

CITY COMMISSION WORKSHOP

Sign Regulations

City Hall Training Room
September 7, 2010 5:30 p.m.

I. Call to Order

Mayor Fred Costello called the meeting to order at 5:32 p.m.

Present were Mayor Fred Costello, Commissioners Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Attorney Randy Hayes, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, Neighborhood Improvement Manager Joanne Naumann, Police Chief Andy Osterkamp, and Planning Director Ric Goss.

II. Sign Regulations

Ms. Joyce Shanahan, City Manager, stated that tonight's workshop would address some of the Commission's issues regarding sign regulations. She stated that staff would not discuss electronic changeable signs at this time because the Planning Board was in the process of undertaking this issue.

Allowable Signs

- A-Frame

Ms. Joanne Naumann, Neighborhood Improvement Manager, stated that all allowable signs were subject to strict criteria in relation to location, size, and permitting.

Ms. Shanahan stated that the code was amended to allow permanent, A-frame signs, which required permitting. Ms. Naumann stated that there were six permits to date.

- Construction and Development Promotional Signs

Ms. Naumann stated that these signs were allowed on a temporary basis subject to permitting requirements but usually obtained permits after-the-fact.

- Special Events Signs

Ms. Naumann stated that pennants, balloons, and flags, were permitted with a special event permit four times per year for 14 days. She stated that biggest problem they encountered was businesses displaying signs without obtaining a permit prior to opening.

- Real Estate Signs
Ms. Naumann stated that real estate signs on both residential and commercial property were allowable based on specific criteria depending on whether they were residential or commercial properties.
- Political Campaign Signs
Ms. Naumann stated that political signs were allowable. Ms. Shanahan stated that there were some questions regarding the political signs in front of the library for a two-week period during early voting. She said the code allowed for the signs on election day only.

Mr. Ted MacLeod, Assistant City Manager, stated that the political signs were placed 100 feet from the library around the parking lot.

Mayor Costello asked if the Commission was in agreement that there should not be any political signs except on election day; whereby, Commissioner Kelley stated he did not think we could regulate the placing of signs around the City Hall parking lot.

Commissioner Partington stated he favored signs at one or two designated areas rather than all around the parking lot.

Mayor Costello requested that Mr. Randy Hayes, City Attorney, to review the political sign issue and report back to the Commission in a memo.

Commissioner Kent stated he favored political signs displayed on election day, but he wanted to follow the law.

- Signs on Vehicles
Ms. Naumann stated that signs on vehicles may not be parked in a manner to be used for advertising purposes, such as "The Furniture Dump" truck sign example in the packet.

Commissioner Kelley stated he felt if the business could do something to increase business and keep people employed, then he did not favor prohibiting it if it would increase sales and the business obtained a permit.

Mayor Costello stated he favored the wrap around advertising such as was on the D.A.R.E. car. He stated he would favor The Furniture Dump truck if it fit into a regular parking space and was removed at night.

Commissioner Kelley stated he did not like the name or colors of The Furniture Dump sign, but the city could not control either.

Commissioner Gillooly stated that she did not feel the city had any authority to control the truck from driving around town.

Commissioner Kent stated he did not favor the truck backed into a parking spot because the sign was very large. He stated he was not in favor of this type of signage popping up whether it was like The Furniture Dump truck or white Camaro, because we would lose one of the special things about Ormond Beach.

Ms. Naumann stated that when the vehicle was not being operated during the normal course of business, then the vehicle should not be parked in a manner to be used for advertising, and when the vehicle was not being operated during the normal course of business, then the vehicle should be parked in a designated commercial loading or storage area shown on a site plan. She stated that a site plan and parking may not have been approved when this building was built. She stated it would have to be determined where the vehicle could be parked within the front and side corner setback requirements established by the Land Development Code (LDC), as well as it could be parked in a normal parking space.

Commissioner Kent stated that The Furniture Dump truck could not be parked as depicted in the picture per Ms. Naumann's statement above.

Mr. Hayes stated that this was an example of the difficulty to regulate signage, as signage implicated constitutional issues on expression and speech, but we could regulate time and place restrictions. He stated his staff would review this issue as to what was allowed as it related to mobile signage. He stated that there may need to be changes to the existing sign code.

Mayor Costello stated he would like information about vehicle wraps and window advertising.

Commissioner Gillooly asked if location criteria language was difficult to enforce; whereby, Mr. Hayes stated that The Furniture Dump truck was very obvious as was the Camaro. He stated the way to address this was through criteria standards in the LDC that indicated where the vehicles had to be parked on-site (i.e., locational criteria).

Commissioner Gillooly stated that she felt it would be a disservice to every business by not enforcing the codes.

Ms. Naumann projected examples of other allowable signs such as I-95 interchange signs, residential development identification signs, wall signs, and projecting signage window signs, which were allowed subject to a percentage limitation of the entire window area.

Prohibited Signs

Ms. Naumann stated that the most common prohibited signs were signs located on the public rights-of-way, portable, snipe, wind, human directional, balloons and other inflatable and banner signs. She stated that inflatable signs might be permitted with a special event on private property.

Proactive vs. Reactive Code Enforcement

Ms. Naumann stated that staff had maintained a proactive stance as it pertained to signs (commercial and political), particularly on public rights-of-way and on city property. She stated that staff had redirected its activities and began enforcing sign regulations for private businesses on a complaint basis only but had continued to remove signs from the public rights-of-way on a proactive basis.

Commissioner Kent stated he favored enforcing the sign codes or else removing them from the LDC.

Commissioner Kelley stated he would take sign issues more seriously if there was more than two or three people reporting sign code violations.

Commissioner Kent stated that he received many phone calls regarding sign issues; whereby, Commissioner Kelley stated he supported staff's decision to do what they could within guidelines.

Commissioner Kelley suggested that staff needed to be more lenient during these economic times as there was unemployment and many people who were hurting economically.

Mayor Costello summarized that they should 1) enforce the law 100%; 2) amend the law to allow some of the prohibited signs, or 3) find out if there was a way for a temporary abeyance on enforcing the law. He stated that the Commission needed to direct staff accordingly.

Ms. Shanahan stated that the current policy was to be proactive on the public rights-of-way and reactive on private property. She stated there were three code enforcement officers in addition to Ms. Naumann.

Commissioner Kent stated that he did not favor increasing NID staff.

Commissioner Gillooly stated that she felt businesses were struggling and the more fairly we could apply the code in order to maintain a higher standard would affect every one. She stated she favored proactive enforcement.

Commissioner Partington stated that a complaint was reactive and would receive quicker action.

Mayor Costello stated that the consensus was to direct NID to enforce all the laws on the books, reactively as a higher priority based on complaint and proactively based on staffing.

Mayor Costello summarized that Mr. Hayes would advise them about wrap advertising on vehicles and political signs as far as two weeks before election day at the library early voting site.

Audience Remarks

Ms. Rita Press, 875 Wilmette Avenue, asked about the mechanism to remove a sign that was out of business; whereby, Ms. Shanahan stated that the business lost the non-conforming exception when it was vacant for six months.

Ms. Naumann stated that the process would more than likely result in accruing fines, not necessarily removal of the old sign structures. She stated that there were budgetary and liability issues that would need to be addressed if the city were to remove these signs.

Mr. Ric Goss, Planning Director, stated that this pertained to vacant property for more than six months. He stated a change in use required the sign to be brought into compliance. Regarding the old Dunkin Donuts sign, he stated the property had a long, complicated history, as it was actively for sale, had been condemned twice by FDOT, and had a change of use by the new owners.

III. Close the Meeting

The meeting was adjourned at 6:45 p.m.

Transcribed by: Lois Towey