

PRESIDENT BURKE: On the motion made by Clmn Vaughn to put the motion back on the agenda, all in favor signify by saying Yea. Any opposed?

AYES: Vaughn, LaMalfa, Nenadovich, Glenn, Suster, Burke

ABSENT: Dudley

CLMN GLENN: I have a question.

PRESIDENT BURKE: Mr. Glenn. You have a question.

CLMN GLENN: I did in regards to voting Nay. Should it not be the President of Council if somebody is going to be absent shouldn't they go through you and not to another Councilperson?

PRESIDENT BURKE: Absolutely. That's the reason why I voted Nay.

CLMN GLENN: OK.

PRESIDENT BURKE: Thank you, Mr. Glenn. There was previously a motion out there to, I believe, to deny at this time, by Clmn Vaughn but you had withdrawn that motion, Mr. Vaughn. Do you want to clarify? Do you want to continue to make the motion? Or since it's withdrawn, I think that the correct procedure if you want to make a motion is to make the new motion that you had previously withdrawn.

CLMN VAUGHN: I'm trying to remember exactly how I worded the last one.

PRESIDENT BURKE: You had worded that, %a withdraw my motion. I would recommend that we deny at this time,+according to the Minutes, according to what I have.

CLMN VAUGHN: At this time, I would like to make a motion to deny the request of True North at this time.

PRESIDENT BURKE: OK. To clarify, Clmn Vaughn, when you say you'd like to make a motion to deny, do you mean to deny the variance?

CLMN VAUGHN: Yes.

PRESIDENT BURKE: So that if we vote Yes to deny that would be a Yes vote to have to force True North to put a new sign in?

CLMN VAUGHN: Correct.

PRESIDENT BURKE: And if you vote Nay, it would be a vote to allow him to keep the sign that they have now?

CLMN VAUGHN: Correct.

PRESIDENT BURKE: OK. On the motion made by Clmn Vaughn to deny the motion at this time, all in favor signify by saying Yea. Any opposed?

AYES: Vaughn, LaMalfa, Nenadovich, Glenn, Burke

NAYS: Suster

ABSENT: Dudley

PRESIDENT BURKE: OK. Roll call vote on the motion itself as far as whether or not we are voting Yea to deny the variance or Nay to deny the variance. Mr. Glenn, did you have a question?

CLMN GLENN: I do have a question. This meeting was put on short notice. I had several calls from residents asking me what's going on. We have nobody in the audience except for two people. We should be open about this here. It should be a public discussion at a regular meeting where we have residents here.

PRESIDENT BURKE: With all due respect, Mr. Glenn, I believe that two weeks should be more than enough time for residents to consult with us on this. Do you not agree?

CLMN GLENN: They have consulted me. This is not a regular scheduled meeting.

PRESIDENT BURKE: Absolutely it is. I scheduled it two weeks ago.

CLMN GLENN: A Special Meeting. I'm talking about our Regular second and fourth Meetings of the month.

PRESIDENT BURKE: We are having this meeting to address this particular topic.

CLMN GLENN: We have nobody here.

PRESIDENT BURKE: That's not because they didn't know about it.

CLMN NENADOVICH: Mr. Chairman, on your explanation of the motion, you said Yea and Nay means the same thing. You said for both issues. Would you clarify a Yes vote and a No vote?

PRESIDENT BURKE: Yes. If you vote to deny the variance at this time, a Yes vote would be Yes, you are denying the variance, which means that the True North folks would have to change their sign.

If you vote No to deny the variance, well if you vote Yes to deny the variance that means.

CLMN NENADOVICH: Point of Order. To grant the variance. Not deny.

PRESIDENT BURKE: Right.

CLMN NENADOVICH: That was the mistake I was questioning.

PRESIDENT BURKE: So if you were voting to deny the variance at this time if you are voting Yes, that means you are going to grant. (Excuse me, you're getting me all messed up.) You are denying the variance, which means that you are making it to where they have to change their sign.

CLMN NENADOVICH: And if I vote No, I am allowing to keep the sign and grant the variance.

PRESIDENT BURKE: So does that clarify the motion as we know it to be true right now? Does everybody understand how this vote is going? Yes, Mr. LaMalfa.

CLMN LAMALFA: No means they keep the pole sign. Yes means they get rid of the pole sign.

PRESIDENT BURKE: Correct.

CLMN LAMALFA: OK.

PRESIDENT BURKE: Mr. Glenn.

CLMN GLENN: At this time, I would like to have the secretary read the ordinance in full.

PRESIDENT BURKE: Which ordinance are you referring to?

CLMN GLENN: The one that is currently in place--Ordinance 1140.1 Non-conforming Signs and Transition Period.

PRESIDENT BURKE: Is there a reason why you would like to have this read?

CLMN GLENN: To have it on record.

PRESIDENT BURKE: There is a motion on the floor to take a vote. At this time, I have to deny your motion and go with the motion that is out there. Barb, would you please take a roll call vote on this motion.

CLMN LAMALFA: What am I voting for?

PRESIDENT BURKE: Once again, let me just clarify. Let me clarify this for the record. I am going to make a motion at this time to vote on whether we deny or grant the variance. If you vote to deny the variance. If you vote Yes to deny the variance at this time, that means that you are forcing True North to change their sign.

If you are voting No to deny the variance, you are allowing them to keep the sign that they have. Does that make sense to everybody?

(There was a group verbal response of Yes.)

PRESIDENT BURKE: So a Yes vote means that they have to put a monument sign in and a No vote means that they are allowed to keep their sign.

Starting with Clmn Nenadovich, can you please take a roll call vote.

CLMN NENADOVICH: Before I vote, I would like to make mention that this ordinance was put in and the mechanism for granting a variance is our say. That's why we have going to Council. Council has the final say. That mechanism was put in to make an exception to the ordinance. With that, I vote No.

CLMN GLENN: Before I vote, I am going to read the Non-Conforming Sign ordinance.

Non-conforming signs may be maintained, except as hereafter set forth:
No nonconforming sign or part thereof shall be altered, modified, relocated, or changed in any manner whatsoever, unless the entire sign shall be brought into compliance with all of the provisions of this chapter, and all other applicable City laws and ordinances.

Any nonconforming sign the use of which is voluntarily discontinued for a period of at least six months shall either be removed or brought into compliance with all of the provisions of this chapter and all other applicable City laws and ordinances.

Any nonconforming sign for a property or premises that undergoes a change of use (permitted), as that term is defined in this Planning and Zoning Code, shall be brought into compliance with all of the provisions of this chapter and all other applicable City laws and ordinances. (Ordinance 03-2008. Passed January 14, 2008)

Then there is a transition.

A transition is hereby provided for a period of seven years from December 1, 2006 for all non-conforming signs. Any non-conforming sign shall be brought into conformity by the end of the transition period, November 30, 2013. During this transition period, appeals for variances from the requirements of this Chapter may be submitted to the Board of Zoning Appeals. Variances may be granted by the Board of Zoning Appeals if it is determined that a hardship exists. All signs established during the transition period shall conform to the provisions. I am going to stop there.

PRESIDENT BURKE: Mr. Glenn, if I could ask you for your vote, please?

CLMN GLENN: No, I have five minutes. I didn't have five minutes.

PRESIDENT BURKE: You do not have five minutes. Mr. Glenn, you just need to vote on the issue.

CLMN GLENN: I am not finished.

PRESIDENT BURKE: Please finish and let's go.

CLMN GLENN: It sounds like you're rushing me, Mr. President. When I took office and every Member of this Council took Council we put our hand on the Bible to conform for the laws of this city.

PRESIDENT BURKE: Very well, Mr. Glenn, will you please proceed.

CLMN GLENN: I am not finished, Mr. President.

PRESIDENT BURKE: You're out of order, Mr. Glenn.

CLMN GLENN: I have five minutes.

PRESIDENT BURKE: Mr. Glenn, you are out of order.

CLMN GLENN: I am not out of order. I have five minutes. Do you want to take my time away from me, Mr. President?

PRESIDENT BURKE: I am not taking anybody's time away. I am just asking for a vote.

CLMN GLENN: You are using my time right now.

PRESIDENT BURKE: Mr. Glenn, there's no need to raise your voice. Please vote on the issue.

CLMN GLENN: I'd finish my statement, Mr. President, if I can?

PRESIDENT BURKE: Please hurry up.

CLMN GLENN: I will hurry up.

PRESIDENT BURKE: Your time is of the essence here.

CLMN GLENN: So saying that there, the Zoning Board of Appeals did their job. They upheld the ordinances as the law is written. If we want to not permit this fact, we should change the law, not the ordinance, which we all said we were going to uphold when we swore on the Bible. Saying that there, I vote Yes to deny.

PRESIDENT BURKE: Thank you, Mr. Glenn, for your vote.

CLMN SUSTER: Before I vote, I would just like to say I've been riding around. I see a lot of pole signs. They don't bother me that much. The ones that are bothering me are these monument signs. I go to the US Bank on Turney Road and I come out of there into traffic. There's a monument sign there that says US Bank. You can't see past it. You go over to Plymouth and Turney Road and you have the Family Dollar sign, which, here again, blocks traffic over there. I was wondering where we have these strip malls for each business that is there, would they have to put up a monument sign? Let me ask the Building Commissioner.

PRESIDENT BURKE: Mr. Moro.

BUILDING COMMISSIONER MARK MORO: Yes. I want to understand the question I am answering.

CLMN SUSTER: Say, where Woodward Beverage is.

BUILDING COMMISSIONER MARK MORO: OK.

CLMN SUSTER: They have a number of businesses there? If they want to put up a sign they have to put up a monument sign, then they have a barbershop there. Would he have to put up a monument sign? Would they all have to put up monument signs?

BUILDING COMMISSIONER MARK MORO: They would be permitted one monument sign with the businesses listed on it, not to exceed 12 feet in height.

CLMN SUSTER: OK. If they did that over there by Woodward Beverage, would that have to be in the center of the strip mall? Or would it be on one of the two ends?

BUILDING COMMISSIONER MARK MORO: The regulations require it to be 20 feet from the side lot lines so it could be towards either end, at least 20 feet on the side property line.

CLMN SUSTER: OK. Now all these other places. (Excuse me for having my eyes closed. I am not sleeping. I had some shots put in my eyes and they are just burning.) These other places that have pole signs- what are we going to do about them?

BUILDING COMMISSIONER MARK MORO: I don't know at this time what the enforcement will be. As of 2005, they were all banned. The transition period came in in 2006 and was modified in 2009, I believe. There originally was a five-year transition period and it was extended by two years to make it a seven-year transition period. That's where my research has gone.

CLMN SUSTER: But up until this time, we have done nothing with any of them. Am I correct?

BUILDING COMMISSIONER MARK MORO: Up until I came in, I think that the enforcement was not there. I have tried to enforce the ordinance as I read it since I came into office here.

CLMN SUSTER: OK. My thought on this whole deal. For the amount of money that they're willing to invest in that corner, I don't see why we wanted to not comply with what they want. I feel that if they want a pole sign, to go ahead and put up a pole sign because I think traffic-wise I think it's a lot better than having a monument sign where you're blocking people's view. With that, I vote No.

PRESIDENT BURKE: Before I vote, I would like to say, Clmn Glenn is right when it comes to what he read on that ordinance. However, that was back in 2008. The timeframe that would have expired by 2013. True North came to the city of Garfield Heights in 2015 and we granted them a permit. We did not enforce it then.

I agree with my colleague, Mr. Suster, when you look at how many businesses are in the city of Garfield Heights or and I will tell you I travel a lot. I was down in Canton today. I can't tell you how many pole signs I counted, but I will tell you the majority of the signs I see out there are pole signs.

I think that we need to be friendly to businesses that are starting to build here in Garfield Heights. We want to try to attract them. I agree, Mr. Glenn, that there is an ordinance out there. However, if we weren't going to enforce it in 2013 and 2015, why in 2019 should we do it now?

I will also go as far to say that as a Legislative Chairperson I will be putting together a Legislative Committee Meeting. We will address the sign ordinance that you were talking about, Mr. Glenn. With that, I vote No to grant the ordinance.

CLMN VAUGHN: Before I vote, I'm very torn on this for many reasons. First of all, the Zoning Board we have empowered them to handle situations like this and in the nine years that I've sat up here, this is the first time we've had anything come before us. I think these people on the Zoning Board do a fine job. I give them credit for following the ordinances of the city of Garfield Heights.

My next point is new businesses have moved or remodeled and have put these monument signs in- Dunkin Donuts, Mr. Hero, Dollar General, etc. We also made McDonald's do it when they built a new store in the Garfield Commons. Arby's was another one. If we enforced it on them, I think we have to enforce it on everybody, but at the same token, I agree with what Mr. Suster is telling me that this ordinance needs to be updated and we need to make it easier for businesses to come into this community. So with that, I will vote to keep the pole sign. I vote No.

CLMN LAMALFA: I vote No.

PRESIDENT BURKE: OK. So in light of the vote, we actually have a 5 vote to 1 vote and Clmn Dudley is not here, but we do not need his vote. The variance will be granted, Mr. Turner. You will be able to keep your pole sign.

At this time can I have a motion to adjourn.

CLMN SUSTER: I'd like to make a motion that we adjourn.

CLMN LAMALFA: I second.

PRESIDENT BURKE: On the motion made by Clmn Suster and seconded by Clmn LaMalfa to adjourn tonight's meeting, all in favor signify by saying Yea. Any opposed?

AYES: Suster, Burke, Vaughn, LaMalfa, Nenadovich, Glenn

ABSENT: Dudley

The meeting is adjourned.

MEETING ADJOURNED AT 6:52 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Matthew Burke
President of Council

Barbara Molin
Clerk of Council