

**Bellaire Village Council Public Hearing
Meeting Minutes
September 2, 2015**

1. **Call to Order:** President Schulz called the meeting to order at 6:00 PM and read the public hearing notice. The purpose being to solicit comments and opinions on a proposed ordinance for the Bellaire Village Code adding Chapter 98, Obstructions on Public Sidewalks in the Central Business District.

2. **Roll Call Attendance:**

Present: Officers David Schulz, Trish Drollinger, Bryan Hardy, Dan Bennett & Eldon McPherson, Helen Schuckel & David Ciganick.

Absent: None

Staff Present: Cathy Odom, Treasurer, Lori Lockett, Clerk & Bill Drollinger, Officer.

Also Present: Patrick Boyd, John Hanson, Julie Budas, Jan Clark, Steve & Susan Morrison, Rollie & Brenda Fink, Patti Savant & Linda Gallagher.

3. **Public Hearing:**

a) **Open Public Hearing:** The public hearing was opened at 6:02 pm.

Motion by McPherson, seconded by Bennett, to open the public hearing on the sidewalk obstruction ordinance. Motion carried by voice vote.

b) **Public Comment Period:**

- **John Hanson:** Mr. Hanson verified that the 4' proposed pathway was measured from the front of the building. He verified that signs could still be placed beyond the 4' but permits would be required. He noted his concerns about moving out benches, flowers and plants. He stated concerns about sidewalk sales and the soup cook off and said that provisions for these items should be included in the ordinance if approved. He said he understands why this might need to be done and why some enforcement requirements might be needed, but urged the board not to act too quickly.
- **Brenda Fink:** Owner of Uniquely North. She stated that all they do is based on how attractive, how comfortable and how easy it is to shop. Businesses try to make their entrances look attractive and having an ordinance that would not allow this in the front of the businesses would be a mistake. They are dependent on the chairs and benches on the outside of the businesses and are used. She stated the ADA may say that you need accessibility for wheelchairs, but it doesn't say it has to be within the front of the storefronts. She said they receive positive comments on the items they have in the front of their stores.
- **Julie Budas:** The quaintness of the town and the comfortable feeling people have when they come is why they come and she has never heard anyone complain about not being able to walk through on the sidewalks. She asked that this not be passed and she feels that it would make downtown look bare, uncaring, uncomfortable and not warm.
- **Jan Clark:** She stated that she knows there has been discussion about the benches in front of the Ruthie's and said her customers need that seating. She also stated the sidewalk in front of her store is blocked due to customers standing in line waiting for service and this will be more of an obstruction than any signs out in front.
- **Patrick Boyd:** He commented that as a new business he has things out front of the store and without it no one would know he was there.
- **Steve Morrison:** He stated that he backs up what the others have said and likes to see the benches and things out by the store fronts. He has also heard comments from people about how nice things look.

- **Patti Savant:** Ms. Savant stated that there is an importance about the uniqueness of our community and it should be kept as is. She understands that there are laws and regulations when dealing with MDOT, but has found that MDOT can and does make some exemptions. She said that Tristan Cole said he would be willing to work with us if we were ever in that situation. She would like us to consider working toward how we can make it work as opposed to how it can't make it work.
- **Leslie Meyers-Letter:** Ms. Meyers could not attend the meeting, but sent in her letter of opinion on the ordinance. President Schulz read the letter.

President Schulz reviewed all comments made by the public during the public comment period.

c) **Closing of Public Comment Period:** The public comment period was closed at 6:28 PM.

d) **Deliberation:** President Schulz asked for Council Trustee opinions.

Trustee Ciganick asked what the ADA (American Disabilities Act) guidelines are for passable walkways. Clerk Luckett noted they require at least 3' of cleared pathway.

President Schulz noted the one place a wheelchair can cross the street is by the Antrim Review due to curb cuts. He also said he identified all things that would have to be removed for the public walkway to exist. He stated he has a problem with what that would do to the aesthetic value of the village. He also said that he knows the 3'- 4' pathway is a realistic need for wheelchairs to get through and understands why the room is needed. It is also important to have that space, to be ADA compliant, for acquisition of grants. He stated he doesn't want the Village to ever be in a position with the law due to violating the ADA.

Trustee Drollinger questions why we are discussing this. She doesn't see any place on the sidewalks where wheelchairs cannot get through. She said there is already an ADA law and we just remind the businesses that 3' of accessibility needs to be provided. President Schulz then asked what would happen if a business didn't provide for the clear walkway, to which Trustee Drollinger stated whoever enforces that law would handle it. Trustee Ciganick asked if anyone knew the policing section of the ADA law and discussion of who would enforce it occurred. Officer Drollinger stated that the police department would enforce it to the fullest extent that they can. He also noted that they have never received any complaints. He also said if an ordinance is going to be approved it should cover the entire Village, not just downtown.

Discussion occurred about how much space should be used by storefronts for displays. Trustee McPherson added the reason for the 50% use of storefront for display purposes deals with egress of the buildings in case of fire. Officer Drollinger stated that if use of the storefront creates a fire problem, it would be addressed with the fire code. Trustee Ciganick stated that as long as there is 3' of cleared walkway in front of every business and as long as every car parked on the road can open their door, then there is not a need for the ordinance. Trustee Drollinger said we could send a friendly letter sent to the businesses reminding them of the ADA regulations may be all we need to do.

4. **Closing Member/Public Comment:** President Schulz thanked all for attending.

5. **Adjourn:** Meeting adjourned at 6:50 pm.

Respectfully submitted:
Cathy Odom, Deputy Clerk

Minutes subject to approval.

Approved: _____

Date: _____