

**Town of Cape Elizabeth
Ordinance Committee Minutes**

December 1, 2016

1:15 p.m.

Town Hall

Present: Caitlin Jordan, Chair
Sara Lennon
Jessica Sullivan
Patty Grennon, in-coming chair

Staff: Maureen O'Meara, Town Planner

Councilor Jordan called the meeting to order. The minutes of the November 17, 2016 meeting were approved.

Public Comment

No member of the public was in attendance.

Sign Ordinance

Councilor Jordan began review of the draft ordinance and then will proceed to review of the draft report. The review began with a discussion of the electronic message board signs, starting on page 5 of the draft ordinance.

Councilor Sullivan said she did not take pictures, but did pay more attention to electronic message board signs since the last meeting and did not like any of them. She has wrestled with the convenience of them, which would make them appeal to everyone, including businesses, churches, individuals with a political message and town facilities like the Recycling Center and library. The Reed decision compels us to be content neutral and treat all users the same, so she does not want to allow electronic message board signs.

She also spoke with Robert Malley, Public Works Director, regarding what messages are posted on the current message board at the Recycling Center. Non-town government community events are sometimes posted. She talked with Mr. Malley about the content neutral demands of the Reed decision and they agreed the current management of town government message board signs may need to be updated. Councilor Sullivan would like the Ordinance Committee to consider a companion recommendation with the Sign ordinance that the town prepare a policy for town government message boards that is Reed compliant.

Councilor Lennon agreed with Councilor Sullivan. She would not allow electronic message boards. We don't need the Recycling Center message board (which is not electronic).

Councilor Sullivan followed up that the aesthetics of Cape would be lost with proliferation of electronic message boards. We do not have Route 1 in Cape, only small service businesses in town, and don't need neon messaging.

Councilor Lennon said we can always review this in later years, but it is much harder to reverse a decision once these signs are allowed. Councilor Jordan noted that these are not necessary, but confirmed that the typical sandwich board type message boards are still allowed.

The committee agreed by consensus to prohibit electronic message boards. Staff will revise the draft as needed, but keep the definition. The committee also discussed a policy for existing town government message boards and agreed that a policy that is Reed compliant should be prepared.

The second major review item in the ordinance is the treatment of banners erected over a public road right-of-way.

Councilor Sullivan would like to continue the prohibition of banners across the road. We don't use them much now, but if we allow them, then anyone can have one and some people will want to use a banner. For the one event where banners are used, there are other ways to prominently mark the starting line. If we keep the prohibition, we need to enforce it.

Councilor Jordan would like to keep things the way they are until someone complains. She had supported allowing banners to preserve what we do now. They would only be allowed for 3 days (includes set-up and removal).

Councilor Sullivan said that it is incumbent upon code enforcement to address violations. We should avoid putting someone in a position that is not in line with our laws.

Ms. O'Meara explained that the person representing the town with the Beach to Beacon organization is in the same office as the Code Enforcement Officer, and if banners are not allowed by ordinance, we would notify him now that you need an alternative to a banner across the road.

Committee members discussed options to only allow the banners that are used now and still be Reed compliant. Staff offered that there remain opportunities to install banners along the side of the road right-of-way instead of across the road. The modest banner

installed by the mile 5 neighborhood was noted. Would the lack of a banner detract from the Beach to Beacon event? Do they need the overhead structure to make the chips that the runners wear function? The overhead structure could still be installed, but without signage. Signs/banners could still be installed on the vertical posts that hold up the overhead and the sponsor banner can be erected along the side of the road.

The committee reached consensus that banners should continue to be banned across a road right-of-way.

The committee conducted a review of the full ordinance. The committee reviewed when a sign permit is needed and that sign regulations are organized by location of the sign in a commercial or residential/other zone and frontage on a road. A specific prohibition has been added that temporary signs cannot be lighted.

Staff noted that the limit on the size of temporary signs will mean the traditional Family Fun Day sign, and similar signs, will no longer be allowed, or the size of the temporary signs allowed needs to be increased. Adding an exemption for non-profits is inconsistent with Reed. The committee noted the Town Council can make changes to this draft, but the committee did not want to increase the size of temporary signs allowed.

The committee agreed to include the "notes" shown in the draft that will be sent to the Town Council, but to depict it in blue to make clearer that it was not intended to be text of the ordinance. The notes should be removed prior to a vote for adoption.

The committee wants to send the Sign Ordinance to the Town Council for the December meeting, and then have an opportunity to explain the ordinance to the Town Council at a workshop, before a public hearing is held.

The committee briefly discussed the report, with the understanding that it would be revised to reflect the decisions made today. The committee approved the objectives and Councilor Jordan noted the report will help educate people about the Reed decision. Staff will add the companion recommendation about a Reed compliant town government sign policy. The committee was pleased to complete the Sign Ordinance work before the new Ordinance Committee is appointed.

The committee unanimously approved a motion to send a replacement Sign Ordinance, Chapter 2, to the Town Council for consideration, as well a companion recommendation to prepare a Reed-compliant policy for town government message board signs.

Public Comment

No members of the public were present.

The committee adjourned at 2:00 p.m.