

VILLAGE OF OAKWOOD
WORK SESSION MINUTES
November 23, 2021

ATTENDED

Johnnie Warren-Council President
Elaine Gaither-Council-at-Large
Eloise Hardin-Ward 2
Melanie Sanders-Ward 3
Patricia Rogers-Ward 4
Candace Williams-Ward 5

Jim Climer-Law Director

Absent

Chris Callender-Ward 1

Warren: Can I get a motion to move 2021-WS-06 to the regular agenda?

MOTION to move by Gaither; Seconded by Hardin

VOTE YES: Warren, Gaither, Hardin, Sanders, Rogers, Williams

MOTION PASSED

Warren: We are in so much limbo with what's going on with Macedonia, I think we can leave 05 on the Work Session?

Hardin: Yes sir.

Ord 2021-WS-26

AN ORDINANCE ENACTING REGULATIONS OF ELECTRONIC DIGITAL BILLBOARD

Moved to WS 10-26-2021

SIGNS LOCATED IN THE VILLAGE OF OAKWOOD

Ordinance 2021-70

Rogers: Has anyone had a chance to look at that? The updated version that Ami sent out. I had asked her to add a section, which she did, on abandoned signs. It did say that if it has been abandoned for more than 365 days, then we could take action. But as I told the law director, that seems a little bit long. **Climer:** You are talking specifically about electronic signs? **Rogers:** That was the sign legislation itself. **Gaither:** This is about the digital board. **Warren:** This is the ordinance about regulating the digital board. **Climer:** You are talking about an overall requirement for the ability to remove an abandoned sign. **Rogers:** She just asked me what I was talking about. **Gaither:** This is on the second. **Rogers:** Right. I am not for this ordinance at all. This addition with the digital signs. **Climer:** Okay, but I want to be clear. With the respect to have the ability to remove an abandoned sign, you're talking about signs in general as opposed to just electronic signs. **Rogers:** Right. It's section 7 on the regular sign ordinance that was revised by you guys. **Climer:** I agree that 360 days is kind of long. So, it is a sense from council as to the appropriate time you'd like to add? **Rogers:** Well, like I said, a couple of different communities, someone had 30 days, someone had 180. Pick one. **Climer:** I can tell you; 30 days is a little short. And I think we need to have it long enough so that it is convincing that the sign is in fact, abandoned. **Warren:** What about 6 months? **Climer:** I am thinking 180 days. 6 months I would suggest, would be about right. **Rogers:** Okay. **Climer:** Most people would perceive it as being abandoned. **Williams:** Do we have to specify what 'take action' means? Is that how it's going to be written? **Climer:** Or it could be removed. **Williams:** You say it could be removed? **Climer:** Ordered to be removed. **Warren:** So, if we do say 'could take action in order to be removed' so that we have that in the legislation and at least in concert with what Ms. Williams is saying, there is the cause and effect. So, if you don't say what action could be taken, you leave it open to be litigated. I mean, I guess it could always be litigated, but we would be litigating it with a position.... **Hardin:** And a lack of consistency, too. **Climer:** I will review that section.... **Rogers:** Yes, definitely review it. **Climer:** ...and update it. **Rogers:** Something about it. I want to go after the people that put up the sign. Not the people that are at the property now. So, do a review. Because after I read it a couple of times, I thought maybe it needs something. Other than that, I didn't have anything else. As far as the billboard sign, do we want that section included? The electronic digital billboard signs. **Climer:** I thought you were referring to billboards in general. **Rogers:** That's why I didn't get it either. That's what this is; 21-70. It says 'regulations of electronic digital billboard signs.' This was sent in, I understood by Ami, from Ross. **Climer:** Ross had requested an ordinance regulating electronic digital signs because of concerns about traffic safety,

distracted drivers and other things. And there is this whole science behind how bright they are, how often they change, how their location affects peoples' eyesight and where they distract. So, he had requested some regulations to take care of that and permit it to be regulated. So, I tasked him and Ami with drafting the appropriate ordinance on that whether council accepts it or not. **Rogers:** Who's going to regulate? **Climer:** That's a different issue. **Rogers:** That's why I don't think we should have them. **Climer:** You are saying we should not have them at all? **Rogers:** Right. **Climer:** Okay. We begin to get into First Amendment issues when you regulate the manor or content of speech. That's a whole body of law that gets difficult to enforce. And so, if we are going to get rid of it, we need to tie it to some public health, safety and welfare issue as opposed to 'we just don't like an electronic sign.' And so, the thought is to take some preemptive measures to regulate it based on specific health, safety and welfare measures rather than just saying 'we don't like it.' That was the reason for the concern of the suggested change. **Williams:** Why don't you like them? **Rogers:** First of all, when I talked about these, my thought was like what we have in the front of the building. I don't want to see a bunch of those up and down Broadway. And I know according to Debbie in the building department, that people are asking about it. So, we got to have something, or we got to say we aren't going to have them, and grandfather what we already have. **Climer:** And again, it's sort of the lesser of two evils. We don't specifically permit them right now, but when we requested, we have to show specific health and safety and welfare issue behind prohibiting them. So, let's say, somebody wanted to put up a something that you would see **inaudible** bring it down and put it right next to the road. You know that gigantic billboard they have, wanted to put it right down next to the road. Chances are you are going to be able to regulate that because at night, it's going to be so bright in your eyes that you are not going to be able to see the traffic on the other side. You have to be able to point to something like that to be able to regulate that speech. And I am not saying it has to be to that extreme, but you have to point some specific safety concern that justifies the regulation of speech. I know a sign is not colloquially think of as being speech, but it is when there is a message on the sign. **Rogers:** Right. But how come some communities can prohibit them? **Climer:** I am not aware of anybody. **Warren:** Do you know of any? **Rogers:** Independence and Weston. I saw the Independence one. I think it was Westlon. I had a few samples that Christine got. **Williams:** Was it tied to public health? **Rogers:** No. And I thought that Ross said that they don't in Bedford Heights. **Climer:** I will check. **Rogers:** Where did this come from? Was this like a legal definition that he had given us? **Climer:** Yes. This is the criteria that they look at to control the size and the intensity of the sign and the number of times it changes. **Warren:** I wonder if there are any calculations for intensity. How can you regulate the intensity? **multiple voices** **Rogers:** And who is going to do that? **Warren:** Well, what happens is when they pull the permit, they have to give you a sample of the sign you are providing, and it will have the specs in it. **Rogers:** But if they are able to change it all the time? **Warren:** Unless somebody says, 'hey the sign looks lighter than the other day.' That's just one of those things that you can't. **Climer:** It has to be enforced and enacted just like any other law. **Rogers:** Trouble is we have trouble enacting things that we try to regulate. **Gaither:** Chris can probably check with the clerks in Independence and Westlake. **Rogers:** I did have that. I have it at home. **Morgan:** A lot of them had done that. Pat had asked me to reach out to them and that was some information they had sent to me, that I forwarded to her. **Climer:** I will recheck their ordinances. **Rogers:** Okay. **Climer:** I will get with the law directors. **Morgan:** Pat, if you want to email it to me or bring it in, I can make copies for everybody. **Warren:** Can I get a motion to do our research and move this to the regular agenda. And it will be either a 'do or die'? **Rogers:** I thought we were going to send it to the planning commission and run it by them, weren't we? Isn't that what we discussed? **Warren:** Send that to planning and ask if they can put that on their agenda. **Rogers:** We did building once before. It wasn't like complete **inaudible**. Then we knew what we wanted and just to see if they had any suggestions. Just because they had asked for it themselves. **Warren:** It will have to be approved by planning if it does go anywhere, right? Is that a planning commission? **Climer:** I don't think that it would require planning commission approval. I think it's a zoning. **Warren:** But planning also deals with architectural or whatever. The ARB board. So, let's say this, that we have in our ordinance that it makes a reference to planning. That it will have to be approved by planning. **Climer:** There is nothing to prevent you from referring it to planning if you want to. **Warren:** But what I am saying is that, what if we say, we can refer it to planning.... We can refer it to planning without it being the in legislation, but I am just saying, it will give it more bite if we say within the legislation.... Well, we don't want to get into a legal fight where 'I sent yours to planning, but I didn't send yours to planning,' and then you sue me because I didn't send everybody's. So, it will have to all or none. **multiple voices-inaudible** **Climer:** I'll tell you what. I'll conclude this thing and get my recommendations here for the next meeting. It will be in a package that can be sent to planning. **Rogers:** Okay. Thank you. **Rogers:** In the meantime, I will check those cities I've got. **Climer:** I will. **Morgan:** Is that going to be both of them or just the electronic? Both? Okay. **Warren:** Anybody have any questions? If not, can I get a motion to adjourn? **Hardin:** We were going to look at 57, were we not? **Morgan:** That's the one I just passed out to you. **Warren:** Oh. **Rogers:** What about it? It's already done. **Warren:** Well, this is a matter of personnel, so this is executive session. **Williams:** It's already passed, though.

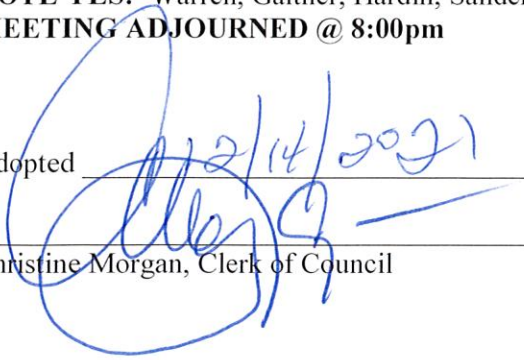
Gaither: But she is bringing up a matter of personnel, it has to be executive session. **Warren:** There was some contingency that I thought was in there that is not in the body of the legislation, but a matter of record the Council Clerk has as a matter of record, the contingency. **Climer:** So, why don't I speak with the Council Clerk, and I will have a recommendation at the next meeting. **Warren:** Okay.
Now can I get a motion to adjourn?

MOTION TO ADJOURN by Gaither; Seconded by Rogers

VOTE YES: Warren, Gaither, Hardin, Sanders, Rogers, Williams

MEETING ADJOURNED @ 8:00pm

Adopted

 12/14/2021
Christine Morgan, Clerk of Council


Johnnie Warren, Council President