



SPECIAL MEETING SIGNAGE

Friday, October 09, 2020 at 4:00 PM

RUTH TOWN HALL

MINUTES

CALL TO ORDER

David called meeting to Order

ROLL CALL

David Guy

Nick Goode

William Steppe

Amie Hanaway

John Crotts

AGENDA ITEMS

Sign Ordinance discussion with Legal Counsel

. To discuss with Legal our sign ordinance challenges

Amie apprised John Crotts of a new billboard discovery William made the day before. She advised of the new billboard's location. She informed John she had contacted the number from the billboard and the individual/company responsible communicated he didn't have to involve the Town the County had given permission. Amie shared this brings us to where we are today; what can we do, what can't we do, etc. David took the floor reminding of the Headricks situation; reviewed our ordinance of no signage; communicated we need direction because we want to promote business within the best method we can. He asked how can we tailor our sign ordinance legally per his instruction. Amie interjected to inform John she had circulated Spindale's sign ordinance which John had suggested the board look at prior to the meeting. Amie also informed John she had shared with the board the feedback from the Adam Lovelady from the SOG we have to be neutral and somewhat specific in the crafting of the ordinance. William asked why expend time and energy into the crafting if we cannot enforce it. John took the floor and shared Ruth does have a sign ordinance albeit brief and anyone who erects a sign without consent is in violation of that ordinance. He poses the question, do we enforce the sign ordinance as it exists, if yes we would issue cease and desists letters and request they either tear down the sign or enter the permitting process to see if it meets our requisites. John goes further to share if our ordinance were challenged, the question would be can a Town prohibit all signage within its limits or can a Town reserve pure discretion when applications are made on what the perspective is at the time of applying? The feedback he has from all of his sources is you must have some objective standards and criteria for what may be installed and you have to establish some procedures of the permitting and review process for those applications. He understands Ruth's challenges with staff/enforcement etc. He feels the current ordinance should be beefed up and the goals of what would and wouldn't be acceptable should be established/created. Are there certain zones where signage is acceptable (non-residential)? Seek out some smaller jurisdictions that are compatible with Ruth for their ordinance language; direction for a short, sweet, but enforceable ordinance we could rely on. For the current situation at hand-if the sign is in Ruth and they bypassed Ruth, headed straight to the County that is of concern. John says he'd hope the County would not have encouraged them without our consent. Amie interjected to say she had actually contacted the County and they in fact did give them carte blanche, stating Ruth has no ordinances. Amie shared with the group she instructed the permit office they should at the very least instruct them to touch base with the jurisdiction to be certain. Amie asked if she would have been the only one the companies would have spoken with, she said yes. Amie shared she sent a copy of our ordinance to the permit office for future reference. John said it is unfortunate and if he needs to get involved or send a letter to Steve Garrison, County Manager, he'd be happy to do so. Amie shared she felt it was innocent and had been rectified; if there are further incidents she will escalate it at that time. William spoke up highlighting he separates this into two

categories: Sign we have standing-What we do going forward. William feels we may have an opportunity to lean on our current ordinance, issue a moratorium until our current ordinance is beefed up, he asks if that is correct. John says you could do that, you could enforce the ordinance as it currently exists which requires prior consent and authorization, by notifying the land owner and billboard owner they are in violation and must remove immediately or otherwise apply for permitting and review and the board could respond as they see fit because the current ordinance reads as a subjective standard. He says the risk in that is they may try to push back or present a challenge in court, etc. He advised of the security in moratorium while we nail down our ordinance; it's something we shouldn't rush through and with the onset of the new highway we will want our ordinance to be very solid. William highlighted the language of Spindale's ordinance that any sign not in compliance when the ordinance is written has 12 months to enter into compliance. He asks if that is something enforceable? John says it is enforceable within reasonable notice and save for the expense of moving or changing the sign to bring it into compliance. Amie identified it was Victory Signs. William said he didn't seem he wanted a fight; John said we have leverage because he didn't even make a call or try to investigate. He put up a sign in our Town without any investigation/exploration, etc. We don't have a formal permitting process outlined in our ordinance currently but you didn't even try. John feels a reasonable response would be you need to take that down and apply for a permit and we will review it; we owe a duty to our citizens to enforce our ordinances, and as it is currently written (even though we may be reviewing it) it is not allowed and you have blown completely past that, ignorance is no excuse in the law and that could be said of ordinances as well. Just because you got permission from the County doesn't preclude permission from the jurisdiction where the sign is located. William would love to push down that road. David would like to have a conversation with the property owner (as he doesn't want to alienate the small businesses we do have) stating there is a complication with the sign company not secure permissions and the sign would need to come down in the meantime while we evaluate. David asks if that is appropriate? John thinks that is very fair, we might start by asking nicely, if they refuse a letter from John, if we need to escalate from there we will. David feels the main concern is the billboards proximity to our wayfinding signage. He also says it appears wooden and is leaning. Amie requested a picture from David of the sign, he will send to everyone. Amie asks if the board wants her or John to craft and send the letter? The board would like to utilize John so the weight of the issue is communicated. John will craft after Amie supplies the addresses of property owner and sign company. Amie says in the same vein as signage and zoning etc.; this sign is across from Rails to Trails she asked aren't there restrictions built into the Rails to Trails rules and regulations prohibiting signage in x proximity to the trail? She highlights there is a small piece of property owned by a business that is across railroad on the mall area. What's to prevent him from erecting a sign there? She asks aren't there guides in place for this; especially as this area becomes a main artery for vehicular traffic, foot traffic, cycle traffic, more businesses, more signs, etc.? Exactly why our ordinance should be on steroids in planning for the future. Are there things in the Rails to Trails guides/documents to stop this activity along the trail? John says yes, our existing ordinance, and a trail specific ordinance (uniform ordinance) that prohibits signage along the trail. Amie asks what is the measurement from trail path, John believes 50ft on either side from the center; Amie asks what trail specific enforcements are restricting this activity, zoning? John communicates the Trail and each of it's partners are having the same challenges with enforcement; from political signs, yard sale signs, fundraiser signs, the smaller ones especially, all types. John mentions other jurisdictions have fines for those who violate their ordinances; some cases a daily fine, extreme cases judicial relief -injunction relief, held in contempt, nuclear option is they go to jail. It's a lot of time and energy to get there and most utilize fining first. Amie asks does the fining have to be built into the ordinance? John says yes, or some municipalities have chosen a general ordinance that states any violation of any ordinance shall incur a fine of \$50 a day until rectified. Spindale's is called a 1099 fine, to coerce people into correcting violation; he says this is effective with property owners because a tax lien can be placed, those with no holdings or anything to lose it's more difficult. Amie feels the board should work to craft an ordinance like this straight away. William would like for John to craft that ordinance for the Town. John says they can do that for us. William asks is it okay to manage this through ordinance or is zoning preferred? John feels this is a good question as this is a zoning issue (land use regulation), however typically we don't have enough territory to regulate into zones. John instructed as a council they need to discuss and decide if they want a uniform ordinance that says here's the procedure for applying for a sign in Ruth and here are what the requirements would be for billboards, temporary signs, on premises business signs, off premises business signs; or are you going to say this part of town may only have X kind of signs, this part only Z signs, etc. The latter sounds more like zoning. He recommends for simplicity sake to go for a uniform ordinance. David asks more about zoning ordinances and if we can do by street or a map, he feels a map would be critical and he would have to do more research for districts or some subcategory for this. William asks if there is an ability as a board member of the size of signage or if it is arbitrary? John says there is discretion but there are statutes with some regulations. Amie reviewed the task item lists: Amie to supply addresses for John for the letter regarding current sign violation; John will craft universal ordinance for any violations; sign ordinance for us; Amie will forward statutes to board from John. William asked about the moratorium and if it has to be specific? Amie mentioned Adam Lovelady from SOG says yes,

John says yes the specifics would be the effective date and the expiration date. It's been several years since John has done a moratorium for Spindale for demolition, he will review and design, he says the board would have to convene at a meeting or special meeting to approve it. Thinks it has to board ordered. William wants that added to the to do list for John to do immediately and the board will meet when complete. Everyone thanks John and Amie will get all of this to he and Lindsay. John says they will start working on the items right away. William is encouraged and wants Amie to lean on John's office to get these items. Amie shared the details regarding conversation with the Victory Signs guy. He challenged whether there was a Town Hall, a maned office, then we sent someone there and no one was there! .

ADJOURN

Nick made a motion to adjourn, William seconded.

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