



February 3, 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 4:04 p.m. on Monday, February 3, 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, Members Robert Greer, Patrick Jeffers and Andrea Kerr.

**BOARD MEMBERS ABSENT**

Jolie Carter, Philip Freeman and Doug Gray

**CITY STAFF PRESENT**

Mayor Andy Lang, City Attorney John Ashcom and Secretary to the Commission Staci Unger.

**OTHERS IN ATTENDANCE**

Rueban Blankenship and Breanna Williams, Lamar Advertising and Jeff Toquinto, Connect-Bridgeport

**APPROVAL OF MINUTES**

Minutes of the January 6, 2020, Bridgeport Planning Commission meeting were approved unanimously, as written, on a motion by Member Greer seconded by Member Jeffers.

**UNFINISHED BUSINESS**

- None

**NEW BUSINESS**

1. Continue discussion to amend the codified ordinances of the City of Bridgeport by amending Article 1325 – Sign Regulations
  - Lamar Advertising Vice President Rueban Blankenship informed the board that he had previously submitted public comments to Member Greer.

- Member Greer explained to him that his comments were shared during the last Planning Commission meeting and are included in the minutes from that meeting as part of the public record.
- Member Greer went on to say that City Attorney John Ashcom was in attendance to help with answering any questions regarding the ordinance.
- President Kidd reviewed the items that were changed after the last Planning Commission meeting. The requested changes were -
  - a) A severability clause to prevent the court from overturning the entire ordinance if the court rules any part of the ordinance unenforceable.
  - b) 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”.
  - c) 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.**
  - d) Clarify appeals process.
- City Attorney John Ashcom stated that the severability clause was included in Section 1325.01 (b) of the amended signs ordinance and Section 101.8 of the city’s codified ordinances also contains a global severability clause.

**EXECUTIVE SESSION:**

At 4:10 p.m. Member Greer made a motion to enter into executive session to discuss matters with counsel pursuant to the attorney/client privilege and as to matters not included on this agenda to determine if official action is necessary. Motion was seconded by Member Jeffers and unanimously approved.

At 4:48 p.m. Member Greer made a motion to reconvene into regular session. The motion was seconded by Member Jeffers and unanimously approved.

No action was taken during Executive Session.

- President Kidd reconvened the meeting and explained that based on discussions with the city attorney, the Planning Commission was going to request several changes to the proposed ordinance.

- Member Kerr said that after to speaking with the city attorney, the board feels that the severability clause is acceptable as written in 1325.01.
- Member Kerr also stated that the board was satisfied with the changes made to 1325.12 – Existing Signs, which now reads -

*Any billboard existing on the effective date of this sign code which was erected pursuant to a valid permit from the City, if required, and which complies in all respects with the City's ordinances in effect at the time the sign was erected shall be allowed to remain and deemed a legal, nonconforming sign.*

1. *A billboard deemed a legal, nonconforming sign may not be enlarged but may be maintained by (i) painting or refinishing the surface of the sign face and sign structure or by replacing damaged panels so as to keep the appearance of the sign the same as it as upon the adoption of this Sign Code or subsequent amendment hereto which resulted in such sign becoming a nonconforming sign, or (ii) by replacement of light bulbs or similar expendable electrical devices and repair and replacement of electrical components for safety reasons or (iii) by lawfully changing the content of its face.*
2. *A billboard deemed a legal, nonconforming sign shall be permitted to remain as long as it conforms to the following requirements:*
  - a. The display size/face sign may be no more than forty-eight feet (48') in height at the highest point of the sign,*
  - b. The sign is properly maintained and does not fall into disrepair.*
  - c. The billboard shall not be extended, structurally reconstructed, altered in any manner, or replaced with another nonconforming sign nor increased in technological advancement,*
  - d. In the event billboard deemed a legal, nonconforming sign becomes materially damaged, removed or destroyed, said sign shall lose its nonconforming status and thereafter be prohibited.*

- Member Kerr explained that the board was requesting the following change to Section 1325.03 (d) to allow time to run the required legal ads for any zoning changes - *The Zoning Board of Appeals shall hear the Appeal within ~~20 days~~ 30 days of the filing of the written application for appeal, and shall provide a decision in writing, including a statement of the reason(s) for the decision not more than 10 days after the hearing.*
- Member Greer stated that following discussions during executive session, the general consensus of the board members seemed to be that they were going to try and avoid regulating temporary signs based upon the prior experience the city had in federal court with the McFadden decision.

- Members Greer and Kerr explained that the board would like to request the following modifications to the proposed ordinance –
  1. Remove temporary sign regulations.
  2. Remove temporary sign permit requirement.
  3. Revise billboard policy to remove city wide ban on new billboards and add wording to allow new billboards in B-2, I-1 and I-2 zones only.
  4. Add definitions to clarify sign types.
- Lamar Advertising Vice President Rueban Blankenship asked for clarification on modifying/upgrading existing billboards near Emily Drive and expressed concern over the 48' height limit stating that he thinks that is too tall.
- Member Kerr explained that with the requested changes to the proposed ordinance, businesses would be able to modify or upgrade existing billboards near Emily Drive since that area is zoned B-2.
- Member Greer explained that the 48' height limit only applies to existing, non-conforming signs and was changed to allow existing signs to be in compliance with the proposed ordinance. New billboards will be restricted from residential, B-1 and BPO-1 zones and new billboards erected in zones B-2, I-1 and I-2 will be required to meet specified dimensions based on which zone they are located.
- After some general discussion, the board requested a revised ordinance from West & Jones to be reviewed at the next meeting.
- A motion was made by Member Greer to continue the discussion on amending Article 1325 – Sign Regulations at the next Planning Commission meeting. Motion was seconded by Vice President Jeffers and was unanimously approved.

**CLOSE MEETING**

Meeting was adjourned at 5:00 p.m. on a motion by Member Jeffers, seconded by Member Greer, and was unanimously approved.

  
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 Rod Kidd, President

8/17/20  
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 Date

*Staci Unger*

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Prepared by Staci Unger  
Secretary to the Commission