

CITY OF FENTON

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FENTON PLANNING COMMISSION MINUTES

City Hall Council Chambers
Thursday, June 22, 2023
7:00 P.M.

Vice Chair Csapo called the meeting to order at 7:05 p.m.

ROLL CALL

Present: Siwik, Senyko, Csapo, Anderson, Stickel, Grossmeyer
Absent: Steffey, Campbell, Rossmassler
Others Present: Jason Payne, Building/Zoning Administrator, Justin Sprague CIB
Planning & Consulting, City Manager, Lynn Markland

MINUTES

Commissioner Siwik asked for a correction to his statement made at the last meeting *asking if there was a way to inventory existing signs that will be grandfathered*. Correction noted. The following motion was then made:

Motion by Senyko, supported by Anderson, to approve the corrected minutes from the April 27, 2023. Motion passed.

BUSINESS

A. CITY OF FENTON SIGN ORDINANCE DISCUSSION

Justin Sprague, CIB Planning, stated the Planning Commission has before them a drafted sign ordinance that has a number of amendments, changes, additions, and corrections in it. Due to the sign industry constantly changing, the sign makers are pushing the envelope to become more decorative and creative signs that sell their product. The first 7-8 pages are the definitions of signs which is very intentional. The City needs to make sure we speak clearly about regulating signs. Secondly, with court cases that have occurred through the Supreme Court, there has been a change in how signs can be regulated. We cannot regulate the content of any sign; it is a 1st Amendment violation of constitutional free speech. So, what is left is placement of signs, types of signs, location and lighting of signs. Within this ordinance, the

The city wanted to make sure that we are compliant with the Supreme Court's decisions and that we are truly regulating the location, size, materials, lighting, etc., and nothing to do with content.

With that, this ordinance is prepared with insight from staff, legal counsel and others that have had a working knowledge of the sign ordinance. The two things of concern tonight is the fact that this ordinance will permanently ban all future new changeable message signs. In previous ordinances, we tried to tighten things up by saying these signs can't have videos, only one color, along with the sign only changing every 30 seconds which has become an enforcement nightmare. Due to these reasons, we have decided to remove the changeable signs and any signs that are out there now, would be grandfathered in, if this is adopted. If this type of sign had to be replaced, a digital message sign would no longer be allowed.

This brings up the digital gas station signs that are technically digital changeable message signs when changing the pricing of gas. So, if we approve digital changing signage being removed, does this mean we are then banning gas stations from having digital gas pricing signs? So, we need to have discussion and clarification regarding this matter. Sprague's solution is that we specifically define in the definition sections what we consider to be a digital pricing and separate it from a changeable message sign so there is a name for it and it has a specific description of what it is and does. Obviously, we want this authored and approved by legal counsel, but he feels this is the easiest solution to separate these two items.

The second item of importance is the neon or tube light signs that are banned in the downtown district. We need to have discussion on whether the downtown district is enough, or do we need to expand elsewhere in the city; some direction is needed on this as well.

Besides those items, the changes presented are just clarification with adding some new graphics, along with more detailing graphics for sign measurements and how signs are being measured.

Commissioner Csapo noted that in this document which talked about prohibiting changeable messaging signs, it says, "except where required by another governmental entity." He looked up state law which does regulate gas station signs, but it doesn't explicitly say that it requires gas stations to have signs but it does imply that if they do have them, it lists the requirements which basically centers around truth and advertising and details about what the actual prices are and that type of information. Csapo added regarding gas stations, his concern would be we would automatically render every gas station in town to have a non-conforming sign and then we paint ourselves into a corner in the future whenever we have a gas station that wants to improve their sign, they would be prohibited from doing so because we excluded that sign as being permissible. He agrees with Mr. Sprague's decision to add into the definition section a definition crafted by legal counsel that defines what a gas station price sign is. Members agreed to having this specifically defined by counsel regarding digital gas price changing to be allowed in the ordinance.

There was further discussion regarding the changeable message and neon signage that were addressed by members. A request was made for Jason Payne, Building Official, to do an inventory of these signs, which he stated he would have for everyone at the next meeting.

Mr. Sprague stated he would note changes and bring it to the next meeting for more discussion since there were some members that were absent and were not able to give their input. Hopefully after the July meeting, we will be able to make the necessary changes, have the public hearing in August, and send a recommendation on the changes to City Council for review and adoption.

CALL TO THE AUDIENCE

No one this evening.

ADMINISTRATIVE ITEMS

_____ Nothing this evening.

CIB ITEMS

Nothing this evening.

COMMISSION MEMBER ITEMS

_____ There was discussion on new and future activity happening in the city.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Respectfully submitted by,

Linda Davis

Recording Secretary