceeding four (4) square feet in total area per sign, and not greater than three (3) feet in height, located at least five (5) feet from any right-of-way line. No more than two (2) directional signs per road frontage are permitted for any property or use.
2. An institutional bulletin board may be located on the premises to which the sign pertains, provided it does not exceed fifty (50) square feet in surface display area.
3. Lawful Nonconforming Signs. The regulations for lawful nonconforming signs are contained in SECTION 4.06 of this Ordinance.

B. In addition to the signs permitted in SECTION 13.14A, the following signs shall be permitted in all Residential Districts within the City of Perry, pending approval from the Zoning Administrator:

1. One (1) entrance way sign of up to thirty-two (32) square feet in total area and no more than eight (8) feet in height is permitted at major entry points to residential developments. The sign may be illuminated. The sign may contain only the name of the subdivision or development and developer.
2. One (1) sign may be placed flat against the main

building, announcing the identification of an apartment development, and such sign shall not exceed twelve (12) square feet in surface display area. Such a sign may be illuminated, provided that the source of the light is not visible beyond the property lines of the parcel upon which it is located.

3. One (1) internally illuminated monument sign of up to thirty-two (32) square feet in total and no more than eight (8) feet in height is permitted for places of religious worship, schools, and parks.

C. In addition to the signs permitted in SECTION 13.14A, the following signs shall be permitted in the Central Business District within the City of Perry, pending approval from the Zoning Administrator:

1. One (1) projecting sign of up to sixteen (16) square feet per business location.

2. One (1) wall sign per business location, not exceeding ten percent (10%) of the building face to which it is attached. The wall sign allotment may be placed on any building face. Awning signs shall be considered as part of the wall sign allotment.

D. In addition to the signs permitted in SECTION 13.14A, the following signs shall be permitted in the Commercial Business and Mixed Use Districts within the City of Perry, pending approval from the Zoning Administrator:

1. Free-Standing Signs

a) Two (2) on-site advertising signs per business not exceeding one hundred forty (140) square feet in surface area. A commercial business shall be permitted an additional free-standing sign for every fifty (50) feet of road frontage over one hundred (100) feet of road frontage on the property, with a maximum of four (4) signs per business.

b) Free-standing signs shall be located in the front yard with the leading edge of the sign setback at least ten (10) feet from the right-of-way line.

c) The bottom of free-standing signs shall be not less than six (6) feet in height from ground level whenever location of the sign to the road may create a traffic hazard by obstructing clear view and the top of the sign shall be no higher than thirty (30) feet from the ground.

2. Wall and Marquee Signs

a) One (1) wall or marquee sign shall be permitted per building, not exceeding fifteen percent (15%) of the building face to which it is attached.

b) Wall signs shall be placed flat against the main building or parallel to the main building on a canopy and may only face public streets or parking areas which are part of the development.

c) Wall and Marquee signs shall not project above the roof line or cornice.

3. Projecting Signs

a) One (1) projecting sign shall be permitted per building, with a surface display area not exceeding one and one-half (1 ½) square feet for each linear foot of the building frontage, with a maximum of fifty (50) square feet.

b) Projecting signs shall be attached directly to a building by means of building mounts or hung from a mast arm. These support members may also include decorative appurtenances, but external bracing such as guy wires and metal framework shall be prohibited.

c) Signs must project at a ninety (90) degree angle to the building surface to which they are attached.

d) Projecting signs shall not project beyond the minimum required setback line or into or over the street right-of-way.

e) The minimum clearance of a projecting sign over a sidewalk shall be nine (9) feet.

4. Electronic Signs

a) Electronic signs may be free-standing, wall, or projecting signs. These signs shall adhere to the surface display area and setback requirements described in their respective categories above, Section 13.14D, subsections 1, 2, and 3. Illumination requirements shall conform to SECTION 13.12K.

5. Service Station Signs

a) Gasoline service stations shall be permitted one (1) double-sided, freestanding sign indicating only the price and grade of gasoline, as shown on the pumps. Neither side shall exceed sixteen (16) square feet in surface display area.

b) The sign shall be permanently attached to the support pole of the freestanding sign.

c) Service station signs shall be attached with the bottom of the sign no lower than six (6) feet from ground level.

6. Parking Lot Signs

a) One (1) directional sign at each point of ingress or egress shall be permitted, which may bear the sponsor's ad, name or trademark, the enterprise it is

intending to serve, and directions for movement.
(Reference Section 13.14.A.2 for size and height requirements)

7. Individual Letter Signs

a) Signs consisting of free-standing, individual letters or numbers identifying a business shall be permitted, provided that the letters do not extend over two (2) feet above the roof line or cornice line of the building, and that the letters do not exceed two (2) feet in height.

E. Signs shall be permitted in the Natural Features Overlay, respective to the underlying zoning district.

F. In addition to the signs permitted in SECTION 13.14A, the following signs shall be permitted in the Mobile Home Park District within the City of Perry, pending approval from the Zoning Administrator:

1. Residential entrance-way signs, not exceeding thirty-two (32) square feet are permitted for residential developments. One (1) sign for each major public street frontage may be provided. Signs shall not exceed eight (8) feet in height.

2. Internally illuminated monument signs of up to twenty four (24) square feet for institutional uses such as places of religious worship, schools, and parks. Signs shall not exceed eight (8) feet in height.

G. In addition to the signs permitted in SECTION 13.14A, the following signs shall be permitted in the Industrial Districts within the City of Perry, pending approval from the Zoning Administrator:

1. Signs shall pertain exclusively to the business occupying the property.

2. One (1) free-standing sign identifying an industrial complex, located at the entrance, not exceeding one hundred (100) square feet in surface display area.

3. Signs may be illuminated, subject to SECTION 13.12K.

4. One monument sign is permitted per property of up to fifty (50) square feet.

5. Signs shall be setback from the street right-of-way a minimum of ten (10) feet and from side property lines a minimum of ten (10) feet.

6. Signs shall not project above a roof line or cornice line.

H. PUD Signs. Only signs approved by the Planning Commission and City Council in authorizing the Planned Unit Development shall be allowed.

SECTION 13.15 SIGNS PROHIBITED

A. The following types of signs are expressly prohibited:

1. Any sign that has flashing, intermittent, or blinking lights or strobes except for informational LED signs.
2. Signs imitating or resembling official traffic or governmental signs or signals.
3. Abandoned signs, which shall be removed within sixty (60) days of the cessation of the business, use, or activity.
4. A rotating or moving sign in which the sign itself or any portion of the sign moves in a revolving or similar manner, excluding barber shop poles, which are permitted.
5. Vehicle signs not used during the normal course of a lawful business that are parked or located for the primary purpose of displaying the advertisement.
6. Snipe signs - (A sign which is attached to trees, poles, fences, wire frames, or other objects, and the advertising matter appearing thereon is not applicable to the present use or activity of the premises upon which the sign is located.)
7. Any sign that obstructs free access to or egress from a required door, window, fire escape, or other required exit from a building or structure.
8. Any sign which makes use of the words "Stop," "Look," or "Danger," or any other words, phrase, symbols, or characters, in such a manner as to interfere with, mislead, or confuse drivers or any other sign constituting a driving hazard.
9. Roof signs.
10. Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings which are not larger than one-half ($\frac{1}{2}$) square foot.
11. Off-premise signs, unless expressly permitted in this Ordinance.
12. Any sign not expressly permitted by this Ordinance.
13. Billboards

B. No business vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the road.

SECTION 13.16 SIGNS EXEMPTED

A. The following signs shall be exempt from the provisions of this Chapter:

1. Governmental signs.
2. Signs for essential services.

3. Historical markers.
4. Memorial signs or tablets.

Carried, all yes.

Set Public Hearing for Grant Funding from USDA

03-18-21-12

Moved by Porter, seconded by Grass that we set a public hearing for Thursday, April 1, 2021 at 7:15pm at the City of Perry Community Center to hear comments on the possible acceptance of grant monies from the USDA towards a portion of a Perry Police Vehicle and Department of Public Works Equipment. Carried, all yes.

Discussion of Map for 2021 "Ross De Lau Perry's Pride" Award

Council determined their individual sections of the city that they will be judging for "Ross De Lau Perry's Pride" award and "Put Your Best Face Forward" award 2021. This judging begins in May and runs through October.

ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL:

PUBLIC COMMENT- Resident thanked Council's support of the Macqueen House.


Porter stated that he would like council to add to agenda the consideration of hiring a firm to inspect and assess the lead base in the Macqueen House and also consider a Grant Consultant.

Lambert stated that he would like council to consider the idea of adding a City Bulletin Board at the Carl's Super Market location and will be having a follow up discussion with the Mayor.

ITEMS FOR NEXT AGENDA:

1. Discussion-Create DDA
2. Possible Workshop for DDA
3. Possible Approval for CIB to Show DDA Estimate of Tax Capture of DDA
4. Discussion-Zoning Violation Recommendations, Finance & Ord. Report
5. Discussion of 2021 City Events
6. Possible Approval to Hire Firm to Inspect Macqueen House Lead Levels
7. Possible Approval to Hire Grant Consultant

ADJOURNMENT: 8:06 P.M.


 Adam Grass, Mayor Pro-Tem 03/19/21
Date


 Devin Miller, Clerk 3/23/21
Date