

CITY COUNCIL STUDY SESSION MINUTES

June 19, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 19th day of June, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett, Quinn,
Spaulding, Mayor Rosenthal

ABSENT: None

Item 1, being:

DISCUSSION REGARDING PROPOSED AMENDMENTS TO THE ORDINANCE REGULATIONS FOR ON-PREMISE ELECTRONIC SIGNS.

Ms. Susan Connors, Director of Planning and Community Development, said Chapter 18 of Norman's Sign Code has prohibited all signs which are animated or have real or visual movement since the adoption in 1979. She said there are five (5) classifications of zone groupings for on-premises signs in the Sign Ordinance and all land uses under the City Zoning Ordinance are contained in one of the five (5) classifications as follows:

1. Industrial: I-1, I-2
2. Commercial: C-1, C-2, C-3, T-C (Tourist Commercial), M-1 (Industrial), C-R
3. Office: C-O, R-O, O-1
4. Medium Density Residential: R-2, RM-2, R-3, RM-4, RM-6
5. Low Density Residential: R-1, R-1-A, RE, A-1, A-2, PL

Ms. Connors said the Business and Community Affairs Committee (BACA) previously reviewed language regarding on-premise digital electronic signs. She highlighted the proposed regulations as follows:

- Digital signs would only be allowed within commercial and industrial categories as well as certain institutional uses such as schools and churches;
- An individual business would be allowed either a wall sign or a freestanding ground sign;
- In areas utilizing joint use signs, if the joint identification sign were digital, each business within that area could still opt to install a digital wall sign;
- Because of the potential for visual distraction the location of digital signs would be restricted near signalized intersections to be no closer than fifty feet to the edge of the pavement;
- Digital on-premise signs cannot have "visual movement" but must simply project one or more "static" images with a dwell time of twelve seconds;
- Illumination levels will be 5000 NITS in daytime and 300 NITS at night;
- Devices must be installed with an adjustment device for ambient light levels and be able to free the image in case of a malfunction;
- Due to many businesses being located near residential areas, the ordinance seeks to require a separation of 200 feet between the sign and any nearby residential district to limit potential impact; and
- An exception to the 200 foot rule is provided for churches, schools, and other institutional uses in the section of the Sign Code that regulates signs for institutional uses when they occur in neighborhood areas (identified as low density residential in the Code).

Ms. Connors said if Council chooses to adopt this language, Staff believes the proposed regulations would help minimize any impacts on-premises digital signs might have on the traveling public or nearby residents.

If Council decides to move forward Staff would schedule a public hearing at the August 9, 2012, Planning Commission meeting, a First Reading of the ordinance would be introduced at a City Council meeting, followed by a public hearing at a City Council meeting.

Ms. Connors said since the last discussion of on-premises digital electronic signs at the May 3, 2012, BACA, Staff has received a request from Cleveland Area Rapid Transit (CART) and Tyler Outdoor Advertising for digital signage at specific sheltered CART bus stop locations in Norman. CART is proposing the digital signs will increase revenue and offer CART a communication tool to provide notices to passengers related to changes of schedule, bus delays, and stop closures.

Ms. Connors said the current CART contract allows full panel advertising in the bus shelters, but if Council wishes to consider this proposal, the CART contract will need to be amended when the renewal comes before Council in July 2012. The proposed tentative locations for digital signage are as follows:

1. Robinson Street and 24th Avenue N.W. (north side of the street, westbound)
2. Main Street at Norman High School (north side of the street, westbound)
3. 36th Avenue N.W. at Robinson Street (east side of the street, north bound near Dodson's)
4. Alameda Street at Triad Village (north side of the street, westbound)
5. West Lindsey Street at Berry Road (south side of the street, eastbound)

Mayor Rosenthal said bus stops are closer than 50 feet from the curb and Ms. Connors said the proposed digital signs/bus stop locations are not across the street from residential areas. Mayor Rosenthal said the proposed draft ordinance language restricts the location of digital signs near signalized intersections to be no closer than 50 feet because of traffic distractions, yet the proposed locations are placed and/or located within 50 feet of signalized intersections and Ms. Connors said if Council desires to accept CART's proposal, that particular digital sign restriction would be handled separately through a contract with CART, rather than through the sign ordinance. She said the full panel advertising that is currently allowed on CART bus shelters is not part of the existing sign ordinance, but is addressed through the contract with CART. Mayor Rosenthal felt this could set up an immediate conflict between the CART contract and the proposed sign ordinance. She asked if the current CART contract deviated from the sign ordinance and Ms. Connors said the sign ordinance does not address signage at bus stops and that is the reason it is handled through the contract. Councilmember Kovach said he would appreciate input and/or a staff report from the Public Works Department regarding digital signs at signalized intersections before having to make a decision on CART's request.

Councilmember Kovach said he is concerned with placing a digital sign at location #5, West Lindsey Street to Berry Road, because it is too close to residential structures, but felt digital signs could be placed at the other four (4) proposed shelter locations since they are heavy commercial areas. Councilmember Dillingham asked what type of digital signage CART is proposing and Ms. Connors said the signage would have static images with a 12 second dwell time between changes. Councilmember Dillingham said she agrees with Councilmember Kovach about location #5, since it is close to residential areas and Ms. Connors said Council could choose to make changes and/or disapprove all the proposed CART bus locations.

Councilmember Ezzell asked who owns the CART bus stops and Ms. Leah Messner, Assistant City Attorney, said the shelters themselves are owned and constructed by CART but are located in the public right-of-way (ROW). Councilmember Quinn asked whether the illumination could be less on bus stops and Ms. Connors said Council could choose to allow less illumination on the proposed bus stops on a yearly trial basis.

Mayor Rosenthal said since most are located in residential areas; she is concerned with the 200 foot exception for churches and schools, as well as allowing digital ground signs to be 17 feet in height and 48 square feet per face. She said the current lighting ordinance has specific setbacks on lighting in residential areas and felt that the digital sign allowance could be evasive to surrounding residential property. Councilmember Griffith agreed stating digital signs of that height might be distracting to the traveling public and felt eye-level digital signs would be more appropriate. Ms. Connors said Staff used the current sign ordinance verbiage "...not to exceed 17 feet in height nor 48 square feet per face..." which are the standards for signs currently allowed at churches and schools, but the size requirements can be changed if Council desires. She said the discussions at recent BACA meetings determined churches and schools should be accommodated and since one type of institutional use can not be treated differently than another type of institutional use, the verbiage "other institutional uses" was kept in the proposed ordinance amendments. Mayor Rosenthal asked if BACA discussions included turning the digital signs off at a certain hour and Ms. Connors said there was mention, but no consensus. Councilmember Kovach felt that if Council allowed digital signs into residential areas it would be appropriate to require the signs to be turned off at night and Mayor Rosenthal agreed.

Councilmember Ezzell said a determining factor for digital sign height should be relative to abutting properties for example; he would have concerns with a 17 foot digital sign located at Cleveland Elementary School on Sherry Avenue; however, he would not have concerns with a 17 foot digital sign at Norman High and Norman North High Schools, since they are located on Main Street and Stubbeman Avenue. Councilmember Kovach felt Council should restrict sign height by whether or not the digital sign would face a residential area. Councilmember Gallagher suggested the digital signs be turned off every night at 8:00 p.m. and Mayor Rosenthal said another possibility is to require digital signs to be turned off after sundown, however she felt church and school functions can run until 9:00 p.m., so she would support a requirement to have digital signs turned off by 10:00 p.m. Mayor Rosenthal agreed with Councilmember Gallagher stating the function of a sign that is located at a school, whether big or small, is the same, i.e., not advertising a product but rather providing information to citizens, and she would prefer the digital signage be no taller than 12 feet. Councilmember Dillingham felt a 17 foot digital sign at Norman High School would be incredible distracting, as well as a possible visual problem between cars and pedestrians. Councilmember Ezzell asked how the City would address issues where schools and/or churches were retro-fitting a digital component to an existing sign and Ms. Connors said the digital component would be retro-fitted to the height that would be allowed by ordinance. Councilmember Ezzell asked if Council determined that signs shall not exceed 12 feet in height; in theory an existing 17 foot sign could be retro-fitted with a digital component, but only 12 feet or lower and Ms. Connors said yes. Ms. Connors reminded Council that only one digital sign is allowed per business, school and/or church and must be placed on the primary frontage of the property. She said if an existing sign is replaced with a digital sign, the business, school, and/or church can not also have a non-digital sign.

Ms. Connors asked Council for guidance in moving forward with the CART contract and Mayor Rosenthal said she is concerned with the proposed shelter locations that abut pavement. Councilmember Griffith asked if the current advertising on CART bus stops face the lane of traffic that is approaching the bus stop only or does both sides have advertising and Ms. Connors said there is advertising on both sides of the bus stops. Councilmember Griffith said he would support reducing the illumination on digital signs since they are close to streets. Councilmember Ezzell suggested moving forward with only one a digital sign CART bus stop location, to be on a trial basis, rather than all five (5) at this time. He felt this would allow the flexibility for adjusting the NITs, height, etc., and Mayor Rosenthal agreed, but requested additional digital sign demonstrations or displays before moving forward.

Ms. Megan Benson, 1225 Windsor Way, said she lives across the street from Jackson Elementary and said most of Norman's elementary and/or middle schools are very close to residential property. She said it has been difficult finding information pertaining to studies regarding on-premises sign(s) as they relate to safety and asked whether Council is reviewing independent or peer reviewed studies. Ms. Benson said many cities have rejected digital displays primarily because of safety concerns to include Dallas, Houston, Galveston, Fort Worth, Amarillo, Denver, and Los Angeles. Staff's research did not find specific indication that there was a safety

issue, particularly with off-premises signs such as billboards and the literature did not address on-premises signs as much. Ms. Benson said she is concerned with the ecological factors and said her research indicated the life span of a digital sign has a 49 to 1 carbon footprint compared to a traditional sign. She wondered if ecological factors were considered by Council and Ms. Connors said there were not any discussions or research done on the ecological factors regarding digital signs. Mayor Rosenthal asked Ms. Benson to provide Staff with information and sources she identified in terms of the on-premises signs and requested Staff to research why other cities have not adopted similar ordinances. Councilmember Kovach requested Public Works Staff research the traffic and safety control aspect of digital signs.

Items submitted for the record

1. Memorandum dated June 19, 2012, from Susan Connors, AICP, Director of Planning and Community Development, to Mayor and City Councilmembers, with Exhibit A, On-Premise Electronic Digital Signs
2. Letter dated June 1, 2012, from Douglas W. Myers, Director, Cleveland Area Rapid Transit, to Susan Connors, Planning Director
3. Photos of digital signs presented by Tyler Outdoor Advertising
4. City Council Business and Community Affairs Committee minutes of May 3, 2012
5. PowerPoint presentation entitled, "On-Premise Digital Electronic Signs," City Council, June 19, 2012

The meeting adjourned at 6:05 p.m.

ATTEST:

City Clerk

Mayor