

Sign Regulation Committee – Summary of Meeting

Monday, August 11, 2008

Conference Room 1, Urban Government Center

Present:

John Miranda, Maggie Harlow, Greg Williams, Darlene Hayden, Tammy Switow for Bonnie Loeb, Donnie Blake, Judy Francis, Paul Whitty, Keith Eiken, and Steve Ward.

Staff:

Charles Cash, Dawn Warrick, Theresa Senninger, Christopher French, Connie Ewing, Debra Richards, Dave Marchal, and Chris Cestaro (notes)

Notes on the agenda:

Introduction

Charles Cash welcomed the members of the Sign Regulation Committee to the first meeting. Items for discussion were handed out by staff prior to the beginning of the meeting. They included an agenda, a copy of the current Chapter 8 Sign Regulations (from the Land Development Code), the resolution from the Louisville Metro Council authorizing the formation of this Committee, a Very Brief Primer on Content Neutrality in Sign Regulation (from Theresa Senninger, legal counsel from the County Attorney's office), a three-page handout entitled, "Committee Responsibility", and a "Chapter 8 Issue List", which briefly described the issues to be dealt with by the Committee at each meeting

Committee tasks as set by the Planning Commission / handout review

Christopher French detailed the task of this Committee as established by the Louisville Metro Planning Commission and reviewed the "Chapter 8 Issue List". These are issues derived from the public hearing on signage that this Committee will be dealing with in future meetings. He emphasized that one issue was making the Chapter 8 regulations clearer and more understandable.

Mr. French handed out material to the Committee members (titled, "Committee Responsibility") that reviews the role of Sign Revision Committees around the country and some of their practices. The goal of this Committee is to look at various issues and come to a consensus to recommend to the Planning Commission any possible revisions to the Land Development Code regarding sign regulations. No votes will be taken.

Theresa Senninger, legal counsel for the Planning Commission, reviewed her handout (titled, "A Very Brief Primer on Content Neutrality in Sign Regulation"). Content Neutrality deals with freedom of speech, and limits that government can and cannot enact regarding content. She gave some examples (included in her

handout) and said some of these regulations are not content neutral. She said the current regulations are based on content, which need to be changed. When a regulation is based on content, the only way that a government can uphold it is to show that there is a compelling government interest in having that regulation based on content, and that the regulation is so narrowly drawn as to prevent only the type of content that the government is trying to prevent, without affecting other permissible speech. She said this Committee should look at writing regulation based on physical size, or number, or location on the property, etc. (physical appearance of the signs, rather than content.)

Committee meeting schedule / Miscellaneous Committee information

After some discussion, a consensus was reached for this Committee to meet twice every month **on the second and fourth Mondays of the month, from 1:00 p.m. to 2:30 p.m.** The exact location will be announced before each meeting; for now, the meetings are planned to take place at the Urban Government Center, 810 Barrett Avenue. The room venues may change.

The goal is to complete the Committee review in about six months. Ms. Senninger recommended that information about the Committee's work be submitted to the Planning Commission a piece at a time.

Mr. French said he will give periodic updates to the Planning Commission to let them know about the Committee's progress.

The next Sign Regulation Committee meeting will take place on **Monday, August 25th, 2008** at the Urban Government Center, Conference Room 1, from 1:00 p.m. to 2:30 p.m.

Mr. French said there is a list circulating for "interested parties" in the audience to sign up to receive information about the Committee and its work as it progresses. Also, information is available on the Planning Commission's website, which has a link to this Committee.

Comments/questions from audience members

Charles Brown, a citizen, asked for details about binding elements and variances on signs. Mr. Cash said that binding elements are negotiated on a case-by-case basis. Paul Whitty and Mr. French discussed how the LDC handled variances. Mr. Cash said that one thing staff is doing independently of this Committee is a general review of the effectiveness of the entire Code, by looking at the last five years of waivers and variances, so we will have an idea if there is something in the Code that is triggering a variance every time, and if that variance request is routinely granted. Mr. Brown said there is a safety issue with one sign on Shelbyville Road and Whittington Parkway. A Committee member said he hoped the Committee may be addressing some of those issues. Mr. Cash explained about development plans and how those can affect sign placement; also about smaller-city jurisdictions.

Bob Rueff, a citizen, said there is a coalition of sign makers who would like to participate in this Committee. He said this coalition became largely inactive after Cornerstone 2020 was passed, because they thought there would be no more work on the sign regulations. However, with the formation of the current Committee, the coalition would like to re-activate and participate. Mr. Cash asked Mr. Rueff to talk to other members of the coalition and contact staff. Donnie Blake said it was imperative to have business involved.

Maggie Harlow asked if there are any examples of some regulations other cities have done. Mr. French said there are, and he would e-mail those to the Committee members. He said the first issue that should be addressed by the Committee is the format of the regulations, and making them more understandable.

The meeting adjourned at about 2:00 p.m.