

ORDINANCE COMMITTEE MEETING  
OCTOBER 23, 2018

Committee Co-Chair Mr. Kasunick opened the meeting at approximately 6:31 p.m. Members of the Committee in attendance were Co-Chair Mr. Overstreet and Mr. Spotton. Present from Council were, Mr. Zuren, Mr. Evers, and Council President Mr. Meyers. Mr. Hoefle was absent and excused.

Present from the Administration were Mayor Morley and Law Director Klammer.

PROPOSED

There was nothing under Proposed.

There were no questions or comments.

PENDING

1. Variance for a sign.

Mr. Kasunick: Our Law Director put some proposed amendments together. Mr. Klammer did you want to take it from here?

Mr. Klammer: I did two things for you I took the variance language and I worked on the C.U.P with the references the sign height, which is the fundamental variance issue. I have that and we tried to cover...the reason that we did it is subsection (1) address our regulation that you can't have off premises advertising, it has to be on premises, so that is essentially what we are trying to do here. Reference the adult activities advertising and then what I did as well in case you wanted to do an amendment to the ordinance, which might be the right thing to do. I amended 1347.08, which is the ordinance that provides that there shall not be any off premises advertising. So I added a whole new subsection (b) (1) thru (5) as a proposed ordinance. Doing the same thing that there shall not be...that if there is going to be any off premises advertising it has to also include on premises, so that we are advertising for the businesses that are affected by the sound barrier. That it is designed to just apply to the area where the sound barrier exists. Again the adult activities no advertisement for adult activates, no closer than 500 feet, specific referenced the Revised Code and that Administrative Code that addresses the distance, and leaving the maximum area location and height requirements to the Chief Building Official. So that might be good to have that ordinance going forward in case you get maybe...probably could only get one more in that area. But at least you have an ordinance that tells us how to address it, because you have two options here. I know that some people some comments about including in the C.U.P. some requirements that there is advertising of community activities and Amber Alerts and Emergency Alerts, so we can certainly thing of that and add that into the C.U.P. I assume that we wouldn't have any problems...Mr. Menn with that. So you have both of those things in front of you now.

Mr. Kasunick: Is there any further discussion on this issue? Mr. Evers?

Mr. Evers: I have a question for Mr. Klammer. When we wrote the ordinance, we wrote the ordinance that says "Under no circumstances shall it serve only off premises advertising," so that means it has to include one premises? Page one, section four, item one.

Mr. Klammer: You're on the C.U.P.?

Mr. Evers: Right.

Mr. Klammer: Yeah so what we are trying to do is if you're going to have a billboard style sign there it has to include some on premises advertising, because the purpose is to give them some relief for the businesses that don't have any advertising because of the sound barrier. Because those signs are so expensive the only way that you can make cost effective for somebody to put them in is to have some off premises advertising as well. We are saying if you're going to have those big signs, you're going to sell advertising on them you have to include on premises advertising for the benefit of those businesses. I would suggest nearby businesses as well.

Mr. Evers: Thank you.

Mr. Klammer: Otherwise nobody could afford to put those signs up.

Mr. Kasunick: Is there any further discussion on this matter? Mr. Meyers?

Mr. Meyers: I brought it up to the Law Director and he did mention that perhaps we either consider a dollar amount per month provided to the city in terms of advertising, or an amount of advertising perhaps. I believe that he indicated that they can't change ads more than every eight seconds I believe. Perhaps we could set up a time amount, maybe so many minutes per month... something like that provided to the city at no charge in turn for this.

Mayor Morley: I think that they've talked about that. I don't know if you can put it in the ordinance that it states that they have to give us something like that. I think that meeting with them and seeing if there was something that we needed to have up, they talked about that they would put on there. Like an event or like an Amber Alert or anything.

Mr. Spotton: I think that needs to be laid out in the C.U.P....the exact amount of time per month at least, because if they are busy and it's valuable time. You could get pushed out.

Mr. Meyers: I believe that their comment was that they would provide space to the city as it was available. So if they are sold out month after month like Mr. Spotton said then we're pushed out.

Mayor Morley: Right...we would have to talk to them about that.

Mr. Klammer: I'll take this...

Mr. Meyers: Maybe it should address that.

Mr. Klammer: They have a lawyer who is working through this stuff, because I had represented them on something else, so I recommended that they get a new lawyer. So I'll just forward this draft to Mr. Balchesky and make those comments in there to him, that we would like some commitment on time. We don't know if it's better to put in dollar amounts or time...I don't know.

Mayor Morley: I would put in...I mean instead of the dollar amount just put in there that we are reserved space. If it's eight seconds...one eight second or whatever that we have that they keep one space open at all times for the city.

Mr. Klammer: I'll forward that to him and you could probably put it on...if you want to just put it on for consideration for the next Council Meeting. We should have a draft then. Otherwise this works great and there are no objections in any form.

Mr. Kasunick: Any further discussion? Mr. Overstreet?

Mr. Overstreet: If you're limited to an eight second per advertisement how affective is the advertisement going to be to a city resident when they are getting on a freeway off Route 91? You're going to at traffic...getting into traffic and you're not going to be paying attention to this sign up there looking for a city event.

Mr. Kasunick: For those of you that are here we are talking about a digital board and they said that there was one...I am familiar with the one that is similar and it is located at around Eddy Road on Route 90 in Cleveland. Eight seconds...I think it's the same thing basically the ads flash in...they have a lot of ads for the Browns and the Cavaliers and things like that on there. And the Theater District advertises on there a lot. Eight seconds when you are driving at 60 mph is a surprisingly long time. You notice what's up there. I can rattle off the advertisements that I can remember being on that billboard.

Mr. Overstreet: What I'm thinking is you are getting on the freeway from Route 91...you're looking at traffic to make sure that you are not going to run somebody else off the road. For an Eastlake resident how long does that eight seconds really going to be affective?

Mr. Klammer: It's probably one of those things that none of knows the answer too. I think that the eight seconds is their standard for...I think that it serves two...and I could be wrong, but I think it serves two points. The first is no less than eight seconds, because then it becomes a danger as far as a distracting sign changes. I think that they probably have a balance between how much is necessary for somebody to see it and obviously how many advertisers they can get in that same amount of time. So there is probably a balance in there. But I know your point. Certainly not every resident is going to see it, but you hope that a couple do and they tell and word of mouth starts. I guess that's what you're hoping for. But I could propose something and if you have a different idea of how long you want it I can propose it and whatever Council wants to do.

Mayor Morley: Part of its ODOT has there...even if we pass something they still have to get ODOT approval.

Mr. Klammer: I don't can be any less than eight seconds, because then it becomes too much of a flashing sign. I think that it has to be a minimum of eight seconds, but I don't see why couldn't be more. But I will propose it to their lawyer and see what happens.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: I just wanted to ask so if the company makes these sales for advertising at their corporate office...their sales office, it's going to be a sale in that city and our city is not going to see any revenue out of this at all.

Mr. Klammer: You know it wasn't something that I thought about I would have to talk to Ms. Schindel about that.

Mayor Morley: I think the only reason Wickliffe makes from the same company is because it's Wickliffe's property.

Mr. Klammer: It's Wickliffe's property.

Mayor Morley: We're not going to be able to say "hey this is going on some body's property that they own and say..."

Mr. Spotton: We are going to take on the stigma of this giant sign and we are going to get nothing out of it.

Mayor Morley: Right exactly.

Mr. Spotton: Okay.

Mayor Morley: We can't...

Mr. Spotton: I get it.

Mayor Morley: If you put a sign on your property I can't say that you have to give me a cut. Just like we're not going to tell the guys that owns the...

Mr. Klammer: We have permitting that they are going to have to come up with.

Mayor Morley: There aren't going to be any fees to us. The only reason Wickliffe gets any money is because it's on Wickliffe's city's owned property.

Mr. Klammer: They lease...

Mayor Morley: They lease the property.

Mr. Spotton: That's all I wanted...I understood...I just want it on the record that the city is going to get nothing out of this and we are going to have this thing and maybe more.

Mr. Klammer: It's a policy decision for you guys...the benefit again is trying to get some relief to the businesses that are there that are blocked by the sound barrier. We've been trying to figure out an accommodation for those poor folks that have those businesses there and now you can't see them. It's a policy decision for you guys it's not a law decision.

Mr. Kasunick: Is there any further discussion on this matter? I will poll the committee on how we want to move forward. Do we want to move this forward or do we want to hold it in Committee, or do we want to dismiss it? Mr. Spotton what is your position on this?

Mr. Spotton: I definitely don't want to move it forward. We can hold it in Committee and wait until we hear back on how much time we can get out of it. But I'm not a fan of this large sign.

Mr. Kasunick: Mr. Overstreet?

Mr. Overstreet: I agree with Mr. Spotton.

Mr. Kasunick: I agree to and we will hold it and see if the city can at least get some advertisement or something that would benefit the city, because it is going to take up a lot of space.

There were no further questions or comments.

MISCELLANEOUS

There was nothing under Miscellaneous.

There were no questions or comments.

RECOGNITION OF PUBLIC

There was no one wishing to speak at this time.

The meeting was adjourned at 6:42 p.m.

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APPROVED: 

DATE: 11/13/18