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January 6, 2020

BRIDGEPORT PLANNING COMMISSION MINUTES
City of Bridgeport
County of Harrison
State of West Virginia

OPEN MEETING - CALL TO ORDER
The Bridgeport Planning Commission meeting was called to order at 4:02 p.m. on Monday, January 6, 2020 in the Council Chambers of the Bridgeport Municipal Complex located at 515 West Main Street by President Rod Kidd.

BOARD MEMBERS PRESENT
President Rod Kidd, Vice President Doug Gray, Members Jolie Carter, Philip Freeman, Robert Greer and Andrea Kerr.

BOARD MEMBERS ABSENT
Patrick Jeffers

CITY STAFF PRESENT
Mayor Andy Lang, City Manager Randy Wetmore and Secretary to the Commission Staci Unger.

OTHERS IN ATTENDANCE
Jeff Toquinto, Connect-Bridgeport

APPROVAL OF MINUTES
Minutes of the October 7, 2019, Bridgeport Planning Commission meeting were approved unanimously, as written, on a motion by Vice President Gray, seconded by Member Greer.

UNFINISHED BUSINESS
- None

NEW BUSINESS
1. Amend the codified ordinances of the City of Bridgeport by amending Article 1325 – Sign Regulations

    - Member Kerr stated that the proposed sign ordinance is much more comprehensive than the current ordinance, in that it contains detailed specifications for size, placement and location.

- Member Kerr also stated that the current sign ordinance does not protect residential neighborhoods.

- Member Kerr informed the board that this public hearing was advertised thirty (30) days in advance and she has not received any calls, comments or emails from residents.

- Member Greer said that based on his recollection, the current sign ordinance was struck down by District Judge Keeley over language regarding political signs. He further explained that since the ordinance lacked a severability clause, the entire statute is unenforceable and therefore, at this time the City of Bridgeport cannot regulate signs within the city.

- Member Greer shared public comments from Rueban Blankenship, Vice President of Lamar Advertising, that were sent via email (see attached copy of email). His email stated that he had the following concerns -

  - *1325.12 - Relating to non-conforming status of existing signs -*

  The nonconforming status of all billboards herein shall expire on January 1, 2023. After January 1, 2023, all nonconforming signs shall be permitted to remain as long as they conform to the following requirements:

  a. The display size/face sign may be no more than (40') in height at the highest point of the sign. (I don't think this one will really affect us).

  b. The sign may not be stacked, side by side, triivision (three sided), spin automatically or LED (light emitting diode). This one I have a major issue with as we have several this will apply to. We have one stacked unit and 3 digital displays.

  Any nonconforming signs not in compliance with Article 1325.11 the Sign Ordinance as of January 1, 2023 will be deemed non-conforming and will be required to be removed.

  The Proposed Amendment is illegal as an amortization schedule is unconstitutional.

  - *1325.01 – Item 14*

  Prohibit the use of billboard signs by recognizing that billboards affect the aesthetic value of the community, thereby reducing property values and impact on traffic

safety because of the distraction that is created by large signage along public rights of way.

We have had a digital sign on Rt. 50 in Bridgeport for over 10 years and to the best of my knowledge there has never been an accident due to this location. Our digital displays hold a message for a least 8 seconds before changing to another static image, there is no flashing or anything that could be considered as distracting. However, there are multiple on-premise digitals within Bridgeport (including one owned by the City of Bridgeport) that do not operate in the same manner.

- Member Kerr responded that 1325.12 – 2a states that "the display size/face sign may be no more than forty feet (40') in height at the highest point of the sign" and that change may affect several billboards in the city.

- Vice President Gray referred to 1325.12 – 2b *(The sign may not be stacked, side by side, tri-vision (three-sided), spin automatically or LED (light emitting diode)* and asked if the sign at Leeson Motors is LED and Member Kerr confirmed that it is LED.

- Vice President Gray asked who drafted the ordinance language and Member Kerr stated that West & Jones, the city's attorneys, drafted the proposed ordinance.

- Member Greer suggested that 1325.12 – 3 (*Any nonconforming signs not in compliance with Article 1325.11 the Sign Ordinance as of January 1, 2023 will be deemed non-conforming and will be required to be removed)* be changed to allow existing signs to be grandfathered in as long as they remained in use, were properly maintained and did not fall into disrepair.

- Member Kerr agreed with his suggestion to grandfather in existing signs due to the amount of money local businesses have invested in their signs.

- Member Greer also stated that if the city requires a business to tear down their sign within three (3) years as the proposed ordinance states, then the city should be required to reimburse the business for the amortized value of the sign.

- Member Greer recommended that the forty feet (40') height limit be changed back to the current forty-eight (48') feet limit.

- President Kidd stated that in the past, if a business closed, they were required to remove their sign within a certain timeframe and asked if that type of language was included in the proposed ordinance.

- Member Kerr stated that 1325.13 - Maintenance and Removal –G requires signs to be removed within sixty (60) days of the cessation of use or business operation.

- City Manager Randy Wetmore asked for clarification on how new billboards will be regulated under the new ordinance.

- Member Kerr explained that 1325.08 - Billboard Policy states –

  "New billboards, as defined herein, are prohibited within the city limits of the City of Bridgeport as of the date this ordinance is adopted.

  Billboards in existence as of the date this ordinance was adopted are subject to the provisions regulating existing signs set forth in Section 1325.12 of this Ordinance."

- Member Greer inquired if a business wanted to erect a new billboard within city limits, would they have the option to go before the Zoning Appeals Board and request a variance.

- President Kidd stated that adding an appeals process clause would be helpful especially since the businesses along the interstate are seeing considerable growth.

- Member Kerr said that she believed that there should be an appeals process but asked for clarification whether the appeals process clause was intended for solely for billboards or for the entire ordinance.

- Vice President Gray said he thinks that this ordinance would be like any other city code and could be appealed.

- Member Carter said that she felt it was important to allow businesses the right to appeal the ordinance if needed.

- Member Greer stated that a separate appeal process seems repetitive since all zoning decisions made at the city level are appealable.

- Member Freeman asked if the language of the proposed ordinance required the billboard be affiliated with the business on the premises or could they seek a variance for general advertising such as the sign at Leeson Motors.

- Member Greer stated that his understanding from a legal standpoint is that a problem exists when the city attempts to regulate time, place and manner differently for different groups. He feels that proposed ordinance was written very generally to apply to everybody and to ensure it meets the current controlling law.

- Member Freeman said that it is his understanding that with the variances and appeals, new billboards would be allowed in the city in a limited, case-by-case basis.

- President Kidd expressed concern that new businesses coming into Bridgeport, such as Menard's, would have to submit an appeal before they could even design their sign which would affect the design aspect.

- After some general discussion, the board decided to request the following explanations/modifications to the proposed ordinance –

  - A severability clause to prevent the court from overturning the entire ordinance if the court rules any part of the ordinance unenforceable.
  - Change **1325.12 – 2a** to read "the display size/face sign may be no more than ~~forty feet (40')~~ forty-eight feet (48') in height at the highest point of the sign."
  - Change **1325.12 – 3**, ~~Any nonconforming signs not in compliance with Article 1325.11 the Sign Ordinance as of January 1, 2023 will be deemed non-conforming and will be required to be removed.~~ Add wording to allow existing signs to be grandfathered in as long as they remain in use, are properly maintained and do not fall into disrepair.
  - Clarify appeals process.

- Member Kerr stated that she will submit these items to West & Jones so the board can review a revised ordinance at the February 3, 2020 meeting.

- Member Kerr asked the board members to email her with any other questions they may have for the city attorneys.

- A motion was made by Member Carter to continue the discussion on amending Article 1325 – Sign Regulations on February 3, 2020. Motion was seconded by Vice President Gray and was unanimously approved.

CLOSE MEETING

Meeting was adjourned at 4:36 p.m. on a motion by Vice President Gray, seconded by Member Greer, and was unanimously approved.

Rod Kidd, President

2/3/20

Date

Staci Unger

Prepared by Staci Unger
Secretary to the Commission