

MINUTES
VILLAGE OF FLAT ROCK AGENDA WORKSHOP
ASSEMBLY ROOM
DECEMBER 2, 2019
9:30 AM

Mayor Staton presided over the December 2, 2019, agenda meeting at 9:30 a.m. Those present in addition to Mayor Staton were Vice Mayor Weedman, Council Members Brown, Gooch, Jamerson, and Posey, and Village Clerk Parker. Council Member Dockendorf and Village Administrator Christie were not present.

Pledge of Allegiance

Mayor Staton led the group in the Pledge of Allegiance.

Public Hearing – Ordinance No. 104 - Sign Control Ordinance

Council Member Gooch made a motion to go into public hearing, seconded by Vice Mayor Weedman. The vote was unanimous, motion carried.

Mayor Staton mentioned the Notice of public hearing was published in the past two Wednesday editions of the Times News – November 20 and 27, 2019.

Mayor Staton read the following opening statement for the public hearing:

The proposed sign ordinance has been drafted to be *content neutral* in all respects. No longer are there content-based regulations in the ordinance. Gone are definitions of *political signs, real estate signs, construction signs*, and the like, as well as regulations of such signage. Gone also are regulations applying to church signage or any other category of signage that would require one to look to the content or message of the sign in order to determine the applicable regulations, except as noted below with respect to temporary signs. The regulations apply uniformly to all signage, regardless of the content or intent of a sign.

The proposed ordinance, in the purpose and intent article (Article III), includes a litany of purposes for having the ordinance. The concluding paragraph of Article III says it all, to wit:

This ordinance shall be interpreted in a manner consistent with the United States Constitution's First Amendment guarantee of free speech. This ordinance allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. The sign regulations of this ordinance are not intended to censor speech or regulate viewpoints, but instead are intended to address the secondary effects of signs that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial government interests such as traffic safety.

The categories of content specific signs mentioned above as having been eliminated would be “temporary signs” as defined in the proposed ordinance. Temporary sign is defined as *A sign that is not permanent in construction or nature and is intended to be displayed for a limited time or for a one-time event, including special event signs.*

Temporary signs are permitted in all zoning districts and are intended to be displayed only until the passage of the event or reason for displaying the signs. For example, a sign advertising real estate for sale or lease would be temporarily displayed until the property is sold or leased, after which the sign would serve no purpose. A sign advertising an open house for a property for sale or lease would be temporarily displayed for the duration of the open house. A sign indicating the name of the contractor building a home or other improvement would be temporarily displayed during construction. A sign supporting a candidate for office in an upcoming election would be temporarily displayed until the election. A sign in support of or in opposition to an issue pending before a legislative body would be temporarily displayed until such issue is disposed of by the legislative body.

The sign enforcement officer would look at the content of each sign initially solely to determine whether a sign that is excluded from regulation of permitting requirements as being temporary truly fits within the definition. This would involve no more analysis than that applied to signs that are excluded from regulation by other provisions, such as government signs. If a sign is determined to be in compliance with the ordinance, the content of that sign is irrelevant going forward. There is no language requiring removal of temporary signs at any point in time, and that is an intentional omission. Any effort to remove a sign that exists by virtue of being temporary would be made based only on the passage of time resulting in the sign not being temporary as defined in the ordinance.

The intent in defining and excluding temporary signs from permitting requirements is to allow signs that are constructed to last only a period of time, less than permanently, for what that means in the world of signs. As such, the expectation would be that these signs would not be left up for years and years and would certainly be removed by the owner before they deteriorate so as to create a hazard.

A hand out at the planning board meeting, which apparently caused much unnecessary consternation and heartburn, reflects this intention by saying that temporary signs *should* be removed after the events to which they relate pass. That language referred to what should be the sign owner’s intention in representing that a sign is temporary as defined in the ordinance. There is no intention to require removal of a sign at any certain time or upon the occurrence of any particular event.

Sign control is important to the village for the reasons stated in the purposes and intent article. Signs can obstruct views, distract motorists, and create other health and safety problems that legitimately call for regulation. The purpose and intent of the proposed ordinance is to promote the public health, safety and general welfare, and to further the village council's policy to preserve the unique character of Flat Rock through reasonable, consistent and nondiscriminatory sign standards. Time will tell if the provisions of this proposed ordinance enhance or weaken the sign regulations in effect in the village under earlier sign control ordinances.

Mayor Staton read the following memorandum from the Planning Board:

The Planning Board held a special called meeting on Thursday, November 21 for the purpose of reviewing the revised Sign Control Ordinance for the Village.

The Planning Board identified two issues of concern that it wishes to comment on. They are as follows:

- The ordinance describes temporary signs as signs “to be displayed for a limited time or for a one-time event,” but does not specify a period of time either in advance of or following the event during which the sign can be displayed. The Mayor’s memo regarding this issue states that temporary sign is to be removed immediately following the event it pertains to, but we could not find this requirement spelled out in the ordinance.
- The ordinance emphasizes that there will be no limitations placed on signs related to the content of the message or the viewpoint expressed in such a message. The Planning Board questioned whether offensive language would have to be tolerated in the interest of protecting free speech, or whether such language could be grounds of removal of an offensive sign.

The Planning Board recommends that the Village Council adopt the revised Sign Control Ordinance for Flat Rock. The comments generated during the Planning Board review of the ordinance are included in this recommendation for informational purposes.

Comments/questions from Council Members

Council Member Brown commented on signs of general opinion not related to anything specific, which would be considered temporary signs, and expressed concerns of no time limit allowed for such signs under the proposed ordinance.

Council Member Jamerson commented that the process in revising the sign ordinance is sad, as is the amount of money that has been spent on the lawsuit brought by Anne Coletta. Flat Rock does not have a sign ordinance, it is just a document. The ordinance is not what the Village wants and is very disappointing, and we are stuck with it. She stated some council members are unhappy about voting yes on this document, but we don't have a choice.

Council Member Gooch and Council Member Posey both expressed dissatisfaction of approving the ordinance.

Vice Mayor Weedman feels the ordinance gets the Village out of the federal court system. Both sides in the lawsuit have agreed to this ordinance, and the council can always revisit the ordinance to make revisions.

Public Comments

Bruce Holliday expressed opposition to adoption of the ordinance. He expressed concerns with the new ordinance, the size of signs, number of signs allowed, the amount of money the Village has spent due to the litigation for the revised ordinance, and the purpose and intent of the ordinance.

With no further public comments, Vice Mayor Weedman made a motion to close the public hearing, seconded by Council Member Gooch. The vote was unanimous, motion carried.

Action – Adoption of Ordinance No. 104 – Flat Rock Sign Control Ordinance

Vice Mayor Weedman made a motion to adopt Ordinance No. 104, seconded by Council Member Jamerson. The motion carried on a 3-yes, 2-no vote.

Discussions

A draft agenda for the December 12, 2019, council meeting was presented. Council Member Jamerson made a motion to approve the agenda as submitted, seconded by Council Member Gooch. The vote was unanimous, motion carried.

Budget Officer Jamerson presented and reviewed a FY 2019/2020 budget amendment dated December 2, 2019, showing a Fund Balance Appropriation of \$69,561.00. Budget Officer

Jamerson made a motion to adopt the FY 2019/2020 budget amendment, seconded by Council Member Brown. The vote was unanimous, motion carried.

Vice Mayor Weedman reported that, as of December 2, 2019, the current fiscal year tax collections are at 59% collected (no written report available). The three fire departments will be paid their first payments for FY 2019/2020 at the end of December.

Mayor Staton mentioned Martha Orr has asked for articles today for the Village Record newsletter.

With no further discussions, the meeting adjourned at 10:20 a.m.

Michelle Parker, CMC
Village Clerk

Robert V. Staton
Mayor