

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 6:30 p.m. at the Former Library Building, 1805 L. Don Dodson, Bedford, Texas, on the 9th day of June, 2016 with the following members present:

Jim Griffin	Mayor
Rusty Sartor	Council Members
Dave Gebhart	
Ray Champney	
Steve Farco	
Roy Turner	
Roger Fisher	

constituting a quorum.

Staff present included:

Roger Gibson	City Manager
Kelli Agan	Assistant City Manager
Michael Wells	City Secretary
Russell Hines	Building Official
Amanda Jacobs	Assistant City Secretary
Meg Jakubik	Strategic Services Manager
Bill Syblon	Development Director
Emilio Sanchez	Planning Manager

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Griffin called the Work Session to order at 6:30 p.m.

### **WORK SESSION**

- **Discussion regarding the City of Bedford Sign Ordinance.**

Mayor Griffin stated the purpose of the work session was to address some questions, comments and input from the community regarding the Sign Ordinance, and if it is really the document the Council wants to go forward with, or if there are some small minor tweaks that could be made. It is a comprehensive ordinance that touches a lot of different pieces that are necessary and required. The last portion of the work session is to give final direction to staff.

Councilmember Fisher stated he was disappointed to have a work session on an item that Council approved six to one on December 8. There is a long standing precedent that once Council decides on something, they move on and forward; however, today they are moving backwards. He discussed that there has been no outreach on what was passed in December and it is going to cause more heartburn for the businesses that the Council all love and who want to be good corporate citizens. Council can either extend the pain or compress the pain in regards to the implementation of the ordinance. He stated that new and existing businesses have added to their signage and LED lights since passage and, if there had been proper outreach as staff was directed to do, it could have saved those businesses money. He was disappointed that Council was reviewing an ordinance before it was implemented, which has been

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discussed for five years, and is not sure anything new can be brought to the discussion that could not have been done after the ordinance was put into effect. He stated the ordinance was not implemented and followed through on as was directed by Council on December 8.

Councilmember Gebhart stated that five out of seven Councilmembers had serious concerns regarding the specific contents of the ordinance and the only reason they had any closure with it was the explicit agreement that Council could revisit and fine tune the ordinance. It is not a step backwards, but is being responsive to business owners and citizens, making sure what Council does is beneficial, and whether the ordinance has the desired effect to make Bedford a better place for the citizens. He felt the purpose of the meeting was to have an objective and impartial discussion on these elements. He was encouraged that serious concerns were not ignored since the ordinance is all encompassing and a radical departure on the ability of some businesses to reach out to customers. He stated that it behooved Council to tread lightly on how they restrict people using their business as they see fit.

Councilmember Farco stated that he is excited about the ordinance, specifically with the removal of portable signs and LED lights. At the International Conference of Shopping Centers, he was told how friendly the City has become. There are a few things that need to be tweaked or addressed in order to stay business friendly. Not all of the businesses, are filled up and the City is going to restrict advertising opportunities for businesses and commercial developers, and it is something that needs to be looked at. Overall, he is for the ordinance.

Councilmember Tuner stated that he supported the ordinance but expressed concerns in December mainly grandfathering in certain businesses that already had signs outside the ordinance. He was hopeful there was a way to accommodate some of those businesses, but found it would be difficult to go down that path in a reasonable manner. He stated that he would never apologize for discussing something Council has done in the past. He stated that it was not a step backwards to look at the ordinance but may be one if there are any changes. He was looking forward to changes going into place, such as with the LED lights.

Councilmember Champney stated that his position has not changed in favoring the ordinance. His whole focus was doing what was in the best interest of the citizens of Bedford from the standpoint of aesthetics, property values, maintaining a good quality of life in the City, and attracting the types of economic development they like. In doing research, he found that his position is not an outlier. He discussed ChangeLab Solutions, which specializes in researching and drafting model laws and policies, and their model ordinances for interior and exterior signage. They comment that in determining what constitutes a reasonable restriction on window signage, a community must ensure the retailer's ability to communicate is not unduly restricted; that the lower the percentage, the more likely the ordinance could be overturned; that some communities have restrictions of between 10 and 25 percent; and the percentage applied per window. Per the Texas Municipal League (TML), the City has the authority prohibit and regulate signs. A policy paper written in conjunction with the Texas Municipal Lawyers Association states that cities have the authority to regulate their aesthetic interests through broad policy powers. He stated the sign ordinance is on a par and parallel with others that have been tried and tested by hundreds of cities, and is in accordance with TML and ChangeLab Solutions. He feels that the new rules are in the best interest of the City in regards to aesthetics and property values and he sees no reason for changes. There are other cities that have done this and are good examples of businesses adjusting and adapting to changes.

Councilmember Sartor stated that he voted for the ordinance and he would like to see change that is overall in the best interest of the City. He is concerned about how it was communicated to the business community and requested discussion on that. City Manager Roger Gibson stated that when the ordinance was passed, there was discussion between business owners and some Council Members and staff, and it did not seem to be a completely resolved issue. There was communication among some members of Council regarding reservations with portions of the ordinance, even though they voted for it. Staff was asked to look at a permitting process for window signage whereby certain things could be classified as something other than advertising, such as art, but it was deemed to be very subjective. Staff prepared information to go out to businesses and had a plan to do it systematically until September, and then

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immediately after September. He decided to hold off on sending that information out as he was concerned there would be confusion if Council later changed the ordinance.

There was discussion on putting this on a Council meeting agenda as opposed to a work session; the appearance of impropriety with having a work session; members of Council talking to businesses after the ordinance was passed; majority rules; the majority of Council wanting to further discuss the ordinance; the City's legal authority to institute restrictions; finding policy groups in alignment with one's position; liberty and freedom; checking the validity of the substance of the ordinance; misconstruing cause and effect; cities being able to suffer through higher restrictions if they have high per capita income; whether building standards are the cause of the success of certain cities; copying other cities' ordinances while ignoring economics and demographics; hurting small businesses in the short term; advertising through social media; the driver of a community being not only businesses but residents; wanting young families to move into the community to support local businesses, and visit parks and libraries; the City not having product that attracts young people and encourages people to stay; letters from people saying they are tired of the lights and clutter; the rebuilding of Harwood Road with custom intersections, streetscapes and buried utilities; enhancing the aesthetics of the City and preventing the City downward slide; whether there is empirical data that people do not come to Bedford because of signage; impressions; limiting the amount of advertising; details of the ordinance; why cities have sign ordinances including reducing visual clutter, preserving the look and feel of a community, and enhancing aesthetics, preserving property values, and supporting economic development; businesses having their own empirical data on receiving increased business when they put out temporary signs; the lack of monument signage at the shopping center at Harwood Road and Norwood Drive and a business there receiving increased business advertising on social media; ways the City can support businesses; and the impact of the internet on retail businesses.

Council discussed the following items in the Sign Ordinance:

- Window Signs – The current regulations are 25 percent of the window. There was discussion on some business owners finding 33 percent more palatable; whether the eight percent difference would save or kill any businesses, or damage the aesthetic quality of the City; large corporate businesses using 33 percent for their mass produced advertising and those same businesses surviving in cities with the same regulations; regulations not being enforced in other cities; ensuring that Bedford enforces its ordinances fairly; corporate businesses using more than 33 percent of their window space; how other cities calculate their window coverage; exceptions and variances; the reaction of businesses to the regulations depending on the type of business and how they are affected; businesses not expanding and moving because of the regulations; and Council receiving negative feedback when the ordinance is enacted and enforced. A majority of the Council was in favor of changing the maximum to 33 percent of the window.
- Open/Closed Signs – There was discussion that these types of signs cannot be flashing; whether signs that have a rectangle attached with the businesses' hours illuminated and are larger than four square feet would be in violation; signs not being allowed to cover the cashier area for safety reasons; and that the regulations do not affect window tint or blinds.
- Portable Signs - There was discussion on the ordinance prohibiting these types of signs; complaints received by Council from businesses on this restriction; why these types of signs are a blight on the City; having multiple signs in the same shopping center; portable signs becoming permanent signs with different text; and comments from a business at a recent business roundtable.
- Real Estate For Sale/Lease Signs – There was discussion on setting reasonable standards in a community; these types of signs having more direct impact on the aesthetics of the community; the ordinance only allowing one sign on each side of a property; the cost of a new frame for the signs being approximately \$1,200; the broker and the property owner being responsible for paying for the new sign frame; that the broker is required to obtain a permit the first time they install a sign; that the permit is good until the sign is changed; having the current permit fee cover the new permit fee; and specifying that on a small multi-tenant building, a broker can use the building's permanent signage in lieu of a separate for sale/lease sign. Staff was directed to make changes to the ordinance including

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not charging a permit fee for a new sign that is replacing a pre-existing sign and allowing a broker to use a multi-tenant building's permanent signage for their for sale/lease signs.

- Electronic Signs – There was discussion on the ordinance restricting animation on electronic signs, including animated American flags; the direction given to staff when the ordinance was first being written to have electronics signs static or to flash on and off with a certain time restriction; the safety aspects of the ordinance; the signs at the Library and the Boys Ranch being in violation of the animation restrictions; the larger impact on some signs in the City; a business recently spending \$2,000 to get their sign programmed; the reasoning behind animation regulations being to limit the amount of animation so they are prevented from showing a video clip; that all of the electronic signage provisions were newly added to the ordinance; and unintended consequences hurting small businesses that can least afford it.

There was discussion on the timeline in the process. Council agreed to hold special meeting on July 11 at 6:00 p.m. to vote on the discussed changes to the ordinance. There was discussion on changing the effective date of the ordinance, which a majority of Council agreed to keep as September 1; the number of notifications that will go out; and getting compliance through cooperation.

There was final discussion on allowing the process to work; communication and discussing final concerns; revising the ordinance before it was implemented and the manner in which the work session was established looking improper; addressing changes to the ordinance being more damaging after it went into effect; the reasoning behind Council taking another look at the ordinance; and having a solid ordinance in place to serve the citizens.

### **ADJOURNMENT**

Mayor Griffin adjourned the meeting at 7:58 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary