

**CITY COUNCIL WORKSHOP MINUTES
(RE: Sign Code Update)
Tuesday, February 4, 2016**

On Tuesday, February 4, 2016, Council President Dowless called the Edgewood City Council workshop to order at 9:00 a.m and dispensed with the invocation and Pledge of Allegiance. Council President Dowless gave a brief overview of the purpose of the workshop and then referred everyone to the draft Ordinance for discussion

The following attendance is noted:

Attendees:

Ray Bagshaw, Mayor
John Dowless, Council President
Dan Drummond, Council Member
Neil Powell, DDS, Council Member

Absent:

Mike Hendrix, Council Member
Pam Henley, Council Member

Council-Member Elect:

Lee Chotas
Susan Fortini

Staff:

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Debbie Cabales, Code Enforcement Officer
Drew Smith, City Attorney
Ellen Hardgrove, AICP

Discussion/Comments/Questions:

Reference Line 181 – In response to Council Member Elect Susan Fortini City Attorney Smith explained Scenic America, Inc.

For historical purposes, Council Member Drummond provided a brief summary as to the progression of the City’s sign code. He explained the concerns with the cost to business owners to change their signs. Planner Hardgrove confirmed that in 2002 the sign code changed to eliminate pole signs. City Attorney Smith said there was an amortization for business owners to remove their pole sign and replace with a monument sign. Mayor Bagshaw explained his concept of encasing existing pole signs so that you do not see the pole. City Attorney Smith said that the City may want to incentivized monument signs but still want some diversity so that you don’t just see monument signs. Mayor Bagshaw reminded everyone that in a past survey it was indicated that the residents want Orange Avenue cleaned up.

Council President Dowless asked City Attorney Smith to clarify the definition of billboards. City Attorney Smith clarified that the billboards currently existing in the City are grandfathered in.

Reference Lines 633-637 - Council President Dowless asked for a definition of a snipe sign. City Attorney Smith explained these signs are what you see attached to trees, street signs, poles, etc. He said they are the signs you see that might say “will pay cash for your home”.

City Attorney Smith explained a wind sign as a sign that is moveable; made to move by the wind.

Reference Line 368 – Council Member Elect Chotas asked “should other than regulatory signs be added?” Planner Hardgrove said if Council does not want to exclude the City from posting their special events sign, public signs need to be added.

Reference Lines 388-389 (Free expression signs) – and Lines 913-916 (Content neutrality) Council Member Elect Chotas asked if there are any restrictions. City Attorney Smith there is a difference in obscenity versus offensive.

Reference Lines 266 – In response to Council Member Elect Fortini’s mobile signage question, City Attorney Smith said it is okay to drive around the City but you cannot park the vehicle and use for signage.

City Attorney Smith explained that the reason there are “Whereas” clauses is because they are telling why the Council is doing what they are doing; they are regulatory. He said everything in the regulatory portion of the Ordinance is the implementation.

Reference Lines 388-389 – Council Member Drummond asked “What if the City exceeds the Supreme Court decision?” City Attorney Smith said the City will lose and pay attorney’s fees. He noted that the “Whereas” clauses are not in the Code.

Reference Lines 702-713- In response to Council President Dowless, City Attorney Smith explained the purpose of required engineered plans and the compliancy that has to meet with the Florida Building Code.

Reference Line 653 - Council Member Elect Chotas questioned vehicle signs and asked “ Where is there a restriction other than the vehicle?” Drew said the sign code is not regulating commercial vehicles. Council Member Elect Chotas noted that deed restrictions should regulate and not the City. Mayor Bagshaw said that non-HOA developments are less restrictive than HOAs. He said if there is no deed restrictions, some residents could be harmed if City Code does not address vehicle signage in the City Code.

In response to Council Member Elect Fortini, City Attorney Smith explained what a comprehensive sign plan is.

Reference Lines 944-954 - In response to Council President Dowless, City Attorney Smith said that candidates campaigning cannot stand in the right-of-way. He said (1) no off-site signage is allowed (2) pure speech is not off-site signage and (3) a campaign sign is not commercial speech.

[10:18 am Council Member Drummond left the workshop]

Reference Line 994 – In response to Council President Dowless, Planner Hardgrove explained a 30 degree angle as it relates to a two-sided sign. She said if it is a two-sided sign, the copy area is not counted twice.

In response to Council Member Elect Fortini, City Attorney Smith said the Code does provide for temporary signs, and referenced Line 1125 (banner signs).

Planner Hardgrove referenced drone signs, and City Attorney Smith said these are off site signs.

Reference Line 1063 – City Attorney Smith said a freestanding sign is not a monument sign and has less square footage. The Mayor said he and City Attorney Smith discussed moving the height of signs up 3 feet instead of the 2 feet. Planner Hardgrove used Brinkman Accounting sign as an example. City Attorney Smith said this sign is not in compliance with the current Code. It was noted that the Brinkman sign and adjacent law office sign were retrofitted. City Attorney Smith said the City can prohibit pole signs and say you can only have ground signs (Brinkman) or monument signs. The Mayor said he thinks 2 feet is too low, and has no problem with encasing a sign.

Mayor Bagshaw said he thinks the hardest thing to enforce with code is the maintenance of signs.

Council Member Elect Fortini said that she thinks there should be allowances for those businesses that are on Hansel and Orange Avenue; per side (attached signs). Mayor Bagshaw said that the calculations need to be looked at again. The McGinty’s Pub proposed signage request was reviewed and compared to current Code and proposed Code, as it relates to the affect both have on the signage. Planner Hardgrove said she thinks the size of the parcel should be calculated into signage.

Council Member Elect Chotas said he would like to tie landscape and signage together into the comprehensive sign plan, including incentives for signage based on the landscape plan. He said that the City may want to consider this for McGinty’s Pub. Discussion was held regarding the

affects a Code change could have on McGinty's sign. City Attorney Smith said he could massage the amortization as it relates to sign poles, wall signs, etc. He said the City can grandfather-in some types of violations, or do not consider them non-conforming.

Planner Hardgrove stated that she has no control over materials.

Council President Dowless summarized the discussion that was covered in the workshop included, obscene signage, political free speech and free standing signs. City Attorney Smith noted Council asked him to address signage for multi-tenant versus single tenant, consider signage per wall and square footage on wall face.

Brief discussion was held regarding feather-banners being allowed in conjunction with existing banner signs. Council Member Elect Fortini said Council may want to include in the Code that banner signs will be brought in at night.

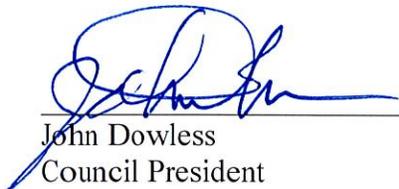
Reference Lines 944-946 – Council Member Elect Chotas questioned prohibited signs, item "P" because of the holidays. City Attorney Smith pointed out the Code allows for holiday signage/lights.

It was agreed that City Clerk Meeks will place scheduling for the next sign code workshop on the February Council agenda.

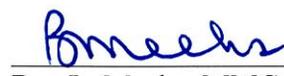
Council President Dowless John said he would like to see how the new Code affects those properties identified as a problem. City Attorney Smith said that it would also be good to take the signs the City likes and use as well.

Having no further discussion, the workshop adjourned at 12:03 p.m.

ATTEST:



John Dowless
Council President



Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approved by Council on February 16, 2016.