

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

May 3, 2012

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Conference Room on the 3rd day of May 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Quinn, Spaulding, and Chairman Ezzell

ABSENT: Councilmember Lockett

OTHERS PRESENT: Councilmember Roger Gallagher, Ward One
Councilmember Tom Kovach, Ward Two
Ms. Megan Benson, interested citizen
Mr. Roger Brown, Norman Public Schools
Mr. Bill Hickman, Attorney
Mr. Tony Tyler, Tyler Outdoor Signs
Mr. Don Wood, Norman Economic Development Coalition Executive Director
Mr. John Woods, Chamber of Commerce Director

STAFF PRESENT: Mr. Jeff Bryant, City Attorney
Ms. Susan Connors, Director of Planning and Community Development
Mr. Terry Floyd, Development Coordinator
Ms. Leah Messner, Assistant City Attorney
Mr. Shawn O'Leary, Director of Public Works
Mr. Wayne Stenis, Planner II
Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

CONTINUED DISCUSSION REGARDING ON PREMISE SIGN CODE REGULATIONS AND REGULATIONS AND RELOCATION OF NON-CONFORMING BILLBOARDS.

Ms. Susan Connors, Director of Planning and Community Development, said the Business and Community Affairs Committee (BCAC), in previous meetings, had reviewed language regarding on-premise digital electronic signs. The BCAC had directed Staff to remove language that any illuminated signs be turned off no later than 11:00 p.m. or thirty minutes after close of business. This language, which is also in the current Sign Code will be removed from that as well. She highlighted the proposed regulations as follows:

- Digital signs would only be allowed within commercial and industrial categories as well as certain institutional uses such as schools and churches;
- An individual business would be allowed either a wall sign or a freestanding ground sign;
- In areas utilizing joint use signs, if the joint identification sign were digital, each business within that area could still opt to install a digital wall sign;
- Because of the potential for visual distraction the location of digital signs would be restricted near signalized intersections to be no closer than fifty feet to the edge of the pavement;
- Digital on-premise signs cannot have "visual movement" but must simply project one or more "static" images with a dwell time of twelve seconds;

Item 1, continued:

- Illumination levels will be 5000 NITs in daytime and 300 NITS at night ~~with signs being extinguished within one half hour after the business closes;~~
- Devices must be installed with an adjustment device for ambient light levels and to be able to free the image in case of a malfunction; and
- Due to many businesses being located near residential areas, the ordinance seeks to require a separation of 200 feet between the sign and any nearby residential districts to limit potential impact.

Ms. Connors said Mr. Bill Hickman, attorney, had submitted proposed language to allow non-conforming billboards acquired ("taken") for a road project to be relocated if certain conditions are met. Mr. Hickman requested relocated signs be allowed on any property as long as the property is not zoned for residential use; be no less than 100 feet from a residential structure; no less than 50 feet from any residentially zoned property boundary; not have a surface area larger than the sign that was "taken"; and allow the sign to be upgraded to digital. Ms. Connors said Staff prepared alternate language that is more restrictive and more closely reflects existing off-premise sign language, specifically that the new location site must be zoned C-1, Commercial Zoning District, or I-2, Industrial Zoning District; the sign be 50 feet from a residentially zoned area or 100 feet from a dwelling, the sign cannot be located within 300 feet of a church, school or government facility on the same road; the sign must be the same size and height as the sign which was "taken"; and the sign cannot be converted to a digital electronic sign as that would be a unique monopoly that would not be granted to owners of other non-conforming signs along arterial roads.

Chairman Ezzell asked how many non-conforming signs are in the City of Norman and Ms. Connors said she did not believe there were more than ten. She said only one has ever been removed due to a public road project and she felt that a public road project should continue to be the reason for when signs are taken; however, Mr. Hickman requests language be changed to "any public project." She said if the City changes the language, "public" would need to be defined. She said the University of Oklahoma (OU) could be considered a public entity. She said another concern is who would be responsible for acquiring and purchasing the site for the relocated sign and felt the City should not be responsible. She said Staff has reservations regarding allowing non-conforming signs to be relocated. Chairman Ezzell asked what other concerns Staff had besides who acquires the site and Ms. Connors said the definition of "public." Chairman Ezzell said as this is a City ordinance it would only be applicable to the City and Mr. Jeff Bryant, City Attorney, said Staff wants to ensure that gets clarified. He said if it is a public roadway project, then obviously the City made the decision to move forward on that project; however, if the project is being done by another public entity, such as OU, and is not limited to roadway projects, then problems could arise. Councilmember Kovach suggested substituting public for municipal and Mr. Bryant felt that would work.

Ms. Leah Messner, Assistant City Attorney, said the ordinance needs to clarify where signs can be located and whether or not they could be installed in City rights-of-way. She said it also should clarify whether or not the sign company would be required to find and purchase a site for relocation. Councilmember Kovach said the amended language is addressing the situation on Robinson Street where a billboard was removed by the City due to a roadway project and asked what discussions with the sign company had entailed. Mr. Bryant said the City of Norman owned the property where the sign was located so the City was not required to compensate the sign company, but the sign company sued the City because they wanted compensation or the ability to relocate the sign, which was not allowed by ordinance. Mr. Bryant said the City won the litigation; however, the Oklahoma Department of Transportation (ODOT) became involved in the situation through the Federal Highway Commission and ODOT advised the City that they should compensate the sign company or funding

for the Robinson Street Project could be affected. Mr. Bryant said the sign company had offered to relocate the sign with no compensation but, the sign was non-conforming and the ordinance does not allow relocation. He said if signs are allowed to be relocated, it should be the sign company's responsibility to find a location and purchase or lease the site. He said the broader topic is whether or not the City really wants to go down the path of allowing relocation of non-conforming signs. He said the purpose of having a non-conforming provision in the ordinance is so that when the useful life of the non-conforming sign ends, the sign is removed not to be replaced. Chairman Ezzell said he is inclined to agree with concerns raised by Staff in regards to clarifying and tightening language of whose obligation it is to find another site and what circumstances would trigger that allowance.

Chairman Ezzell asked what concerns would Staff have regarding placing restrictions on where signs could be relocated and would that even be feasible. Ms. Connors said off-premise signs are restricted to certain zoning categories and Mr. Hickman is suggesting adding C-3 and I-1 zoning districts.

Chairman Ezzell asked Mr. Hickman his opinion on discussions and Mr. Hickman said the removal of the sign on Robinson Street was unique in that the sign was on property the City acquired 20 years ago for a roadway project that never occurred. He said, eventually, the sign lease expired, but the sign remained. He said, under most circumstances, the entity acquiring the land for a project would compensate the sign company for removal of the sign or allow relocation of the sign so the sign company felt they should have been compensated in some form. Mr. Bryant said the City compensated them at the urging of ODOT from money left over from the project. Mr. Hickman said he is trying to establish a mechanism in which a sign can be relocated if that scenario happens again. He said ODOT is adding a provision to future roadway projects that allows a billboard acquired as part of a roadway project to be relocated. He said he would also like a more intense level of zoning utilized such as C3 and I-1, which would give sign companies more options for a site.

Chairman Ezzell said Mr. Hickman's language states that the advertising display surface of the relocated signs may not be digital, but if only one-half of the advertising display surface is being relocated, the relocated sign may be upgraded to digital. He asked how one-half of a sign could be relocated and Mr. Hickman said the display surface would be half the size of a normal billboard display surface, which is 350 square feet and would be unique by allowing digital technology.

Chairman Ezzell asked Mr. Hickman's reason for requesting a 30 foot height maximum and Mr. Hickman said it is mainly for flexibility, if needed, in case of high trees, overpass, etc. Chairman Ezzell asked Staff if they had concerns regarding a 30 foot height maximum as well as the half-size size being digital and Ms. Connors said if you allow non-conforming signs to become digital there will be other non-conforming signs companies that will not have the same right so there may be some push back from those sign owners. She said she had not considered the 30 foot issue as she had considered replacing like sign with like sign, but Staff could consider that as discussions move forward.

Councilmember Kovach asked if there would be any review by Council or Staff as to what the final permitted relocation would be. He said his concern is that there would be nearby businesses in I-1 or C-3 that would not want a billboard in their area. Ms. Connors said it would just require a building permit and she urged the Committee to seriously reconsider allowing signs in C-3 as there are only a couple of areas under that zoning and one area is Campus Corner.

Chairman Ezzell asked Mr. Brown, Norman Public Schools, how the on-premise sign amendment would affect the schools and Mr. Brown said the school system has wanted to place digital signs in front of schools for a long time so he fully approves of the on-premise regulations. Ms. Megan Benson, interested citizen, said

she lives across the street from a school and there are several churches in the area as well. She asked the Committee to be aware of safety issues as well as aesthetics. She felt parents would be distracted by the digital signs when picking up their children and felt the original intent of the ordinance was safety oriented to avoid distractions to drivers. She said she believes having flashing, digital signs along busy roadways such as Boyd and Lindsey would be a bigger distraction for the young and elderly drivers trying to read a sign that changes its display every 12 seconds. Chairman Ezzell felt aesthetics are a matter of opinion and, in regards to safety, there had been well vetted studies on the 12 second static time. Ms. Benson said she would be interested in reading those studies and Chairman Ezzell asked Ms. Connors to get copies of the studies to Ms. Benson.

Councilmember Kovach said the intent of grandfathering in businesses and non-conforming signs is that eventually they will go away. He questioned whether or not the Council should even consider the ordinance for non-conforming signs. He said he did not believe this was a direction he would be comfortable in heading.

Councilmember Quinn said he did not like billboards in town and was also concerned about the infiltration of digital signs near residential areas. He said he does like the idea of smaller billboards. Councilmember Gallagher said he was concerned about illumination problems near residential areas as well as proliferation of signs for businesses. Chairman Ezzell said the regulator of the number of digital signs will be expense and he did not believe many small businesses and churches would be able to invest the expense so he did not believe signs would become prolific. Councilmember Gallagher said the University North Park Tax Increment Finance District (UNPTIF) would be a prime example of where digital sign prolifery could be a potential problem. Councilmember Gallagher asked Mr. Hickman if he knew the percentage of digital signs in other communities and Mr. Hickman said approximately 20% of businesses in Oklahoma City have digital signs. He said the largest business using digital signs is Sonic Restaurants.

Chairman Ezzell said he would like on-premise sign regulations to go forward to Council in a Study Session and indefinitely table discussion of non-conforming signs.

Mr. Tony Tyler, Tyler Outdoor Signs, asked if the Committee planned to address allowing digital signs at the tops of buildings. Chairman Ezzell said the Committee could consider that at a later time, but those types of requests could be reviewed on a case by case basis.

Councilmember Kovach asked if the ordinance could require digital signs in residential areas be turned off at a certain time and Ms. Connors said yes, there could be a timeline placed in the ordinance. Mr. Brown said Norman Public Schools would have no problem turning off signs in residential neighborhoods before dusk.

Items submitted for record

1. Memorandum dated May 3, 2012, from Susan Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee, with Exhibit A, On-Premise Electronic Digital Signs – Permits, Plans, Fees, and Inspections, and Exhibit B, Draft Proposed Amendment to City of Norman's Sign Ordinance
2. City of Norman Water and Sewer Connection Fees (as amended 05/11/07)
3. City of Norman Permit Fee Summary for Permits Other Than One and Two-Family Dwellings (For Industrial, Commercial, and Multi-Family Developments)
4. Wastewater System New Development Excise Tax for Residential and Commercial
5. Proposed amendments to Section 18-802 of the Code of Ordinances

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Item 2, being:

MISCELLANEOUS DISCUSSION.

Ms. Connors said she had included water and sewer fee schedules with the Committee's agenda for future discussion on incentives for the installation of light emitting diodes (LED) in parking lots and other cost saving items in new construction projects.

The meeting adjourned at 9:55 a.m.

ATTEST:

City Clerk

Mayor