

MINUTES OF THE MEETING OF THE
CITY OF BRECKSVILLE COUNCIL COMMITTEE MEETING

HELD: January 18, 2020

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Virtual Meeting Notice

For the safety of our staff and residents the live stream for the Committee and City Council meeting please go to <https://www.facebook.com/233577357056186/live/> The recording of the meeting will be available on the City's website www.brecksville.oh.us under the City Hall, Council section. Questions and comments may be e-mailed to ttabor@brecksville.oh.us or by phone to (440) 526-2609 and will be forwarded to the appropriate personnel for a response.

LEGISLATION COMMITTEE

Call to Order January 18, 2021 at 5:00 PM

Chairperson- Ann Koepke

Committee members – D. Caruso, L. Redinger.

Roll Call: Present: Caruso, Redinger, Koepke. Absent: None.

Items for Consideration:

LEG 1. Signs – Discussion of Sign Ordinance.

Mayor Hruby discussed the history of the Sign Ordinance.

Assistant Law Director DiGeronimo discussed

- a. The use of flags as banners and signs.
- b. Sign materials.
- c. Authority for sign approval. Planning Commission, Building Official, Mayor.
- d. Sign size permitted.
- e. Neutral Sign content.
- f. Penalty.
- g. Signs on vehicles.

Other Matters deemed appropriate

Motion to Adjourn at 6:38 PM.

Motion made by Koepke, Seconded by Redinger.

Voting Yea: Caruso, Koepke, Redinger

Transcript attached as "Exhibit 1"

Mayor and Safety Director: Jerry N. Hruby,

City Council Members: Michael T. Harwood, *President*; Laura C. Redinger, *Vice President*; Louis N. Carouse, Jr.; Dominic Caruso; Daryl Kingston; Ann Koepke; Kimberly A. Veras

Clerk: Tammy Tabor

a transcript of this meeting is attached.

Councilmember Koepke: January 18 2021 at 5 PM I'd like to call the meeting to order. I am the Chairperson Ann Koepke and Dominic here, Laura here. Okay we are all here. The main item for consideration today are signs and our sign ordinance legislation. I am going to turn it over okay.

Mayor Hruby: and just you know certainly I discussed this just a little background that I wanted to present and just to give you some insight as to what we're hearing throughout the City. Years ago we completely redid the sign ordinance when I say that, it's probably 20 years ago. And during that time there were many laws that governed our signs. We allowed pole signs, we allowed this, we allowed that. We changed a lot of that and worked with the merchants and worked with the residents and we tried to get it up to date and addressed it. Now since that time there have been very few changes that have been made. What brought this to light was the past few years, elections. People in our community were used to the fact that there weren't signs and when there were signs they said why do you, you know, why are you allowing these signs. We said, well it's always been voluntary compliance. Meaning people didn't put the signs up not that they were being compliant to our law, it's just they didn't put them up. As the signs started to show up around town people sort of got used to them and there wasn't really any argument. But we had passed a political sign ordinance. We had it named as political in our, in our law. They were regulated by size they were regulated by the number that you could have and where they were placed and so forth. Not what it said on the sign but only by size, placement, how long it could be up before the election after the election so forth and so on. Well since that time the Supreme Court has acted on several occasions and has changed the law to the point that we again changed the law saying that there are no really regulations that you can have after the one case in particular. It really took away a lot of our jurisdiction if not all. So our ordinance was sort of adjusted to that, or our method of enforcement was sort of adjusted to that by the law department. Well then again in the recent years as I was saying it's in some opinion it's out of hand in others opinion it's great. You know, there's a lot of opinions on signs but the thing that really got people concerned was the volume of signs in one yard, the size of those signs. Some objected to the message and how the message was presented and it really started to create a problem. I was called and said why are you allowing this and then we had neighbors fighting neighbors over signs. He can't do this or I'll do this if he doesn't and we got into some pretty serious things where we really feared that there were going to be some assaults, and that there would be some damage of property. We tried to keep people somewhat calm when it came to that and we also said at the same time it's time to review this and really take a good look at it. Well, in the meantime I'm hearing from the social media and from the public that the Mayor wants to outlaw the signs and outlaw our right to what the message is going to be on the sign. That's absolutely not true. You've never heard us say that the Building Department is going to prohibit certain signs that's not true, you know. What we're asking Council to do is we're asking Council only one thing comply with the federal regulations. The laws that were established by the courts. That's all. We want the ordinance redone so we have a leg to stand on if we're going to enforce anything. And also at the same time that we can give our constituency some direction on what they can or they cannot do with signs. And with that in mind Scott Packard, who does a wonderful job working on this, he put this together with Sergio and we've asked that they recommend this to the legislation committee in discussion. We're not saying that we think you should do this, this, this, and this. We're just going to give you the options as you'll hear Sergio do. And then Council can discuss it. And then we would ask that Council refer to the Planning Commission which is really required by the law but the Planning Commission review it and then come back to Council who will then decide what the ultimate Ordinance will be. But again our purpose for this is not to be restrictive. Our purpose is to comply with the laws that are governing signs that were created by various Supreme Court cases that our ordinance differs with as it is written today. Plain and simple so. Sergio, with that I'll turn it back over to you.

Asst. Law Director DiGeronimo: Thank you, Mayor. I trust everybody here has received a copy of the memo that was sent last week. The purpose of our meeting today is really just to get, from you, a progress or a status report. I need some feedback as to what we've done thus far and I want to point out some areas that need further attention. If you look at the memo the first page that I provided there's black text and there's red text. The red text is what has been added the black text is the text as it exists currently in our code. So there will come a time when we provide Council with a redline version of this which will show all the changes. That's not possible at this point because of some software and hardware issues. But we're working through those. So instead, I've undertaken to retype this and insert the red text as the changes and the black text is what you'll find in the code presently. The first thing I want to point out is that sign, the definition of sign is very broad. And this has been checked against other communities other municipalities and we all share the same verbiage. A sign means any display, figure, painting, drawing, placard, post, or other device visible from the public way, very important, which is designed, intended, or used to convey a message or direct attention to a building, person, institution, organization, activity, place, object, or product. That's pretty much everything. A sign with this definition of sign is so broad that the symbol Chevrolet on your car would be regulated by our ordinances. By anybody else's ordinances there isn't an opt-out. It's you know, that's how simple the thing we're talking about. Of course we're not regulating cars or bumper stickers or things of that nature. We're talking about signs that are temporary or permanent and that are on property which brings us to the next section which is added in red. We've seen a lot of flags in our community and people have been asking "well what is this". So is this a sign? Is this a flag? So my question to Council is, do you want to include flag in your regulations and understand that if you include a flag you have to be careful because a flag becomes a sign, I believe, when it's secured by more than one edge. If it's hanging on a pole like the flags behind you those are not signs. Those are flags. But I think when someone takes a flag that has a message on it, not a government symbol like the United States flag or the State of Ohio flag, but a flag that contains a message. If they hang it on one edge and it appears to be a flag, it's a flag. But if they secure it by more than one edge, it becomes a banner. And if it's a banner then it's a sign. So my question to Council. This is an important part of, you know, what we might be doing in further revisions. What's your feeling about flags? Committee do you want to embark on regulating flags when they are visible when the entire flag is visible? Or do you want to take a pass on that?

Councilmember Redinger: Sergio, is there precedent as to how a flag is treated?

Asst. Law Director DiGeronimo: flags are appear no in no codes as being regulated

a flag for example if you call a flag a sign well then you have certain height limitations and the flag could never be on a flagpole. So that's why most people, I think just stay away from that topic but that's when it's hung on one edge. If the, we've seen flags being supported by four points tied against two structures or two trees and that ceases I think to be a flag at that point. It's a message, it's a sign and it's something that could be regulated. The question is, you know, should it be regulated or do you want to do you want to go down that road. But they are in none of the Ordinances from other municipalities have I seen flag being treated within the sign Ordinance. We would be among the first but I would also like to point out that it's only been very recent that we've seen flags being used for a purpose other than you know hanging on one edge. I haven't seen that before.

Mayor Hruby: Excuse me if I may, Madam Chairman. Most flags of course are a symbol or a logo of something other than nautical to give direction. These are not flags. These are banners or they're promoting or supporting someone or something and they don't, I wouldn't when I look at it doesn't look like a flag it looks like a flag but it's not a flag is would think a flag is. A flag is a symbol of something you look at that doesn't say United States of America doesn't say State of Ohio but you know what it is and these all have names on them. Whatever they are. So you know it's up to Council how they want to consider them. But I think you're really stretching it by saying that I mean we can't regulate message. I understand that but I think we're stretching it a little bit by including them or not including them, I should

say. In this consideration because there were a lot of those that were hung up not like flags I mean they were literally put behind something or attached to something in the four corners and they were just put out you know as signs. They weren't there waving in the wind sending a message they were boldly making a statement with verbiage in words.

Council President Harwood: I agree with the Mayor. There's people that had these tacked at all four locations above the entire garage. I mean not only there, I mean they're in the middle of yards, they're were multiple poles that they were attached to. I mean I've not seen like what we've seen this last year. I've not seen that kind of display on anything and they're not small. I mean they're big.

Councilmember Carouse: Sergio didn't you call those banners?

Council President Harwood: That's what he just said.

Asst. Law Director DiGeronimo: Yeah, I would call if a flag is secured by more than one edge then it's a sign. It's just a

Council President Harwood: Right, yeah these are banners.

Councilmember Carouse: So, we're not talking flags.

Mayor Hruby: Asst. Law Director DiGeronimo, folks are in their own human nature they're very creative a way to get around the law. So, you're saying it has to be secured by one edge. I define that..

Asst. Law Director DiGeronimo: Okay. So, this is coming out of you know, my personal, my own experience. I've seen flags, a flag when it's secured by one edge hangs down it drapes down. If you support it by one edge against the structure it hangs down and you can see the entire flag but it's subject to movement, air current. I think when you take a flag and you secure it to a board or you secure it in such a way that the wind doesn't move it or doesn't wave it then it's no longer a flag. It becomes a sign or a banner which is a sign.

Mayor Hruby: And regardless of its content.

Asst. Law Director DiGeronimo: I'm not at all concerned about the content of what's on this flag, Why this is important is because if someone has a flagpole and they hang a flag. Not, you know let's say it's not a United States flag. It's just a flag endorsing a candidate. That fabric on a pole would not count towards the total square footage of signage that they would be permitted to use. Because the manner in which it is hung. However if that person took that off the pole and affixed it to a board by its four corners then it would count for the total square footage so that's the practical aspect of this is that, later in the code, you'll see that we endeavored to limit the total square footage. I believe that's what Ms. Koepke was advocating at one of our meetings, is that we allow not by number of signs but by total square footage. And if we are going to do a total square footage limit then the question is, do we count that guy's flag and do we count the flag if it's hanging on one edge draped down. Or do we count it if it's tacked to the to a board. So my, and this is I'm dreaming this up I'm not looking to anybody else. Because this is all new land we're wrong do you do you want to treat flags as signs when they are secured by four corners.

Councilmember Veras: Can I ask you a question? Sorry, for the purposes of clarity because, I'm sorry there's so much. A little bit of confusion. So you're saying that anything that's on let's say a flagpole or like that anything that's on there like an Irish flag, or people put that's a flag. No matter what they put even if it's like a political thing or something else, sports, or browns or whatever and then one the other question is if I've seen people that have the flag like you say they turn it sideways and they put like a "Browns" bronze flag on their house it's still waving it's just the one side is that a flag still it's still a flag it's a flag. So people could put anything like that if it's secured by one edge that's what I'm suggesting.

Asst. Law Director DiGeronimo: Okay as long as it's secured by one edge it's a flag. If you endeavor to secure it by more than one edge it becomes a banner or a sign and then it falls, it's regulated by this.

Councilmember Veras: Thank you.

Councilmember Koepke: thank you Asst. Law Director DiGeronimo. Couple thoughts. Let me write it down before I start talking so I don't forget what I'm saying. I'm curious as to why this definition went in the opening paragraph and if it might be better to move it under the temporary signs definition section and say with the caveat that if it's not with the exception of government entities that would include Marine Corps flags that would include United States flags that would include flags of Ireland, Ukraine where wherever that would be a government entity. So all signs would or all flags would be considered a temporary sign with the exception of the government.

Councilmember Veras: What about like sports though and things like that are you going to tell people ..

Councilmember Koepke: That's advertising for a team. So, I think that's a temporary sign is what we're here to discuss.

Mayor Hruby: I'm sure Asst. Law Director DiGeronimo will chime in on this. I would just caution you to discriminate between government, private or any other thing like that. I think that that could create an issue. Yeah, you know why are we allowing a government flag to be up and when we won't allow the Browns flag to be up. Or the flag representing the Cuyahoga County Valley National Park, whatever.

Councilmember Koepke: Which then brings me to the creativeness of people who now have a 16-foot flagpole that have 16 feet, you know, of different advertising on it. So that is an issue now. They went vertically

Councilmember Caruso: To just to set the stage of how we're going to differentiate potentially between what we consider a flag that we won't regulate and what we consider a billboard, a banner, a sign, that we do want to regulate.

Asst. Law Director DiGeronimo: Well,

Councilmember Kingston: So it's going to come into the square footage. That's why we need to figure it out right away. Right at the beginning.

Asst. Law Director DiGeronimo: I put it in the beginning only because it was, I wanted to make the connection that when you look at sign, if you look at the definition of sign it certainly would include the flag any flag. Because it's a display drawing or device visible from a public way. So I wanted to really carve out I wasn't trying to cast a net and include flag as much as I was trying to carve out that a flag that's hanging in a customary flag like manner, by one edge is not regulated by these Ordinances. So I'm using this definition to more exclude flags that you typically see hanging from a pole. I would also, you know, go on to say that that comment I made about the Chevrolet symbol, well you could go on and start carving out, well you know signs don't include a symbol that appears on a product that you bought like my Craftsman lawnmower. As assigned by virtue of this definition when I'm cutting the grass it's a sign. As ridiculous as it sounds that's the kind of thing that, you know, you think about when you're doing this. It's like well what constitutes a sign so I could move the flag definition. I wanted to keep it close to the sign definition because I think it's important that if we're going to exclude something from the definition of sign that it should be close to the definition of sign. When you exclude it. As far as like the government flags, you know, carving out what type of flags constitute a flag that are excluded. I guess you could do that but then what happens when you do that is that can't fly my "Browns" flag on my flagpole because if it's a sign. Then it can't be more than five feet off the ground in my on my property so I would be prevented from flying my "Browns" flag on a flagpole and I don't know that That's, you know,

Councilmember Caruso: And Sergio if we tried to limit it to government entity would there be any legal arguments? Someone could make, to say, well this might not be a government issued flag but it's a flag of an elected official that I want to support and since they're part of the government and elected by extension is that a silly argument?

Asst. Law Director DiGeronimo: I don't know no I think you know I think it's a legitimate question it's not a silly question there are other flags too that I'm aware of that aren't connected to you know any particular government but they are organizations and people want to fly the flag that represents an organization. If it's a flag I don't know that it should be I'm going to advocate that we allow flags to remain flags but when flags are used in a manner that they no longer have the characteristic of being a flag but they're used as a banner or a placard then it would be subject to these Ordinances. It doesn't mean you can't use it. Really what it means is that you can't light it up, you can't illuminate a flag. In fact you're supposed to illuminate a flag. But if it becomes a banner you know it can't be more than five feet off the ground in a residential area. And it's, the total square footage has to be, and this will show up later in the code, total square footage of a single flag is eight square feet. Two by four which would be eight square feet. And that's really what I'm trying to under take here is that. Recognize that some flags are being used in manner which are not consistent with the definition of a flag.

Councilmember Koepke: Sergio shifting slightly here. Then if we don't want to discriminate or define the message from a flag being a government entity or the "Browns" or anything, could we consider you know we're doing square footage as a consideration on a horizontal plane. How about the square footage of a symbol or multiple symbols on a vertical pole so if you have flags you can't have more than "X" square feet of flags. You might have somebody with a three by five foot US flag and two- two by threes (flags) underneath it. You know something of that nature. And maximum square footage or they could throw out an 8 by 10 flag but maximizing it that way so that you don't get somebody with a 16 foot tall pole with 16 feet of flags down it. That makes sense.

Asst. Law Director DiGeronimo: Sure

Councilmember Koepke: I mean I'm not trying to limit somebody's ability to put their flag out. We will get that creative person that uses that as an opportunity. If and I'd also like to throw out that maybe we could state flag's condition. If you get a ripped and tattered flag that that's something we need to consider requesting to be removed. As well are people that have multiple flagpoles. I'm sorry are p

Councilmember Caruso: Are people currently allowed to have multiple flagpoles?

Asst. Law Director DiGeronimo: I believed so I'm aware of no regulations as to flagpoles maybe Councilmember Caruso I know some of the businesses have them. So it makes sense people get really creative.

Council President Harwood: But even if you had multiple flag poles your square footage requirement still should be the same. You'd have 10 flat. I'm you know per property right well right but your square footage doesn't matter the number of flagpoles the square footage is a fixed entity. provided you write it that way.

Council President Harwood: and it's not perfect yeah not per pole but it's total on the property.

Councilmember Redinger: Maybe just suggest we do we have to come up with the solution this minute or should we just kind of keep moving along and then kind of circle back.

Asst. Law Director DiGeronimo: by all means no I'm here to listen.

Councilmember Redinger: No I mean I think from just from the brief discussion I don't we need to keep this as simple as possible I don't want to go down a trying to limit put further restrictions or limitations that are going to cause people to think that we're trying to tell them what they can and cannot share their opinion on etc. So, I think that's a, I mean I understand exactly why you're proposing it Asst. Law Director DiGeronimo. And I think it has some merit. But I think we also need to be conscientious not to try to add a thousand more limitations on people.

Asst. Law Director DiGeronimo: Right, yeah, I like the idea of circling back. This is just, this is an exercise to, you know, if we can reach consensus, great. More than anything I just want, you're in more guidance. So, I'm not out there you know. Leaving the reservation doing my will. Rather just, your will.

Councilmember Redinger: I just would hate for us to get into a situation to tell people that they can't put their beloved "Browns" flag up or "Indians" flag or Cleveland team. Whoever we're calling

them right now. And I think you're, could be causing more issues if we try to define it too tightly.

Asst. Law Director DiGeronimo: Okay, then I'll, for now, I'll move on to the next section. Permanent signs just needed a definition. I supplied one with I think Scott and I came up with some of this language. Just looking for an idea that, well, permanent sign is exactly that it's meant to last. And then we've undertaken to we've, if the black text that says billboard, bulletin board, directional sign, identification sign. Those definitions, they don't, they can stay in the code. They're not necessarily, they don't necessarily serve a purpose for us once we make a distinction between permanent and temporary signs. They're those are the only two types of signs in the world right now given the supreme court. These are, this is more of an effort to provide some nomenclature or words that we can use to apply to certain types of signs so I left it in there. Some would argue that it should be taken out and it may affect you know come to that we take it out but at this point for our exercise today I've left them in there. Moving to page 2 of 10. This is where we're going to get into more nitty gritty because permanent signs there are no issues there are no problems with permanent signs there's been no issues that have come up I think Mr. Packard would agree that the portion of this code dealing with permanent signs is not an issue. Temporary signs the definition has been expanded again the black text is what existed the red text

is what was added no permits required for a temporary sign. If it's going to be a temporary sign it's going to be made out of something that's not too not too durable otherwise we're going to want you to get a permanent sign and get a permit if you can. It's going to be supported by securing it into the ground by a depth of not more than six inches using your typical wire gauge or metal stakes of a modest dimension. Half inch in diameter so this pretty much covers the kind of signs that you see stuck in the ground. We've also elaborated further because we recognize that some signs that are customary in our neighborhoods are constructed a little differently. And I'll use the example of a realtor sign although I'm not suggesting that only realtor signs can look like this so it's also known as a temporary sign that could have be used for any purpose but you're familiar with the realtor signs that are like the Century 21 they stick them in the ground they're about a foot in the ground they're a four by four with a cross member from which a sign hangs so we wanted to say that a temporary sign could be of one of these two types so it's either something that's secured into the ground by a six inch depth using wire gauge or it's a wooden post stuck in the ground 12 inches and it's going to have a wooden cross member something you know nice looking. And then we have temporary signs including the existing definitions. Special event signs sub (d) on page 2 of 10 talks about a sign that I think I'll use the example like the Kiwanis sign it's a special event sign you might see it in the right of way a clambake sign. You know for maybe a church . clambake or some event if there's gonna be a sign like that if the function is to announce an event in our community. I just wanted to elaborate on that so we already had the definition of special event but I wanted it to at least discuss further what is a special event. So that's the purpose of that there and yeah after you've had a chance you please give me your comment yes

Councilmember Koepke: I'm sorry Sergio on d on this page the special event signs the public land the Planning Commission it says that's part of the existing language which we'll see we'll conflict later on when you added that it came from the Mayor or Chief Building Officer. Just so you know and that's on page four yes those are a conflict because one place is telling you you're approved by the Planning Commission the other is by the Mayor. And then part of that language I guess if permission is given I think we should publicly state what the guidelines to be approved for that.

Asst. Law Director DiGeronimo: So circling back to that part you're right about the there's an inconsistency there and of course the Mayor or the Chief Building Officer can be accessed much quicker than the Planning Commission but I will leave it to Council to decide which of those two are maybe one of the three could be looked to for authorization to display a special event sign but Ms. Koepke is correct the Planning Commission was the existing language and later on we'll come up to a section that was altered by myself where I indicated that these special event signs would be authorized by the Mayor or the Chief Building Officer. And that's for reasons I mean they're just easier to get to and you'll get a quicker

response with the Mayor the Chief Building Officer that's not to say or diminish the important role of Planning Commission of course we could rely on the Planning Commission to be one of the members or one of the entities to go to and yes we can we could talk about you know you could give us some guidance on what criteria would be used maybe we could you know expound on that too so that would be a topic for that that'd be some kind of homework for us to do.

Council President Harwood: and that Sergio so Scott we've always had Planning Commission has come in and presented for any of this kind of stuff before because we have two meetings per month and usually I mean Eric I know Eric usually from the Planning Commission as the Planning Coordinator helps establish the agenda for Planning Commission. I don't think we've ever had an issue where anything was needed that quick that you haven't put it on the agenda right.

CBO Packard: the only time that really comes into play is for like the Kiwanis Club and that the special event things that are typically and we've always used like the grand opening as a 15 time period that's already in the Ordinance so anything that was 15 days or less the Mayor or I would be able to approve. Anything greater than that would go to Planning Commission. So that was kind of the standard we used or have been using to using in time not anything else. I guess I'm coming from this as it's confusing to somebody that would come in to try and ask.

Councilmember Koepke: excuse me and I believe in as research of the cases I had read with the Supreme Court it said that one of the things that sign regulations needed was to have clear description of what people need to do in order to get approval so um that that's where that thought came.

Council President Harwood: have you seen what's been submitted at Planning Commission for signage packages.

Councilmember Koepke: No because I was looking at temporary here so no I'm sure but I'm just skipping the code.

Council President Harwood: there's very specific packages that are identified when anybody submits for a sign so they not only do they have to submit what the sign is they're submitting they have to submit for any deviance any variances they need they have to identify what they're asking for why they're asking for it and they have to state whether they have you know a reason why that they're asking for us to approve that so what we get at Planning Commission is a very detailed package for every application and it has a write-up that tells us exactly what we're looking at what Eric does a complete review of the code and he identifies point by point both sides good or bad so we know exactly what we're reviewing so again I mean well this is the what we do for Planning Commission as long as we've done it I don't remember I mean there's been times where somebody said I needed something pretty quick but when if you submit in a timely fashion per the dates of when you have to submit to get on the next agenda. I don't remember anybody in 20 some years that's ever complained that they didn't get a sign in a timely fashion or couldn't wait to the next submission. I mean Scott you,

CBO Packard: That's correct.

Council President Harwood: I don't think that I don't think it should go away from Planning Commission. I mean I think that if you need a sign you know when you need that sign you usually and when people come in for signage they come in with a sign vendor that presents for them so in most applications we don't even see the actual applicant we see whoever their assigned vendor is, presents for that applicant.

Councilmember Koepke: and that in mind and they didn't mean to cut you up these are temporary signs same thing so I don't think they'll need a vendor to come in on their behalf and if it is limited to a two week or 30 days and you have to ask permission again I'm just, I'm saying that we can use that as a guideline look at it see if we need to add anything but I do think that if people are coming in for a sign that says um for instance the ones on the town for the seniors you know say you can have them up there for 60 days not you know however as long as that approval is there so people know how it got there.

Council President Harwood: yeah I again, I because we've done all that too so we've given the timeline the Building Department notifies when it has to come down it's pretty straightforward.

Councilmember Koepke: And again this is because I had read that was one of the guidelines based on Council President Harwood: Sure.

Mayor Hruby: so one of the complaints years ago was that we were too restrictive on temporary signs that were for the good of the community that had community interest community purpose and that's when the Planning Commission gave that authority to the Building Official and the Mayor and primarily I don't get involved in it I allow Scott to deal with those issues and again that's for temporary signs that are always and have always been very limited in size, limited in the time that they're up and limited in message and it's primarily been generated by requests of the school.

Councilmember Koepke: And I'm open to discussion who has that and I think having two points is good in case one has a delay or you know there's always something. I just I wanted to make the point that there was a conflict in here.

Mayor Hruby: So but do you, are you implying that you think that the Planning Commission should have more oversight on those or less oversight or leave it the way it is.

Councilmember Koepke: No, I think if it is written that it's a long-term sign or something and they have two weeks. Then it should be presented to the Planning Commission. Maybe special consideration if the timetable is less than 14 days that this needs to be up and a maximum number of days that could maybe two weeks so that it can go to the Planning Commission. So does that make sense? So like the Mayor could approve something if there's 15 days before the Planning Commission there's a seven day cut off? You get eight days does that make sense? Like so that it can be presented to the Planning Commission at a different time?

Council President Harwood: Well, no because when he approves the timeline the clock starts at a certain period. Okay so and most, and again it's not most applications. If a guy says I need it for, I'm just making this up 14 days. A lot of them will come in and say I need it for 20. They're going to cover what they need so they're ready for that. Because a lot of applicants don't want to come back and request it again. So they're going to take a timeline that encompasses what they need for that advertisement. Whatever you want to say. And again the reason why I bring this up is you really, if you have you seen what Scott and Eric provide to the Planning Commission for every meeting.

Councilmember Koepke: Not recently but I have. Oh, yes. I thought you meant about the signs, yes.

Council President Harwood: Oh but even the signs. Have you seen any application for a sign because before you said you did so I'm just asking.

Councilmember Koepke: No, I did not do it in my research for this but no I have.

Council President Harwood: Because you really have to look at that. Because what's presented to us we know exactly what we're looking at. What we're approving, temporary signs. Because everyone on Planning Commission will say is that enough time for you guys, or do you need more time. That's all I'm saying. That you really, I mean Mayor, I don't know if I've ever heard you approve a sign or anything like that unless it was emergency. It does always go because Eric puts something on the agenda that reviews it with the Mayor. So if you look at the protocol for this, I think that we've accomplished all this. And it doesn't and Sergio I appreciate everything you're doing. But in this case I don't know what else we could do any better than this.

Councilmember Koepke: Okay so let me throw out a scenario and then we can move on. Because again we're spending quite a bit of time on this catastrophic, God forbid event happens and you need an emergency blood drive so they want to put it up next week but Planning Commission won't meet for another two weeks. Somebody should be able to give them the right to put that sign up. And if that sign is going to be there for three weeks then they can go for seven days to the, you know, to get them to the Planning Commission even. They need to be able to get that sign faster. So that's where I am. That's something else we can think on.

Councilmember Redinger: Wait, hold on a minute, something I just think we're trying to like, if someone calls Scott why don't you just if someone calls and they don't have time to get to Planning Commission what do you do?

CBO Packard: Typically on this like special event, that's the exception that's currently in the code that allows me to do special events.

Councilmember Koepke: Right.

CBO Packard: That's all correct and that's where the exception is and we use a two-week time period for those.

Councilmember Redinger: But what do you mean it needs to be in here I don't understand.

Councilmember Koepke: Because here in on page two.

Council President Harwood: What you're saying is there's a conflict between two different documents.

Councilmember Koepke: So we just need to..

Council President Harwood: What Ann is saying is she's not she's talking about it planning so there's there's two different documents that we just need to make the revision so they align with each other. But you're not disputing what's written in this.

Councilmember Koepke: No.

Council President Harwood: Okay, then it's really for another document that Sergio can look in and do. It does not change anything that we have in here.

Councilmember Koepke: Except that page four says expressly authorized by the Mayor, Chief Building Officer and page two says approved by the Planning Commission.

Council President Harwood: Correct and that's what we need to modify.

Councilmember Koepke: Okay, we'll move on. Sorry about that.

Asst. Law Director DiGeronimo: So I'm going to include Planning Commission and the Mayor or Building Commissioner on both, in both scenarios and we will, we'll talk about whether there needs to be. Any time frame. But are we in agreement that it could be granted by any of those entities. Did I hear that correctly? that we're

Councilmember Caruso: Well, you don't want people constantly saying that they didn't have enough time and bypassing planning needlessly. If it is an emergency. So I think maybe we define it as continues to be the primary function to go through Planning. In extreme circumstances what it can then defer to the Building Department. What I heard from Mike you don't take it away from Planning.

Council President Harwood: And if Scott (CBO Packard) deems it emergency, he's our department head. He will make that call. We won't have to worry about that.

Councilmember Caruso: It's already happening.

Asst. Law Director DiGeronimo: I think I'll direct your attention to page 5 of 10. The changes there relate to the use by the city of certain signs which would be otherwise prohibited by the code. Namely the message board that we recently acquired. It is both portable and portable mobile and it has flashing lights on it and I just wanted to make sure that we were unambiguous as to that. The other really simple change addition was the gas-filled balloon, search lights, or pennants. I added positive air pressure fabric bags you know what that is that's the

Councilmember Caruso: Yeah, the car dealer thing.

Asst. Law Director DiGeronimo: The wiggly guy that flops around because he's being filled up with air. Awfully cute but I think that was contemplated to be one of the types of signage that we didn't want. Signs in residential districts, this is where the rubber meets the road. This is the real part of the ordinance that we sought to impact. And what we've done here is we've added temporary as a type of sign so there's nameplate identification and directional that exists currently in our code and we see no reason to change that. We're adding temporary ground signs. And on page 6 of 10 we added that also to the chart. And you'll see that the maximum size of a single face area for one side of the sign would be limited to eight

square feet which again would be two feet by four feet or some correlation thereof. Maximum height would be five feet off the ground. That's also existing in our code already. It's just in red because it's added one foot from the right away. That's also in our code it's just added in red because it's in this chart then we get into the small letter (i) through small letter one through seven 1-7 and we elaborate on what we mean by the total area of the signage face. So basically the takeaway here is that in a prior meeting it was discussed that 32 square feet would be sufficient to get your message across and you would be limited in terms of your message by 32 square feet. No matter however you wanted to break it up by however many signs you wanted. And then number two the double (ii), it's a little more difficult but this was to give you an idea. I understood it when I read it I think I understood it when I typed it. I took this from another community's definitions and I think what we're saying is that the perimeter of the sign the message, the sign is what we're counting in our square

footage not the support structure or the thing that's holding it up. So if you took for example the 4x4 post with the cross member with the sign hanging beneath it we would only be measuring the sign and not the total structural component of it. Then number three (3) or triple (iii) each temporary sign shall be apart and separated by, in this case (72) inches from any other sign. We want to space them out, 72 inches is just, you know, I guess it depends on what the size of the sign is if it's a two by four sign. You could see why you wouldn't want a two by four sign next to another two by four sign it should be separated by some distance otherwise you have a much larger obstruction.

Councilmember Caruso: besides separating by distance this 32 square feet should there be something to the effect that an individual sign shouldn't exceed a certain square footage to avoid some of these giant billboard things?

Asst. Law Director DiGeronimo: Yeah that's up in the in that chart.

Councilmember Caruso: Oh, okay sorry.

Asst. Law Director DiGeronimo: If you look at the chart. It's kind of hidden in there. It's not I mean maximum size of a single face is eight square feet so that's a two by four. And if it's on both sides of course then that's eight foot and eight foot sixteen and then if you had another sign that was two by four that's another sixteen. You've maxed out, you get to have two, two by four signs.

Councilmember Koepke: And just to visualize two by four is.. So, we're only allowing two that big.

Asst. Law Director DiGeronimo: I'm sorry. Yes, two feet by four feet.

Councilmember Koepke: So that's essentially one "Go Bees", Two "Go Bees" signs. I think that might be a little too limiting. Well I guess I should have brought a tape measure because it's not actually. Well, so these are eight and a half by elevens. So roughly, you give me two inches in between. This is two by well that's four, no four, two. Okay so you get four, roughly "Go Bees" signs or "I'm a new Bee" or something of that nature, right? Just to put in perspective for those listening.

Asst. Law Director DiGeronimo: The remainder are pretty standard. We don't want the temporary sign on public property without the permission of the governmental entity upon which it is placed. Number six (6) or VI, temporary sign shall not be illuminated, that's already in our code. It's in red because it's relocated to another section. Temporary signs in the right-of-way can be taken down and will be kept for a minimum of 72 hours and then destroyed. It will be taken down by the Police or Service Department. That exists already in our code. But because it was relocated I put it I alert you to that in red. The next section is going to require us to look at the old code or the current code. Rather together with the proposals. That's page 7 of 10 on the bottom if you look at 1187.14. Section 1187.14 is the really the reason we're here. It contains a lot of content oriented regulation and of course the Supreme Court is requiring us to have content neutral regulation. So I had to delete a number of sections. Those dealt with specifically permits are not required for garage sale, ground political signs, these are all the kind of things that are not content neutral regulation. So we need to eliminate them from our code. But we do want to keep the idea that you don't need a permit for a temporary sign in a residential district. Of course if it's you know, becomes a sign that's not temporary then you would need a permit it may not pass muster.

Lastly I would want to point out that there's on page 8 of 10 and 9 of 10. When we're talking about this Section 1187.14 there is language that treats real estate signs differently than other types of signs. And we place a time limitation that it can't be. You know if it's a lease space you can't have it more than 60 days prior to a known vacancy. Well uh I believe that this is problematic and should be excised from our code. Only in so far as that we have a time period for a type of temporary sign and we call it a real estate sign we have to treat all signs the same whether it's a real estate sign, political sign, or garage sale sign. If it's a temporary sign, it should be subjected to the same treatment. So I would have just pulled that out, But because that wasn't discussed in any prior meeting I just wanted to bring that up to your attention. And you guys hopefully agree with me, that it should be taken out and that would end that discussion. But if you feel that it, you know it should stay in there I would just caution you that it's not it's a departure from the content neutral treatment that we're trying to achieve.

Councilmember Koepke: Just to clarify, so we're proposing as reading through this, I agree with you. That whatever helps you. So (f) on the bottom of page eight, with the one the capital (A), (B), and (C) should all be removed in your opinion.

Asst. Law Director DiGeronimo: That's my opinion, yes.

Councilmember Koepke: And I would agree with that opinion.

Asst. Law Director DiGeronimo: The next thing that I would bring to your attention is just some language that was..

Councilmember Redinger: Wait Asst. Law Director DiGeronimo, I had one question I'm sorry I'm gonna back you up to page seven is roman numeral seven is that part of our current code or is that that new or is that that's

Asst. Law Director DiGeronimo: I see what you're looking at it's not at the top of the page. Yes, that is currently existing in our code.

Councilmember Redinger: Okay, you just relocated it. Okay so it would make sense.

Asst. Law Director DiGeronimo: And that's why it's in red. But that language is not new.

Councilmember Redinger: Okay. Temporary signs. I'm now at page (10), 10 of 10. Temporary signs in existence which don't comply get 10 days after certified mail noticed by the building department. This is just, you know, if we pass an ordinance we need to execute on it in the event that there are some non-complying signs. So I wanted to create the language that would allow for that.

Councilmember Koepke: I guess my only comment I think that's good, Asst. Law Director DiGeronimo is we don't state what the penalty would be if not comply. Is there a fine is there an allowance to remove it? Is there what...

Asst. Law Director DiGeronimo: Sure so in 1187.99, which it currently exists. That penalty would be a fourth degree misdemeanor.

Councilmember Koepke: So do we need to note that here.

Asst. Law Director DiGeronimo: I don't think so. I think when you look at the whole chapter and you look at the penalty section if you violate a Section of, any violation of a provision of this Chapter 1187 you would be subject to a fourth degree misdemeanor. So in our in our particular code whenever you have a 0.99 the 0.99 refers to the penalty. So the way our code was constructed at the end of every chapter there's a 0.99 which covers the penalties for a violation of that code chapter. So we generally keep the penalty at the end of the chapter.

Councilmember Koepke: I have a few questions. Can we possibly go back to remember my question is page four the advertising signs on vehicles. Is this has this been held up in other cities? Is this considered something that we can regulate since you have to read it in order to know what it's doing?

Mayor Hruby: Where are you again please?

Councilmember Koepke: I'm sorry page four, 1187.07 (a). And I understand why it's there and what we're trying to do. I'm just wondering if it's something that could be challenged and if it's held up anywhere else. I really don't know the answer to that. I don't know that it's been challenged I mean I don't want

everyone's front yard to turn into a car, you know, stay a lot either. That's the intent of having this there. I'm just wondering. I don't want anyone to pick, just to pick. So trying to stop problems before they come.

Asst. Law Director DiGeronimo: So we had at one time I think, we sought to enforce this section on a prior car wash that was in town. Not the new car wash but an older car wash that was in town. And they had a vehicle that had car wash written on it and they used to park it close to the street. And it was believed that it was really just a movable sign if I'm not mistaken. Since that time, there's a new phenomenon of people wrapping their vehicles and we have delivery vehicles. We have certain restaurants in our city that have vehicles that have signage on them denoting that they're denoting that they're owned by the restaurant they're for delivery. There's other businesses that cater food and they have signage on their vehicles. I guess the question is that we, I don't believe that we've gone around and measured them to determine if they're, if they exceed five square feet. Five square feet per sign. So that's, I guess I would just defer to Council. However, you want to have.

Councilmember Redinger: Have we had complaints?

Mayor Hruby: Could I get a clarification please?

Councilmember Koepke: I think I just solved my own question by reading it again.

Mayor Hruby: Yeah, are you talking about mobile signs? Signs that are on a vehicle?

Councilmember Koepke: So I believe that's what this is doing. When I first read this I guess I was envisioning signs that said for sale parked in the front, you know of a lot. But this is more the wraps on the car that they were those removable magnets or now the wraps that are put on the car. So this was different from what I was envisioning.

Council President Harwood: And Scott (CBO Packard) sometimes I think, you, sometimes you get complaints. Like there's a family that lives there that the gentleman works for an HVAC contractor and his van is in the yard. I'm sure you get some of those calls, or some abuse that privilege, correct?

CBO Packard: But very seldom. But yeah we have used that section for vehicles in residential that were commercial vehicles. So the way the ordinance reads is they have the option to put it into a garage and then it goes away.

Mayor Hruby: And it's usually based upon the registration of the vehicle. Whether it's legal in a residential neighborhood or not. But you can you can have a vehicle without any signage on it but have the registration that it is a commercial vehicle and it's illegal. It could be a white van, it still well.

Councilmember Koepke: And then you know I'm envisioning buses that come in with their side and they don't belong to Brecksville. So they thought they will be moving and they're not advertising for the property they're parked on.

Unknown Discussion

Mayor Hruby: Right, under residential code.

Councilmember Koepke: And then I guess page five Asst. Law Director DiGeronimo lower case (f) the portable and mobile signs is defined. Except as used by the city safety forces. This I take to prohibit the a-frame signs. It might say "Open" or "Fresh Cup of Coffee". I mean is that supposed to fall under the portable mobile sign as well?

Asst. Law Director DiGeronimo: okay

Councilmember Koepke: I don't know that we want to prohibit every sign.

Asst. Law Director DiGeronimo: So again just I want to make sure I'm understanding portable sign.

Councilmember Koepke: Oh except see, I read it to say that all of them were prohibited. So, it says prohibited signs. They're prohibited

Asst. Law Director DiGeronimo: Portable and mobile signs are prohibited. And I guess my question would be what I understood that to mean are signs that are, have wheels on them.

Council President Harwood: Yeah like speed limit or you're going too fast or you know we have what the Chief's placed at certain locations to tell everyone about their speed. That's would be a portable. He could take to another location if necessary. That to me is a portable.

Councilmember Koepke: So I took portable to mean that a-frame sign that says fresh bakery or now open or thank you or you know.

Councilmember Caruso: Like what would we define one of those like flags that like a subway will put out in front of them one of those things that...

Councilmember Koepke: I have pages and pages of sign definitions that you know I can present. But we don't want to bog down and make this the world's largest ordinance. I just I hate to say when a cafe opens that says now open, that sign can't be allowed out there for a week or two.

Asst. Law Director DiGeronimo: So, I'm looking at the definition now and I would agree with you that a portable sign is one that's designed to be moved with or without wheels. So I guess the sign, a sign that you could pick up and walk away with like an a-frame sign, would have to be discussed. We'd have to elaborate on it.

Councilmember Caruso: Couldn't just argue this is a special event it's a grand opening and so it falls under all that definition that we've already created. Potentially on some of this stuff.

Councilmember Redinger: I was somewhere before I came here this evening and there was one of the a-frames out in front of a business that's out there every day. So, I don't think that I don't think we want to limit that in any way, shape, or form.

Councilmember Caruso: I agree.

Council President Harwood: And the reason why I think the safety forces language was here so if the Police Chief felt that it needed to be at a location. Whether it was in a right location for traffic and that's what the safety language here is, that's what that meant was used for. Specifically for that type because we do have a number of those that are being used throughout the community.

Councilmember Redinger: Maybe it's the wheels Asst. Law Director DiGeronimo component that is most important to that. Because I would, you know, I would like to not see our businesses have signs that they bring in and drop off in the morning with wheels because that would be pretty darn big.

Asst. Law Director DiGeronimo: I agree that's this is an existing definition. It's not one that we're actually looking to revise an existing definition. And so a portable sign would be one that's designed to be moved with wheels and the question would be the a-frame sign which is designed to be moved without wheels. So it's not a portable or mobile sign.

Councilmember Koepke: Because they are durable they're made to last so they wouldn't fall under temporary except for a temporary location.

Asst. Law Director DiGeronimo: So that might mean a ground sign under number three. A free standing with not more than two faces that has a supporting base designed as an integral part of the sign resting on the ground. So that would actually be called a ground sign. Which page are you on.

Councilmember Koepke: What Page are you on?

Asst. Law Director DiGeronimo: Page 3 of 10.

Councilmember Koepke: So would we say A-frame?

Asst. Law Director DiGeronimo: I'm going to turn around and ask Scott (CBO Packard) is A-frame the nomenclature?

CBO Packard: Yeah and we've had them in in the past in Planning Commission at least since I've been here the A-frames were one of the types that were not allowed. Planning Commission and in the city kind of relaxed on a lot of that. But that was the original intention is to prohibit a-frame signs to be in a public right-of-way. Which along SR 82 in front of the buildings of the public right away. So that was the reasoning behind this to not allow those is generally in the public right of way and it becomes a legal issue in in more ways than one.

Councilmember Koepke: So what if we said A-frames with permission from the Planning Commission or something like that. It's a temporary, movable, permanent, everything.

Council President Harwood: I mean I agree with Councilmember Redinger. I don't have a problem especially in today's times right now. I mean, if however they need to advertise and they're going to take, usually they take them down at night. You know,

Councilmember Koepke: And that might be the condition that the Planning Commission puts on. So those A-frames could potentially be allowed as a ground sign, with permission from the Planning Commission.

Councilmember Redinger: Do we really want all of our businesses have to come to Planning Commission for an A-frame sign that they take in at night?

Council President Harwood: It's in Scott's court at the end of the day.

Councilmember Redinger: Okay, I mean I don't want to put that on our businesses. I don't think Scott wants 50 people calling them.

Councilmember Koepke: But as it stands right now they're all in violation. This is an existing regulation that we need to modify. Because as it is right now.

Councilmember Redinger: that's what that's what I'm saying. But we don't want to modify. My point was this we don't want to modify it that they have to go to Planning Commission.

Council President Harwood: Like Scott's point if it's in the middle of the right-of-way where it just does not work at that location, he can make that determination. Or in some cases he would send it to Planning Commission and let Planning Commission take action as the board.

CBO Packard: Correct. And we have been very relaxed this past year for that specific reason. We want the businesses to flourish.

Councilmember Koepke: So we're, in our codes, allow them and in the right of way they need permission.

Council President Harwood: It'll be just like the other signage. So it will go, correct me if I'm wrong Scott (CBO Packard), they would apply for a signage application. Depending if it meets code, where they can do it or if there's whatever. If they're in the right of way, whatever that is Scott would make the determination whether to send it to Planning Commission. So Planning Commission could take action and it could assign the same time frame 30 days, whatever it is maybe, it's just for. Like Dominic said a grand opening or there's something they're selling. Whatever that may be and that's how it would be taken care of. It would follow the exact same language but it would be for the A-frames.

Councilmember Koepke: Yes. I was just trying because right now they're currently not allowed.

Council President Harwood: I know but that's what he's going to rewrite that.

Councilmember Koepke: On page 6. That's, I just wanted to verify and then on page six number six roman numeral temporary signs shall not be illuminated. Again I just want to verify that works with the flag issue because we do have to illuminate the American Flag so just make sure whatever we do with that we go back to make sure this flag is live.

Asst. Law Director DiGeronimo: Just a comment on that in our existing code temporary signs are not to be illuminated and yeah the flag issue is you know if you're hanging a flag on a pole of course it's supposed to be illuminated and it should not be a violation if you illuminate a flag on a pole. And if you hang the flag by one edge on your, let's see on your the gutter of your garage it's still a flag and the purpose of that section that was much discussed earlier was simply to figure into this total square footage are you going to count that person's flag as a part of a sign for which they are limited 32 square feet or are you just going to treat it as a flag. Because it's hanging in them as a flag.

Councilmember Koepke: I was just making the note that if we do that, you know, we want to make sure that the flag was gone.

Asst. Law Director DiGeronimo: Flags yeah flags should I think that's in the you United States code. I'm not sure I remember reading it somewhere that you got a maybe it was when I was in cub scouts. You gotta illuminate your flag. So I have I've got some direction and I'm finished with my review my presentation of the what's been reviewed thus far and I can put something together.

Councilmember Redinger: Well should we circle back on the flag issue. I mean I don't know.

Asst. Law Director DiGeronimo: Sure, the flag issue is you know again what I'm suggesting is that it's been made apparent to us in the City that flags are used in a manner that is more like a sign than a flag. And I'm not sure I know what the difference is, except when a flag is at rest on a pole it has a certain visual effect. And when a flag is stapled to a board out in the front of somebody's yard it has, you know, a different impact visually. So if the flag, my point with this language is that signs include flags unless the flag meets the preceding definition, in which case a flag is not regulated by this chapter. And of course the question is well is it proper to describe a flag as something that is a piece of cloth or similar material oblong or square attached to a stationary pole or structure by only one edge. That's all made up. Those are all words that I've conjured up using a dictionary and my own qualifications. A flag would be subject to air current it would be moving it would wave. If it does that, then it's not a sign and we don't regulate it. I did that because if I have a flagpole and I have a flag on it let's use the Cleveland Browns. I got a Cleveland Browns thing on my flagpole and my neighbor has a Cleveland Browns flag stapled to a board in front of his yard. Mr. Packard stops by and says to me, my flag is a sign and I say no my flag's a flag and it's not in the code. He can then go to the neighbor and say you've got the exact same thing but the manner in which it's stapled to the board means it's a sign. So I'm really just wondering, is this something that we should concern ourselves with given what we've seen or do we, you know, cut bait and move on?

Councilmember Koepke: You've seen this and no definition of flag in any other code,

Asst. Law Director DiGeronimo: No codes that I've reviewed, and I've reviewed a number of codes, don't talk about flags primarily. I think because we haven't seen it before. We haven't seen flags used as a sign or a banner. Now we are. Should we react to that or not? We could choose not to and then you'll hear somebody say well that's not a sign that's a flag. Even though it's stapled to a board. So if you do nothing, I expect that would be a likely consequence if you don't address it now. Then flags are going to be manufactured that have messages on them that are flags and they are not they're not signs. Of course we could instruct our you know our building official that you know a sign includes a flag when it's affixed in a certain manner.

Council President Harwood: Banner's been discussed, too. there's no definition of banner does it make sense to?

Asst. Law Director DiGeronimo: a banner, you know I guess a banner is I don't know what a banner is except that it you can roll it up or fold it up it's not a dense material.

Council President Harwood: I'm just trying to help you with the definition whether it flag if it's if it's if it's attached vertically or if it's attached horizontally does that matter?

Asst. Law Director DiGeronimo: I'm I agree with you and I was going through this exercise and I'm not justifying my own conclusion but I used flag and banner as synonyms. That they're the same a flag is a banner a banner is a flag if you take a flag and you put it on aboard it becomes a sign if you take a banner and you or you know a banner, I think is flexible material that's affixed to by four corners it's it becomes a sign at that point.

Councilmember Carouse: You know Sergio when you were defining that before my understanding that the flag was a flag but that when it was a to something or by all four corners that that was a banner you're calling it a sign. But I was referring my thinking was that was a banner once it became more affixed I would agree with the delineation between a flag and a banner. That's what I thought you were referring to.

Council President Harwood: I would agree with you.

Asst. Law Director DiGeronimo: I don't know if everybody else was but that's how I agree I didn't define banner and nor was it defined previously.

Council President Harwood: I'm not saying you have to. I'm just saying is if you want to include flag as long as you what Councilmember Carouse just said if it's I've seen so many of them up above a garage all four corners are fixed that you may get some wind behind there but it's fixed it's not it's not like on a flagpole where the wind blows and it gets caught up on the pole or if you have something off the side of your house a lot of people have the miniature poles that are on an angle that the flag flies from you

know I would consider that a flag too. However you can write that to get your point across that includes in the signage packages. I would agree with that.

Asst. Law Director DiGeronimo: Okay. So let me ask you then. A piece of fabric with a message on it. Because I don't want to when we say flag I mean whenever I use the word flag I'm thinking the United States flag. But it's more inclusive. A flag is a piece of fabric with a message on it. It could it could even just be you know let's say a pirate flag. If you had a pirate flag, if that flag is on a garage affixed by four corners and it's when you say on a garage I'm assuming it's over five feet high it's up on top of the peak of a garage. Is that a sign? Do you want to treat that as a sign? Meaning that it counts towards the 32 square feet total. That's really what this whole question comes down to. It comes down to that should that count.

Councilmember Carouse: To my previous definition a banner was a sign.

Council President Harwood: Yes, he's saying it's fixed on four points. Does it does it have to meet the square footage requirement at that location.

Councilmember Carouse: Yeah that's a sign.

Council President Harwood: Yeah.

Councilmember Koepke: Okay not to add to it can we just say more than two corners because you might get, eight.

Council President Harwood: Yeah, I agree with Councilmember Koepke.

Asst. Law Director DiGeronimo: yeah so more than two just to be a stickler someone might have a rectangle they only put down three sides. So more than two. So or you have a triangular piece.

Asst. Law Director DiGeronimo: I was down that road and I that's why I ended up with attached to a stationary pole or structure by only one edge. I agree does that mean for at the corners I mean so it can be secured by the one edge.

Councilmember Caruso: The one edge solves the problem. Because if as soon as they do that third yeah or not or try and play games. If you force it to just be the one edge, it's going to hang down like a banner wouldn't work if it's just on one edge right.

Councilmember Koepke: On page 7, at the bottom, 1187.14 lowercase b, and this was just confusing to me and I'll give you what I was thinking. It says a permit is not required for any temporary sign in a residential district provided that the sign is located on the lot relating to the sign. However all such signs shall be subject to the applicant. So then they located on the lot relating to the sign. Go Bees. Okay, if you have like a kid or you're selling honey what about something like God save queen or Go Tribe? Those have nothing to do relating to the people.

Councilmember Caruso: I think the language in this is more so that, I don't come and put a sign in your yard. Or like just randomly in the city.

Councilmember Koepke: It's confusing language to me. I'm checking to see the original language and that's that language is in our existing code. and wouldn't that prevent like people putting random signs like in a vacant lot like in a new development right yeah Scott's shaking affirmative so yeah that's a good question. I can't I guess I can't envision a scenario except that that somebody would just be driving around sticking yeah I mean if people want to get a certain message out and that would be a strategy that they could utilize this allows us to regulate and prevent that but if you want to put it you put it in your yard and it's subject to the rules you can't just go put them all over town

because there's not necessarily resident on that property to well wouldn't that bench pay with permission of the property owner or no that's good that's the whole lot relating to the sign I guess I'll submit to you that that language is awkward it's in the existing code I'll have to see I'll have to spend some time trying to treat that with more because yeah because the other problem too is if you have a couple that disagree one can't cancel out the other and say well I don't want it there but I do you know what I'm saying because you can't impede people's free speech so right I think with that that should be I think what the point that was sought when this was drafted is that the sign has to be on the property or on the person in control of

the property has to be on their property. their that's how I read it. I think that's how I've been, I think that's how I read it is that I can't come over and stick a sign in your yard and it's under the portion of permit not required. So you need a permit. If I'll need a permit if I'm going to go and stick a sign into your yard I'll need permit or permission, but I don't need permission to stick a sign in my own yard as long as it's a temporary sign I just I found it awkward. It is awkward and I'll have to treat that with some clarity. It is punishing work, it is it is a hard topic. Thank you for all the work.

Thank you for allowing me to participate from this point. I guess the next step is just, you know, another revision that I can circulate. If we could probably do it at a regular Council meeting next time it'll be much easier. I don't foresee this being an evolution. It's something that every time you tweak something it triggers a change in another part of the code. I might add that the city of Independence in October redrafted their sign Ordinance in totality. They just took out their whole chapter and re-did it all because impacting one section necessitated changes throughout the entire, really throughout the entire chapter. When they touched one provision it triggered a change elsewhere. What we've done thus far, I'm going to endeavor to make sure that it doesn't conflict with other sections. So should anything come up that requires more involved discussion than we might have another meeting on an off night. But if everything moves smoothly, then the next step would be to bring this to Planning Commission for their input and then back to Council. Madam Chairman, we have at least one request for this document which really isn't a document until such time as this information that we discussed is added to it. So are we going to release this as of say tomorrow. We release this information to the public so they can review this or do you want to wait until Asst. Law Director DiGeronimo does his final review.

When do we want to put this out publicly? Well and I can ask the others on the committee for their opinion I would say that if we did put this out, it would have to have some marking across it that said this is a working document so nobody took it as anything but I do understand where people want to read and give their input as well. So I do know this is being recorded and that is a way to reference what we're talking about. But without seeing, it is hard to, you know, there's no other way. Except for marking that it is working straight across the entire page so I don't know if I like feedback from Councilmember Caruso and Councilmember Redinger.

Again, I do see where people want to see this and be able to make their own points and comments and maybe write back to us so I'm always a little hesitant when something's a work in progress. I know people don't want to be part of the process, but I think my natural inclination is that we should advertise when this is going to be presented to planning people can attend the planning or email in suggestions and recommendations. And then once it is passed planning, before we vote on it, then maybe we say here's the final version that Council is considering if you want to email an input. Maybe we take it from there. I mean larger no I mean I would like Asst. Law Director DiGeronimo to be able to do a little bit more of his work. But they can listen and see the meeting. But I think I mean someone could.

okay go ahead sorry.

I would like to give Asst. Law Director DiGeronimo some time. I mean I think there's. We can just ask Asst. Law Director DiGeronimo to have it done in a certain time frame and then we can get it off to folks.

Asst. Law Director DiGeronimo: Well it is a half baked pie right now. But I certainly can. But if anybody wants to copy the half baked pie I believe that they should get it.

Okay.

Mayor Hruby: I mean it is a public record, right. But it's on paper. Can I ask a few more questions? I'd like to hear the Law Director's response to these questions. The first question is, do you believe that by this Ordinance, this Ordinance dictates what political signs residents can display on their own property.

Asst. Law Director DiGeronimo: Absolutely not. There's no, that's the whole purpose of this Ordinance is to treat signage, regulate signage in a manner that is content neutral so it would have nothing to do with political signs. Political signs certainly are a type of sign. But that's not what this Ordinance is seeking.

Mayor Hruby: Is there anything in this legislation that you considered to be in violation with the Supreme Court of the United States of America.

Asst. Law Director DiGeronimo: No sir.

Mayor Hruby: Bear with me a second. Is this in any way mandating to the residents of Brecksville what political causes they support when they can support them or how they can express their political opinions.

Asst. Law Director DiGeronimo: No, sir. This Ordinance that we are discussing this afternoon is simply, actually, on the other end of the continuum. It's to ensure that people have the ability to voice their opinions consistent with what the Supreme Court of the United States decided back in 2015. That people should be allowed to express their opinions through signage and that any regulation thereof has to be content neutral so I would say that this is endeavoring to accomplish just what Supreme Court laid out for us.

Mayor Hruby: Okay. I just wanted to clarify that Madam Chairman there's been some question as to whether or not that's the intent of your committee doing this. I just wanted to ask the Law Director if any of that that is being suggested is accurate in any way and I do believe that we are working to ensure that everybody has the ability to exercise their rights and that's what we're trying to protect is everybody's ability to do so. Thank you.

Councilmember Koepke: Can I ask a question is someone I mean, there's been stuff out on social media. Is anybody responding.

Mayor Hruby: I just did. That's the response. That's what that was. Okay, good, thank you. Because again it's you know just causes noise and it's irresponsible for very ears those messages to be put out when they don't even you know listen to the meeting. Thank you for the clarifications.

Councilmember Koepke: Was that the item that you..

Mayor Hruby: No ma'am. I just wanted if I may hand out to all of you this evening so you can review it this is the resume of the person that I am recommending to be appointed to the Civil Service Commission replacing Mr. Joe Greve who has resigned due to his personal life changing. I just wanted, there were only two candidates that applied. I've notified Mrs. Barcon and I've also notified the other resident. Who, which is a young lady by the name of Robin Wilson, is a lawyer here in town. I notified Robin that we're going with Amanda at this point but told Robin that we'll keep her resume on file. I think she'd be an excellent candidate for many of our Boards and Commissions. But this is the recommendation Amanda. As you will read, has a background in personnel and human resources and is perfectly fit for this position and can bring much to the table. She's a well-trained professional that knows personnel issues and would be an asset. So I'd like you to review it in lieu of tomorrow night's meeting because we're asking that legislation be read.

Council President Harwood: Okay. Thank you. One other thing real quick and so what Dominic brought up earlier is a good point. You brought up that people should when it is presented to Planning Commission. People should come to the meeting and have dialogue with Planning Commission after the presentation. Questions and regards but they should actually attend and listen to what people discuss if they have questions. Ask the people on Planning Commission for their comments versus just behind the scenes firing things off. I think it's valuable that you attend these meetings to listen to what we're talking about so when we make the decision you have input in the discussion. Thank you.

Councilmember Koepke: Well then I would caution and remind that we are in the middle of a pandemic and people are unable, in all occasions, to come in to a meeting. So is there a way that they could submit questions in real time? I mean if you have 36 people online you have 300 people that watch the meeting the next day or at bedtime. But if there are 30 people online and they have questions, they have no way to interact even though they are technically attending the meeting. I will get, we can talk to Asst. Law Director DiGeronimo and if it's done prior, we could work that out.

We don't there's really again there isn't anybody at the meetings so there's plenty of seats in this room. So there's plenty of ways for people to come.

Councilmember Koepke: When I will say that, I do watch them online in real time and that's why I hit the like button so that people know that I'm there but I am home making dinner and watching at the same time. Oftentimes so there are a few of us that do that. All right. Anything else for tonight?

All right. With that then I will end the meeting of the legislation committee at

6:38 PM. Second by 30 second. All approved 3-Ayes, 0-Nays.