

**AGENDA
POQUOSON CITY COUNCIL
WORK SESSION
MONDAY, JULY 22, 2019
COUNCIL CHAMBERS
6:00 P.M.**

- 1. Streetscape Improvement Discussion**
- 2. Sign Ordinance Discussion**



CITY OF POQUOSON

ECONOMIC DEVELOPMENT OFFICE

830 POQUOSON AVENUE, POQUOSON, VIRGINIA
(757) 868-3580 TELEPHONE (757) 868-3585 FAX

MEMORANDUM

July 22, 2019

TO: City Council

THROUGH: City Manager

FROM: Economic Development & Community Recreation Director

SUBJ: City Hall Clock Initiative

Staff is pleased to provide the following resource and cost estimate information for a potential City Hall two-sided decorative clock project. Included in this overview are the following required elements necessary for project engagement. They are:

- *potential location
- *clock price
- *concrete foundation
- *electrical work
- *clock lighting and custom painting

Potential Location

City Hall Entrance median.

Clock Price

Clock Price: \$12,355

Concrete Foundation

A concrete base is needed to anchor the clock. An estimate of \$6,900 has been provided.

Electrical Work

To supply electrical service to the clock will require the work of both Dominion Power to bring service to a meter/base from a nearby pole for Primary Service (\$4,500 & \$6,500) and an outside contractor such as Price Electrical to run service from the meter base to the median near the clock. To run the secondary service will likely require underground boring and service installation. Price Electric has provided an estimate of approx. \$4,000 for this portion. Staff estimates electrical work for Dominion at \$4500-6500 + Price Electrical \$4000 approx.

Total: \$8,500-10,500. *If power were acquired through the adjacent property owner the cost could be reduced by \$4,500-\$6,500, though a monthly payment to the landowner for clock power of \$20.00+/- would be incurred.*

Clock Lighting and Custom Painting

-Backlighting (clock interior illumination) included at no extra cost
-Custom Painting (i.e. burgundy/gold) included at no extra cost

PROJECT ESTIMATE (Purchase, Infrastructure and Installation)

2-Sided Clock	\$12,355 (Verdin 4N Model: Height: 10' 11")* (includes installation & shipping from Verdin)
Concrete/Brick Foundation Work	up to \$6,900
Electrical Work	\$4,000-\$10,500
Contingencies	+ <u>\$4,463.25</u> (15% of highest estimated pricing)

Total Estimated Project Cost Range **\$27,718.25-\$34,218.25**
(with contingencies)

*Other clock models are available for purchase including the Verdin 4Z, 4K and 4U. Representations of these are provided on the accompanying Power Point presentation. Please note the specific amounts to be added to the total project estimate for these clock should one be selected:

<u>Model Type</u>	<u>Add \$</u>
Model 4Z (Height: 10' 9"):	\$1,795 (no hydraulic lift needed for clock installation)
Model 4U (Height: 15' 1"):	\$4,215 (plus \$1,500: hydraulic lift rental for clock installation)
Model 4K (Height: 15' 7"):	\$8,985 (plus \$1,500: hydraulic lift rental for clock installation)

Potential Funding Option:

In March 2019 City Council appropriated streetscape improvement funding in the amount of \$37,373. Additionally, there is approximately \$18,000 that was raised for the Heritage Park Clock Project approximately 10 years ago which was later re-designated by City Council to support the Waterman's Memorial which remains in the City's General Fund balance as restricted fund balance (total amount is \$19,536). Should the Clock Project be approved, these funds may offer possible funding options.



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MEMORANDUM

July 22, 2019

TO: City Council

THROUGH: City Manager

FROM: Economic Development & Community Recreation Director

SUBJ: Electronic Sign Concept Overview

Staff is pleased to provide the following overview and cost estimate for a potential electronic message board sign. The sign referenced is a Daktronics digital two-sided 4'2" (height) x 7'6" (length) x 7" (depth) full-color sign with related site preparation/installation estimated costs. The sign is remotely programmed using an online application, built in wireless modem and cellular service covered for its lifetime. It can be programmed via desktop and phone app software. The sign can scroll multiple messages and screens with graphics.

Sign dimensions can be priced at any size; however this version was something staff priced as a similar size to the existing sign post on Victory Blvd. Sign Post. As reference examples, this type of sign is being used at the Virginia Beach Convention Center on Atlantic Avenue for providing information to vehicular patrons heading into the beach and at Hampton University near their gymnasium. We are in the process of obtaining pictures of the signs at these respective locations and will forward them as soon as available.

The estimated cost provided reflects a brick type case to frame and mount the sign for both sides. This case/frame must comply with the construction and wind load requirements for base installation in accordance with manufacturer recommendations. Additionally, the cost may vary in the estimate depending on the size and aesthetics of the required base, and overall landscaping design around the sign.

The electrical and site cost estimates were prepared with the assistance of Jim Beach and Price Electrical with an assumption that an electronic sign would utilize the same location as the current Victory Blvd Sign post and from the original information gathered in 2016. A different proposed location would change the estimate. However, the provided estimate reflects costs which would include a meter to have new service, and underground trenching needed to bring electrical power to the potential site.

<u>Item</u>	<u>Estimated Cost</u>
Daktronic Electronic Sign	\$32,118.00
Shipping	\$700.00
On-Site Daktronic Sign Installation (optional)	\$1,500.00
Dominion Power: Extend Electrical to site w/meter	\$4,000.00
Electrician to install base etc - usable power	\$4,000.00
Landscaping Brick enclosure	\$5,000.00
15% Contingency	\$7,097.70
Total Project Estimate:	\$54,415.70

The electronic sign can be purchased utilizing existing government purchasing contracts. The local sales rep for Daktronics for the entire southeast region is a resident here in the City and staff has worked closely with him on other equipment and estimates.

Additionally, for purchases exceeding \$25,000, Daktronic offers a five-year lease-to-own program which provides the opportunity to spread the acquisition cost over a longer time period.

Staff is pleased to provide additional information as needed.



CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA

23662-1996

(757) 868-3040 TELEPHONE (757) 868-3105 FAX

To: The Honorable City Council

Through: City Manager

From: Wally Horton, Director of Community Development

Date: July 22, 2019

Subject: **Work Session Discussion of Signage in Street Right of Ways.**

Charge

At the January 28, 2019 City Council meeting, Councilman Hux stated, in the updated Comprehensive Plan, there is a list of tasks to be completed, one of which is a revision to the City Sign Ordinance. He requested a consensus of City Council to recommend that the City Manager and Staff complete the review and revision of the sign ordinance and Council affirmed this recommendation. City Manager Randy Wheeler advised Council there are a few fixes that need to be made to the ordinance and that City-owned property and all other properties would be separated into two ordinances.

Staff has therefore begun an effort to address the directive and the tasks assigned by the Comprehensive Plan by separating the two sets of provisions; applying Appendix D to signs on properties out of public right of ways and by applying Chapter 6 to signage located in public right of ways.

Purpose

The purpose of the work session is to answer the four questions posed in the attached 'Questions for Discussion at Work Session' pages in order to allow Staff to integrate those answers into an ordinance that will be more coherent and streamlined; eliminating confusion in the application of requirements and reflecting City Council intentions.

Order of Address and Questions Summary

Chapter 6 is chosen first since signage within the public right of ways is the more pressing issue.

Staff has reached a point; however, where the input of the City Council is needed in order to complete the revision to Chapter 6 of the City Code. In an effort to focus the discussion, Staff has provided four (4) questions included in this packet. These questions are summarized here as follows:

1. Whether temporary signs should be permitted in right of ways,
2. What the size limits should be,
3. What the list of prohibited intersections should be as well as distance requirements for the placement of signs from those intersections, and
4. Whether there should be a ban on temporary signs in the right of way in certain areas or zoning districts.

These questions are more comprehensively laid out in the Questions for Discussion at Work Session.

In thinking about these questions, it is worthwhile to note that several signs have been customarily placed within a right-of-way, including signs well above 4 square feet. Some of these signs have been erected without benefit of a permit. These signs tend to be signs that advertise community events such as fundraising and fundraising events. Some of these past signs are summarized in the accompanying questions for discussion at the work session. These represent an example of the rather continuous type of signage found within the City right of ways.

Overview

Over the years, temporary signs in the right of way have been allowed based on prior practice and the confusing nature of the City's current language concerning temporary signs and road right of ways. For example, temporary signs are addressed both in Appendix D (the sign ordinance) and in Chapter 6 of the City Code. This has led to permitting of temporary signs in the right of ways based on Appendix D, which allows temporary signs as follows:

“Section 5. - Signs not requiring permits.

(o) Temporary signs, in addition to those permitted in [subsection](m) above, intended to notify the public of special events, grand openings or other significant temporary occurrences, not of a recurring nature and excluding special sales and other common merchandising events, may be erected for no more than 30 days upon the specific, written approval of the city manager or his designated representative. Any such sign must be removed within seven days following the event announced.”

Chapter 6 of the City Code imposes greater restrictions on signs within the street right of ways specified in Sections 6-114 and 6-115 as follows:

Under Sec. 6-114. - Signs requiring permits.

- Signs shall not be placed on any area paved for vehicular or pedestrian traffic or in any median.
- Signs shall be located off of the roadway so as not to endanger, impede or interfere with the flow, or view of vehicular or pedestrian traffic.
- Signs shall not exceed four square feet in area and shall not extend more than three feet above grade.
- Signs shall be displayed within a public right-of-way for a maximum of 48 hours.

Under Sec. 6-115. - Signs prohibited at specific intersections.

In no event shall a permit be issued for the placement of signs at the following street intersections enumerated:

- Wythe Creek Road/Little Florida Road/Victory Boulevard.

- Wythe Creek Road/Poquoson Avenue.
- Yorktown Road/Hunts Neck Road.
- Little Florida Road/Poquoson Avenue.

Clearly, the provisions of Chapter 6 - Advertising were intended to regulate signage within the right of ways,

- Being the more specified set of signage regulations concerning the right of ways, and
- Since specificity overrules generality.

Summary of Possible Changes

Here is the proposed Chapter 6 of the City Code. Several brief notes are included below for the purpose of discussion:

1. Article II is proposed for deletion as it is redundant and is in conflict with later provisions within Chapter 6. Perhaps more importantly, the City needs to move away from content-based sign regulation and towards content-neutral sign regulation.
2. Article III becomes Article II and pertains to handbills, which are very limited in where and when they can be utilized. We could add in a section regarding permits and a possible fee; however, that is left that out. It seems unnecessary considering how limited the usage would be.
3. Article IV becomes Article III pertaining to signs in the right-of-way. The remaining items below refer to subsections of Article III.
4. Section 6-112
 - a. Clarifies that an election or a public vote on an issue is an event for which a sign permit can be obtained. We steer clear of the regulation of content (the regulation of which is illegal) but manage to, nevertheless, say what a political-type sign is.
5. Section 6-113
 - a. Further clarifies the characteristics of a sign not requiring a permit.
 - b. Adds that City sign posts for the purpose of denoting the location of City buildings or facilities do not require a permit.
6. Section 6-114
 - a. Included the language “or signs advocating a candidate during an election or a position regarding a public vote on an issue” in order to make clear that these signs are permitted and require a permit.
 - b. #4 - We extended the time for a temporary sign to 30 days as 48 hours is a very short time and more difficult to regulate.
 - c. #5 - Yard sale signs are already pre-formatted. This language simply says one has to use the pre-formatted sign.
7. Section 6-115

- a. Codifies the 100 foot (or more) limit around intersections where signs are forbidden. As of now we are using that number as a matter of practice.
 - b. The word “enumerated” is redundant.
 - c. The intersection of Victory Blvd. and City Hall Avenue is included as a prohibited intersection under (5).
8. Section 6-116
- a. (a) - Application is to be made in the Community Development Department. This is how it works now.
 - b. (b) – We have been charging \$5.00 for political signs in the right-of-way; not \$10.00. This language reflects the historical practice of charging \$5.00. Exempts community based organizations erecting signs from the application fee.
 - c. (c) – The amount is being proposed for a higher number in order to further encourage compliance with the right-of-way signage requirement while, at the same time, not being punitive to groups (political candidate signage) who will apply for a large number of signs.
 - d. Add (d) stating that persons obtaining City approval for garage and yard sale signs shall be allowed a maximum of two such signs.
9. Section 6-117
- a. This has been simplified to match existing provisions in Appendix D (the Sign Ordinance). It also makes enforcement easier without getting bogged down in the notification process. We will want to modify our permits to clearly state that this is how we will enforce signs that are left up past their allotted time (30 days).
10. Section 6-118
- a. Seems like an unnecessary hurdle to enforcing our requirements. We can make it clear on the permit how the removal and forfeiture of the deposit works. In some cases, as with unpermitted signs, we may not know who the owner is.

CWH

QUESTIONS FOR DISCUSSION AT WORK SESSION

In an effort to limit the number of questions for Councilmembers, the questions are narrowed down to the following four questions for Councilmembers:

1. Does the City Council want any temporary signs in the right-of-way?
2. If the City Council thinks there should be temporary signs what should be the sign size limit?
 - a. Existing 4 square feet, maximum of 3 feet above grade?
 - b. Larger/Higher?
 - i. How large?
 - ii. How high?

To help in addressing this question, Staff has examined some past signs that have been placed in the right-of-way along Victory Blvd and erected without benefit of a required sign permit. All the signs exceeded 3 feet above the grade and the sign maximum of 4 square feet as articulated in Section 6-114. Two (Back River and Poquoson Youth Football and Cheerleading) were likely within 100' of the intersection of Victory Blvd. and Wythe Creek Road. These signs represented an example of the rather continuous type of signage found after being placed within the City right of ways. Below are the past signs:

a. Back River Football and Cheerleading

4' 1" Length x 4' 1" Width = 16.68 Square Feet

March 6th and April 10th

b. Poquoson Youth Football and Cheerleading Association

4' 1" Length x 4' 1" Width = 16.68 Square Feet

March 5th and April 8th

c. Poquoson Volunteer Rescue Squad

9' Tall

22 inches off the ground (1' 10')

Sign Area: 7' 2" Height (86") x 4' Width (48") Equals 28.668 Square Feet

3. Does the City Council wish to keep the ban on temporary and City signs within the prohibited intersections as proposed? Is the distance of 100 feet from those intersections sufficient or should the distance be greater?
4. Are there other areas (for example residential or residentially zoned areas) where signs in the public right-of-way should not be prohibited? Currently, temporary signs are not restricted in the right of way within any zoning district.

These four questions are provided to form a framework for discussion at the City Council work session. Other items or opinions are certainly welcome. Staff hopes that the outcome will be instructive and allow Staff to put together an Ordinance that will best take into account all concerns expressed by the Council.

Chapter 6 - ADVERTISING^[1]

Footnotes:

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Cross reference— Businesses, ch. 22; signs, app. D.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 3 misdemeanor.

(Code 1982, § 3-1)

Secs. 6-2—6-30. - Reserved.

ARTICLE II. - MISCELLANEOUS ADVERTISING AND NOTICES

DIVISION 1. - GENERALLY

~~Sec. 6-31. - Political signs.~~

~~In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political advertisements, unless he notifies the office of codes compliance of another person who is responsible. In such a case, the candidate shall provide the name, address, telephone number and signed consent of such other responsible person. In a campaign regarding a ballot measure, the chairperson of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the office of codes compliance of some other person responsible, in the same manner as a political candidate is required to do. The candidate, or in the case of a ballot measure, the committee chairperson or other responsible person if so designated, shall be liable to pay any fees or costs for the removal of illegal advertisements, as set out in division 2 of this article. Furthermore, the candidate, committee chairperson, or other designated person, shall be subject to prosecution for any violation of this article.~~

~~(Code 1982, § 3-2(c))~~

~~Sec. 6-32. - Removal of hazards.~~

~~Regardless of the provisions of this article relating to an opportunity for notice prior to an advertisement being removed, any advertisement creating a hazard because its size or location blocks the view of traffic, or its placement or size endangers pedestrians, or because it creates an immediate physical danger, may be removed forthwith without notice.~~

~~(Code 1982, § 3-2(d))~~

~~Sec. 6-33. - Exclusions.~~

~~Excluded from the operation of this article are such signs relating to the control of traffic and other public safety measures erected by a governmental authority or public utility.~~

~~(Code 1982, § 3-2(e))~~

~~Secs. 6-34—6-50. — Reserved.~~

~~DIVISION 2. — PERMIT~~

~~Sec. 6-51. — Required; fee.~~

~~It shall be unlawful to place any sign, bill, notice, poster, placard or other advertisement of any nature on any pole, streetlight, sign, fixture, or any other structure, placed in, on, or over a public way, street or alley, in any manner, without having a permit therefor. Application for such permit shall be made to the office of codes compliance, and a fee of \$5.00 shall be paid. No such advertisement shall be permitted to remain in the public way for more than 40 days; and any such advertisement giving notice of an event, or referring to an election shall be removed within ten days after the proposed occurrence of the event.~~

~~(Code 1982, § 3-2(a))~~

~~Sec. 6-52. — Deposit; failure to remove signs.~~

~~No such permit shall be issued unless there is deposited with the treasurer's office the sum of \$50.00, which sum shall be returned to the applicant if the applicant causes all such advertisements to be removed within the time prescribed by this article. If such applicant does not cause the removal of such advertisements within such time, then the sum shall be forfeited to the city. The deposit of \$50.00 required by this section shall not be required for garage sales, yard sales or other such occasional, noncommercial sales events held upon residential property; provided, however, that upon failure to remove the advertisement or notice within five days after the proposed occurrence of the event, city personnel shall remove such advertisement, sign, or notice and the person responsible for the advertisement shall be liable to the city for a fee of \$10.00 for each notice, advertisement or sign so removed by city personnel, but not to include political signs.~~

~~(Code 1982, § 3-2(b))~~

~~Secs. 6-53—6-80. — Reserved.~~

~~ARTICLE III II. - HANDBILLS~~

~~Sec. 6-81. - Distribution.~~

- ~~(a) No person shall distribute, or cause to be distributed, handbills in such manner as to interfere with traffic on any street or with pedestrians on any sidewalk.~~
- ~~(b) No person shall throw or place, or cause to be thrown or placed, any handbill on any street, sidewalk or other public place.~~
- ~~(c) No person shall distribute, or cause to be distributed, any handbill, the contents of which advocates unlawful conduct.~~
- ~~(d) No person shall place, or cause to be placed, any handbill on any motor vehicle or other private property, real or personal, unless previously invited by the owner or occupant of such property. No person shall enter, or cause any entrance to be made, on any private property where a sign is posted prohibiting such entrance at any time for the purpose of distributing handbills.~~

~~(Code 1982, § 3-3)~~

Secs. 6-82—6-110. - Reserved.

ARTICLE ~~IV~~ III. - SIGNS IN PUBLIC RIGHT-OF-WAY

--- (2) ---

Cross reference— Streets, sidewalks and other public places, ch. 70.

Sec. 6-111. - Findings.

The city council finds that signs located within the right-of-way of public streets can, unless properly regulated, create a traffic hazard by unduly distracting motorists and pedestrians and reducing the effectiveness of traffic control signs and other signs necessary to direct the actions of persons utilizing the public right-of-way of the city. The city council finds, therefore, that the regulations contained within this article are the minimum necessary to ensure that motorists are not distracted or confused by visual clutter located within the public rights-of-way.

Sec. 6-112. - Unauthorized signs.

No sign, other than those permitted under the terms of this article, shall be placed, erected or displayed within any public right-of-way located within the city. For the purposes of this article, a sign shall be defined as any structure, object or placard using graphics, symbols and/or written copy, which is designed for the purpose of advertising or identifying an event (including an election or a public vote on an issue), establishment, product, goods or services.

Sec. 6-113. - Signs permitted without a permit.

Official traffic control signs designed to warn or inform persons upon the public right-of-way of relevant locational or regulatory information may be erected in the public right-of-way without the permit required by this article. Such signs shall be erected by a governmental authority or public utility and be for the purpose of control of traffic, other public safety measures, or be City sign posts.

Sec. 6-114. - Signs requiring permits.

Subject to the prohibitions of section 6-115, signs directing the public to specific events being conducted on a specific property for a limited time event or signs advocating a candidate during an election or a position regarding a public vote on an issue shall be permitted to be placed within the public right-of-way, provided that the following conditions are met:

- (1) Signs shall not be placed on any area paved for vehicular or pedestrian traffic or in any median.
- (2) Signs shall be located off of the roadway so as not to endanger, impede or interfere with the flow, or view of vehicular or pedestrian traffic.
- (3) Signs shall not exceed four square feet (more?) in area and shall not extend more than three feet above grade (higher?).
- (4) Signs shall be displayed within a public right-of-way for a maximum of ~~48 hours.~~ 30 days. Any such sign must be removed within seven days following the event announced.
- (5) Signs advertising a garage or yard sale shall use only pre-formatted yard sale signs obtained from the Community Development Department.

Sec. 6-115. - Signs prohibited at specific intersections.

In no event shall a permit be issued for the placement of signs at in a public right-of-way within 100 (or more?) feet of the following street intersections ~~enumerated~~:

- (1) Wythe Creek Road/Little Florida Road/Victory Boulevard.
- (2) Wythe Creek Road/Poquoson Avenue.
- (3) Yorktown Road/Hunts Neck Road.
- (4) Little Florida Road/Poquoson Avenue.
- (5) Victory Boulevard and City Hall Avenue.

Sec. 6-116. - Permit procedures.

- (a) Application for a permit required by this article shall be filed ~~in the office of the city manager upon~~ in the Community Development Department using forms supplied by the city. The application shall contain all required information and shall be signed by the applicant or an authorized agent. The permit application shall identify:
 - (1) The nature of the event being advertised;
 - (2) The location of the event;
 - (3) The time period during which the event will occur;
 - (4) The location proposed for the sign; and
 - (5) The material of which the sign will be constructed.
- (b) ~~Except for community based organizations erecting signs as provided for herein,~~ a nonrefundable administrative fee of ~~\$10.00~~ \$5.00 shall accompany the application form.
- (c) ~~A permit~~ Excepting garage and yard sale permits, all right-of-way sign permits shall be issued upon the applicant posting a ~~\$25.00~~ deposit of \$50.00 for the first sign applied for and \$5.00 (\$1.00?) for each additional sign guaranteeing the applicant's faithful compliance with the provisions of the permit and this article. This sum shall be returned to the applicant within seven days of the termination of the event being advertised, if the applicant conforms ~~with~~ to all requirements of the permit and this article. Failure of the applicant to comply with all requirements imposed by the permit or this article shall subject the applicant to possible forfeiture of all or part of the deposit.
- (d) Persons obtaining City approval for garage and yard sale signs shall be allowed a maximum of two such signs.

Sec. 6-117. - Removal of unpermitted signs.

Signs which violate the terms of this article or of the permit authorizing their placement in the public right-of-way shall be removed by the city. An offending sign shall be removed and disposed of by the City. ~~returned to the person responsible for its placement if such person is readily identifiable and available, or such sign shall be stored by the city until the sign is claimed.~~

~~Sec. 6-118. - Notice and hearing.~~

~~Within two working days following removal of a sign, written notice shall be given to the applicant or owner of the sign advising of the applicant's or owner's right to a hearing before the city manager on the removal of the sign and the forfeiture of any deposit. The applicant or owner shall have five working days to request a hearing on the matter, and such hearing shall be held within two working days of receipt of a request for such hearing. Should the city manager determine that the applicant's or owner's violation of the permit or the terms of this article was not justifiable, the deposit shall be retained by the city. Written notice of the city manager's decision shall be mailed to the applicant or owner within two working days following the hearing date.~~