

**MINUTES
PLANNING AND ZONING BOARD
TUESDAY, APRIL 25, 2011
4:55 PM**

The meeting was called to order at approximately 4:55 PM with the following members and staff present:

Board Members

George Whitlock, Chairman
RoseAnne Collins
Michael Pouser

Shirley Brown
Russell Summers

Arcadia City Staff

Assistant City Administrator Judi Jankosky
City Attorney Jason Henbest

City Recorder Dana Williams

1. APPROVAL OF MINUTES OF THE APRIL 12, 2011 REGULAR MEETING

On motion of Russell Summers and seconded by RoseAnne Collins, the minutes of the April 12, 2011 meeting were unanimously, 5-0, approved.

2. CONSIDERATION OF ORDINANCE 965, AN AMENDMENT TO THE SIGN CODE

The Chairman stated that Leadership DeSoto is requesting a sign which is not allowed within the City's sign code and that the proposed ordinance amending the code is too broad. He continued that he had reviewed similar sign codes as provided, but that he doesn't live or work in those other towns and therefore they were of no relevance to him; however, he had ridden around Arcadia and looked at the many existing signs and sign types, considered the number of 100' parcels along Highways 70 and 17, and came to the same conclusion that Oak Street was certainly inappropriate for LED/Digital signage and that in his opinion, there was no business advantage to that type of sign. Mr. Whitlock added that he personally didn't care about the size or height, but asked if there might be a way to legally carve out an exception to the code for this type of sign on city property only when serving to the benefit of the entire community. He then questioned whether Leadership DeSoto would deed the sign over to the City. He was adamant that he would not vote to allow LED/Digital display signs in Arcadia unless legally it could be a community wide event type sign. Mr. Whitlock stated he doesn't consider inclusion of these signs as progress and although he would be amenable to a community bulletin board type sign, he saw no other benefit.

Russell Summers asked when the ordinance would go into effect. The City Attorney responded that it would go into effect upon passage, but that the Council had accepted the recommendation of the Board to table the item in order to address [their] concerns and that this was the opportunity to put more "teeth" into the ordinance; although he also added the ordinance could die at any point or the Council could decide to adopt it as is.

Mr. Whitlock suggested that the Council needs to listen to a voice of reason from the opposing side, adding again he was not in favor of any changes.

The City Attorney then explained that procedurally the order of the adoption process was his doing, thinking it could be handled efficiently based on the timeframe Leadership DeSoto had requested. He also clarified that in order for a sign code to be legally defensible, the restrictions need to be specific to time, place and manner otherwise it could impose on freedom of speech issues. He went on to say that the numbers, such as a 12' height limitation, are arbitrary and could be changed to impose a much greater restriction if it were so desired.

The Chairman expressed his belief that if this anyone other than Leadership DeSoto and its affiliation with a councilman had requested this amendment, the Board would not even be considering it.

Mr. Charles Conklin spoke in favor of the amendment saying Arcadia needed to get to the 21st century and to attract businesses such as Lowe's and Publix.

Mrs. Martha Craven compared the provisions of the historic preservation ordinance to this one. The City Attorney responded the applicant would need to follow the ordinance but added the previous circumstance related to the Way Building did not require a certificate of appropriateness since the Council would have been sending through a request where they were the ultimate authority. He also clarified that currently LED signs are not prohibited as long as the message is static. He then discussed the potential litigation related to changing billboards, the need for periodic review of sign codes, severability clauses and balancing the interests of all parties.

Further discussion among the members followed on various components such as movement of the sign, flat wall signs, limiting signs based on zoning classifications or for city property, and the methods & timings of changing messages.

Michael Pooser made the following points:

1. The Board should not be discussing the Chamber sign, but focusing on a requested amendment to the sign code in general regardless of the applicant
2. He disagrees with Mr. Summers' opinion that the Council will pass this ordinance regardless of the Board's recommendation, but added that should not affect the Board's decision
3. He would never vote to allow electronic messaging within the city
4. It would be ludicrous for the City to implement rules for everyone to live by but for which it did not.

Ms. Carol Mahler a member of the Historical Society, pointed out the City does have a legally defined historic district and has for many years. She requested the Board do what they can to protect that area and disallow those types of signs within.

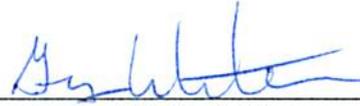
On motion of Michael Pooser and seconded by RoseAnne Collins, the Board voted 4-1 to recommend to the City Council rejection of Ordinance 965. Russ Summers cast the dissenting vote.

3. ADJOURN

Having no further business at this time, the meeting was adjourned at 5:57 PM.

APPROVED THIS 24th OF may 2011.

By:



George Whitlock, Chairman

ATTEST:



Dana L.S. Williams, CMC, City Recorder