



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
NOVEMBER 12, 2019, 7:30 P.M.
MINUTES – APPROVED WITH CORRECTIONS**

PRESENT: Mayor Ron LaPorte, Councilors: Patrice Martin, Jason La Fever, Vicki Platt, and Steve Hegedus.

ABSENT: Joe Frontiera and Rob Splane

OTHERS PRESENT: Energy Department Superintendent – Mike Schiller, BioPure Superintendent – Paul Cutter, Police Officer – Brian Hintz and Deputy City Clerk - Cheri Eisenlohr. See attached list for others in attendance.

Mayor LaPorte called the meeting to order at 7:30 p.m., following the roll call, the Mayor lead the Council in the pledge of allegiance.

The Mayor advised the room that agenda items 11, 12, and 14 would be tabled due to the absence of the City Manager.

A motion was made by Ms. Platt to approve the agenda, supported by Mr. La Fever. The minutes from October 22, 2019, regular meeting, was motioned by Mr. Hegedus to accept and supported by Ms. Platt. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Public Hearing – Amendment No. 1 to City of Hart Tax Increment Dev. Plan and Tax Increment Financing Plan –
 - A public hearing was opened at 7:35 pm. Ms. Martin spoke regarding the proposed TIFA Amendment.
 - Mr. Aaron Corey asked several questions that were answered by Ms. Martin.
 - The Public Hearing closed at 7:40 pm.
- Mr. George Sadler asked about the rules for posting notices regarding public meetings. He was advised that there is an 18-hour rule for the posting of notices prior to the start of those referenced meetings.

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter: A written report was provided.
- Police Chief, Juan Salazar: Absent. A written report was provided; Officer Hintz had nothing more to add.
- DPW Superintendent, Brad Whitney: Absent
- Energy Superintendent, Mike Schiller:
 - Gustafson's is working on the undergrounding on Oceana Drive.
 - A pole was struck by a car during the recent storm causing a power outage for a short time.
 - To date, 1243 meters have been installed.
 - Leaves have caused issues at the dam.
 - Mr. Schiller advised that the new program provides valuable data.

- Interim Mainstreet Manager, Christine: Absent

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEE:

BILLS, CLAIMS, PAYROLL:

Bills totaled: \$766,000.52 Payroll totaled: \$58,195.78 Grand Total: \$848,334.29

A motion was made by Mr. Hegedus and supported by Ms. Platt to approve bills, claims, and payroll in the amount stated.

Ayes: 5 Nay: 0 Absent: 2

ACTION ITEMS:

CITY MANAGER, LYNNE LADNER PRESENTED THE FOLLOWING:

Memo

To: Mayor and City Council
 From: Lynne Ladner
 Date: 11/8/19
 Re: Resolution 19-70 Accept bids for Pocket Park construction

On October 14th, bids were opened for the construction of the Downtown Pocket Park. The City received two bids, from Greenstone General Contracting in the amount of \$328,289.85 and Hallock Contracting in the amount \$620,505.15. The MEDC, City Engineer and City Staff have reviewed the bids and determined that they meet the specifications, are complete and ready for acceptance by the City. This resolution does not award the contract as the final grant agreement with the State has not been executed, and awarding the contract prior to that execution would place the full burden of the project on the City without grant funding.

It is my recommendation that the Council adopts Resolution 19-70, accepting the bids for the Downtown Pocket Park construction.

Lynne

**RESOLUTION 19-70
 Hart City Council
 City of Hart, Michigan**

ACCEPT BIDS FOR CONSTRUCTION OF THE DOWNTOWN POCKET PARK

WHEREAS, the City of Hart has published notice of bid solicitation for the completion of the Downtown Pocket Park and

WHEREAS, the City has received bids from Greenstone General Contracting in the amount of \$328,289.85 and Hallock Contracting in the amount \$620,505.15; and

WHEREAS, the bids have been reviewed by the MEDC, the City’s engineers and City staff been determined to be complete and meet the requirements of the project;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Accept the bids for the Downtown Pocket Park.

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted by the Hart City Council at a regular council meeting held on November 12, 2019.

Ayes: 5 Nays: 0 Absent: 2

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council
From: Lynne Ladner
Date: 11/8/19
Re: Resolution 19-71 Accept bids for demolition of former DPW building and award project

The City published a notice to accept bids for the demolition of the Water Works building, also known as the former DPW building at 1010 S State St. as a result of the recent collapse of a portion of the rear exterior wall. Bids were received from Ken Adams Excavating in the amount of \$14,874.00 and Hallack Contracting in the amount of \$20,142.00.

The entity that is awarded the project will be responsible for obtaining the necessary demolition permit for this project. The low bid was provided by Ken Adams Excavating in the amount of \$14,874.00.

It is my recommendation that the Council adopts Resolution 19-71, accepting the bids for the demolition of the former DPW building and award the project to Ken Adams Excavating in the amount of \$14,874.00.
Lynne

**RESOLUTION 19-71
City of Hart, Michigan**

BIDDING PROCESS AND ACCEPT BID FOR DEMOLITION OF FORMER DPW BUILDING

WHEREAS, the City of Hart owns the brick structure located on parcel 020-344-004-00 which was formerly used for the Public Works Departments; and

WHEREAS, the structure has become unsafe due to portions of the back wall collapsing leaving the interior exposed and an attractive nuisance; and

WHEREAS, the City requested bids for the demolition of the structure and only received bids from Ken Adams Excavating in the amount of \$14,874.00

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Quotes were received from Ken Adams Excavating in the amount of \$14,874.00 and the original bid from Hallack Contracting in the amount of \$20,142.00

Moved by Mr. Hegedus, supported by Ms. Martin, and thereafter adopted at the regular City of Hart City Council meeting on November 12, 2019.

Ayes: 5 Nays: 0 Absent: 2

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

TABLED

**RESOLUTION 19-72
Hart City Council
City of Hart, Michigan**

**ADOPT AMENDMENT NO. 1 TO CITY OF HART TAX INCREMENT DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN**

WHEREAS, the City of Hart and the Tax Increment Financing Authority Board have reviewed and drafted the Development Plan and Financing Plan; and

WHEREAS, the City has notified all the property owners in the district and held a public hearing for the intent of hearing comments from members of the district and other interested parties ; and

WHEREAS, all input has been considered for the finalization of the Development Plan and Financing Plan;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Adopt Amendment No. 1 to City of Hart Tax Increment Development Plan and Tax Increment Financing Plan.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on November 12, 2019.

Ayes: Nays: Absent:

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council
From: Lynne Ladner
Date: 11/8/19
Re: Resolution 19-73 Authorize a transfer of Energy Department funds from Shelby State Bank Savings account to a 12 MONTH MONEY MARKET account at Shelby State Bank

The City of Hart currently has cash reserve funds from the Energy department invested in a Public Funds Premium Savings account with Shelby State bank in the amount of \$203,118.30 earning 0.12% interest. Shelby State Bank is currently offering two different options that will provide the City with a greater investment return on their reserves, for Money Market accounts in excess of \$25,000 earning 1.5% interest rate for 12 months or a 14-month CD account special for accounts over \$1,000 earning 1.35%

If the Council were to choose the CD there would be a penalty if the City needed to access the funds in less than 14 months, the money market account would keep the money accessible, but if the account were to drop below \$25,000 there would be a substantial reduction in the earned interest rate. The Energy Department has adequate reserves for current operation and planned projects for the next 14 months which allows the Council flexibility in choosing how they would like to invest these funds.

It is my recommendation that the Council adopts Resolution 19-73 Authorizing the transfer of Energy Department funds from the Shelby State Bank Public Funds Premium Savings Account in the amount of \$203,118.30 to a 12-month Money Market account at Shelby State Bank.
Lynne

**RESOLUTION 19-73
Hart City Council
City of Hart, Michigan**

AUTHORIZE TRANSFER OF ENERGY DEPARTMENT FUNDS FROM SHELBY STATE BANK SAVINGS ACCOUNT TO A MONEY MARKET ACCOUNT WITH SHELBY STATE BANK

WHEREAS, the City of Hart has cash funds totaling \$203,118.30 in a Public Funds Premium Savings account earning 0.12% interest; and

WHEREAS, the Shelby State Bank has notified the City that they currently have an interest rate special for Money Market accounts in excess of \$25,000 earning 1.5% interest for 12 months which allows the funds to remain liquid and available without penalty or a 14 month CD account special for accounts over \$1,000 earning 1.35% but if necessary to access the funds in less than 14 months would incur a penalty; and

WHEREAS, it is the responsibility of the City to maximize the investment income from reserve funds;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Authorize transferring cash reserves held by the Shelby State Bank for the Energy Department in the amount of \$203,118.30 from the Public Funds Premium Savings account to a 12 MONTH MONEY MARKET ACCOUNT.

Moved by Ms. Platt, supported by Ms. Martin, and thereafter adopted by the Hart City Council at a regular council meeting held on November 12, 2019.

Ayes: 5 Nays: 0 Absent: 2

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council
From: Lynne Ladner
Date: 11/8/19
Re: Resolution 19-74 Authorize Lion's Club to construct a Performance Shelter at the Hart Commons

The City of Hart has received a request to permit Lion's Club to purchase materials and construct a 16 X 10 open performance shelter with slanted roof in the Hart Commons the Concerts on the Commons coordinator has submitted supporting documentation to identify the need for the performance shelter to provide shelter from the elements and increase the potential for lighting to expand the uses of the shelter and commons areas.

The Lion's club has solicited a materials estimate and is willing to provide the labor for the construction of the shelter with the only costs associated with the project to the City being the extension of electric service to the shelter to provide additional outlets for performances and the addition of lighting in the shelter to expand the uses and times that the Commons can be utilized. It is my recommendation that the Council adopts Resolution 19-74 authorizing Lion's Club to construct a 16 x 10 open performance shelter with slanted roof in the Hart Commons and to coordinate with the Hart Energy Department for the installation of the necessary electric infrastructure for the structure.

Lynne

**RESOLUTION 19-74
Hart City Council
City of Hart, Michigan**

AUTHORIZE LION’S CLUB TO CONSTRUCT A PERFORMANCE SHELTER AT HART COMMONS

WHEREAS, the City of Hart has received a request to permit Lion’s Club to purchase materials and construct a 16 X 10 open performance shelter with slanted roof in the Hart Commons; and

WHEREAS, the Concerts on the Commons coordinator has submitted supporting documentation to identify the need for the performance shelter to provide shelter from the elements and increase the potential for lighting to expand the uses of the shelter and commons areas ; and

WHEREAS, this is a good community project that will benefit the residents;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Authorize Lion’s Club to construct a 16 x 10 open performance shelter with slanted roof in the Hart Commons and to coordinate with the Hart Energy Department for the installation of the necessary electric infrastructure for the structure.

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted by the Hart City Council at a regular council meeting held on November 12, 2019.

Ayes: 5 Nays: 0 Absent: 2

Passed contingent upon receiving engineered drawings.

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council
From: Lynne Ladner
Date: 11/8/19
Re: Ordinance 19-05 Zoning Ordinance Text Amendment Chapter 1259 Signs – First Reading

After many iterations and considerable discussion regarding sign regulations within the City of Hart, the planning commission on Nov. 7th held a public hearing and voted to recommend Ordinance 19-05 Zoning Ordinance Text Amendment, Chapter 1259 Signs. This is the first reading of the ordinance if there are no substantial changes to the ordinance it will be in front of the Council for second reading and final approval on November 26th. It is my recommendation that the Council approves the first reading of Ordinance 19-05.
Lynne

**CITY OF HART
ORDINANCE NO. 19-05
ZONING ORDINANCE TEXT AMENDMENT- CHAPTER 1259 SIGNS**

At a regular meeting of the Hart City Council held at City Hall on the _____ day of _____, 2019, at _____ p.m.

PRESENT: _____
ABSENT: _____

The following ordinance was offered by _____ and supported by _____:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

ZONING ORDINANCE TEXT AMENDMENT- CHAPTER 1259 SIGNS

Section 1. Chapter 1259 Signs. Chapter 1259 is amended in its entirety, to read as follows:

**CHAPTER
Signs**

1259

- 1259.01 Purpose.
- 1259.02 Definitions.
- 1259.03 Signs permitted in all districts.
- 1259.04 Residential districts.
- 1259.05 Commercial districts.
- 1259.06 Industrial districts.
- 1259.07 Design, construction and location standards.
- 1259.08 Portable or movable signs.
- 1259.09 Measurement of signs.
- 1259.10 Nonconforming signs and signs accessory to nonconforming signs.
- 1259.11 Sign permits.

1259.01 PURPOSE.

The purpose of this chapter is to provide a framework within which the identification and informational needs of business and industry can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained in this chapter to give recognition to the legitimate needs of business, industry, and other activities in attaining their identification and informational objectives. Unrestricted signage does not benefit either the private sector or the community at large.

1259.02 DEFINITIONS.

The following words shall have the meanings as set forth below.

- (a) "Banner" means a piece of cloth, plastic, or similar material, generally of a long rectangular shape affixed at both ends.
- (b) "Community special event sign" means a portable sign which is erected for a limited time that is sponsored by a governmental agency, school or other group which is non-profit and whose purpose is charitable, philanthropic, religious or benevolent.
- (c) "Flag" means a piece of cloth or bunting of a square or short rectangular shape affixed at one end.
- (d) "Free standing sign" means a sign which is not attached to any other structure.
- (e) "Ground sign" means a type of freestanding sign in which the entire bottom is in contact with the ground or is very close to the ground, such as on a constructed foundation or a brick or block base.
- (f) "Governmental flag" means a flag bearing the name, logo, or other official design of a nation, state, municipality, nonprofit institution, or nonprofit organization.
- (g) "Illuminated sign" means a sign that provides artificial light directly or indirectly from a source of light.
- (h) "Institutional bulletin board" means a bulletin board established by a non-profit agency, church, public agency, city, township, county, state, or federal government.
- (i) "Marquee sign" means a sign attached to a marquee, canopy, or awning projecting from and supported by a building, above sidewalk level.

- (j) "Monument sign." See "ground sign."
- (k) "Pole sign" is a type of free standing sign mounted on or more poles, posts or pylons, other than a constructed foundation or base, so that the bottom edge of the sign face is elevated above the average grade.
- (l) "Portable sign" means a free standing structure not permanently anchored or secured to either a building or the ground, capable of being moved from place to place.
- (m) "Projecting sign" means a double-faced sign attached to a building or wall that extends in a perpendicular manner more than 12 inches, but not more than 48 inches from the face of the wall or building.
- (n) "Sandwich board sign" means a temporary sign structure placed on the ground that consists of two (2) back-to-back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position.
- (o) "Temporary yard sign" means a sign that is not permanently affixed to the ground and is of a design and construction that is not intended to be of a permanent nature.
- (p) "Wall sign" means a sign attached directly to or painted upon a building parallel to the building wall.
- (q) "Window sign" means copy or emblems that are painted or otherwise attached to the window surface.
- (r) "Electronic display sign" means a sign or portion of a sign with a fixed or changing display composed of a series of lights that may be changed in color or intensity through electronic means.

1259.03 SIGNS PERMITTED IN ALL DISTRICTS.

The following signs shall be permitted in all districts without requiring a building or sign permit, subject to the requirements stated below.

- (a) Wall signs on homes and buildings not exceeding four square feet in surface display area.
- (b) Governmental flags.
- (c) Traffic or other municipal signs and notices. Private traffic control signs which conform to the Michigan Manual of Uniform Traffic Control Devices.
- (d) Institutional bulletin boards not exceeding thirty-two square feet in surface display area.
- (e) Park, playground, and other governmental signs.
- (f) Community special event signs are permitted in any district, subject to the following restrictions:
 - (1) One community special event sign located on the lot on which the special event is held. Up to two such signs however may be located off the premises.
 - (2) The display of such signs shall be limited to the fourteen days immediately preceding the special event which is being advertised.
 - (2) Such signs shall have a maximum size of thirty-two square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of fifteen feet. The front setback shall be as required for signs in the district in which the sign is to be located.
 - (4) Such signs shall be removed within forty-eight hours of the conclusion of the special event which is being advertised.
- (g) One temporary sign not exceeding thirty-two square feet in surface display area per subdivision development, which shall be removed upon the sale of ninety percent of the lots in the development.
- (h) Sandwich board signs: Placement and size to be determined as to not impede traffic, right of way, or vision of traffic.
- (i) Temporary yard signs.
 - (1) Maximum number. Two per lot or parcel. However, within a timeframe from thirty days prior to an election to three days after, there is no restriction on the number of temporary yard signs. During this timeframe, the maximum size of each temporary yard sign is thirty-two square feet and the maximum height is six feet. Signs related to elections are prohibited within one-hundred feet of an entrance to a polling place.
 - (2) Maximum size. Twelve square feet total for all signs.
 - (3) Maximum Height. Four feet.
 - (4) Illumination. Not permitted.
 - (5) Per Section 1259.07 (c), temporary yard signs are prohibited in public right-of-way.

1259.04 RESIDENTIAL DISTRICTS.

Any sign not expressly permitted is prohibited.

- (a) One non-illuminated wall sign identifying a home occupation not exceeding four square feet in surface display area.
- (b) One permanent development entry sign, not exceeding thirty-two square feet in surface display area, limited to the name of the development or developer, providing the sign is harmonious in appearance with the existing and intended character of the general vicinity and within the community as a whole.
- (c) One wall sign placed on the main building of the apartment development. Such sign shall not exceed thirty-two square feet in surface display area and may be illuminated.
- (d) For permitted uses other than dwellings, one ground sign per parcel not exceeding thirty-two square feet and eight feet in height. Such sign shall be setback at least five feet from the edge of the right-of-way line.

1259.05 COMMERCIAL DISTRICTS.

Any sign not expressly permitted is prohibited.

- (a) One free standing sign per parcel, unless otherwise stated, subject to the following standards:
 - (1) Pole sign not exceeding 64 square feet in sign face surface display area. Pole signs shall be located in the front yard. The leading edge of the sign may be placed at the right of way line. The bottom of such signs shall be at least eight feet from the average grade with the top of the sign no higher than 20 feet. This sign may be illuminated.
 - (2) Ground sign not exceeding 48 square feet in sign face surface display area. Ground signs shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average

grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate road frontages. Along Polk Road, ground signs are limited to 90 square feet in sign face surface area and a height no higher than ten feet above the average grade.

(b) Wall signs shall not exceed twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and shall not extend above the cornice or roof line. Wall signs shall be placed only upon the principal building and shall face public streets or parking areas which are on the same premises. These signs may be illuminated.

(c) One temporary banner per building not exceeding sixteen square feet in surface display area.

(d) One flag per lot not to exceed thirty square feet in surface display area. When displayed, such flags shall be affixed to a building or placed in the ground in a permanent mounting. Flags shall be located in a manner that does not interfere with the safe use and operation of motor vehicles or in pedestrian use of public areas, nor create a nuisance to the general public in any way. Advertising flags under this section do not require a sign permit.

(e) One marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.

(f) One projecting sign per building with the surface display area not exceeding one and one-half square feet for each lineal foot of building frontage up to a maximum of sixty-four square feet. Projecting signs shall be attached directly to a building by means of building mounts or from a mast arm. Projecting signs must project at a ninety degree angle to the building surface to which it is attached and shall not project above the cornice or roof line. The lowest point of a projecting sign, including guy wires and metal framework shall not be less than ten feet above the ground level. Projecting signs shall not extend beyond the minimum required setback line or into and over a public right-of-way, except for projecting signs in the B-2 Zone.

(g) A gasoline service station may, in addition to the above, have one, two-sided, on-premise sign indicating price and grade of fuel not exceeding thirty-two square feet in surface display area. Directional signs over individual doors or bays not exceeding three square feet per sign are also permitted. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be allowed.

(h) One parking lot directional sign at each point of ingress or egress for the enterprise it is intended to serve. Each sign shall not exceed four square feet in surface display area.

(i) One, double or single sided, on premise electronic display sign in all business and commercial areas.

(j) Window signs shall be permitted.

1259.06 INDUSTRIAL DISTRICTS.

Any sign not expressly permitted is prohibited.

(a) Signs in the D-1 Zone shall be subject to the following regulations:

(1) One free standing sign per parcel, unless otherwise stated, subject to the following standards:

A. Pole sign not exceeding 200 square feet in sign face surface display area. Such signs shall be located in the front yard with the leading edge of the sign at least 20 feet back of the right of way line. The bottom of such sign shall not be any lower than two feet nor any higher than ten feet from ground level. This sign may be illuminated.

B. Ground sign not exceeding 48 square feet in sign face surface display area. Ground signs shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate frontages.

(2) One wall sign per building face, not exceeding two per building, with the surface display area not exceeding twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and shall not extend above the cornice or roof line. Wall signs shall be placed only upon the main building and may only face public streets or parking areas which are on the same premises. These signs may be illuminated.

(3) One marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.

(4) One directional parking lot sign at each point of ingress or egress shall be permitted for the enterprise it is intended to serve. Surface display area, per sign, shall not exceed four square feet.

(5) One free standing sign identifying the development near the entrance to an industrial complex. Such signs shall not exceed 200 square feet in surface display area. The bottom of these signs shall not be any higher than two feet nor any higher than ten feet from ground level and shall be a minimum of twenty feet from any street right-of-way.

(b) Signs in the D-2 Zone shall be subject to the following regulations:

(1) Freestanding signs shall be setback a minimum of fifteen feet from the front lot line and shall not exceed thirty square feet in area or four feet in height.

(2) Signs attached to the building shall be attached flat to the building and shall not exceed 100 square feet in area.

(c) Window signs shall be permitted.

1259.07 DESIGN, CONSTRUCTION AND LOCATION STANDARDS.

(a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather.

(b) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly or indirectly onto traffic or adjacent or nearby properties.

(c) Signs shall not be placed in, upon or over any public right-of-way, alley, or other place, except as may be otherwise permitted by the City or Michigan Department of Transportation.

(d) A sign shall not be erected in any place where 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 constitute a nuisance.

(e) A sign shall not contain any moving or animated parts except for barber poles.

(f) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

(g) Corner clearance and visibility.

(1) Signs shall not be erected, established or maintained on a corner lot that will obstruct the view of a driver in a vehicle approaching the intersection.

(2) At a street intersection, an unobstructed corner shall mean the triangle formed by a line connecting two points, located on the intersecting right-of-way lines, measured 25 feet from their point of intersection.

(3) At a driveway/street intersection, a sign shall not be erected, established or maintained where it will obstruct vision between a height of three and ten feet within a triangle formed by the intersection of the right-of-way line and a driveway. This triangle is defined by a line connecting two points, one located on the right-of-way line and the other on the edge of the driveway. The two points shall be located 15 feet from the intersection point of the right-of-way line and the edge of the driveway.

1259.08 PORTABLE OR MOVABLE SIGNS.

Any sign, excluding those specifically provided for, not permanently anchored or secured to either a building or the ground, including but not limited to "A" frame, "T" frame, inverted "T" frame, or those mounted on wheeled trailers shall be prohibited.

1259.09 MEASUREMENT OF SIGNS.

(a) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.

(b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

(c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

1259.10 NONCONFORMING SIGNS AND SIGNS ACCESSORY TO NONCONFORMING USES.

(a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this chapter as of the date of the adoption of this chapter, is hereby deemed to be nonconforming.

(b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained, repaired and restored so as to continue the useful life of the sign.

(c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing its status as a legal nonconforming sign.

(d) If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds fifty percent of the appraised replacement cost of the entire sign prior to the loss, as determined by the City. If the estimated cost of restoration or replacement exceeds fifty percent of that appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this chapter prior to further use.

1259.11 SIGN PERMITS.

(a) No sign shall be erected, replaced, altered, enlarged, illuminated, changed in purpose, or relocated without first obtaining a sign permit. Permits shall not be required for signs specifically exempted, temporary yard signs, window signs, banners, and the copy of changeable letter signs. Signs exceeding thirty-two square feet in surface display area shall require a building permit prior to erection. An electrical permit shall be required for any sign utilizing electricity.

(b) An application for a sign permit shall be made through the City Clerk by submission of a form provided by the City. The application can be made by the owner of the property or by any other interested party with the owner's consent.

(c) The Zoning Administrator shall review all sign permit applications and issue permits only for those applications fully meeting ordinance requirements. The Zoning Administrator shall, absent extenuating circumstances, render a decision within five full working days of receipt of a completed application submittal.

Section 2. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: _____
NAYS: _____

ORDINANCE DECLARED ADOPTED.

Cheryl Rabe
City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Cheryl Rabe
City Clerk

FIRST READING: 11/12/19
MOTION BY MS. MARTIN, SUPPORTED BY MR. LA PORTE.
5 AYES, 0 NAYS, 2 ABSENT

SPECIAL EVENTS PERMIT:

- Home for the Holidays Lighted Christmas Parade and Community Tree Lighting:
 - Ms. Martin made a motion to approve the permit, supported by Mr. Hegedus, all ayes; the motion was carried.

DISCUSSION ITEMS:

- Tabled

CITY MANAGER REPORT:

- Tabled

CITY ATTORNEY'S REPORT:

- The closed session was tabled.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Appoint Scott Hegg to the TIFA Board.
 - Mr. La Fever made a motion to approve Mr. Hegg for the TIFA board, supported by Ms. Martin, all ayes, the motion carried.

There being no further business to come before the Council, the meeting adjourned at 8:05 p.m., upon motion by Ms. Martin and supported by Ms. Platt. The next regular meeting is November 26, 2019, at 7:30 p.m.

Respectfully Submitted



Deputy City Clerk