

**CITY COMMISSION WORKSHOP MEETING  
APRIL 4, 2011  
4:30 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
James R. Freeman, City Clerk  
Lorraine Lyn, City Planner  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 p.m.

1. PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REVIEW (CAFR)

Mr. Freeman presented the results of the FY 2010 CAFR. Topics reviewed were City major initiatives achieved, major initiatives planned for 2011 and future years; and the City's financial highlights. He stated he was very pleased with the state of the City finances included in the CAFR.

The City's external auditor, CPA Associates, was represented by Tommie Barrie, and Jeff Gerhard, the audit manager. Ms. Barrie commented on the unqualified opinion granted to the CAFR and stated the audit revealed no issues regarding internal controls or compliance in accordance with government audit standards. A single audit was mandated under Federal and State requirements because the City was awarded grant funds exceeding \$500,000; both grants were in compliance. Ms. Barrie commended Mr. Freeman, Ms. Simpson and their team members for their professionalism displayed during the audit; Mayor Bryant concurred with the comment.

2. SIGN ORDINANCE TEXT AMENDMENT

Ms. Lyn explained the proposed ordinance discusses only the area between 3<sup>rd</sup> Ave. and Haben Blvd. on 10<sup>th</sup> St., delineating it as a highway interchange area to allow additional height and a larger base for free-standing, single use commercial sign face sizes. The proposed ordinance is being offered for consideration because McDonald's removed its sign for a safety inspection and now wishes to reinstall it but the sign does not meet the code.

The P&Z Board supports an increase in height, recommending 85' with the intent not to make any sign non-conforming. Ms. Lyn stated staff supports the current sign ordinance's maximum of 30' height and 150 sq feet of signage. Should Commission choose to identify a special district, she recommends a maximum of 60' in height and 120 square feet for signage. A sign of 400 square foot is based on the existing Wendy's sign.

Ms. Lyn was asked to obtain the roadway elevation at the height of the bridge, as there is an established calculation to assist in determining an appropriate height and sign size. She was asked to provide the information reviewed by the P&Z Board. Another discussion point Ms. Lyn was asked to check is the safety of the surrounding businesses should the proposed pole [McDonald's] fall.

Discussion ensued on establishing an area to accommodate only a few of the businesses in the proposed corridor vs. going east to the end of the City limits.

Attorney Barnebey stated the P&Z Board has held only a workshop on the topic, a public hearing will be held April 13, 2010. The existing sign code, Ordinance No. 286, became effective in 1986 and gave all signs until 1994 to come into compliance, but the City has not enforced the sign ordinance. Attorney Barnebey recommended enforcing the code or changing it. At this time the Burger King and Wendy's signs are illegal.

Mayor Bryant commented on the proposed district being in the Enterprise Zone, which was created to encourage businesses to come into the City. She discussed the research conducted by large restaurant chains that supports the importance of signage to the businesses.

McDonald's may request a 70' to 75' sign at 320 to 400 square feet; Burger King is 55' high and Wendy's is 85' high and larger than 40 square feet. Using Mr. Tusing's known height of the overpass and estimated additional roadway at the interchange in the proposed district, Commissioner Zirkelbach, using a calculation from Elliott's Rules to determine signage height, stated an optimum sign off the bridge would be 55' to 109' tall; which would support Ms. Lyn's recommendation. Another factor to consider would be the lettering on the sign.

Commissioner Lancaster opined the ordinance is unfair to other businesses in the City. Commissioner Varnadore agreed, stating she would only support a 60' maximum sign in the district. Commissioner Zirkelbach stated he is a "ground sign person".

Attorney Barnebey recommended that if Commission instructs that the code is to be enforced then businesses with illegal signs must be noticed in a reasonable period of time, and that they should be given a minimum of six months to bring their signs into compliance. Businesses can also seek a variance to the sign ordinance. He cautioned that the City could face litigation in some instances.

Ms. Lyn was asked to provide an inventory of the signage along Hwy 301 out to the City limits.

The topic was carried forward to the 7:00 meeting for Commission action.

### 3. EDENFIELD PROPERTY DISCUSSION

Mr. Tusing informed Commission that staff had gone before DEP with the site assessment on the Edenfield property. DEP wants the City to take remedial action to remove some of the soil on the site, which he estimates will be approximately \$80,000. He will bring costs estimates to remediate the site to residential, commercial and park standards and a plan for the most economical use of the property.

Meeting adjourned at 5:55 p.m.

Minutes approved: April 18, 2011

*James R. Freeman*

James R. Freeman  
City Clerk