
SIGN ORDINANCE TASK FORCE MINTUES
August 6, 2009

VOTING MEMBERS

PRESENT: Howard Brown, Co-Chairman
Mike Tilson, Co-Chairman
Nathan Davis
Ted Clem
Judy Bowles
Wendy Martin
Britt Knight
Lula Davis
Valerie Brown-Williams
Todd Deen
Nancy Brooks
Gary Eller

NON-VOTING MEMBERS

PRESENT: William Geer
Wayne Carter
Gary Willis
Jay Kimbro
Ellen Bryant
Adrian Jenkins
Dr. Charles Gillespie
Pamela Barkley
Jackie Dixon
Jerome Hubbard
Alfred Hostley
William Parrish
Ginger Goodyear
Colby Wiggins

STAFF PRESENT: Tracy Hester, Senior Development Services Manager
Nathaniel Norman, Chief License Investigator
Gloria Thompson, Administrative Assistant
Jennifer Newton, Administrative Secretary, SR

CALL TO ORDER

Mr. Brown called the meeting to order at 3: 00 p.m.

WELCOME AND INTRODUCTIONS

Mr. Brown introduced himself and Mr. Tilson and each of the members introduced themselves.

SIGN ORDINANCE 101

Mr. Hester gave a brief overview of intent of the Sign Ordinance and the way it is administered. It is not the intent to impose an outright ban on signs but to provide a clean environment while providing a quality advertising product across our community. The definition of ground signs, wall signs, and temporary signs was given. Most commercial applications are allowed to have, at least, one ground sign per street frontage, one window sign, and one wall sign. Flags, banners, and temporary signs are all regulated as well. The amortization schedule was explained by Nathan Davis. He stated that if there was a sign that was legal when the Ordinance was passed in '08 and not brought into conformity within three years, then it's got to be removed unless the person has a reasonable objective basis for an extension. Mr. Hester added that this was added so that any sign that was legal prior to the adoption could carry forth even if it was not legal under the new adoption. Sign maintenance has been a big key from the enforcement end. People move off from a business and typically leave their signs. If no one goes in behind them in a reasonable amount of time, a lot of times, the signs just become dilapidated. There is an appeal process in the Sign Ordinance and if the Director or I make a decision based on our interpretation of the ordinance and you feel it has been misjudged, and then you have the opportunity to appeal the decision to the Planning Commission. If the Planning Commission does not satisfy your needs, then you have the opportunity to take it to Superior Court. Mr. Hester then showed signs that were allowed, not allowed, and before & after pictures as examples.

Mr. Alfred Hostley asked for someone to explain the purpose of the Sign Ordinance. Mr. Brown commented that in the first slide shown in the presentation and the beginning of the Sign Ordinance explained the reasons for having a Sign Ordinance ... reducing visual clutter for the safety of the public while allowing businesses to advertise. Mr. Hostley wanted to know how visual clutter could be a detriment to the community. Mr. Hester showed a picture of a gas station that had every pole, gas pump and everything they had plastered with signs. He stated that all of those signs cannot be read as you are driving past them at an average speed. It creates a safety issue for a vehicle exiting the parking lot or someone slowing down to try and read the signs in the flow of traffic. The issue is not having a sign but the number of signs.

Mr. Wayne Carter asked if the rule for only having 10% of the window covered with signs was regulated due to safety issues. Mr. Hester replied that 10% is a standard that most communities use in their ordinances. Some ordinances require 25% or 30% and there is no formula to decide that but there are studies to prove this and we carried it forward from the previous ordinance.

Mr. Hester stated that there was a balance of what moderation is ... whether it is five signs or twenty signs. We have to set a regulation and build from that. It allowing only one sign is too restrictive then that is what this whole process is about to ... to create a balance. We don't want to get into a situation where every business puts up multiple signs and creates a problem.

Mr. Brown began writing down questions/concerns from the audience to discuss in more detail later.

Mr. Jack Cotton wanted to know why the City/County did not have to follow the Ordinance.

Mr. Colby Wiggins questioned how interior signs that were clearly not in the right of way could be regulated.

Mr. Jim McCard mentioned that directional signs in the right of ways are sometimes needed because people cannot find a house or a business. There should be a provision to allow temporary signs in the right of way.

Ms. Lydia Crew thought that banners should be allowed more often – only allowing banners two times per year is not enough for sales. Large franchises are not subject to following the ordinance and small businesses work even harder to keep their companies going.

Mr. Gary Willis stated that streamers and balloons are needed for point of sale and small businesses need to have advertising. It seems that the Sign Ordinance is not small business friendly.

Mr. Hostley added that small business owners could get squeezed out of business because they do not have the same budget for advertising that the big franchises do. Small business advertising is not a detriment to the City of Albany because the small businesses are not asking to hang banners/streamers out 365 days a year.

Dr. Charles Gillespie mentioned that signs should be taken down when the business has left.

Mr. Carter added that maybe there should be a provision that the owner of the building be required to take the sign down after a certain amount of time.

Mr. Todd Deen stated that he had a real concern that the City/County would begin to regulate his business image.

DISPLAY OF PUBLIC COMMENTS

Mr. Brown went over a summary of the July 1, 2009 listening session (called by Commissioner Morris Gurr). (Summary previously distributed and also shown on slide show.) Those areas seem to sum up all of your concerns.

Ms. Nancy Brooks asked why the decision was made to enforce the Sign Ordinance when the economy is in a recession. Mr. Brown replied that there was a concern that came from citizens that the Ordinance needed to be enforced. Mr. Tilson added that in 2007 there was a lot of concern because the Sign Ordinance was not being enforced. It was not being enforced because there were constitutional issues with the Sign Ordinance at the time. Staff began working hard to change the Ordinance. He read a headline from January 2008 that read "Once again the City is running into trouble due to the lack of code enforcement. This time it is the outside sign ordinance." The Planning Department worked very hard to change the Ordinance so that it could be enforced. The timing of the enforcement had nothing to do with the economy but it had to do with the state of the ordinance.

Mr. Hostley wanted to know how safety became involved with regulating signs. Mr. Brown answered that there were empirical studies and case law to show that safety was a rational issue. Dr. Gillespie added that accidents, due to being distracted, were a major safety issues that he saw in his practice.

Mr. Jay Kimbro stated that we are being given an opportunity to create some flexibility in the ordinance and he wanted to hear some specific concerns. Concessions will have to be made one way or another.

COMMUNITY COMPARISON

Mr. Clem wanted to know what the function of the Task Force. Mr. Brown stated that the function of the Task Force was to brain storm and talk about the current Sign Ordinance and enforcement. Once we do that, we will get back together and bring some recommendations and issues back to the City Commission.

A chart comparing other communities/jurisdiction's temporary sign regulations was distributed and shown for review and to see how Albany's ordinance compared to other ordinances in the area. Mr. Brown noted that the ordinances were mostly in line with Albany's ordinance.

PUBLIC COMMENTS

Mr. Wiggins was concerned about at what point is a sign not considered frontage to the road.

Mr. Eller stated that a small hard to read sign is more of a safety issue and the main issued seemed to be repetitive signs which could be a safety issue.

Ms. Crew stated that retail businesses have about six major sales a year and a banner would be needed for each sale for two weeks. Also, in Valdosta we can go to a committee and request permission to put a banner up for all six sales and we do get permission.

Mr. Carter mentioned that as the Ordinance is being revised, that we need to consider that it will affect the livelihood of citizens of Albany.

Mr. Deen suggested that the simpler the Ordinance was made, the easier it would be to regulate and insure the price.

Mr. Carter thought that banners should be regulated as to being professionally made and properly installed even if they are permitted to be put up six times a year.

Mr. Hostley asked if instead of using a banner six times a year for two weeks, could he pay for a banner to be up for 84 at one time. Mr. Kimbro added that we shouldn't be opposed to increasing the permit fees so those fees can be used to enforce the codes. Mr. Willis suggested a dollar a day for a banner and thought it would be less clutter because the ones that really wanted it would pay for it.

Mr. Brown asked what their concerns were about streamers. He added that they were not permitted because they were considered a moving sign and were a safety concern. Mr. Hester said that streamers/pennants are limited in time of use because they deteriorate quickly. Mr. Willis thought businesses that left the streamers up too long should be penalized or fined. Mr. Eller mentioned that the streamers seemed to be repetitive signs and it is no different than having multiple signs that said the same thing over and over again. He thought streamers created clutter and is not aesthetically pleasing to the community. Ms. Jackie Dixon stated that she had the same concern about streamers and didn't think they caused people to want to buy a car. Mr. Deen replied that he thought realty signs could also be repetitive too and it was not fair when the rest of the country allows streamers. - taking away streamers is a detriment. Mr. Wiggins stated that streamers cause capture rate and they make people look at the business, not necessarily buy the car. Mr. Kimbro doesn't think streamers are pleasing but realizes that they are like the auto lots landscaping and there should be some sort of compromise. Mr. Carter suggested making streamers require a permit like banners. Mr. Brown noted that if you let the car dealers have streamers that you have to allow other businesses to have them if they want them too. Ms. Lula Davis asked if there could be a categorization of the different types of businesses that spelled out what they can't and can do. Mr. Brown replied that it could not be done that way because it was unconstitutional. Mr. Hester added that the more regulations and allowances we put in the Ordinance, the harder it would become for Code Enforcement to enforce it and the less time his people would have to work on other code violations. Mr. Nathan Davis stated that most of what is in the Ordinance now was in the Ordinance before but the courts interpreted freedom of speech to also include signs. There are two types of signs – on premises signs and off premises signs. On premises signs are the signs that advertise your business and an off site premise sign would be a billboard. The Metro Media Case supports the idea that you can differentiate between the two types of signs. However, we ended up with an Ordinance that applies to all signs whether it is on your premises or not. What it seems you all are really asking Mr. Brown to do is endorse the idea of granting more protection to on site signs and less to off site signs.

ANNOUNCEMENTS

Mr. Brown announced that the next meeting would be at the same place and time on Thursday, August 20, 2009.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 5: 06 p.m.