

City of Broadview Heights

RULES, ORDINANCES AND FRANCHISES COMMITTEE MEETING MINUTES

June 3, 2019

Mr. Price called the **RULES, ORDINANCES AND FRANCHISE MEETING** to order at 7:01 p.m.

ATTENDANCE

MEMBERS PRESENT:	Mr. Joe Price	Chairman (Councilor at Large)
	Mr. Brian Wolf	(Ward 2 Councilor)
	Mr. George Stelmaschuk	(Ward 3 Councilor)
COUNCILORS PRESENT:	Mr. Robert Boldt	(Ward 4 Councilor, Council President) (late)
	Ms. Jennifer Mahnic	(Councilor at Large)
	Mr. Thomas Pavlica	(Ward 1 Councilor)
	Mr. Glenn Goodwin	(Councilor at Large)
OFFICERS PRESENT:	Mayor Samuel Alai	(Mayor)
	Mr. Dave Schroedel	(Service Director)
	Mr. Gary Yelenosky	(City Engineer)
	Chief Jeffrey Hajek	(Fire Chief)
	Ms. Kristina Sorensen	(Economic Development Director)
	Mr. Jeff Grassi	(Interim Building Commissioner)
	Mrs. Helen Dunlap	(Clerk of Council)
OFFICERS ABSENT:	Mr. Vince Ruffa	(Law Director)
	Chief Vizer	(Police Chief)
	Mr. Dave Pfaff	(Finance Director)
	Mrs. Paula Horner	(Recreation Director)
	Mrs. Amy Washabaugh	(Human Services Director)

OBJECTIVE: To advise Council and the Administration of effective use of ordinances and rules and the most cost effective award and use of franchises.

NEW BUSINESS

1. Electronic Signs in Commercial Districts

Mr. Price stated that in regards to tonight's meeting the Planning Commission had asked last month for direction from council and/or consideration for redirection of some of the codified ordinances and/or standards set in the code regarding election signs. They are having conflict it seems like applicant after applicant and this case has been no different. There were multiple items noted in the draft meeting

minutes, one of which there is an existing sign that Mr. Grassi had noted in his comments and the question is if they were to replace a new sign in that same place it would not meet the side yard setbacks.

Mr. Grassi stated correct.

Mr. Price stated that there was a question as to if they have to revisit the variances or could those still stand and then of course the conflict of an illuminated electronic LED sign and the concerns were with one commission member saying the residences were there first. That was a quote that was given by them in regards to this property being on Broadview Road, a dentist office that was a dentist office purchased by a new occupant and owner and he still has residential properties on either side. There concern is will the LED sign conflict with the residential property owner's peace and tranquility in regards to the illuminous of the sign.

Mrs. Sorensen stated that in regards to the case that percolated this meeting, yes.

Mr. Price stated that the question comes into play in for instance the Special Planning District. Basically we are transitioning these properties from many of them residential property into full blown commercial properties in accordance with the Special Planning District and are we to have them strictly go by the standard of the commercial standards in regards to the properties even though both are commercial on either side and still being used as residential property or do we create a new standard within that district. That is what it seemed like Mr. Porter was asking this committee to consider.

Mr. Grassi asked to make some comments. He stated that from the draft minutes Mr. Rick Porter stated that he would like to request assistance from council to help him with this, especially the Special Planning District and signage. Mr. Boldt stated to Mr. Porter that they are professionals and they would rather them (Planning Commission) come up something and he will take it back to Council. So he believes that the Planning Commission is looking for direction, maybe a committee of planning to be put together so that they could come up with some suggestions and then go through Planning Commission with those suggestions and then report back to Council. He is thinking direction from Council as far as telling them that they should set up a committee and then get that together. He thinks that they are just looking for some direction. They also brought up that, Mr. Porter stated that if Council doesn't have any consultants, he would appreciate their input so in past, in 2015 when the sign ordinance was revisited maybe there was some professional input at the time and he would like maybe some input from them if there was. Mr. Boldt stated that he will follow up and see if there was any professional input with the committees at the time and they will bring it back to Planning Commission. He thinks that they are just looking for direction to adjust the sign ordinance in the future as far as it goes for electronic signs. Initially in 1994 when the sign ordinance it mentioned electronic, it mentions flashing signs and flashing displays back in 1994. Mrs. Dunlap pulled that information for him. In 2005 they address it again only as illumination and then in 2015 is when they actually took action and addressed the electronic signs and actually came up with, it is pretty limited in its scope but it covers everything that was needed back then he believes. It is just evolving with the new signs and the changeability and being able to do it from

remote locations. As far as the residential issues, they are having the residential properties that are in the Special Planning District so there is still residential, they are still living there as residential and then these commercial buildings want these electronic signs and they want them within that residential district and they don't get the concept that it is still a residence and can go on as a residence forever in the Special Planning District.

Mr. Price stated that they have discussed basically what Mr. Porter had asked them to review and then there were comments that were made that maybe possibly we should let them make the recommendations.

Mr. Boldt stated that he did talk to the Mayor and Mr. Grassi and he even stated at the meeting, they are the professionals. They are the ones that should be telling Council if we need to change the legislation. The power is really in their hands. He does not want to make this a political forum so he thinks that we should continue on with them. He thinks that Mr. Porter's big question is, is there something that the Planning Commission was not thinking or Council maybe wanted representing the residents to be going towards as far as these signs because they are going to come. There is going to be a whole bunch of them real fast whether we change the size, the scope of a sign. There are a lot of different things that went on at that meeting. One of the questions that he does have is if the residents in the Special Planning District sell their properties, do they have to adhere to the Special Planning District as far as commercial.

Mr. Grassi stated that as long as it stays residential, the residence was there first and obviously it was.

Mr. Boldt stated then it can stay like that in perpetuity as long as the same person.

Ms. Mahnic asked if they sell it as a residential, it can stay residential.

Mr. Grassi stated yes.

Ms. Mahnic asked if the second that they sell it it becomes commercial.

Mr. Grassi stated no.

Mayor Alai stated that it can stay residential until someone converts it.

Mr. Boldt stated because different than a street where you turn it around and rezone it for Light Industrial, once that person sells it, it has to become Light Industrial. This is a big block of area and there are certain percentages for each business or residential and as long as they adhere to one of those percentages they are okay. That is the big difference.

Mr. Price asked how Ms. Sorensen feels about this. We have obviously.

Ms. Sorensen stated that the electronic zoning code also indicates that another issue with the case that you were talking about that brought forth this discussion was that the lot doesn't have minimum lot frontage so there are multiple variances that would be sought. The way that the code is written now it

says that minimum lot frontage for placement of any electronic sign is 100' and the minimum distance between electronic signs on adjacent properties is 100' so the way that you read it you can put an electronic sign 100' from one another which she does not think that is the image that they were looking for in the Special Planning District, for anywhere in the city quite frankly. She does not think that the code has any teeth to help the Planning Commission, she thinks that it puts them in a situation that is hard to defend the way it is currently written.

Ms. Mahnic stated so they would need to recommend to Council a way to change it.

Ms. Sorensen stated that she has spoken with the Asst. Law Director who comes to all the Planning Commission meetings about this and she doesn't think that he would mind her stating that he is aware of some experts, some sign experts that they have talked with who could offer some opinions on this because it is a very quickly changing field. Maybe we do need some professional help to ensure that we don't have an issue.

Mayor Alai stated that he guesses that there might be two paths here and he wants to make sure that we distinguish; the dentist on Broadview Road came up with and wants to put in an electronic sign. They made a determination on that sign, correct.

Ms. Sorensen stated no.

Mayor Alai stated this is what he thinks is that let them do their due diligence with this sign and we should not change all of our rules because somebody came in. We need to take care of this case through Planning Commission and then if we want to look at that code we go forward. He thinks that should be at least in his judgement the way to go. We should not be changing all of the rules for one particular person because they didn't like what happened or they liked what happened and that is why he doesn't get involved in that because he doesn't want to put his opinion on those members and he wants them to kind of make their deal as Mr. Boldt had said that they are more of a professional in that than he is and he realizes that and he wants them to make a determination based upon the best things that they can come up with and if there are variance issues then the answer obviously would be no or go to BZA for a variance but we shouldn't change a sign code based on one person's issue with the Planning Commission.

Ms. Sorensen stated that she agrees and sorry if she is muddying the waters there.

Mr. Stelmaschuk stated that there is an existing sign there and it is a fairly, he does not know what the size is and he doesn't know if it fits into the code currently but there is a sign there. He personally would like to try to help the business if he wants to keep the business going if it is not that much of a variance that he needs. The only thing that he would do is ask who made the proposal to the Planning Commission.

Mr. Price stated that there has been no proposal and based on Council President Boldt's recommendation and he thinks that it is a great idea is take it back to them.

Mr. Stelmaschuk stated but it came to Planning Commission for the sign.

Mr. Boldt stated that it came to Planning Commission the first time and they did not realize the rules involved with it and they came back a second time and he thinks that they made a minor change to the sign.

Mr. Grassi stated yes, the sign was actually closer to the right of way than it was required to be 5' from the right of way so they made an adjustment on that whether they didn't have the measurements on their first submittal he thinks is what was the case and they actually were at 5' off of the, they reduced the sign size. It was going to exceed the limit of the sign so they made a couple minor changes and they will be back at the next Planning Commission on June 12th. They did some research and they did have a variance for the initial sign that they do have on the property now so another ground sign basically those two variances won't be required now because they did have a variance for that ground sign. The variance that they will require now is a 4' variance for the frontage of 100' and they have 96'.

Mr. Stelmaschuk stated that his question is for an applicant like that, he brought his sign person with him. Who is the applicant, the owner?

Mr. Grassi stated yes.

Mr. Stelmaschuk asked if that was the new dentist.

Ms. Sorensen stated yes.

Mr. Stelmaschuk stated that he would like right now according to Cuyahoga County the old dentist still owns the property.

Ms. Sorensen stated that is correct. He has written permission from the current owner. We have asked that question.

Mr. Goodwin stated that one comment; he thinks that they are two separate issues. We are dealing with the legalities of the applicant, we can't change whatever unless we make it more lenient for him but he really thinks that we should probably suggest very heavily to them to take a look at this because as these LED signs become much less expensive these days he thinks that you are going to see them coming out of the woodwork. It just seems like a future nightmare to be honest with you. There is a member of the Chamber right now who rents out a sign that you can rent an LED sign for a like \$33 per day and he thinks that you are going to see that frequently coming into play like way to often and if you don't look at those very closely he thinks that the city could turn into beyond a nightmare.

Mr. Wolf stated that he agrees we should have the experts weigh in on it because what we know about signs is we see them so let the people who work on them and know what to do and they would know what the future may hold as well. They probably will explode as they get cheaper.

Mr. Price stated that if there is no objection he would like to pass the torch to Council President and the next Planning Commission that he has them put together a committee or set enough time at the Planning Commission meeting after the next Planning meeting for them to come back with their ideas.

Mr. Boldt stated that he will make it perfectly clear that Council is taking a big step back on this and we will wait for them to give us some guidance if they want anything changed, but politically we should stay out if this.

ADJOURN

Mr. Price stated that with no other business to come before this committee, this meeting is adjourned.

The time was 7:17 p.m.



HELEN DUNLAP, CLERK OF COUNCIL



GEORGE STELMASCHUK,
COUNCIL PRESIDENT PRO-TEM

The undersigned, Clerk of Council of
the City of...
has duly posted on...
and...
in a prominent public location in each ward of
the municipality as determined by council.
Date: _____