

Temporary and Commercial Signs

Ms. Readler stated that the case *Reed v. Town of Gilbert, Arizona*, changed the way that municipalities can regulate temporary signs.

Mr. Boggs stated that regulating temporary signs is necessary to:

- minimize distraction to motorist and pedestrians in the right-of-way;
- reduce visual clutter in neighborhoods and commercial areas; and
- encourage high quality, effective graphics for navigation, information and identification.

Temporary signs are currently regulated by what is being communicated by the sign (political, directional, information, etc.). Mr. Boggs reviewed the *Reed* case and the majority opinion as a result. The majority opinion concluded:

- the distinctions between temporary directional, ideological, and political signs are content-based distinctions
- content-based distinctions are subject to a "strict scrutiny" review
- the Town did not show that its regulation of temporary directional signs as opposed to ideological or political signs was narrowly tailored to a compelling governmental interest.

There were two concurring opinions that:

- Clarifies that regulations based on size, location, lighting, movement, animation, "on-premises and off-premises," would be permissible
- Advocated a more flexible approach

The problem with the Town of Gilbert's code was that these signs were regulated differently.

Mr. Boggs noted the difference with commercial speech is that it is subject to greater potential restriction under the First Amendment. None of the discussion at this meeting concerned traditional commercial signage.

Ms. Readler stated that there is a temporary sign section that deals with more permanent commercial signs.

Mr. Reiner asked about sandwich board signs. Mr. Boggs stated that those are not as highly regulated because what is being advertising is a commercial message.

Ms. Readler stated that billboards are prohibited under Dublin's code.

Ms. De Rosa asked if it were correct to say that this focuses more on form and time than on content. Mr. Boggs stated that was correct.

Mr. Reiner asked about new development announcing a project and whether or not it is allowed. Ms. Readler stated that there is a "development period" sign that this addressed. Mr.

Reiner stated that legal is recommending that this issue go to PZC for review and then on to Council for consideration.

Vice Mayor Amorose Groomes asked if this will help with the lease and for sale signs that are throughout the City.

Ms. Readler stated that, currently, the language addresses this as a sales or leasing period sign. This type of sign is defined as a temporary sign erected only during any period when a premises or part thereof is actively offered for sale or lease and removed no later than 14 days after the premises or part thereof are occupied by a new owner or tenant.

Ms. De Rosa and Vice Mayor Amorose Groomes both expressed concern over the wording "part thereof."

Mr. Boggs stated that perhaps they could place time limits on it.

Ms. Readler stated that including a maximum days per year would be the best way to resolve that.

Ms. De Rosa stated that she didn't see political signs mentioned. Mr. Boggs stated that is the consequence of the *Reed* case. Ms. Readler stated that political speech is one of the most protected levels of speech under the First Amendment.

Mr. Boggs stated that political signs disappear from the code because they all fall under a blanket regulation regardless of the content.

Mr. Reiner moved to advance this topic to Planning and Zoning Commission for consideration.

Vice Mayor Amorose Groomes seconded.

Vote on the motion: Vice Mayor Amorose Groomes, yes; Ms. De Rosa, yes; Mr. Reiner, yes.

Motion carried.

Streetscape/Tree Selection in Historic Dublin

Mr. Earman introduced Mr. Goodall the new City Forester to present the criteria that was used to make some of the decisions about tree plantings on South High Street. Mr. Earman reviewed some of the site limitations that exist on South High Street. Some he mentioned were:

- Compacted clay soils
- Signage
- Light poles
- Narrow tree lawn
- Low soil volume
- Underground utility lines
- Historical relics and others.

Mr. Goodall stated that the landscape architects and Forestry staff worked together to determine what tree species would work well in the area. The Royal Raindrop Crabapple was chosen because of the pink flowering and leaf shape. It would be aesthetically pleasing. There are currently several of these trees planted along Muirfield Drive. The Adirondack Crabapple is very similar to the Royal Raindrop but has a white flower. Both of these species are disease resistant. The other ornamental tree options that staff felt would be good options are the Spring Snow Crabapple and the Ivory Silk Japanese Tree Lilac. They were looking for an option that was the right size and aesthetic due to the power lines and soil volume.

Mr. Reiner stated it is important to trim the limbs so the pedestrian traffic is able to get

underneath the tree, but the tree would still have a good head on it to provide a nice streetscape look. He stated some of the crabapple species are smaller and not as full.

Vice Mayor Amorose Groomes stated that what needs to be discussed is what makes a streetscape. She referenced a picture that Ms. De Rosa shared of fall colored ash trees along a street. She believes that this picture creates a visual streetscape. Referencing the trees on South High, she stated that it is a random sampling of plants. There are six trees of three different varieties. Imagine if those the trees in Ms. De Rosa's picture were all different shapes and sizes, colors and textures; it would be a very different picture and therefore not a streetscape. The objective is to create a streetscape. Streetscapes are uniform, repetitive, and have theme and rhythm. These selections are all great trees, but this discussion is not about the trees. It is about creating a feeling when you are on this street.

Mr. Reiner stated that this is about a concept.

Vice Mayor Amorose Groomes stated this should be about the street, not the tree.

Mr. Reiner stated that when driving down a street, if there are different heights, shapes, colors, berries, flowers, etc., it looks very disorganized. Foresters, generally speaking, do not like to plant the same tree down the whole street in case a disease comes along and wipes them out. They need to forget that worry and make it about the concept of the street. He wants cohesiveness as you drive down the street.

Vice Mayor Amorose Groomes stated that they will accomplish diversity intra-street, not inter-street. We will plant different street trees on different streets, but on each street, we will have uniformity. It is about vision, commitment to excellence and staying the course.

Mr. Reiner stated that uniformity is the direction they want to give staff.

Vice Mayor Amorose Groomes stated again how important it is to have the discussion. This is a long-term commitment to the excellence of the street.

Ms. De Rosa asked why they would plant smaller trees and then replace them when the power lines come down. If the power lines will be down in a relatively short time, why plant and then remove?

Vice Mayor Amorose Groomes stated that she wants to come up with a plan for South High Street.

Mr. Goodall stated he agrees with the direction. He stated that staff has some long-term ideas for the area.

Mr. Earman stated that the decisions being made were based on an old street tree code. Many options they wanted to do or thought of doing long-term conflict with the code. An amendment to the code will be necessary. There are significant issues on this particular street. The thought was to try to do something quickly after the trees were removed to improve the area.

Vice Mayor Amorose Groomes stated that an immediate fix would be six of the same tree.

Mr. Earman asked if they were to plant six of the same tree, would they want space reserved in between them for a larger tree with a larger crown? Mr. Reiner and Vice Mayor Amorose Groomes both stated they would.

Mr. Goodall showed a few pictures to illustrate what was being discussed and proposed.

Mr. Reiner stated that they need to get a tree with a good head on it and tighten up the cadence of it.

Ms. De Rosa stated that the Committee also needs to have the conversation regarding the pedestrian bridge opening and naming. She was not suggesting a discussion at this meeting, but wanted to put on the Committee's radar that this item needs to be discussed.

In response to Mr. Earman's question regarding next steps, Mr. Reiner stated that the recommendation/plan should come back to City Council for consideration.

Adjournment

The meeting was adjourned at 7:17 p.m.

Deputy Clerk of Council