

CITY of NOVI CITY COUNCIL

Agenda Item D
December 21, 2009

cityofnovi.org

SUBJECT: Approval of Sign Ordinance Text Amendment 09-100.39, to amend Chapter 28, Signs, of the City of Novi Code in order to increase the frequency that the text or message on a changeable copy sign can change. The proposed ordinance will modify the standard from a maximum of one text change per minute to four text changes per minute. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development ^{Bart} Department - Planning

CITY MANAGER APPROVAL

BACKGROUND INFORMATION:

The attached strike-through version of the Sign Ordinance provides amendments recommended by staff, the City Attorney's office and the City Council's Ordinance Review Committee. The proposed changes relate to the frequency of change in copy for changeable copy signs.

As stated in the attached memo from the City Manager's office, the changeable copy section of the sign ordinance was previously considered for modification in the Spring of 2008. The City Council asked the Council's Ordinance Review Committee to evaluate the recommendations made for the allowable frequency of the message change, which was once per minute. The Ordinance Review Committee confirmed the one minute rotation was suitable, and recommended that ordinance standard to the City Council. City Council agreed with the Committee's recommendation and adopted the Sign Ordinance on May 12, 2008.

Following the installation of the city's LED message board on Ten Mile Road, the City received numerous positive comments about the sign's use as a citizen communication tool. A suggestion was forwarded from the City's Communication Director, Sheryl Walsh, to increase the frequency of rotation from once per minute to once every 15 seconds. No other changes are proposed to this section (no moving or flashing graphics, no animation, etc.). The attached memo goes on to say that staff does not think the revision would compromise the safety or aesthetic considerations behind the ordinance provision as a whole.

The Planning Commission held a public hearing on November 18th, 2009 and recommended approval of the proposed amendment.

The City Council approved the first reading of the text amendment at the December 7, 2009 meeting. Draft minutes of that meeting are attached.

RECOMMENDED ACTION: Approval of Sign Ordinance Text Amendment 09-100.39, to amend Chapter 28, Signs, of the City of Novi Code in order to increase the frequency that the text or message on a changeable copy sign can change. The proposed ordinance will modify the standard from a maximum of one text change per minute to four text changes per minute. **SECOND READING**

	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 09-_____

AN ORDINANCE TO AMEND CHAPTER 28, "SIGNS," OF
THE CITY OF NOVI CODE TO INCREASE THE
FREQUENCY THAT THE TEXT OR MESSAGE ON A
CHANGEABLE COPY SIGN CAN CHANGE.

THE CITY OF NOVI ORDAINS:

PART I

That Chapter 28, "Signs," Section 28-1, "Definitions," shall be amended to change the definition of "Changeable copy sign" to read as follows:

(5) *Changeable copy sign* means a sign designed so the copy can be changed either manually or electronically, while the surface of the sign remains unchanged. The images and messages displayed electronically on the sign must be static, and the transition from one static display to another must be instantaneous without any special effects. A sign on which the message changes more than ~~one time per minute (60 times per hour)~~ four times per minute (once every 15 seconds) shall be considered an animated sign.

PART II

Savings Clause. That the amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART III

Severability. That should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART IV

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V

Effective Date: Publication. That the provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the _____ day of November, 2008.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

ADOPTED:

EFFECTIVE:

PUBLISHED:

1317575

COMMUNICATION FROM CITY ADMINISTRATION



MEMORANDUM

TO: ORDINANCE REVIEW COMMITTEE
FROM: CLAY J. PEARSON, CITY MANAGER
SUBJECT: LED MESSAGE BOARD TIMING
DATE: SEPTEMBER 22, 2009

City Council was asked to consider a change to the Sign Ordinance, specifically to the changeable copy signs (LED Message Board), in April 2008. After thoughtful consideration, City Council directed the Ordinance Review Committee to evaluate the recommendation for the frequency of the message change that would be allowable, which was once per minute. The Ordinance Review Committee confirmed the one minute rotation was suitable, and recommended that the uses permitted to have such signs be permitted to make message changes no more than once per minute, for a maximum of 60 times per hour. City Council agreed with the Committee's recommendation and adopted the Sign Ordinance text amendment at its May 12, 2008 meeting.

We now find ourselves in a position to request looking at the subject Sign Ordinance provision once again. The City has had positive comments since installing the LED message board along Ten Mile Road. By all accounts, it appears to be a successful citizen service communication. We have abided by the one minute provision. Attached is a suggestion by Sheryl Walsh to change the frequency rotation from once per minute to once every 15 seconds. There is no proposed change to any of the other substantive limitations on such signs (no moving, flashing graphics, no animations, etc.), and therefore we do not think that the revision would compromise the safety or aesthetic considerations behind the ordinance provision as a whole. Perhaps the ORC can consider asking for a full City Council referral or consideration on this matter.

Pearson, Clay

From: Walsh, Sheryl
Sent: Thursday, September 10, 2009 6:52 AM
To: Pearson, Clay
Subject: LED Message Board

Clay,

Many positive comments have been received about the new LED Message Board in front of the Civic Center and I believe it will fast become a valuable communication tool.

Currently, we have nine different messages rotating through the message board queue (cityofnovi.org, Senior Variety Series, Over the Limit Under Arrest, Engage! in mailbox, September is Library Card sign up month, etc.). Under the City's ordinance, the message can change only one time per minute, thus it takes motorists nine minutes to view all messages.

Over the past several weeks, several staff have reviewed the sign rotation/timing. Although I realize the ordinance was recently amended to the current time limits, I am hoping you would consider having the Ordinance Review Committee take another look at the rotation time. A possible time change of once every 15 seconds is recommended.

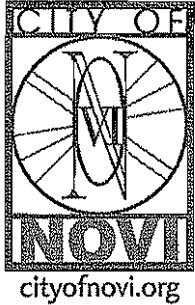
If you have any questions, please let me know.
Sheryl

Sheryl Walsh
Director of Communications
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

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**PLANNING COMMISSION MEETING
MINUTES – EXCERPT
NOVEMBER 18, 2009**



Excerpt from DRAFT PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

Wednesday, November 18, 2009 | 7 PM

**Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475**

CALL TO ORDER

The meeting was called to order at 7:00 PM.

ROLL CALL

Present: Members David Baratta, David Greco, Brian Larson, Michael Lynch, Michael Meyer

Absent: Members Victor Cassis (excused), Andy Gutman (excused), Mark Pehrson (excused), Leland Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Jana Pritchard, Planner; Lindon Ivezaj, City Engineer; David Beschke, City Landscape Architect; Doug Necci, Façade Consultant; Kristin Kolb, City Attorney

PUBLIC HEARINGS

1. SIGN ORDINANCE TEXT AMENDMENT 09-100.39

Public Hearing for Planning Commission's recommendation to City Council for an ordinance to amend Chapter 28, "Signs," of the City of Novi code to increase the frequency that the text or message on a changeable copy sign can change.

Planner Pritchard stated that an amendment to the Sign Ordinance that pertains to changeable copy signs, or LED Message Boards, has been prepared by the City Attorney's Office. This section of the Ordinance was previously reviewed in April 2008, at which time the City Council's Ordinance Review Committee determined that a one minute message rotation was appropriate for changeable copy signs. The City Council agreed with the Committee's recommendation and adopted the Sign Ordinance on May 12, 2008. Since then, it has been suggested that the rotation frequency should occur once every 15 seconds rather than once per minute. This suggestion has been made based upon the positive response that the City's LED message board has received as a citizen communication tool. The proposed text amendment that would accommodate this adjustment has been recommended by the Community Relations Staff and the Council's Ordinance Review Committee. No other changes to this section of the Ordinance have been proposed. This evening, the Planning Commission is asked to hold a public hearing in order to forward a recommendation to the City Council regarding this matter.

Member Greco opened the public hearing and asked for any public comment or written communications. Hearing none, the public hearing was closed.

Commissioner Baratta stated that he noticed that the text on the sign in front of the school was changing more than once every minute and wondered whether it was adjusted to see the impact on traffic. It would appear to change almost once every seven to ten seconds. Member Baratta did not notice any negative impact on traffic.

Deputy Director McBeth stated that the school has had their sign for a while, and the school has determined the rate of change of copy on that sign. Staff has not heard any negative effect on the traffic on Ten Mile Road from that sign. The intent of the ordinance amendment is to allow an increase in the frequency in change up to four times per minute for all changeable copy signs in the City.

Moved by Member Baratta, seconded by Member Lynch:

In the matter of Sign Ordinance Text Amendment 09-100.39, a motion to recommend approval to City Council for an ordinance update to Sign Ordinance Text Amendment 09-100.39 to allow changeable copy signs to change up to four times per minute.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL OF SIGN ORDINANCE TEXT AMENDMENT 09-100.39:

In the matter of Sign Ordinance Text Amendment 09-100.39, a motion to recommend approval to City Council for an ordinance update to Sign Ordinance Text Amendment 09-100.39 to allow changeable copy signs to change up to four times per minute. *Motion carried 5-0.*

**CITY COUNCIL MEETING
MINUTES DRAFT – EXCERPT
DECEMBER 7, 2009**

**REGULAR MEETING OF THE COUNCIL OF CITY OF NOVI
MONDAY, DECEMBER 7, 2009 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD -
DRAFT**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE: Webelos I from Cub Scout Pack 50, Deerfield
Elementary 4th Graders
Den Leader: David Verellen
Kevin Blossfeld, Connor Bradley, Sean Cornellier,
Nick Forkey, Jonathan Lee, Ethan Liu, Dylan Murray,
Kiran Rushton, Clay Simmon, Buddy Verellen,
Maxwell Weng, Saud Zahoor

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer,
Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Tom Schultz, City Attorney
Rob Hayes, Public Services Director
Barbara McBeth, Planning Director

APPROVAL OF AGENDA

CM-09-12-147 Moved by Margolis, seconded by Gatt; **CARRIED UNANIMOUSLY:** To
approve the Agenda as presented.

Roll call vote on CM-09-12-147	Yeas:	Landry, Gatt, Crawford, Fischer, Margolis, Mutch, Staudt
	Nays:	None
	Absent:	None

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Sign Ordinance Text Amendment 09-100.39, to amend Chapter 28, Signs, of the City of Novi Code in order to increase the frequency that the text or message on a changeable copy sign can change. The proposed ordinance will modify the standard from a maximum of one text change per minute to four text changes per minute. First Reading**

Mr. Pearson said that the City was trying to keep with the times and as the ordinance had been reviewed, it would allow 15 second for the changeable message board sign to change versus the minute that was currently available.

CM-09-12-150 Moved by Staudt, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To approve Sign Ordinance Text Amendment 09-100.39, to amend
Chapter 28, Signs, of the City of Novi Code in order to increase the
frequency that the text or message on a changeable copy sign can

change. The proposed ordinance will modify the standard from a maximum of one text change per minute to four text changes per minute. First Reading

Roll call vote on CM-09-12-150	Yeas:	Margolis, Mutch, Staudt, Landry, Gatt, Crawford, Fischer
	Nays:	None
	Absent:	None