

PALM BEACH COUNTY
CITIZENS TASK FORCE

Thursday, May 29, 2003
2:12 p.m. - 4:50 p.m.
100 South Australian Avenue
West Palm Beach, Florida

Reporting:

Shirley King
Notary Public

ATTENDEES

D.J. Snapp, Vice Chair
Damien Peduto
Ron Last
Joanne Davis
David Carpenter
Stephen Dechert
Bruce Kaleita
Stella Rossi
Carmela Starace
Maury Jacobson
Steve Bruh
Barbara Noble
Wayne Larry Fish

Jon MacGillis, Zoning Administrator
Bill Whiteford, Zoning Director
Lenny Berger, Esquire, Assistant County Attorney
David Flinchum, Principal Planner
Michael Dyett (Via Videoconferencing)
Peggy Smith, Secretary

INDEX

<u>Item</u>		<u>Page</u>
1	Roll Call	4
2	Additions, Substitutions and deletions	6
3	Motion to Adopt Agenda	6
4	Excused absences	55
5	ULDC Amendments	8
6	Article 7 (Landscaping)	9
7	Article 8 (Signage)	56
8	Article 14 (Environmental Regulations)	8
9	Article 5, Chapter A (Design Standards)	6
10	Article 5, Chapter E (Density Standards)	8
11	Article 3, Chapter A (General & Zoning map)	8
12	Staff Comments	111
13	Board Comments	114
14	Adjourn	114
15	Reporters Certificate	115

PROCEEDINGS

VICE CHAIR SNAPP: Let's call the meeting to order.

MS. SMITH: Joanne Davis.

(No response.)

MS. SMITH: David Carpenter.

MR. CARPENTER: Here.

MS. SMITH: Karl Kahlert.

(No response.)

MS. SMITH: Barbara Noble.

MS. NOBLE: Here.

MS. SMITH: Isabella Fink.

(No response.)

MS. SMITH: Kevin Rader.

(No response.)

MS. SMITH: Stephen Dechert.

MR. DECHERT: Here.

MS. SMITH: David Self.

(No response.)

MS. SMITH: Bruce Kaleita.

MR. KALEITA: Here.

MS. SMITH: Ron Last.

(No response.)

MS. SMITH: Mark Williams.

(No response.)

MS. SMITH: D.J. Snapp.

VICE CHAIR SNAPP: Here.

MS. SMITH: Wesley Blackman.

MR. PEDUTO: Here as his alternate.

MS. SMITH: Rosa Durando.

(No response.)

MS. SMITH: Stella Rossi.

MS. ROSSI: Here.

MS. SMITH: Carmela Starace.

MS. STARACE: Here.

MS. SMITH: Maurice Jacobson.

MR. JACOBSON: Here.

MS. SMITH: Wayne Larry Fish.

MR. FISH: Here.

MS. SMITH: Steve Bruh.

MR. BRUH: Here.

MS. SMITH: Frank Palen.

(No response.)

MS. SMITH: Jerry Taber.

(No response.)

VICE CHAIR SNAPP: Okay, we have a quorum.

(Additions, substitutions and deletions.)

(Motion to adopt agenda.)

VICE CHAIR SNAPP: You have the agenda in your packets. Is there a motion to adopt the agenda?

MR. JACOBSON: So moved.

VICE CHAIR SNAPP: Is there a second?

MS. STARACE: Second.

VICE CHAIR SNAPP: Are there any additions or deletions before we adopt it?

MR. MACGILLIS: Yes. Article 5, Chapter A, which is your Number 4 on the agenda, we're going to be bringing that back with the whole article on the --

VICE CHAIR SNAPP: So you want to delete that from the agenda?

MR. MACGILLIS: Yes.

VICE CHAIR SNAPP: Are there any other amendments or deletions?

MR. MACGILLIS: No.

VICE CHAIR SNAPP: Any from the committee?

(No response.)

VICE CHAIR SNAPP: Seeing none, Mr. Jacobson, will you amend your motion to adopt the agenda with the deletion of Item B.4?

MR. JACOBSON: So do.

VICE CHAIR SNAPP: And the second.

MS. STARACE: And so do I.

VICE CHAIR SNAPP: Is there any discussion on the motion?

(No response.)

VICE CHAIR SNAPP: Seeing none, all those in favor of adopting the agenda as mentioned signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

(ULDC Amendments.)

VICE CHAIR SNAPP: I have heard rumors that there's some people that may have to leave and we only have one spare person here.

MS. STARACE: We just lost him. He's leaving, too.

VICE CHAIR SNAPP: Do we have any -- I know there's several sections that we

went over and we didn't have a quorum at the end of the meeting to make any recommendations on a couple of those sections. Are you aware of which ones those might be, Mr. MacGillis?

MR. MACGILLIS: We had Number 3 and 5 and 6, we went over that at the last meeting.

VICE CHAIR SNAPP: The environmental, which is B.3, the density standards, which is B.5, and the general zoning map, which is B.6, have already been discussed.

MR. MACGILLIS: Correct.

VICE CHAIR SNAPP: Mr. Carpenter.

MR. CARPENTER: Motion for approval.

MR. JACOBSON: Second.

VICE CHAIR SNAPP: There's a motion and a second to approve the items that were previously discussed; that would be a positive recommendation to send forward in the manner that they exist today.

(Ron Last arriving at 2:06 p.m.)

VICE CHAIR SNAPP: Is there any discussion on that?

(No response.)

VICE CHAIR SNAPP: Seeing none, I'll call the question.

All those in favor of moving forward the recommendations of Articles 14, Environmental Regulations, Article 5, Chapter E, Density Standards, and Article 3, Chapter A, General and Zoning Map please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries unanimously.

(ULDC Amendments- Article 7.)

VICE CHAIR SNAPP: For ULDC Amendments, then, Article 7.

MR. MACGILLIS: You should have -- make sure we're all working off the same documents. You had one sent out several months ago that we postponed. So in your last packet, you should have got the latest version that Michael Dyett, on the videoconference, went over.

You did review this article and there were comments and Michael, hopefully, will focus in on the comments you had at that meeting -- in fact, last month.

Michael, we're ready for you to present.

MR. DYETT: Okay. As Jon said -- and it's good to see you all again electronically -- what I'd like to do in my remarks -- and I hope my voice is okay today -- is to focus on what we have been doing to respond to your concerns to taking a careful look at all of the standards, at the graphics, and the distinctions between the tiers to make sure that we have something that truly responds to your concerns and the Board direction. Before

getting into a couple of the specifics, I'd just like to touch on three key ideas that guided our work, both on landscaping and signs.

First is clarity. We really want these standards to be understandable and predictable, so that the outcomes are what you expect so there are no surprises.

Secondly, balance was very important. We're always thinking about trade-off's, that we have a lot of advice and we had to make some choices in thinking about developer's costs and administrative costs, quality and review time, striving always for that right balance, what is fair and equitable.

And the third idea that we really came back to all the time was opportunities for relief; the flexibility that it's important for creative design solutions. And this, I think, was an important idea of the subcommittees and industry speakers, as well as in our last meeting, how can we make these create -- and continue to have the County as a beautiful place to live. We don't want the standards to just be the lowest common denominator.

In the Landscape Code, you'll see there's much more attention to the distinction between the tiers. We did pull out the Lake Worth and Loxahatchee buffering, and that will come back to you in the Section 9.5 on Environmental Regulations. There's much more flexibility in interior tree height so that industry can really give you the range of choice that I think everyone wants. And so if you have a problem getting a tree from a nursery, you can go to the preferred plant list, have a little flexibility in the size, put more trees in.

I think we fixed the foundation planting requirements in the way that a number of CTF members wanted, so there are exemptions now in the rear for the Urban/Suburban Tier and clear exclusions for the loading and the garage areas. We refined the shrub standards and flushed out that Alternative Landscape Plan.

(Joanne Davis arriving at 2:10 p.m.)

MR. DYETT: The bottom line is going to be more landscaping, more variety in design, some costs saving, and much more flexibility and fit with the tiers. I think this preferred species list also is a real plus and it enhances choice and picks up a lot of species that are right for South Florida.

You know, we really had good feedback from the subcommittees and the industry. And I hope that when you look at what we have today that you'll support the decisions that were made in this revised draft and it will get the job done.

Jon, I think, has handed out or can hand out an errata sheet. We did, in the rush to get this and Sign Code out to you, missed a couple of things and I would hope that you would consider the final adjustments, and there really is nothing substantial there, when you act on this section.

When you're ready for signs, I have some remarks on those as well. But maybe it's best if I take any questions now.

VICE CHAIR SNAPP: Michael, this is D.J. I'm chairing the meeting today. Let me make a couple of comments first. One is, let the record reflect that Joanne Davis has arrived and she's in attendance. Secondly, let's try to focus on just the landscape issue at this time. And Ron Last has also arrived.

Is there anybody else that came in since roll was called?

(No response.)

VICE CHAIR SNAPP: And I guess, from a discussion standpoint, usually it is easier for us, since we have already gone over this item once before, to kind of focus on the changes that you've made that we asked for and any new ones that might have arisen out of the subcommittee.

MR. DYETT: I mentioned there was the foundation planting, the clearability, the flexibility. And I think that all the changes that were asked for by the subcommittee and at

the last CTF meeting have been made.

VICE CHAIR SNAPP: Okay. You want to kind of hit those on a section-by-section basis, like where they are.

MR. DYETT: Well, you can see it in --

VICE CHAIR SNAPP: We just got this new package.

MR. DYETT: -- the table of where we have the foundation planting, for example, on page 7, where the foundation planting had to be located.

VICE CHAIR SNAPP: So the change then would be the final column where it says, yes, you may relocate portions of the square footage to other facades; is that the difference?

MR. DYETT: Yes. And in the Urban/Suburban Tier, it's not required in the rear.

We've done some adjustments in the planting length by tiers, for example, on the next page, so you see a greater differentiation by tier for the planting length.

MR. CARPENTER: Can I ask you one question, please, sir?

MR. DYETT: Yes.

MR. CARPENTER: Back on the foundation planting and D.J.'s question about relocation of the foundation planting, in the answer, yes, that's there, that indicates that you can file an Alternative Landscape Plan, isn't it, that doesn't mean that you can show the shifting on the proposed site plan, it means you have to file an Alternative Landscape Plan; is that correct?

MR. DYETT: I do believe that the relocation of the 30 feet can actually be shown without having to plant -- file an Alternative Landscape Plan.

On page 34, there's -- flexibility is built into the requirements, which was, I think, a concern at the last meeting.

MR. CARPENTER: Okay. I see heads nodding here that that can be proposed.

MR. MACGILLIS: That's correct.

MR. DYETT: That's correct.

VICE CHAIR SNAPP: Carmela.

MS. STARACE: D.J., what I'm looking at is what was handed out. And it's on page 28 also. I'm just curious why you would go to less Xeriscape instead of more; they crossed out 75 and put it into 60. This is the handout, the first part. It's 7.3.H.1, Table 7.3-1. It's the revised summary of changes that they made to the document.

VICE CHAIR SNAPP: Okay.

MS. STARACE: Why are you going to less?

VICE CHAIR SNAPP: Did you understand that question, Michael? Why are we reducing --

MR. DYETT: What we were trying to do is be consistent with the table that we had up front. And it was a question in the errata sheet of just striving for consistency and not necessarily going for less.

MS. STARACE: Why don't the table up front change instead of changing the idea?

MR. DYETT: I think the idea of the -- of percent of the native -- what we're trying to do is have a higher percentage from the preferred planting list. So instead of 50 percent native, 50 percent drought tolerant, we want to have more choice from the preferred plant list. And what we've heard from the industry was that there are some species that are preferred that are really appropriate for South Florida, but might not be technically classified as a native and that's why the -- we didn't want to stay with the 75 percent native, but we wanted to increase the percentage from the preferred plant list.

MS. STARACE: Does Xeriscape mean native? I'm talking about --

VICE CHAIR SNAPP: Xeriscape means drought tolerant.

MS. STARACE: That's what I thought.

MR. BRUH: Are you wanting to provide it at all or Xeriscape native and tolerant? Is that problematic?

VICE CHAIR SNAPP: Michael.

MR. DYETT: It's not problematic. These were just minimum requirements. Certainly there is more -- and this ordinance encourages, and the design principles encourage, more drought tolerant Xeriscaping.

MS. STARACE: Right, but then why are we listing it?

VICE CHAIR SNAPP: Without defending it, here's what I heard: What I heard Michael say earlier was that they were trying to get more off the preferred plant list. And I know that one of the goals is more diversification of plants. I'm making this conclusion, from what I just heard, that you can get more diversity by doing that.

Is that what you're trying to accomplish, Michael?

MR. DYETT: Yes, it is. And we are increasing the percentage from the current requirement of 50 percent native, 50 percent drought tolerant to a 60 percent requirement. So we are -- and we are tiering this requirement relation to the individual tiers. And I think that we heard a lot of support for this new preferred plant list.

VICE CHAIR SNAPP: Joanne.

MS. DAVIS: What I see, having watched the Landscape Code change over the years, what I see this as doing is -- one of the problems in the beginning for requiring native plants was because so many of them had been removed through the development process. What I see this language doing is not encouraging the reintroduction of native plants, but encouraging more diversity, which is good, but you're still not getting an appropriate pallet of the native plants going back into the landscape. The native plants add a sense of place and also help with reduction of irrigation needs. And although I'm a big proponent of diversity, I think there's a lot of diversity within the native plant community that's going to be missing here because there's such a huge pallet of plants now that is going to be used. I mean, basically it used to say, 50 percent native. Now it's 60 percent of the preferred plant list. Well, what percentage of the preferred list is native?

MR. MACGILLIS: In the plant list that we worked on with the subcommittee, it actually indicates in there which ones we get the credit for as being native. There's a large percentage, actually, of the ones in there.

MS. DAVIS: Well, I understand. But the language says, 60 percent of the preferred plant list. It doesn't say 50 percent native and/or. It actually -- you could actually use 60 percent off the preferred plant list and never have one single native.

MR. DYETT: Actually, if you look at the table on page 5, you have additional requirements of 50 percent native in the Urban/Suburban Tier, 60 percent in the Agriculture and Glades, and 55 in the Exurban and Rural. And it could certainly be appropriate, if you wanted to increase the percentages slightly. There is a specific requirement here on page 5 for natives that they can see in this preferred plant list.

MS. DAVIS: I just want that language to be cleared up so that you have a required percentage of natives. Otherwise, I can see some landscapers not using one single native; that's happened all too often. And it does really require more irrigation and more maintenance and it just doesn't add to the sense of place or the ecology of the area.

MR. DYETT: I think we are clear on page 5 and page 28, and we can take a look at it again. The question, I guess, is whether the percentages of native in some of the tiers should be increased.

VICE CHAIR SNAPP: Okay, I think I got this.

Joanne, if you look at page 5, and Carmela, and then you look at this handout on

Article 7.3 -- I think I've got this matched up now -- the top of page 5, you see that in the Suburban Tier you've got -- or the Urban Tier, you've got 50 percent native and 50 drought tolerant, and the condition, 60 percent of the trees have to be off the preferred list, so you've got both standards. At the next level, which is the Suburban, you've got 60 percent from the preferred list and you've still got 50 percent native requirement, okay. And the difference is that in the Rural Agricultural Glades Tier, that you've got a 60 percent where it did say 75, so that's the only place where that changed, so you've still got both. You've got a 60 percent off the plant list, and it's not an either or, it's an and; isn't that correct, Jon?

MR. MACGILLIS: Correct.

VICE CHAIR SNAPP: So you still have the 50 percent native requirement in those two and you go up to 60 percent in the Glades area.

Does that satisfy your concerns or you want to address it some other way?

MS. DAVIS: Well, I personally would like to see the requirements for natives increased. And I don't know how many of the rest of the CTF members would like to see that. But that's something that I've advocated for a long, long time.

MS. STARACE: I'm just curious, if we do increase the natives, Joanne, when a developer comes in, that makes them keep more of what's there also, doesn't it?

MS. DAVIS: It could, yeah.

VICE CHAIR SNAPP: Maybe, maybe not.

At one time we had a 60 percent -- I don't remember when we first did it -- it was 60 percent or two-thirds or something and we had to back off because the market couldn't supply it. I don't know what the market issue is today.

What's your pleasure? I mean, if you want to make a motion we'll discuss it, or move on.

MS. ROSSI: I'm with you on that.

MS. STARACE: Bruce, is this a hardship to your community that you represent?

MR. KALEITA: It's funny that you ask, because I was sitting here wondering whether we could get saleable Planned Unit Developments using such a larger percentage of native landscaping. One other board member was taking the position that you could and I just don't know whether you can get the kind of perimeter buffers out of such a regulation that will sell units, which, after all, is what my industry has to do. And I don't know whether Staff can help us on that.

Is it possible off the preferred species list to get flowering plants that are perennials that form perimeter buffers?

MS. DAVIS: Sure, oh, yeah. The list includes a big variety of exotics that are drought tolerant or suitable for the area, as well as natives.

MR. KALEITA: Well then, allow me to comment. I was wondering what on earth I would ever be able to see as a difference between 55, 60 and all that. If I were driving through the various tiers, I doubt that I could discern the difference between the 55 percent tier and the 60 percent tier. So maybe the way to go is just to make the number 60 percent everywhere -- that's easier anyway -- and achieve a little more nativehood in the process.

VICE CHAIR SNAPP: Do we have a motion?

MS. STARACE: I'll accept that.

MS. ROSSI: That's a good idea.

MS. DAVIS: I'll make that as a motion.

MS. STARACE: And I'll second that.

VICE CHAIR SNAPP: We have Joanne with a motion and Carmela with a second. And the Chair's understanding of the motion is that we make the native requirement in all three tiers to be 60 percent, and that's in addition to any other requirements for the

preferred list.

Is that clear? Do you need to comment on that, Michael?

MR. DYETT: No. I understand. And then on page 28, that would be the 60 percent in all tiers?

VICE CHAIR SNAPP: That's correct.

Is there any discussion on that issue?

(No response.)

VICE CHAIR SNAPP: Seeing none, all those in favor of adopting the 60 percent standard as indicated in the motion please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

VICE CHAIR SNAPP: Next issue. I think Mr. Carpenter had another issue back on foundation planting.

MR. CARPENTER: I have one more question back on page 7, foundation planting, that we discussed last week. And we've got the foundation planting previously was along the front and the sides. We are flipping it to along the sides, except -- along all facades, I'm sorry.

And we were talking before about, say, the industrial or in some cases the commercial districts where maybe there's not parking, especially in the industrial behind the building. And I'm just wondering if there's a value in having -- you know, requiring foundation planting in the back where there's only going to be loading going on.

MR. DYETT: The ordinance now before you does not require foundation planting in the rear in the Urban and Suburban Tiers.

MR. CARPENTER: Okay.

MR. DYETT: And it also allows, if there were loading docks or garages, that area to be excluded.

And the third thing it does is to reduce the percentage of the planting length for the Urban/Suburban Tier, so it's only 40 percent in the more -- in the Rural and the Exurban Tiers and the Glades, the percentages are a little higher.

So I think those three changes respond, Mr. Carpenter, to what we had heard before. I think they do the job.

MR. CARPENTER: So in the Urban and Suburban Tier, then, foundation planting is not required in the rears of the building?

MR. DYETT: That's correct.

VICE CHAIR SNAPP: Any other issues on foundation planting?

(No response.)

VICE CHAIR SNAPP: Okay. Next item.

While we're waiting, just a side comment to the public, if you have something that you want to address, this is a public meeting, we will give you the opportunity to speak, but you'll need to fill out a form and hand it to the secretary over there and she will let us know that you want to speak to an issue. And I'll try to look up and see if there's somebody that wants to speak on an issue before we vote on it.

UNIDENTIFIED SPEAKER: Did you run out of forms?

VICE CHAIR SNAPP: The pink forms should be out on that table out here.

UNIDENTIFIED SPEAKER: Thank you.

VICE CHAIR SNAPP: Also, I didn't really give you a chance, Jon, before we voted, but I didn't hear you chiming in, I'll try to do that, on the motion that came, to see if the Staff had any comments before we vote.

What was the next item that we had you address, Michael?

MR. DYETT: Well, I did mention in my opening remarks, there was a discussion about the Lake Worth, Loxahatchee buffering and I did say that that was moved and it will be coming back to you with a separate section. And I think that the two big areas of comments were the ones you have discussed already.

Going back over my notes, there were quite a few comments on the foundation planting. We did have some public speakers that talked about the importance of the Alternative Landscape Plan, and so I saw that.

There was, as Mr. Carpenter mentioned, the swale for on-site detention. And I think we made a slight adjustment to that graphic and I think that's been taken care of.

VICE CHAIR SNAPP: Where is that?

MR. DYETT: I think we've covered all the key points. I may have missed a few.

VICE CHAIR SNAPP: On the detention, where is that addressed?

MR. DYETT: Well, the drawing in the body. This is on page 34, where the drawing talks about the role of the swale and containing the runoff and the berm height and the berm width. So we did make some adjustments there and the runoff from the berm has to be contained within the property.

VICE CHAIR SNAPP: Are there any questions on that issue?

(No response.)

VICE CHAIR SNAPP: Okay. Seeing none, one other item I remember being discussed, Michael, was the landscape width on walkways with utilities and without utilities, I think, in the parking areas. There was a lot of discussion about increasing the widths of the islands to accommodate the landscaping. We were looking at that. Did you make any adjustments there?

MR. DYETT: We did adjust the drawing and increase that width. And those illustrations are -- basically, the table on page 27 has the landscape widths by tier. And then there are some drawings on page 53 for the median requirements and the landscape detail.

VICE CHAIR SNAPP: What I was talking about with the landscape widths was the widths of the islands, the parking islands. I think, if I remember right, we were talking about as much as 16 feet or something, if there were utilities in there.

MR. MACGILLIS: That's on page 52 of the graphics and Number B we're talking about the width. The text in it explains in the Urban/Suburban is eight feet, 10 feet in the Ag. Reserve and 12 feet in the Tier -- the Rural Tier.

MR. DYETT: Does that change seem appropriate?

MS. STARACE: D.J., on page 52, are you satisfied with that?

VICE CHAIR SNAPP: I don't see --

MR. FISH: That's not the one we're talking about.

VICE CHAIR SNAPP: We're talking about the one with utilities.

MR. CARPENTER: I don't see it in here anymore.

VICE CHAIR SNAPP: What it says now, it says, if an interior island includes a sidewalk or utilities, the minimal width shall increase accordingly, as shown in Figure 7.3-14.

So right now the width of the island is eight feet if it has nothing in it, is that correct? We're on page 52?

MR. DYETT: Yes.

VICE CHAIR SNAPP: So if I've got nothing in there but landscaping, I've got eight feet. If I add a sidewalk, it's eight feet plus the sidewalk. If I add utilities, it's eight feet plus the utility. If I add both, it's eight feet plus, plus. Is that clear?

MR. BRUH: Eight feet plus utilities means what? If you had a fire hydrant in there, just the distance of the fire hydrant? So we just want to have that eight feet is clear, right? If it's an easement for some lines of some sort, how does that work? How do you measure that eight feet?

VICE CHAIR SNAPP: So if you got a 10-foot wide utility easement, you're saying that island has to be 18 feet, you can landscape the utility easement.

MR. FLINCHUM: The fire hydrant requires a three-foot clear radius around it. They want trees to be at least 10 feet away from their line. So we'd typically make the easement for that utility, whether it's water or sewer -- and it can be parallel and stub out into the island. We don't allow it to entirely encroach into the island.

MR. BRUH: Well, that's good. That'll help.

So if I have a fire hydrant, just the width of the fire hydrant is all I've got to worry about?

MR. FLINCHUM: Yes. The fire hydrant would come perpendicular off that line.

MR. BRUH: It's like a little light post. A light post would be the same thing, it's just the width of that light post, that it's considered a utility, eight feet clear beyond that.

VICE CHAIR SNAPP: Can you hear this discussion, Michael?

MR. DYETT: Yes, I can.

MR. FLINCHUM: Light posts don't have easements.

VICE CHAIR SNAPP: A utility pole is something that would have to be addressed, but a light pole is not?

MR. FLINCHUM: The only time a light pole comes into play is a clearance buffer. I don't believe we've ever seen them with an easement.

MR. LAST: With the fire hydrant, you're still going to have the 10- or 12-foot utility easement around your fire hydrant, correct, which would prohibit you from doing the plantings three feet from the hydrant, that would move them out to at least --

MR. FLINCHUM: It limits the type of material. They prefer to have like a palm or something.

VICE CHAIR SNAPP: Let me ask you a hypothetical. I'm doing a layout. I run my 10-foot utility easement through my parking lot, my paveover, and I set the fire hydrant in the landscape median so it's got a curb and it's setting in a foot or so, so nobody hits it. But eight feet of my easement is now in the parking lot, as opposed to in the landscape median, so I don't have to deal with it, correct? I mean, if I got two feet of the easement in the island, I can have eight feet of landscape, I've got a 10-foot easement, because I put eight feet of that easement in the -- in the pavement as opposed to putting it into the landscape island.

MR. FLINCHUM: You would not be penalized if you kept your hydrant, I believe, to be within three feet of the curb, the edge of the curb. Anything behind that, as long as you maintain that three foot, the radius around the hydrant, you'd still have sufficient room to put your plant material in there. You would not have to provide additional material in your length of the island. Is that your question?

VICE CHAIR SNAPP: I'm just trying to figure out the width of my island.

And you also said that there's no -- there's a limited amount of restriction. In other words, I can't put trees in there, but I can put grass in there, correct?

MR. FLINCHUM: Correct.

VICE CHAIR SNAPP: So under that scenario, if I had my fire hydrant stubbed out into the island, but I had the utility easement running in the pavement, then I really don't have to increase the width of the island except to accommodate the fire hydrant.

MR. FLINCHUM: No, you wouldn't.

VICE CHAIR SNAPP: And let me follow that up and I'll ask Mr. Kaleita a question.

The main issue is trees, is that not correct?

MR. FLINCHUM: Yes.

VICE CHAIR SNAPP: Do they look at palm trees the same as other trees, since the palm trees have a ball root?

MR. FLINCHUM: No. They allow the palm trees to be located a lot closer to the lines.

VICE CHAIR SNAPP: Okay. Mr. Kaleita.

MR. KALEITA: I think the confusing part of this, on page 52, paragraph B, three lines down, is the phrase, or utilities. I don't know what that means. I do know, however, that in the past I have had approvals in which I was allowed to locate utilities in situations where we had landscaping overhead, so long as we signed a removal agreement that said, that in the event that the County had access to that utility easement, we would agree to remove the overlying landscaping. I don't know if that's still true, but I don't think this, as drafted, tells anybody anything, unless you're going to go out and measure the exact size of the pipe that's sitting in that area and then add that on to your landscape island, which sounds

ridiculous to me. And I'm wondering, what was intended to be achieved by including the phrase, or utilities, and, is utilities defined anywhere so somebody can figure out what that means?

MR. MACGILLIS: I think the way the language was worded before was confusing, because we kept putting utilities in here and it kept making it wider. So the way we've redrafted the Landscape Code -- I mean, that island is intended for trees. If somebody wants to come back in later on and put a utility in, it's their responsibility to accommodate the extra land.

MR. KALEITA: How though?

MR. MACGILLIS: A lot of times what they would do is redesign it somehow different, not have it go through the island, have it go through something else in the parking lot. I mean, it's not a common occurrence where you have this happen. Industry keeps pushing to do this more often because land is more valuable and they'll tend to -- they see that island, that's a great place to put the hydrant in it.

But before, because we had all these sketches in here and it was confusing, so we just went back and you got eight feet you need for the island. If the occurrence happens where you have a hydrant and a utility running into it, you have to provide that extra land area to accommodate. The purpose of that island is for a tree, not for a hydrant.

MR. KALEITA: Well, I'm not suggesting that your intentions were not commendable. I'm merely suggesting that if you would express what it is that achieves that objective, I think the public would know. And the word, or utilities, which is reflected in the sketch that's on the same page, doesn't. And I'm just saying, what is it the County would like to see?

MR. MACGILLIS: So you want to define what type of utilities you're talking about?

VICE CHAIR SNAPP: What I'm hearing is, if you've got water line, sewer lines or some kind of buried cable, a storm culvert or something that's buried in the ground or some overhead lines that are running in that area, what we're trying to address, as I'm hearing it, is any trees or plant material interfering with those buried lines or those overhead lines.

MR. WHITEFORD: I think it's a little bit different, depending upon the type of utility that it is.

As Dave said, Fire Department wants three feet of clearance from the fire hydrant. I think what's being pointed out is that the easement to the fire hydrant could be 10 feet wide. Well, the response back from Staff is that, we're not going to ask for eight feet plus 10 feet; we'd ask for eight feet plus three feet.

VICE CHAIR SNAPP: But that's not the way it reads, is our concern.

MR. WHITEFORD: Exactly. And I think that's because it's different for every type of utility line. You make it a different type of utility, where water or sewer -- or maybe it's not the Fire Department, but you're still dealing with a Palm Beach utility company and they may say, no, we want the whole 10 feet, no -- nothing in it, nothing even close. So depending upon that situation, we may be asking for eight feet plus 10 feet.

You may get a situation where you have the utility and the sidewalk that overlap, so therefore it's not a big deal, you can always kill two birds with one stone; you're not getting eight plus four plus another 10 or something.

I'm not sure we can nail it down exactly. I think it's maybe dependent upon the exact circumstances.

VICE CHAIR SNAPP: Mr. Bruh.

MR. BRUH: I thought we could make it the minimum required by the provider -- or the utility. If we do something like that to minimize it in terms of -- the utility doesn't need it, we're okay.

MR. WHITEFORD: That's a good suggestion; write it in such a way that it directs us

to minimize it based upon the --

VICE CHAIR SNAPP: The utility provider's requirement.

MR. BRUH: Yeah.

VICE CHAIR SNAPP: Is that acceptable?

MR. KALEITA: Just kind of a little snippet of a rebuttal there.

I always object to the "I know it when I see it" rule of codes. And I think if you know it when you see it, you can probably tell people what it is. And if we don't know what it is, I don't know why it's in here.

I think Development Code -- the Subdivision Code is pretty specific about a lot of this stuff and I don't know why we have to have it in here. I believe the Subdivision Code addresses it.

Is there anybody here from Engineering that could answer that?

MR. WHITEFORD: Well, I'm pretty familiar with the Subdivision Code. I don't know where in the Subdivision Code it would address it. Perhaps what we could do, if you want us to try to get the specifics, is identify all the types of potential easements that could be in a landscape island and begin to put into the Code the minimum --

VICE CHAIR SNAPP: Well, I think it's more of an issue in a shopping center than in a subdivision.

MR. KALEITA: Well, many shopping centers are subdivisions.

My view is, if you don't know what it is you want from somebody, I don't think you should tell them to go guess; I think we ought to know. And I think the only utility that's going to find its way into one of these things to begin with is really going to be a fire hydrant, because there's plenty of other places to put public utilities. And, in fact, they are put elsewhere. They're usually put on the perimeter of a project and they stub into the building. So I think you're talking about fire hydrants here.

MR. WHITEFORD: It's primarily fire hydrants, because you can really never predict what's going to run underneath that parking lot or what's going to get paved under an easement or everything you can think of.

MR. KALEITA: Well, what are utilities, do we know? Does anybody know what utilities are?

MR. DYETT: Maybe the solution is, without specifying the utilities, to say that the minimum width shall be increased accordingly, only as required to ensure that the planting requirements, the minimum width and minimum length and the number of trees can be provided, because that's what we're really talking about, is that, the utility not reduce the amount of planting and not reduce the number of trees that would be planted.

VICE CHAIR SNAPP: I think that's what Mr. Bruh's amendment basically proffered, which was that the width of the median or the island would be increased by the minimum amount necessary to meet the request and demands of the utility provider.

Isn't that what you said, Steve?

MR. BRUH: Pretty much. In a short version, but yes.

MR. KALEITA: Is that a motion?

MR. BRUH: Yes, that's a motion.

MR. KALEITA: I'll second it.

VICE CHAIR SNAPP: Any discussion on that?

(No response.)

VICE CHAIR SNAPP: I think we had the discussion first.

All those in favor of amending it with the language suggested by Mr. Bruh please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Since I didn't see anyone waving their arm in the back, I assume there was no public comment on that issue.

VICE CHAIR SNAPP: Next item. Any additional input from Staff before we wrap landscaping up?

MR. KALEITA: I have a comment.

VICE CHAIR SNAPP: Okay.

MR. KALEITA: On terminal Islands, I profess some degree of ignorance about this provision, but the way I read this initially -- and I am no doubt incorrect -- is that every four parking spaces would have to have a terminal island. And I guess the reason why I thought that might be true is that I thought that a row of parking could be construed as part of an overall length widening (ph).

Now, if the definitions make it plain that a row of parking is all parking spaces that are in a straight line along a property line or elsewhere, then that would mean that we wouldn't have a terminal island every four spaces. Am I correct in that assumption?

MR. DYETT: I think the language on page 51 only requires the terminal island at the end of the row if the row has more than three spaces.

MR. WHITEFORD: Right.

MR. KALEITA: And the row is all parking spaces that are lined up alongside each other, no matter how many there are, you could have a row of 50, but there would have to be at least one terminal island in that 50 under this regulation?

MR. DYETT: That's correct.

MR. WHITEFORD: One at each end.

VICE CHAIR SNAPP: And you'd have your interior ones, one every 12.

MR. FISH: Instead of 10.

VICE CHAIR SNAPP: So right now it's three, not four?

MR. KALEITA: Okay. Thanks for that clarification. That was just a question.

VICE CHAIR SNAPP: Michael, did you say it's three, not four?

MR. DYETT: In excess of three.

MR. WHITEFORD: So four or more.

VICE CHAIR SNAPP: My concern would be with one bigger type of property, which is industrial property. And with industrial property, if you do a industrial building that has several tenants in that building, you could have a 200 hundred foot building, for example, and you have basically an office area that might be 10 or 12 feet wide with a pedestrian door and then an overhead door that's anywhere from 10 to 15 feet wide, and then you'd probably have another bay next door that would be the inverse of that, where you'd have the two loading doors side by side and you'd have the office and you'd have another and going

down the building. So, in essence, your parking ends up in front of the two office areas between the overhead door loading areas, and you might have four or five spaces there. It's unrealistic and impractical to have terminal Islands on an industrial building like that going down. First of all, the semi's will run over them and they'll break the curbs and kill the landscape. It's just not functional. So I think we need an exception in this for those type of industrial buildings, with respect to terminal Islands.

MR. BRUH: Actually, I'm not so sure that's a good idea, especially in industrial areas. Some break up of that building is a really important item. And I think if you stick four or five cars in there, you're probably okay with an island on each side. I think it provides a good opportunity to dress up something a little bit that would otherwise be --

VICE CHAIR SNAPP: I wouldn't have a problem with four. What you're going to basically have is you're going to have two spaces you want for each bay, so if you got two -- if you get over the four, then you got plenty of room to put the parking and the Islands in. But if you've got two bays that are there, you might only have -- if you got 40 feet -- you're never going to see the Islands. All you'll be able to get in with the two islands is two parking spaces, so you'd never get the four spaces is what I'm saying.

MR. BRUH: Well, we're going, two or three spaces, you wouldn't need an island.

VICE CHAIR SNAPP: What I'm saying is that functionally you need four spaces because you need two for each unit.

MR. BRUH: I've worked on all those kinds of buildings and there's always -- we park them on the other side across from there, so we leave the space in front of the storage, basically, for carting things in and out, ramps, whatever, whatever, so I'm not so sure it's a major problem as you're thinking.

VICE CHAIR SNAPP: Anyway, I proffer an amendment that we make that, in industrial areas, five spaces or more instead of four, because I think that's going to be a planning issue.

MR. WHITEFORD: I can tell you, I've seen a lot of site plans for a lot of warehouses and mini warehouses and office warehouses and the whole nine yards and if you go to a bay door, five spaces, bay door, five spaces, bay door, five spaces, I mean, you're going to get an awful lot --

VICE CHAIR SNAPP: Four was my magic number.

MR. WHITEFORD: I thought I heard five.

VICE CHAIR SNAPP: No. I said five or more, you have to have the island.

MR. WHITEFORD: You go to four or five, you're going to get an awful lot of asphalt, an awful lot of asphalt. Right now you've got bay door, three, bay door, three.

VICE CHAIR SNAPP: Right now I don't hear a second anyway.

MR. PEDUTO: I'll second it.

VICE CHAIR SNAPP: Now we have a second.

MS. STARACE: You didn't make the motion, right?

VICE CHAIR SNAPP: Yeah, I did.

MR. JACOBSON: How can you make the motion? You're the Chair.

VICE CHAIR SNAPP: Because I had the microphone.

MR. JACOBSON: I'll make the motion for you. I'll make the motion for you.

MR. BRUH: That's to increase it to four?

VICE CHAIR SNAPP: Right.

MR. BRUH: More than four?

VICE CHAIR SNAPP: Right, industrial areas to be more than four.

Discussion?

(No response.)

MR. CARPENTER: About what?

VICE CHAIR SNAPP: On the motion.

Seeing none, then, all those in favor of industrial areas, increasing the number of spaces to a maximum of four without the terminal islands, please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

MS. DAVIS: Aye.

MS. ROSS: Aye.

VICE CHAIR SNAPP: We got two nays, Ms. Davis and Stella.

VICE CHAIR SNAPP: Other items.

David.

MR. CARPENTER: I got one. Just beat up -- somebody tell me why we went to the 14 foot on perimeter trees. Why did we decide to go to that? Like Dave? What's the advantage over, say, a 12?

MR. JACOBSON: What page are you on?

MR. FLINCHUM: The right-of-way trees.

MR. CARPENTER: Yeah, perimeter. We went to 14. I'm just wondering what we're accomplishing by going to that. I mean, why we -- because, I mean, I'm just wondering where we're going to get these trees, I guess, number one. I'm sure that George and Rodney now are, when they're looking at the 12's, stretching it. Now they're looking at these 14's. Just wondering where they're going to get these trees if all of our trees are required to be 14 feet on the perimeter. I think that's tall, but I just don't know where they're going to get them.

MR. FISH: It's also a substantial additional cost.

VICE CHAIR SNAPP: It's also on the table on page 26, 27, shows up the middle of 27.

MR. CARPENTER: I'm just trying to figure out what we're gaining. Because, I mean, I don't think we're really gaining two feet is what I mean.

VICE CHAIR SNAPP: Jon, you want to respond to that?

MR. MACGILLIS: Part of the goal of rewriting the Landscape Code -- one of the directions from the Board was to do away with a lot of these conditions we're putting on petitions so industry, when they go forward with a petition, they're not getting hit with a lot of these conditions, so that was something the subcommittee focused on as well, was looking at the landscaping and some of these things that we could actually codify. And then when we bring this to the Board, really stressing that this Code has been adopted now, hopefully they're not going to come right back behind it and start adding conditions on it. That worked into the whole scheme of the -- especially the right-of-way perimeter buffers of the hierarchy of plant materials and stuff we're working on. But we're hoping not to have

conditions being placed on petitions in the future by either the Board or DRC.

MR. KALEITA: If I could.

VICE CHAIR SNAPP: Bruce.

MR. KALEITA: The view I have of many of the conditions that are now being imposed is that they're crowd-pleasers, and that is, that when people complain about a project, they increase the landscaping.

If we start building that into the Code, we will escalate the landscaping requirements, because then the Commission will then palliate or satisfy objectors by further increasing the landscaping. And if the proposition being advanced is that we should also put into the Code what the Commission usually does, maybe we ought to let the Commission continue to do this so that they may satisfy their constituents, but recognize -- which I think is true, I went out and tried to buy trees. And when you get up that high, you're paying a pretty good buck for those trees and they may not always be out there. And I know we had to look a long ways to find a nursery that had what we were looking for, which was 12 foot. And I don't know, that extra two feet, it's only maybe a year's worth of growth. I'm not sure there's a pressing public emergency -- did the Commission say they want to see these conditions put in the Code; is that what you heard?

MR. CARPENTER: Well, I think the perception is that you get two feet. And you really don't when you get out there, because between the 12 and a 14 you got a couple of branches going up to make it. I mean, it's a little bit of a game issue here is what I'm bringing out. My point of contention's always been, I would rather require more trees and make them 10 feet and put more of them in there, rather than trying to play this 12- and 14-foot game. Mainly because the 10 foot trees can be grown in containers, more or less, and then when they want to get them taller than that, they grow them out in the field.

MS. STARACE: So are you making a motion to go back to the 12 feet?

MR. CARPENTER: Well, I'm just saying that I don't know if we're gaining anything and we're putting it on the Department. Then they go out and they have to stretch and say, yeah, this is a 14-foot tree, where you got one branch going up cockeyed that meets the 14.

MR. WHITEFORD: Maybe, rather than throw it out and then still have to write a bunch of conditions, maybe what we could do is apply the 14 feet only -- we're going to get the impact, the right-of-way buffers and the incompatibility buffers, not necessarily the entire perimeter around a project, just concentrate on where it's going to get the most benefit.

MR. CARPENTER: I was just trying to say, figure out if there is a benefit. The number, I think, is the benefit, more than, you know, whether you can measure some branch out two feet.

VICE CHAIR SNAPP: Mr. Kaleita.

MR. KALEITA: I do have something -- I'm a little jaundice on this subject, because I know that if only we could get the landscapers to follow the planting specifications, which usually call for a mix of soils in the hole sufficient to grow that tree more than two feet in the first year, than this wouldn't be a problem. And we can't because we don't have an inspection of the holes before the plants are put in. And as a result, the County never knows whether or not anybody ever has followed the plantings specifications, and quite often they don't, which is why we got slow growth.

A much better improvement would be to say, hey, we're going to find a whole army of hole inspectors to make sure --

VICE CHAIR SNAPP: Let's move on.

Mr. Bruh.

MR. BRUH: Other than what Bruce is saying, I think we're doing a pretty good job.

When I go down the street, I feel pretty good about going down the street. And I think we've done a lot and provided a pretty nice environment out there for us to look at. So if we've been doing the right thing, why change it? Twelve seems like the right number to me.

So I would make a motion that we change it to 12 feet instead of 14.

MS. STARACE: Second.

VICE CHAIR SNAPP: We got a motion by Mr. Bruh, a second by Carmela.

Other comments on this issue or have we beaten it to death?

(No response.)

VICE CHAIR SNAPP: I think we're ready to vote.

All those in favor of making the recommendation of 12 feet rather than 14 on the height of the trees signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

MR. CARPENTER: The Code is currently 12.

VICE CHAIR SNAPP: Yes, but this is a recommendation we're sending forward regardless of what the Code is.

MR. CARPENTER: I understand, too, what Bill was saying and what Jon was saying related to the 14, because on our conditions of approval that you get from the Board, it has 14 feet on the perimeter, so they put 14 feet. But, I mean, again it's a --

MS. STARACE: They do that all over.

MR. CARPENTER: -- it's a crowd-pleaser thing more than a reality thing, because actually, in a lot of cases, you get better trees when they're smaller.

VICE CHAIR SNAPP: We got that voted on. Let's move forward.

MR. DYETT: We did have 12 feet for the perimeter in the Ag. Reserve, Exurban, Rural and Glades Tiers on page 28. So the adjustment that you just made only affects the perimeter in the Urban/Suburban Tier.

VICE CHAIR SNAPP: Correct.

Any other issues on landscape before the final recommendation?

MR. CARPENTER: I got one more question. I didn't understand -- this is foundation again, on 7. I'm beating this to death. I didn't realize that we were increasing the width to eight feet on the base of the building. I'm wondering, what are we putting in there in front of the building where -- I know we're suppose to have a hedge and trees, but what's the problem with the five feet that we've gotten the -- isn't that what's required in the foundation, a hedge and trees?

MR. FLINCHUM: The increased width would allow for the tree to take more of a natural shape in its canopy. The problem we've got now is, when it's five feet, it's installed very close to the side of the building and over time it keeps getting clipped.

MR. CARPENTER: I'd be putting a palm in there.

MR. FLINCHUM: Even with a palm, the eight feet would be enough to get a rounded canopy, a head to it.

MR. CARPENTER: Even with eight feet, I mean, you put a tree in there, it's still not going to have room. I mean, I would never put a tree in there. There's not enough room.

MR. FLINCHUM: Depends on the type of tree.

MR. CARPENTER: Off of a small list, yeah.

MR. BRUH: It's worse than that. It starts making all the designs the same. They're all going to have a tree in front of them. I'm not sure that leaves us enough diversity. There's lots of buildings that a tree in front of it every so often is not the answer. You know, there's

lots of different design solutions and landscapers. Again, you know, creative guys are going to get creative. There's things we've never seen before that we're going to be happy to see. Let's let someone do that. Let's not tie our hands.

VICE CHAIR SNAPP: What about in light of that? What about saying, that if you're going to plant a tree in front of a building, that it has to be eight feet, otherwise it can be the five feet the way it is.

MR. WHITEFORD: But, again, you have to take a look at also the terminal islands, what we were just talking about a few minutes ago. I mean, once upon a time they were five feet, they went to eight feet so that we had the area, we had the growth that we were looking for that doesn't have a lot of stunted trees out there. So the eight feet has become a standard for us to get the kind of growth and quality that we're looking for and you have a minimal planting area.

MR. CARPENTER: Here's the thing, just my question about it basically. As you know, on our plan we have the perimeter buffer, then we have interior planting, and then we come up to the building and we have currently the requirement for a tree every, I think it's 20 feet, and a hedge to break up the foundation relationship. And I think by the time it gets up to there, that the person that may be occupying that space in the building, or whatever, he's not wanting another tree covering half the front of his building. I mean, those are the people -- that's what I hear. You don't want a palm or something in there, so you can see -- perhaps they have the name on the building or on the wall or something. They want -- you get up to there, they want the building more exposed.

MR. BRUH: The architect likes his building and he really wants to see it.

MR. CARPENTER: I'm just wondering, in the five feet, I understand that and the value it's been to -- but I'm just wondering, what are we gaining in the other three feet?

MR. DYETT: You're achieving consistency for all these planning requirements and you're providing an opportunity for the plant materials to establish themselves in a natural way. And as Bill said, if the eight feet made sense for some of the other landscape areas we have, I think it would be appropriate here as well. We do allow some flexibility through the Alternative Landscape Plan. But I think that as a standard, we should strive for consistency, and the healthiness of the materials that would be planted in this foundation area would be improved with the greater width.

MR. WHITEFORD: If it helps any, I'll throw out another alternative, because even I saw some of these the other day and I was concerned, too, and we did talk about it in our office, but one of the other alternatives I threw out there, that didn't go anywhere among Staff, though, is having the width correlate to the height, so a one-story building, five feet versus two stories, then you start to get a little wider, that type of thing.

VICE CHAIR SNAPP: Steve.

MR. BRUH: Frankly, I don't think that's really an answer, because, again, you want to accommodate different types of trees. You're going to see now that all these small buildings have to have thin trees against the building. Again, you're limiting -- I think blowing out islands, basically, trees within that foundation planting would really be a lot better way to approach things. If we've established that an 8-by-8 is the answer for a tree space, then whatever the spacing needs to be in that foundation planting, blow it out to that distance; otherwise, you could vary it.

VICE CHAIR SNAPP: Dave.

MR. FLINCHUM: One of the options we allowed on the Alternative Landscape Plan was, if you notice, the quantities of trees are based on linear feet; it didn't say it had to be on center.

So you take your quantity, and then under an ALP, you can actually take that square

footage of green and wrap a portion of it around or place it in certain areas along that same facade, wherever it's beneficial to enhance architectural features or maintain public entries or whatever. But it does give you that flexibility to slide around the corner some of your square footage.

VICE CHAIR SNAPP: Having been a shopping center developer in a former life, I can tell you that as a developer, the last thing you want to do is put a tree in front of your building of a shopping center, because you're trying to get maximum exposure of the glass. So you've got your right-of-way planting, that's probably going to be 25 feet nowadays, with your hedges and your trees, and you've got your interior planting, with your islands with your trees. And what you're trying to maximize is exposure of the window storefronts and of the signage that's on the mansards and so the last thing you're going to want to do is put a tree there, except at maybe some particular focus point that's maybe a turn in the building or inside corner, something like that, and you'll have a whole landscape planning. So I think in reality, people aren't going to want to put those there. So as a compromise, I would say maybe -- because you're most likely to put it on the side -- so maybe if you went eight foot on the side of foundation plantings, where you're likely to put those trees, and five foot on the front, where you're going to put ground cover and bushes and load things that are not going to block views, might make more sense, if that's palatable.

MR. KALEITA: I'd make that a motion.

MS. STARACE: Second. It sounds more logical.

MR. KALEITA: There's also public safety aspects. I know plazas that don't want landscaping because they're afraid that it will conceal break-ins at night and that sort of thing. There's a lot of reasons why you don't really want to necessarily block off the view in front of the stores.

MR. WHITEFORD: Just so you're aware, I mean, obviously we've had foundation planting in the Code for quite sometime. And what you're actually talking about is a lesser standard than we currently have. What we currently have is a five-foot foundation planting requirement, which, as Dave mentioned, a tree or a palm every 20 feet. That's been in the Code for years and it's been effective and it's been working and the trees are going in and they're not bothering anybody and we're not getting any complaints.

MR. CARPENTER: I've been doing the five-foot buffer, but I've used palms. I mean, I've used exclusively palms in there, because, I mean, even if it was eight feet or 10 feet, that I don't think the tree is appropriate in the front, and whoever's in there is going to be cutting it back to nothing anyway.

MR. WHITEFORD: And they're being strategically located where they aren't blocking a view or a window. It works out. I mean, the trees in the front --

VICE CHAIR SNAPP: Well, the motion that's on doesn't lessen anything, it actually increases, because the motion says it stays at the five feet in the front and increases to eight feet in the sides; it doesn't say anything about the trees.

MR. CARPENTER: He's not lessening the tree.

MR. WHITEFORD: I thought I heard that.

VICE CHAIR SNAPP: No. What it does, it says, we increase the foundation planting in the Urban/Suburban Tier to eight feet and leave it at five feet in the front. Is that not what you stated, Mr. Kaleita?

MR. KALEITA: I seconded that motion.

VICE CHAIR SNAPP: You made it.

MR. KALEITA: Oh, I made that? Okay, I made it.

MR. FLINCHUM: Mr. Chair, I apologize, I forgot. We've had a couple of recent occurrences during building permit review where the site plan showed the footprint of the

building, but during permit review the overhangs are now indicated. Very often these overhangs, especially in a one-story building, are so close to the ground that a five-foot foundation planting won't allow anything to affect the -- be planted.

So if your motion includes for those portions of a facade that don't have an overhang that will be fine.

VICE CHAIR SNAPP: I don't think it addresses it right now.

Steve.

MR. BRUH: I guess the word front and side are a little problematic for me. Again, I think it's just a matter of you taking -- where you're putting your trees, you want a bigger space; and where you don't have your trees, you want a smaller space. I think if we identify in that way, it solves both in front stores as well as other situations, whether it be overhang or something else. Where we have trees, we need to poke it out; where we don't have trees, we could have it five feet. And that would seem to satisfy it, not changing the number of trees, just the size of that landscape.

VICE CHAIR SNAPP: Well, on that, if you had an Alternative Landscape Plan, where you moved the trees like he's talking about, then you would be able to maintain that narrower area because there aren't any trees there.

MR. BRUH: Well, are you saying that the -- shifting that position of those trees is only an alternative plan and can't be done as a standard plan; is that the way it's written?

VICE CHAIR SNAPP: That's correct.

MR. FLINCHUM: The ALP is for like a major relocation of your required material from one facade to the adjacent facade. If you want to add, let's say, a one-story building, and this is what the -- the end result was, you'd have your overhang and your awnings above your public entries, your sidewalk access to the building, you'd maximize your storefront. But then for that portion of a blank wall, they left a gap between the overhang and that's where your tree material went in, your palms. It was a very effective end result. It was a nice evaluation and enhanced the facade of the building and it helped identify the entries and it worked out fine. But when it first came in, they were showing 10 foot high trees under an overhang that was only a five-foot planting area. Somebody didn't put the dots together.

MR. KALEITA: If I could, as I understand it, the present motion is merely to state that we're going to go with five-foot wide landscaping areas in the front of the building, is that not correct, and that if it goes to eight, which Staff is advocating only on the sides of buildings -- is that not what we're doing?

VICE CHAIR SNAPP: That's the motion on the floor.

MR. KALEITA: So the issue isn't trees at all. If somebody wants to be improvident in their choice of trees or tree height, that is certainly their right to do the wrong thing that would still be allowed by Code. But we're saying, we don't need eight-foot wide landscape areas in the fronts of buildings and shopping centers. Are you saying we do?

MR. FLINCHUM: The increased depth was to allow a consistent width, as we had for the terminal Islands, which over the years we found the five foot was causing problems with the root damage and to the curbing and to the foundation. So the eight feet, again, depends on the choice of material, if it does give you some smaller trees to put along the foundation, you know, flowering variety, something that compliments the architecture. But we're seeing fewer and fewer canopy type trees used in a tight foundation.

VICE CHAIR SNAPP: Joanne.

MS. DAVIS: I'm hoping that I understand your motion correctly: That in the Code it will say that you will have five foot planting areas in front and eight feet on the side.

VICE CHAIR SNAPP: Foundation planting.

MS. DAVIS: Right. I can't support that. And I don't understand what the fear of trees is, because after all the tree -- if you give it enough maturity and time to grow, the canopy will be up over the building and you'll still have absolute visibility of the building. And it also creates a better atmosphere for your shoppers or customers or whoever to come into the building.

MR. KALEITA: To be honest, I cut through that same planting area because I don't want to do the 40 foot walk around to get to the only walkway that was provided. I'd have to be cutting through an eight-foot landscape strip to get to the store I want to get to with this proposal. I'm not sure what it achieves. If we want to protect people from the things they pick to plant on their own property, I think we're going too far. If it's off the preferred list and it meets the 60 percent rule, let them pick what they want.

VICE CHAIR SNAPP: Steve.

MR. BRUH: I don't think he meant the side of the building. He meant to the side of the storefront.

MS. DAVIS: All right. Well, that's the clarification I was looking for.

MR. WHITEFORD: No. He meant the side of the building.

VICE CHAIR SNAPP: The motion is the side of the building, yes. Well, the Code right now says, all four sides, and then it has, front, sides and rear, is the way it's in the Code right now. It's the way it's presented at this point in time.

The objection that I seem to hear, and nobody's talking about trees, nobody's talking about eliminating trees, I haven't heard that said once, is the clearance on the overhang. So if you're trying to achieve a five-foot clearance from any overhang in the area where the trees are after you blow that out to have a minimum so the tree can grow by the building, now you're saying something I can understand.

MR. CARPENTER: You would want next to -- in the five-foot strip in the building, you would want a small tree that's not going to grow above the building, I mean, that's what I would be selecting, would be a smaller variety of tree that you're going to keep at 10 or 12 feet. There's a lot of selections to make, native trees and so forth, but you wouldn't be selecting -- or I wouldn't be selecting any tree to grow over the top of the building to go in front. I mean, that would be a parking lot selection. In front of the building, I would have a smaller tree there along the facade. We're not talking about eliminating any of that. We're just saying the depth on there -- unless we're adding another layer of plant material. I mean, if we're going to have shrubs and then have lower ground cover before we get to the sidewalk or whatever. But I'm just saying, the five foot would accommodate that tree, or a small tree, easily accommodate.

VICE CHAIR SNAPP: I see Mr. Kaleita has a hand up. I want to try to bring this to a close here. We've been kind of beating it to death. It's twenty after three and we got to get through signs today and I'd like to get them both done so we can vote on them before we lose a quorum.

Mr. Kaleita. And then I'll let you.

MR. WHITEFORD: I got some clarification on the overhang.

MR. KALEITA: I just have a comment. I know that my clients buy plaza property by the square foot. It's probably some of the most expensively priced land there is. It's very costly to build a plaza. And three feet of extra space around the front of every single building in that plaza is going to mean the loss of an entire row of parking spaces along that plaza on any given piece of property, which means that it isn't just the cost of the land, it's actually the loss of retail space. And unless we've got a compelling reason why what's being done doesn't work, I'd rather not change it, because I think that the landscape architects, like David, can come up with plant selections that will avoid the problem that

Staff's so concerned about.

(Steve Bruh leaving at 3:18 p.m.)

VICE CHAIR SNAPP: Bill.

MR. WHITEFORD: The overhang issue arose as a result of some roof overhangs into some foundation planting areas. And depending, again, upon the height of the building with that overhang, could be anywhere from 18 inches to three or four or five feet, I don't know. But I guess the question is whether or not the foundation planting area should be exclusive of any roof overhang. And if you have a two-foot overhang, should then therefore you add two foot again to the width of the foundation planting so you don't have that problem. I can't say that I've seen that problem a lot, I mean, where we've had a lot of roof overhangs into foundation planting areas, but it could happen; I'm sure it has.

VICE CHAIR SNAPP: All right. Is there anything new on this?

(No response.)

VICE CHAIR SNAPP: Is there any objection to calling the question?

(No response.)

VICE CHAIR SNAPP: All right. Seeing none, the question is, and the motion we're going to vote on, is, that the motion on the floor is to change in the Urban/Suburban area the foundation planting, which right now says eight feet on the front and sides; the motion is to change that to eight feet on the sides and five feet on the front. Is the motion clear?

(No response.)

VICE CHAIR SNAPP: All those in favor of the motion as stated please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

MS. DAVIS: Aye.

VICE CHAIR SNAPP: Let's have a show of hands. I think the ayes have it, but let's have a show of hands.

All those in favor, please raise your right hand.

Twelve.

All opposed?

So we have Joanne Davis opposing. The motion passes.

VICE CHAIR SNAPP: Are there other issues to come up on landscape before we address the entire subject?

(No response.)

VICE CHAIR SNAPP: Seeing none, is there a motion to make a recommendation on the landscape section?

MR. KALEITA: I move that the landscape section be recommended to the County Commission with the modifications made today by the CTF.

MR. JACOBSON: I'll second that.

VICE CHAIR SNAPP: Motion by Mr. Kaleita, second by Mr. Jacobson, to forward the landscape and buffering section with the amendments proffered today.

Any discussion?

(No response.)

VICE CHAIR SNAPP: Seeing none, all those in favor of the motion signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

(Excused absences.)

VICE CHAIR SNAPP: All right, signage.

MS. STARACE: D.J., I have to leave.

VICE CHAIR SNAPP: One housekeeping motion real quickly. We normally have a motion to grant excused absences to those people that called in before the meeting and asked for them. Is there such a motion today?

MR. JACOBSON: I so move.

VICE CHAIR SNAPP: Is there a second?

MR. KALEITA: Second.

VICE CHAIR SNAPP: Any discussion on that?

(No response.)

VICE CHAIR SNAPP: All those in favor of granting excused absences to those individuals that requested them before the meeting please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

(Carmela Starace leaving at 3:21 p.m.)

(Article 8- Signage.)

VICE CHAIR SNAPP: We have a whole bunch of people that have come to speak on signs. And you want to give us a quick overview, Michael, on what areas have been

addressed, recommendations by the subcommittee.

(Maury Jacobson leaving at 3:21 p.m.)

MR. DYETT: I have four or five quick points to make. The first is that you'll see more distinctions based on the tiers. You'll also note, as we did percentages before, some reductions in sign height and sizes and more specificity on the sign design. But we're also trying to have more flexibility through the Master Sign Program. We've clarified where the roof signs are allowed. And with the Master Sign Program, we want more coordination for all signage on the site, not just freestanding signs today.

The questions that came up from the industry at the last meeting raised issues about the horizontal variation in the walls, which I believe we solved, the transfer of sign area, which I believe we solved, the measurement of odd-shaped signs, which I believe we solved. We have amortization provisions with a time period, and these are put in in response to the Board's request. And we've had a lot of help from Lenny Berger in County Counsel's office on those. And I'd really like to emphasize here that the amortization provisions have two forms of relief. First, people can ask for an extension of time to amortize the monies that have been invested; and secondly, they can ask for an exemption if the sign, while it may not meet the standards, is compatible with the adjacent signage, might be a historic sign or whatever, so we have a process. And the time period only starts after an inventory has been completed and there's notice. This will require Staff time and budgeting for the resources that are needed to do the inventory.

The bottom line, I think, is that you've got some recommendations before you that strike the right balance that I think are compatible with the incorporated community signs. We've had a lot of advice; the subcommittee and industry has really been quite helpful. But I think we've struck the right balance.

In the interest of time, why don't I stop now and take any questions.

VICE CHAIR SNAPP: Okay. Questions?

You said there was some reductions. Why don't you point those out.

MR. DYETT: In terms of the sign height for the poles, for example, or the -- I think you can just look at the tables that we've got here that take you through the Ordinance. And just as we go through it, there are -- the game sign, for example, on the cover, we would not have that kind of a sign under this new Code.

I think there were just some fairly small scale changes as we went through this. So if there are any specific questions that CTF members have, that might be a better use of time.

VICE CHAIR SNAPP: Mr. Kaleita.

MR. KALEITA: I was wondering, under the amortization schedule, I was wondering, and just for the purpose of information, a person ordered to remove a nonconforming sign, they're still going to be allowed to apply for a sign that's conforming in the same location; is that not correct?

MR. DYETT: Oh, yes.

MR. KALEITA: Then --

MR. CARPENTER: Say that again.

MR. KALEITA: Well, I'm thinking about how this is going to be operating in effect. Now I'm on page 63 of the sign ordinance in talking about this.

Somebody's going to get this notice in the mail saying that, get that sign out of there. And I think that it would be a whole lot easier on Staff if that notice were also required to state that you may apply for a permit to erect a conforming sign at any time, please contact the Zoning Division for the application. Because Staff's going to take a lot of flak on this. Everybody's going to be hostile. There's going to be confrontational conduct. And we tried

to do this back in the '70s, if you recall, and the effort failed for a variety of reasons. But I want to take the heat off Staff on this a little bit.

MR. DYETT: That's specifically why we had the idea of this informational brochure, that would really talk about not only that they could apply for a permit, but that they could also apply for an extension or an exemption. So this brochure, which I think would be a very good way to communicate these ideas that you're expressing, that's why we put the brochure in there.

MR. KALEITA: Can we just include the sign permit, so that you know you have the opportunity --

MR. DYETT: That's an excellent addition. We could just add that on page 63.

VICE CHAIR SNAPP: Is there any objection to adding that?

(No response.)

VICE CHAIR SNAPP: Seeing none, there's no objection, Mike.

VICE CHAIR SNAPP: Other issues from the Committee?

(No response.)

VICE CHAIR SNAPP: I've got several questions from the public, so if we don't have them, I'll just start going through this.

MR. KALEITA: I just have one more seven-part question -- just kidding.

Do we know that Staff has the personnel on board to manage this sign inventory, because it's going to be a major effort?

MR. WHITEFORD: Absolutely not. The Board's aware of that.

MR. KALEITA: So we're potentially set up for the same failure we experienced in 1978, I believe it was, when we revised our '73 amortization sign provision.

MR. WHITEFORD: One of the ideas we're kicking around, is that, we don't feel that we're ready for this to go forward; we feel that it's perhaps just a little bit premature and that we need to think about it a little bit more thoroughly.

One of the suggestions that we're kicking around at Staff level -- we haven't even sprung it on Michael yet -- is to actually pull it out of draft and perhaps go to the Board at a later date at a workshop and work this through a little bit more carefully. But at this point we haven't done that, but that's one of the things that we're thinking about doing.

VICE CHAIR SNAPP: I'd say that's a smart move. I think you'll get a lot less heat with the Ordinance at the County Commission level if you've got answers to all the questions that I don't think we have today. I think you need to get this worked out. And probably you can get it to a point where you can get the industry and sign owners to buy into it if you take a little more time and pull it aside, having this section marked that it's going to come, but just don't include it in the initial passage.

MR. WHITEFORD: And of course we have to have closure with Michael at some point so we were just trying to get his best foot forward so we can wrap up things with him

and not drag him through whatever future workshops and decisions may be made regarding this subject down the road with the Board.

VICE CHAIR SNAPP: If there aren't any issues that the committee has, I've got a host of them that are listed by some members of the public, mostly in the sign industry, so I can go through those one by one.

If you've got one, stick your hand up. Otherwise, I'm just going to go through this list. Is that satisfactory?

Okay, Mr. Campbell, would you come to the podium and identify yourself for the record. An issue you identified on page 26, Section H, Permanent Signs, with respect to the setback from the base building line.

MR. CAMPBELL: Thank you for hearing me. Mark Campbell, Electromedia is the name of my company.

And I would like to preface this by saying, the only reason I'm here is not only to try to work with the sign industry, but I'm here to protect my customers who are going to lose some signs out there, and that will become evident as we get through the sections.

Page 26, Section 7, temporary signs require a five-foot setback from property line and a permanent sign requires a eight-foot from the base building line.

Chuck Cappella and I from the industry have been working with members of your Staff agonizingly over this setback difference, whether it's base building line or property line. And there are other articles -- or other pages in here with articles -- pages 40 and 41 also are not clear as to whether we're working with a property line or a base building line.

It's extremely important here, because a base building line setback will eliminate some of the signs that we have just gotten approval from the County. And, I mean, they will just simply be gone if we're going to apply the rule 100 percent.

My main objection is, we don't have clarity whether we're working with base building line or property line.

MR. KALEITA: What page?

VICE CHAIR SNAPP: Twenty-four, 26 --

MR. WHITEFORD: I can tell you --

MR. DYETT: At our last meeting, Staff explained that for permanent signs, the preference is to use the base building line, but for temporary signs, all measurements would be from the property line. The sign that would be approved today would be a legal sign. And if this new Code is adopted, then it would become a nonconforming sign and there would be a period of time for the full economic life of that sign to be realized. So it would not be illegal and it would not have to be removed and it would be, if the amortization provision were in, exception and exemption and extension provision. If the amortization provisions were not in, then it would just be a legal nonconforming sign that could be remained and not have to be removed at all.

So this provision does not make a legal sign illegal. It just establishes a measurement point for the future.

And, Bill, you may want to expound upon that.

MR. WHITEFORD: I can tell you that unequivocally all signs, permanent signs, permanent structures, anything of a permanent nature, the setback is measured from the base building line. Temporary signs, obviously temporary structures, that type of thing, aren't a big deal if you measure from the property line; reason being, obviously, that the property line may move in the future as a result of especially right-of-way expansion.

I think maybe one of the things that we can clear up with the sign folks and maybe on this issue is exactly what is a base building line and how it's applied and where it's applied.

One of the concerns is that there's a waiver provision and everybody having to troop

over to the Engineering Department and get waivers left and right and how often is the base building line applied and is it done consistently, and that type of thing.

The base building line provisions are in a different part of the Code. And we've tried to clarify those as to where exactly they apply. And typically they only apply on roads that have yet to be widened, to afford some protection for those areas so that future permanent structures aren't built in those areas. Maybe if we sat down with them and took a look at where exactly some of these things were occurring, we could eliminate the concern about having to go over to Engineering and get waivers on a frequent basis.

VICE CHAIR SNAPP: I guess we can get Mr. Berger to respond to what I heard, which is, that any currently permitted -- legally permitted sign's going to remain a legal nonconforming use and not be an illegal sign and have to be taken down; it's going to be grand-fathered in, basically, is that correct?

ASSISTANT COUNTY ATTORNEY BERGER: Right, it would be a legal nonconforming sign.

The only problem that might arise in the future would be if we elect to go with amortization, and that at some point down the road, based on the value of the sign, we'd have to discuss removal at that point. Again, that's not a certainty at this point, whether we'll do amortization at all.

MR. KALEITA: I feel obliged to make the private sector rejoinder to the base building line waiver, which I always reach, which is that it probably treads upon constitutional law and is unlawful confiscation. And I would comment, that most of the businesses I've represented over the years have regarded their exterior signage as being almost magical in nature and they genuinely believe that sign is what makes their business life and I think they want to be as close to the road as they can. I would not want to discourage somebody who wants to put in a monument sign that wasn't 40 feet back from the highway behind landscaping so that somebody could see his business. And it seems to me that people ought to have that right and I kind of object to the County minimizing its condemnation damages in advance by telling somebody not to use the land so that it's worthless when they get around to condemning it, which is what I think that's all about.

I realize I'm going to become so popular by making that statement, but none the less, that's my view.

VICE CHAIR SNAPP: I don't think you can come up with another reason.

MR. CAMPBELL: The industry did suggest that we would be happy to have our customer's sign removal agreements, but that didn't seem to make Staff very happy.

VICE CHAIR SNAPP: I've tried to float that one several times. It doesn't fly.

MR. CAMPBELL: And on that same page, page 41, is that a typo on Figure 7.14-23, wherein we're demonstrating a five-foot setback from a property line, not a base building line, or is that irrelevant in this situation? Page 41, the figure.

VICE CHAIR SNAPP: Well, having heard Mr. Whiteford, what I heard was that it's five foot off the property line except when base building lines apply -- is that what you said? -- in which case we send you to Engineering?

MR. WHITEFORD: Exactly. A lot of times the property line is the property line. Sometimes it's the base building line. Again, it's dependant upon the type of road, how it's identified on the thoroughfare plan --

VICE CHAIR SNAPP: Is there a base building line on any road that's not on the thoroughfare plan?

MR. WHITEFORD: No. I think they're indicated on the thoroughfare plan. And, again, that's maybe why if we go to the base building line section of the Code, which you don't have in front of you today, we could begin to identify up front for people where the

base building line comes into play and it where it won't. Because in a lot of places, the road's already at its ultimate right-of-way line; it isn't going to be widened any greater. So the base building line waivers are granted in those cases. And perhaps we can get those identified up front, have blanket provisions put into the Code, or identified, again, to hopefully cut down on maybe some of the permitting hassles.

VICE CHAIR SNAPP: There's nothing in here that takes away the ability to get a sign removal agreement waiver, right, which we've been doing for years?

MR. KALEITA: Maybe the question is, is there something in there that does entitle people to ask for a removal agreement. Is there? Because if the procedure exist, why not put it in the Code?

MR. DYETT: Well, the procedure is really going to be in this other section that Bill is talking about, because it applies to more than just signage. We don't think you just deal with it here. It addresses a lot of different issues, so it's best in that other section Bill said will be coming.

MR. KALEITA: Well, can we make a reference to it in this section so people are aware that that right exist?

I want to tell you, this base building line stuff, it looks to the public like a Chinese puzzle up front and they're not going to be aware that there's a removal agreement. And if we notify them in here that there is such a thing, then they will go and look into it and avail themselves of it and I think that's what should be done.

MR. WHITEFORD: Again, I don't have that section of the Code in front of me today, but there is a section in the Code that talks about construction and easement and that sort of thing and going and getting sign-off's and waivers in the various departments or entities. And I think that provision of the Code may also talk about how you may get a sign-off, but also have to enter into a removal agreement.

VICE CHAIR SNAPP: Well, on our road widening plans, we have a five-year plan and we have, what, a 20-year plan? Is that the two plans we have, 5 and 20? It would seem reasonable to me, that if there's been a public notice that it's incorporated into the five-year plan, that wherever you're going to put the sign in, because you are going to have to tear it down and have to remove it, and it makes sense, okay, but if it's not been announced and if the widening of that road's not been included, then I think the property line ought to apply. If you've announced to the public, we're thinking about widening Southern Boulevard and it's going to be whatever it's going to be, and that went on for generations, once it's been incorporated, you've incorporated it into a plan and there's been a public notice, they're not going to understand the reason for saying, hey, whether it's a public cost or a private cost, it makes no sense to put this up and tear it back down, because there's a reasonable, foreseeable future that we're going to have to widen this road and we're going to have to relocate that item.

But if it's not been announced and in the plan, then why restrict the property owner's ability to promote their business?

MR. WHITEFORD: And I think that the important thing also to point out is that there's no change being proposed to the Code in this regard; this is how sign setbacks are currently measured.

VICE CHAIR SNAPP: I don't think anybody's been happy with it for as long as I can remember.

MR. WHITEFORD: I can't think of any signs off the top of my head that are 40 feet back from their property line because of some base building line determination and was unfairly or adversely impacted. I can't think of any examples off the top of my head.

VICE CHAIR SNAPP: Chuck, were you trying to respond?

MR. CAPPELLA: Chuck Cappella. I'm with Ferrin Sign Company.

I wonder if I can point out in reverse order of what Bill just said. Certainly nobody's going to put a sign at 40 feet. And the reason it isn't is because we've gone over to Dave Cuff, gotten the base building line waiver and put it in a five-foot setback.

The most recent one I did was about two months ago on Military Trail, a little K-Mart plaza. They upgraded the entire plaza. They had a couple of old, ugly signs there. We tore them all down, put a nice -- and when I went over to, of course, to permit it they said, you got to get a base building line waiver because a base building line, frankly, was 30 or 40 feet back on the property line. I went over and got the base building line waiver and it's currently a five-foot setback.

Now, what I want to point out is, currently this is the way it's done. If need be -- it just so happened to be Military Trail. There's several other roads that have the same issue. In the future, however -- and I hope I'm not understanding -- is that, they would use the ultimate base building line waiver as the point of which you'd find a five-foot setback. Then that would put the sign, frankly, back into somebody's lobby, because some of these are 20, 30 and 40 feet back.

Now in the future, if the road is widened, that's an issue to deal with. If I were a businessman, I had the opportunity to have my sign out there for five years, I'd certainly avail myself of the opportunity, even if in five years you said, okay, we're going to institute this road widening, we're going to bring it back to the base building line waiver in five years. I would certainly find the value of that point of purchase signage, which is the most important signage to a business, over that five-year period, would certainly relieve any costs I would have to put that sign up there.

Our only issue is to make it fair in terms of, if you have a property line, put the signage five feet back from the property line. Again, if in the future it impacts upon a base building line or a widening, you deal with that at that time. You certainly can't ask anybody to put the sign now, any current sign -- let's say we adopt this Code tomorrow and you use the base building line as the current line --

VICE CHAIR SNAPP: To cut through this, if we did what Mr. Kaleita suggested and codified in the Code that you can actually apply for this, doesn't say you're going to get it, but the process exist to be able to do that, would that be acceptable?

MR. CAPPELLA: It's in process now and you must do it in order to put the sign at the property line.

VICE CHAIR SNAPP: Do you understand what we're talking about, Bill and Dave and everybody?

MR. WHITEFORD: Well, I think what you're saying is it opens the door for the opportunity --

VICE CHAIR SNAPP: Just put in the Code that you have this possibility; you can make an application for the waiver.

MR. WHITEFORD: For the waiver, right, which is already in the Code, or you can apply --

MR. KALEITA: As provided elsewhere in this Code or some other provisions, so you don't have to track it.

VICE CHAIR SNAPP: Is the base building line waiver actually in the Code someplace? I thought it was just administrative. I don't think it's codified.

MR. CAPPELLA: No, it's not. When I file for a permit they will call me and say, this sign needs a base building line waiver. I've had that happen dozens of times.

MR. WHITEFORD: I think what the Code says in the base building line section is that this is how you measure the setback from the base building line, unless waived by the

County Engineer. That's probably all it says.

VICE CHAIR SNAPP: So is that your motion, Bruce?

MR. KALEITA: I believe it helps the public to know that there's a relief available from this so you don't get the sign pushed back into never-never land.

VICE CHAIR SNAPP: Is there a second?

MS. NOBLE: Second.

VICE CHAIR SNAPP: We got a motion and a second.

Mr. Kaleita's motion is to incorporate in this section that there is a provision for a base building line setback waiver, okay, and that they can apply for it.

Is there anything else that was incorporated in that?

(No response.)

VICE CHAIR SNAPP: Okay.

MR. CAPPELLA: If I may say, that still begs the question this drawing on page 41, it shows five feet from the property line. Is that going to be in the Code as the setback from the property line?

VICE CHAIR SNAPP: That's correct. And assuming, regardless of this motion, if the base building line prevails, if the County makes that an issue because the road is going to be widened, then it's not going to be five feet from the property line. So in other words, if you applied for the waiver --

MR. CAPPELLA: So you still have to go get a base building line permit?

VICE CHAIR SNAPP: Right, right. But if the waiver was denied, then you're going to be sitting back there, which is the case today.

MR. CAPPELLA: I understand that. Then that person, who bought this commercial property line along Military Trail, if they held fast to a base building line waiver, would not be allowed to put a freestanding sign on his commercial property.

VICE CHAIR SNAPP: That's correct.

MR. KALEITA: You wouldn't be able to put it on in a location where the motoring public could do something near the speed limit and still see the sign.

MR. WHITEFORD: Again, I think that's an example of one of the roads that's already at its ultimate width and that's where they sign-off on the base building line waiver.

MR. CARPENTER: But what happens if, like what Chuck was talking about on Military Trail, the base building line is 40 feet beyond the ultimate right-of-way for the entire length of Military Trail --

MR. WHITEFORD: You have to pick a different road, because I think Military Trail is already at its ultimate width.

MR. CARPENTER: -- which is an unusual case. So everything on Military Trail that you're going to build, theoretically you have to get a base building line waiver on because the Code establishes that base building line 40 feet -- actually beyond the ultimate right-of-way line is the language. It's surprising to me.

VICE CHAIR SNAPP: You had that issue on Okeechobee Road before it was widened. Now it's not really an issue because they've already done it. You used to have it on Southern. Now it's not going to be an issue on Southern anymore.

MR. CAPPELLA: Let's say 20 years ago before they did all that on Okeechobee, I would still want to have my sign at my property with a five-foot setback, pending the widening of the road and --

VICE CHAIR SNAPP: What Mr. Kaleita's motion would accomplish, if it passes, is, and is incorporated in the ultimate Code when it's passed, is that you would be given notice that you have that option to go apply for that base building line waiver so that everybody knows that they can go down and do that and it's in the Code now that that is an

opportunity that is available. So then they're going to have to come up with some reason why they would deny it, which could be the road's going to be widened in three years.

MR. CAPPELLA: Wouldn't that be up to the commercial owner of that property to make that decision for himself? He might say, that's fine, in three years, I will gain so much more exposure and value from that sign.

VICE CHAIR SNAPP: Which you might be able to work out with the removal agreement or something. But I think it's up to the County Engineer today and that would leave it in the County Engineer's decision.

MR. KALEITA: It just provides notice to people that there's an avenue for relief in case their sign ends up invisible under the current regs.

VICE CHAIR SNAPP: Well, let's wrap up the one that's on the floor right now. Any other discussion on Mr. Kaleita's motion on incorporating the notice of base building line waivers in the Code?

(No response.)

VICE CHAIR SNAPP: Seeing none, all those in favor of the motion signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

VICE CHAIR SNAPP: The next issue I have with you is on page 32, maintenance.

MR. CAMPBELL: Chuck and our objection to the maintenance provision is that it has no teeth and there's no remedies to the County and there's no -- you're not guilty of anything if you don't take care of your signs.

VICE CHAIR SNAPP: Do you have a suggestion to offer?

MR. CAMPBELL: Well, I guess you can hire us to go around and look for them and then we'll go fix them.

MR. CARPENTER: Hire you to look for new work.

MR. CAMPBELL: It's extremely important to look good out there in the County. And I'm sure you guys want to have everything looking good. Things that don't work generally bring down the looks of the community. I just thought you might put some more teeth in it, that's all.

VICE CHAIR SNAPP: I'm making an assumption that this would fall under Code enforcement. So if there was a complaint about the sign being abandoned or not being maintained properly, there'd be a complaint filed and we'd respond to the complaint and we would have the regular Code Enforcement teeth to fine people; is that correct?

MR. WHITEFORD: There's tons of teeth on this item. The previous draft actually had a long, detailed list of all the things that had to be maintained, blah, blah, blah. What we

really wanted to do is simplify it and go back to what we would normally do, which is say, hey, it's got to be maintained in the manner and the form in which it was originally permitted. It's basically a Code Enforcement issue at that point. If it falls in disrepair, they get cited by Code Enforcement; they're told to make the repairs and put the sign back to the form that it was originally permitted by the Building Division. And if they don't, they fall into the Code Enforcement procedures.

VICE CHAIR SNAPP: You understand that, Mr. Campbell?

MR. CAMPBELL: No problem.

VICE CHAIR SNAPP: The next one I have, you have on page 36, awning signing, this includes the text plus all the awning.

MR. CAMPBELL: I think Chuck and I both are curious as to why an awning, let's say, I can put a little drawing there for you 10-by-10, that has some six inch letters on it, why you quantify the whole -- a square foot awning as a sign, unless I'm not reading this correctly.

MR. DYETT: This is the description that is in the current Code between the nonfunctional awnings and the functional awnings, so we haven't really changed any rules from what they currently are.

MR. CAMPBELL: Well, then, quantifying the area of the square footage with six inch letters that are -- 12 inch letters, six feet long, six square feet, on an awning that is 10 by 10 is -- am I to assume that we could quantify that area as six square feet or are we going to quantify it as a whole awning?

MR. KALEITA: It doesn't say the whole awning. It does say the copy area. And this is the way most sign ordinances that I've either seen or worked on are worded; it's that the copy area within which those letters appear -- or any rectangular, rather, enclosing the letters, that that's the way most municipalities in the County do it.

VICE CHAIR SNAPP: I remember when we did this in '92. That's the way we had discussed it in the committee meetings that it would be -- on something like this, it would be either draw a rectangle around the copy area and that's how it would be calculated. Maybe we need to incorporate that. Is there any objection to including that language?

MR. MACGILLIS: Page 28.

MR. CAMPBELL: Twenty-eight talks to that.

MR. KALEITA: Can I make a comment, though, about page 36. I don't see any reason why we should distinguish between functional awnings and nonfunctional awnings. I think the copy area definition should be the same for both. If that's the question raised, then I think -- somebody's awnings, because they're round rather than square or because they function or don't function, I don't think that's rational.

MR. CARPENTER: Well, I think the function and nonfunctional part would be what somebody's putting an awning up for, the purpose of shading a window or providing cover to stand in the rain, or whether they're providing the awning just as a sign base and not

really providing it for shade and architectural function.

MR. KALEITA: Well, that may be. But this is the first time I've heard that we're going to have different regulations depending on the state of mind of the property owner. And I think that's questionable, if not irrational, and I think it's going to make problems for inspectors in the field.

Do we know what a functional awning is? Is it defined anywhere?

VICE CHAIR SNAPP: Page 36.

MR. KALEITA: There's a definition of a functional awning?

MR. DYETT: Page 35 is the text.

MR. CARPENTER: Just to be devil's advocate about what I just said, if you wanted to present an argument about the bottom one, just say, you could say, well, at certain times of the day, the little circle shades the window down there below, so thereby it is functional.

MR. KALEITA: This amounts to, if you put up an awning, that you're suppose to put a sign there, as long as it doesn't stick out two feet.

MR. WHITEFORD: Well, part of it, what, a decorative canopy versus a nondecorative, functional versus nonfunctional. You could have chosen different words.

VICE CHAIR SNAPP: Let me ask a question. In either case, are these counted in the square footage of wall signs? Is an awning sign counted in the square footage -- additional square footage for wall signs?

MR. DYETT: Yes.

MR. WHITEFORD: They both are, but they're calculated a little bit differently.

The nonfunctional, you calculate the whole face area of the awning --

VICE CHAIR SNAPP: That's the issue. That's what I'm trying to find out, what the rationale is.

Since it's already counted against the square footage of the wall sign, so you're not getting additional signage by having this awning. In other words, I've got "X" number of square feet of wall signage, whether I put on a wall sign or whether I put on an awning. If it's a finite number and it doesn't change by adding an awning, then I don't see the rationale behind distinguishing between the two; it's a wall sign and it should be calculated the same way the other is.

But if you're telling me that I can get a wall sign with a hundred square feet based on the Code calculations and by putting an awning over a window I can pick up this extra eight feet because it's a functional awning, then I can understand the rationale saying, if I put up an awning that's nonfunctional, you got to count the whole area, because now I'm increasing my wall signage.

But since they both count, I don't see the rationale for this and I would suggest that we say that the square footage for all awnings is calculated according to figure 7.14-12, which is that description of how you describe the copy area.

MR. KALEITA: So moved.

MR. DYETT: I would say, Mr. Chairman, many of the ordinances do not make that distinction, but your motion is certainly consistent with some practices in the country.

MR. CARPENTER: I like the motion, too, because then it takes the Staff person out of making a decision about what is functional and nonfunctional.

VICE CHAIR SNAPP: So are you seconding it again?

MR. CARPENTER: Yes, fine.

VICE CHAIR SNAPP: We have a second by Mr. Carpenter. We've got a motion by Mr. Kaleita.

Additional discussion on that?

(No response.)

VICE CHAIR SNAPP: Do you have heartburn over that, Sign Industry?

MR. CAMPBELL: No. Sounds like you're getting right there.

VICE CHAIR SNAPP: Seeing no discussion, let's call the question.

All those in favor of amending the calculations to not differentiate between functional and nonfunctional please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

VICE CHAIR SNAPP: A couple of more issues we have -- that's a repeat on the base building line -- page 44, Section 2 and 6, reflectorized lamps.

MR. CAMPBELL: You skipped a real big one, page 42, the outparcel detached sign held to 20 square feet at six feet maximum height. This addresses outparcels, like in a shopping center probably has one or two; one of them is a bank and the other one is a restaurant. That's kind of traditional.

VICE CHAIR SNAPP: Are we talking about the pylon sign?

MR. CAMPBELL: Well, we're talking about any kind of a detached sign.

If there's existing -- let's say a bank's sitting out there, a city bank, and he's got a 80 square foot or 50 square foot monument sign, he has to take that down and comply with six foot height and 20 square feet. That seems awfully restrictive and unfair to the poor outparcel guy. I just don't understand Staff's move, why they're hurting this particular person.

MR. WHITEFORD: Let me tell you a little bit about these type of signs. They've actually made signs for the sign Code. They aren't sign -- they were codified at one time prior to the ULDC being adopted. What they are, they're additional signs in addition to your freestanding signs, what we now know today as freestanding point of purchase signs. At one time you used to get three per frontage, that type of thing. The Code is essentially going back to that and you get three per frontage, you get a certain number based upon the amount of frontage you have. These are in addition to those freestanding signs. What this does is guarantee an outparcel an identification sign. If you have an outparcel that wants to use one of those freestanding signs, they can; that's not to say they can't. If you have an outparcel that wants the larger sign, they get one of the freestanding signs.

VICE CHAIR SNAPP: Can we incorporate some language in there that specifies these are in addition to the freestanding signs in reference to the Code section?

MR. DYETT: That's easy to do.

VICE CHAIR SNAPP: That would cover your concerns?

MR. CAMPBELL: Very much so.

VICE CHAIR SNAPP: Any objection to just clarifying that in the Code?

(No response.)

VICE CHAIR SNAPP: There's no objection, so would you do that, Michael?

MR. DYETT: Yes, I'll take care of that.

MR. CAPPELLA: Pardon me. Chuck Capella once again.

The other issue is, as Mr. Whiteford pointed out, if you've got sufficient frontage where you can have three freestanding signs, that's fine, but suppose you don't have that. If you only have a couple small outparcels, those outparcels are still being severely impacted by that very small sign.

Now at the February meeting we had a discussion -- I assume this came from Staff and Michael -- whereby we had requested that the little outparcel be allowed at least 60 square feet at a height of between more than 10 feet for each outparcel, because you may have two outparcels, but perhaps not enough frontage there that would justify, as Mr. Whiteford was saying, all the large freestanding signs there. And that's very frequently what could happen.

MR. WHITEFORD: The old Code, though, was 5 by 4 and 20 square feet. I mean, we thought we were doing pretty good by allowing these additional signs in addition to the freestanding signs, maintaining the 20 square feet of face area, but getting a little bit extra height. Instead of going higher than that, you're almost into a freestanding sign territory.

MR. PEDUTO: This is a pretty generous proposition to incorporate this into the Code. I mean, it looks like the Staff has developed language to provide for something that hadn't been provided for and it's pretty generous and these are all standard numbers. Throughout the industry and sign codes, from what I've seen, these are pretty standard.

MR. CAPPELLA: I could get more than that in North Palm Beach. And it's been very, very restrictive, I might add.

MR. WHITEFORD: That's only because I live there.

VICE CHAIR SNAPP: Mr. Kaleita.

MR. KALEITA: If you're going to be limited to six feet, you're going to go six feet. That means, that given the square footage limitation, that you could only be 3 feet 4 inches wide; is that not correct? In addition, if you're hidden by a shrub, you're going to lose the bottom two feet of your sign anyway.

MR. CAPPELLA: They wouldn't charge a calculation that would include the base. It would only be the signage area -- please God -- that would be the 20 foot; it would still be two feet off the ground.

VICE CHAIR SNAPP: Mr. Carpenter.

MR. CARPENTER: Bill, did we know these signs before as interior identification signs, is this the same?

MR. WHITEFORD: Outparcel identification signs.

MR. CARPENTER: Is the intent of this to be viewed from the street or to be viewed when somebody is going interior to the parcel to locate --

VICE CHAIR SNAPP: This is street. Those are interior directional signs.

MR. WHITEFORD: These are visible from the street.

MR. CARPENTER: Okay. Is there a limitation? Is one per outparcel --

VICE CHAIR SNAPP: Michael, go ahead.

MR. DYETT: I just would point out, too, that the Alternative Sign Plan would allow some flexibility and some transfer in the square footage from a building mounted sign to another sign, so that we did build in a little bit of flexibility here that I think is important to recognize. This is on page 26.

MR. CAPPELLA: Well, I just want to make the case from the industry point of view, that that's very minimal, in terms of 20 square feet. When people are going 50, 60 miles an

hour, that's barely readable on a freestanding sign.

MR. DYETT: Well, you can have the normal freestanding sign. This is an additional sign.

MR. CAPPELLA: I understand that.

MR. WHITEFORD: While we're on that page, this is on 42, right below the outparcel identification sign chart, the limitations in the median. I just want to throw this out to you guys. I haven't talked about it a whole lot -- I haven't talked about it at all with Michael -- but internally, why we so severely limit that particular freestanding sign when it's in the median. I know a lot of freestanding signs in that particular location that aren't limited to 60 square feet and 10 feet in height. Generally it's a pretty good place for a freestanding sign. I think maybe we need to touch base just internally, talk about it a little bit, maybe get with Engineering, to find out why we had this limitation, which is in our current Code, and whether or not we should actually carry it forward. I don't know the background on it.

VICE CHAIR SNAPP: I'm not sure I understand what you're saying.

MR. WHITEFORD: The limitations in median.

VICE CHAIR SNAPP: I'm looking at it. The limitations, what, you talking before the setback?

MR. WHITEFORD: No. The 60 square feet and the 10 feet in height, why we have a limitation on a freestanding sign in that particular location.

MR. CARPENTER: Whereas in the district in general you'd have 35 feet you're saying?

MR. WHITEFORD: Well, the new Code will be 20 or 25 feet. It won't be limited to 60 square feet. It's pretty much a larger face area. If it's set back, it's not in a corner clip, I don't know why that's not a perfectly good place to have a freestanding sign, just like anywhere else along the frontage.

VICE CHAIR SNAPP: Actually, I would think that you'd rather have the sign more than 10 feet and elevated so you could see underneath the thing, especially since it's ingress and egress, as opposed to putting it on the ground where nobody can see through this at all.

MR. WHITEFORD: Well, it is set back.

VICE CHAIR SNAPP: Set back 10 feet.

MR. WHITEFORD: Well, I'm just throwing that out to your attention. I want to talk about it in-house a little bit more and whether or not those restrictions are important to have.

MR. CARPENTER: If the other signs are 20 feet, why should this sign be 10 feet?

MR. WHITEFORD: What's it matter?

VICE CHAIR SNAPP: I don't think you're hearing any objection from us on making that change, or the sign industry it doesn't look like.

MR. CAPPELLA: That's acceptable.

I would use the argument, though, if you're going to give an entry (ph) area of 60 square feet, 10 overall height, that's exactly what I recommended for the outparcel, which I don't think is excessive. That's not a huge sign for that area.

MR. WHITEFORD: Well, this isn't a new sign. This is one of your freestanding signs.

VICE CHAIR SNAPP: If you put it there, it's got to be smaller. I would agree, I think that's overly restrictive.

VICE CHAIR SNAPP: Okay. Are we on to reflectorized bulbs now?

MR. CAMPBELL: Years ago in 1975 when I arrived and my job was to sell message centers and time and temps, we usually used 25 watt and 30 watt reflectorized lamps.

The industry has tried to meet Federal, Local and State directions which go away from, let's say, aggravatingly bright lit displays, so we are usually down to a half a watt lamp to create the illusion of light without blasting you with 30 watts. So if you move the reflector, we got to be back to the 30 watt lamps. This drives FPL -- it just seems that it's an unnecessary item in the Ordinance.

VICE CHAIR SNAPP: Staff, you got a defensible position?

MR. DYETT: It was a carryover I believe --

VICE CHAIR SNAPP: Sorry, Michael, I stepped over you there. Go ahead.

MR. DYETT: We had just carried that forward from the Board action on electronic message signs that were taken, I think, within the past couple of years, so we didn't independently spend a lot of time talking about that.

Bill, do you want to add anything?

MR. WHITEFORD: I don't know the reason for that, other than that the electronic message sign provisions in the Code came from a separate ordinance which went through a lot of rigamarole at the time they were adopted outside the normal maintaining of Code changes and these were carried forward within a lot of changes.

MR. CARPENTER: I mean, it wouldn't seem logical to do away with the reflectorized bulbs if we're just going to increase the intensity of the lamp. I'm just wondering what we're achieving.

VICE CHAIR SNAPP: Initially we said no way, we didn't allow. We allowed small little ones with limited copy and things have changed.

MR. WHITEFORD: I'm not real sure what a reflectorized lamp is.

MR. CARPENTER: I don't either. What is a reflectorized lamp?

MR. CAMPBELL: A lamp exists in an envelope which is either reflectorized or just plain white. When it's reflectorized, it has a metallic, very shiny envelope behind it and it enhances the illusion of light. We can achieve this with a half a watt and a new time and temperature sign, and that's our new technology, or, I can put a 30-watt lamp in there and get the same appearance of intensity.

MR. DYETT: Would an acceptable compromise then be reflectorized lamps of one watt or more?

MR. CAMPBELL: Well, why even introduce the word reflectorized? What's the damage done there? What harm do you see?

MR. WHITEFORD: I think the idea was to keep these message center signs pretty much plain-Jane, you know, clear bulbs, what you typically see with the black background, the white or the orange letters, what you might see on the Kravis Center, not typically what you would see on that car dealership sign off of Blue Heron Boulevard on I-95. I think it was meant to be relatively constrained.

VICE CHAIR SNAPP: Well, since the effect of the reflectorized bulb is to magnify the illumines that are coming out of the bulb --

MR. WHITEFORD: And so we could accommodate colors and those sort of things, too.

VICE CHAIR SNAPP: If we said, reflectorized lamps greater than five watts, or something like that, would that --

MR. CAMPBELL: I wouldn't limit it that way. You've got changes coming along all the time. And you've already allowed a 30-watt lamp. Why not just leave it a 30-watt lamp, whether it's reflectorized or not?

VICE CHAIR SNAPP: Well, I think the objection was that if it intensifies it. If you reflectorize a 30-watt lamp, you're getting a much more powerful lamp.

MR. CAMPBELL: I would submit that this portion be added by some other criteria from the industry. I'd be glad to bring brochures and maybe we can define this a little further, so that you can have a better working rule.

MR. KALEITA: If I could just comment.

Just think about this for a minute: Our homes are filled with reflectorized lamps; every flood light you've got going into the ceiling, that's a reflectorized bulb. So they're used widely in American houses and they aren't killing anybody. And with these road signs, we have to see them. I'm 53 now. I've had to change my prescription three times. And I want to find the place I'm going to.

MR. CAMPBELL: I just feel you're getting unnecessarily into something that has very little importance, but hurts the industry.

VICE CHAIR SNAPP: I'd say, if you want to help yourself, you're going to need to bring us something. And at this point, we're going to probably be sending this over in the next couple of minutes.

I got no qualms if the committee feels good about -- if you can produce something to Staff that shows that they should amend the position that we could make a recommendation in that direction, but right now I don't know that we have enough information to make a recommendation.

Does anybody feel any differently?

(No response.)

VICE CHAIR SNAPP: Do you have any concerns if we went in that direction, Bill, if they bring you something to show you that makes sense?

MR. WHITEFORD: We'll be glad to sit down and be reasonable and reflect on this.

VICE CHAIR SNAPP: Then if you get your facts together, you can make your argument, give us supporting information, and they can make a decision based on that. Anything else?

MR. CAMPBELL: I'd be glad to do that. And I want to thank the Staff and Committee for working with us. Normally we just wake up the next day with a new law. Thank you very much.

MR. CARPENTER: They still do that.

VICE CHAIR SNAPP: Do you have any other comments, Chuck?

MR. CAPPELLA: I do have another one, on page 31, under Section B you indicate, neon signs are allowed in the Urban/Suburban Tier as part of a wall sign or a window sign only.

I guess I need definition on that, because you're limiting it to eight square feet total. If I were to put a set of channel letters on a wall, that would be a wall sign. Do we agree that's the definition of it?

VICE CHAIR SNAPP: Yes.

MR. CAPPELLA: The wall sign you normally see, with a plastic face on it, shopping center letter, a reverse channel, which is a hollow (ph) illumination. But one of the nicest

and most effective letters you can see is an open channel letter, whereby you're actually looking at the neon inside of a channel. This would be in a letter and obviously you couldn't do anything in the way of eight square feet and do an appropriate set of letters for that. These are done all over the place. They're part of the industry, too.

And I'm saying, that just to make certain that that's not going to be termed a neon sign as opposed to a wall sign, which it is, but you just happen to be able to see the neon into the channel.

VICE CHAIR SNAPP: We've never looked at it that way before, have we?

MR. CAPPELLA: I don't know. This has never been in there.

VICE CHAIR SNAPP: That's about the only way to light them up.

MR. CAPPELLA: The verbiage says, wall sign or window sign.

MR. WHITEFORD: I was thinking of another issue as Chuck was speaking. But we may have to put an exception in here for arena type uses, that sort of thing, much like the electronic message center signs, because I know that the dog track just put up some brand new signs, some pretty neat looking signs that involve some neon. I believe they have an entire greyhound outlined in neon and some highlights on a funky kind of almost Jetson type looking thing. It's a pretty neat looking sign, but it's got neon elements and it's on a freestanding sign.

MR. CARPENTER: Tell them to hurry up and get it up.

VICE CHAIR SNAPP: In support of Chuck's position, that's the standard, is to use neon tubing inside those channel letters, so I think we probably ought to incorporate an exception for the neon in channel letters, which has already been calculated under square footage, as a different type of sign.

Is there any objection to doing that? Michael?

MR. DYETT: I think that's fine.

VICE CHAIR SNAPP: Looks like there's no objection with that, so we'll just do that by acclamation.

MR. CAPPELLA: Thank you.

On the next page, 32, I just say this from the standpoint of people I deal with, two issues, you have under Section 7, paragraph C, if a sign is removed from its supporting structure for longer than 90 days, the supporting structure shall be removed.

Again, I deal with tenants and developers who may lose a tenant and they've got a very nice and very expensive freestanding sign up there. They may not be able to lease that in 90 days and you're asking them, not to just remove the faces, you're asking them to remove the entire structure, which might be worth four, five, six, eight, ten thousand dollars. I just think that's a pretty severe limitation, in terms of what is a very valuable sign. And I'm sure some of you in here have that experience where you're trying to rent out a location to another major tenant; sometimes it simply can't be done in 90 days. And let's say they did it on the 91st day and you wanted them to cut that thing down, well, you'd be put in quite a severe economic hardship in having them put another structure up there with all the cost entitled in there.

MR. DYETT: May I ask the speaker whether the Section 8 is okay, because maybe Section 8 is the way to go instead of Section 7.C?

MR. CAPPELLA: Well, that's fine. You're saying just put a blank in there. And I would recommend that on that structure. Let's say you take the faces out or turn them around or just put brand new blanks in there and leave them that way, thereby you'd be accomplishing two things: You'd preserve the structure, and frankly those faces, after having been put in to be reused, rather in turn could maybe be putting copy on that area.

VICE CHAIR SNAPP: I was going to suggest you change the copy to say, for lease,

or, available.

MR. CAPPELLA: That's fine.

MR. KALEITA: It says it has to be replaced with a noncommercial message. For sale is a commercial or for lease.

VICE CHAIR SNAPP: Wait a minute. If you're pulling a permit, why can't it have a commercial message, as long as it's site specific?

MR. WHITEFORD: If it's site specific, it's fine.

VICE CHAIR SNAPP: You've got a site specific message -- if I've got a building and I'm trying to lease it, that's a site specific message. So, I mean, I would think you should have the opportunity to make -- in fact, that's going to encourage that thing to turn over quicker to get another sign --

MR. CAPPELLA: I just put that, in all fairness to the individual owner of that property or that center, or what have you, I think that would be a much more equitable way to handle that and allow him a little more time to do that.

MR. KALEITA: I would like to suggest, and I'll make a motion, that the wording "noncommercial message" be deleted, "replaced with a noncommercial message."

And in that regard, I want to draw all of your attention to the statement at the beginning of the Staff handout, which stated that, in the Metromedia Case, the Supreme Court said you can't regulate sign content. This is direct regulation of sign content. And I'm referring now to the footnote found at the bottom of page 2 of our handout.

If we're not supposed to regulate sign content, we can't put in a statement like, replaced with a noncommercial message, because that is direct regulation of sign content. If we delete it, we comply with Metromedia and we eliminate the problem currently brought up to industry.

VICE CHAIR SNAPP: Well, I think you can change the word to site specific, because we already have things that say you can't have an off-premises sign. If it's a site specific message, it complies with the balance of our Code because it is now not an off-premises sign.

MR. KALEITA: How about a site-related message?

MR. WHITEFORD: Doesn't nine take care of it?

MR. KALEITA: Well, the one that's unconstitutional is in eight. If we are -- we got a constitutional issue with eight and I think we are -- either delete the regulation of message entirely or we make it related to the billboard versus non-billboard provisions of the Code, which is the only way the Code can regulate it.

VICE CHAIR SNAPP: I can go with site related; exchange noncommercial for site related. I think that solves the problem.

MR. KALEITA: I'm going to make that motion and look for a second.

MR. CARPENTER: Doesn't nine cover both instances?

MR. KALEITA: Well, no. Because nine repeats the noncommercial message regulation, which is unconstitutional.

ASSISTANT STATE ATTORNEY BERGER: No. It says you can substitute commercial for noncommercial.

MR. KALEITA: You're regulating content. Who gets to decide what's commercial related? Does the inspector get to decide?

MR. DYETT: Is Lenny still there?

ASSISTANT STATE ATTORNEY BERGER: There's nothing left between commercial and noncommercial messages. I think what we're trying to accomplish in nine was to say, you can put any message up there if it was permitted as a noncommercial in the first instance, you can make it commercial or noncommercial. If it was commercial in

the first instance, you can make it noncommercial or commercial.

And it's really trying to balance -- you know, there's been a few cases since Metromedia which say today, the world of sign law is screwed up. Because it's true we have to be content neutral, but yet there are also cases that say, political speech gets to have special treatment, gasoline signs get to have special treatment, campaign signs get to have special treatment. So there's a Catch 22 that the 11th Circuit noted in a Florida case, well, you know, you do have to be content neutral, but sometimes you have to be so content neutral that you kind of regulate content. So this is our attempt to try to cover all of the bases.

VICE CHAIR SNAPP: See what happens when you wake up an attorney.

MR. KALEITA: And if noncommercial can become commercial and commercial can become noncommercial, then why is it in there at all? Take it out of eight, delete nine, and we're not in the business of ever determining whether something is commercial or noncommercial in the way of a message, which could keep us from regulating what could otherwise get you in trouble. Why make a distinction between the two if you can do either one at any time? If you can do either at any time, then we don't need the words noncommercial in eight and you delete nine altogether and we're in no danger of even being accused of running afoul.

VICE CHAIR SNAPP: Bill.

MR. WHITEFORD: One of the suggestions, I know one of my earlier comments on nine was to just say that the owner of a permitted sign may substitute a commercial message for a noncommercial message, just -- only because it gives direction to Staff and gives direction to those inspectors who aren't familiar with Metromedia cases, that it's crystal clear up front that if you have a freestanding sign for a business that goes out of business, you can put up, have a nice day, or something like that, and no one's going to object to it.

VICE CHAIR SNAPP: The only restriction is to not create the off-premises sign, which is prohibited in the Code.

MR. WHITEFORD: And that's the flip side. If you all of a sudden take that sign and you start advertising some other business across the street --

MR. KALEITA: That's a billboard.

MR. WHITEFORD: -- well then we get into a sign that's not permitted and that's what some people want to avoid.

MR. KALEITA: Well, then, can we go back to changing noncommercial message to a site-related message in eight and then you guys can worry about the problems that nine might create for you?

VICE CHAIR SNAPP: Is there a second to that?

MR. CARPENTER: Second.

VICE CHAIR SNAPP: Okay. I've got a motion and a second to change the words "noncommercial" in paragraph 8 on page 33 in Section 7.14 to be "site related" and would be leaving nine alone. That's the motion on the floor. Is there any comment on that?

(No response.)

VICE CHAIR SNAPP: Seeing none, all those in favor of the motion please signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

MR. CARPENTER: I'd like nine staying in there, just because if you eliminate it -- I

mean, this tells you what you can do. If you eliminate it, you're not addressing anything. There's always a question.

ASSISTANT COUNTY ATTORNEY BERGER: Nine is just about abandoned signs.

MR. DYETT: I think nine should stay in.

VICE CHAIR SNAPP: It is right now. We haven't messed with it.

So at that point, your concerns are addressed if you change the copy, correct?

MR. CAPPELLA: Should be. I think that's much more equitable.

MR. CAPPELLA: I have one last thing, and this has been brought up at several meetings, on page 34, the wall sign standards in the table. It has been 1.5 for 23 years that I'm aware of. We had several discussions at the Staff -- with the Staff and with the meetings. It's now been reduced to one square feet. And some of the objection was, well, if you have a hundred foot building, you get 150 square feet.

I deal and I would say that 99 percent of the permits that I bring downstairs to the front desk are small businesses; they've got 30, 25, 20 feet of frontage. That rare individual who has a hundred foot building, more power to him. But in this case -- for example, if I have a little tenant with a 20-foot bay, formerly he could have at least gotten 30 square feet of signage up there, which frankly isn't very much; you've got a 20-foot fascia five feet high and you're going to put a name or Italian Restaurant, Northern Cuisine, that takes up that 30 square feet rather quickly. In 20 square feet, you're really severely limiting him. There's not a great deal that could be put up there. I would make the analogy that I can get 20 square feet on Worth Avenue in Palm Beach. And I don't think that the Code in Okeechobee, some little fellow running a place over in one of those strip centers should be held to as severe a restriction as that Code. That's probably one of the most severe around. I don't know why it was changed from 1.5 to one.

And, Michael, if you recall, we did do several discussions on this.

MR. DYETT: We did. And maybe the idea is that the very small frontage should have a minimum size that you would offer.

MR. CAPPELLA: Then let's make a minimum of 30 or 35 square feet, which would accommodate a very small tenant area.

MR. DYETT: I think that sounds fair.

Bill, do you have any comments?

MR. WHITEFORD: Well, I'm just thinking that what you may get is a center that's chopped up and goes in the minimum necessary to qualify for the signage. I don't know, I'm just thinking off the top of my head.

MR. DYETT: When we looked at the shopping center base, we did see a fair number of 16 and 20 foot base. And this would be fair, but it would not be --

MR. CAPPELLA: Excessive.

MR. DYETT: -- excessive, and it would relate to the width of the bay. And I don't think

it's necessarily an unreasonable request.

MR. WHITEFORD: I would perhaps use a sliding scale along this line, that if you were to go back to one and a half, the one and a half would be perhaps the first 100 feet and then one for -- you know, over a hundred, that type of thing. So that if you had the guys who had below a hundred, they could qualify for the one and a half. But then once you got into over a hundred feet of frontage or something like that, then you drop down to a one.

VICE CHAIR SNAPP: Are you going to continually blur this? Otherwise, the guy who has 102 feet just lost 50 square feet of signage.

MR. DYETT: No. It would be additive, so that for the first hundred feet, you get 1.5, and then if you're a hundred and two, you get 150 plus the two feet times the one, so that it would be an additive. Someone wouldn't lose square footage if they were a hundred and two feet.

MR. KALEITA: I might add, if I will, that one of the objectives of these buildings is to have similar signage. And if we have too great a disparity in what's allowed based upon signs, we end up with a plaza with signs blown up in one location, get real tiny on the next one and are all different sizes, and that's very unattractive esthetically. And after all, that's what sign regulation is all about.

MR. DYETT: I think you're better off giving everyone a minimum size. That creates a little more uniformity.

VICE CHAIR SNAPP: Under the old Code, a 15-foot is about the smallest bay you can function with. Most of them are either 16 or 20 and they're functioning with four foot panes of glass, or your storefronts.

But if you had a 20-foot bay, which is a pretty standard bay, 30 square feet, with a 15-foot bay, you're going to have 22 and a half feet. I think that's the only issue. If you're looking at an office building, you don't have bays. So with retail, maybe we could make the provision, that for a retail on the bays, that they could have one and a half square feet.

MR. CAPPELLA: Or a minimum 30, which isn't bad.

Again, we used the 1.5 for years and years and years; you can't get excessive with that. No matter what you do, it's still one and a half. You have a 40-foot bay, you're going to get 60 foot of signage, but you've got 40 feet there.

VICE CHAIR SNAPP: And I think this is only, like I said, an issue on retail space.

MR. CAPPELLA: Yes.

VICE CHAIR SNAPP: What's your pleasure? You want to leave it at one foot? You want to make a recommendation for change? Tell me something. I don't think it's an unrealistic request with retail. But when you get to the big buildings, you're looking at something different.

MR. WHITEFORD: I think also, too, maybe we're looking at a different way of maybe the industry calculating it. Because the way that Chuck described it, they're looking at the individual bay, one square foot per frontage of that bay. In reality, the way the Code works, it's one per linear foot of frontage for the entire building. So you can rob from Peter and give it to Paul in the way this new Code is being written, unless I'm wrong -- and Michael can tell me that --

MR. DYETT: You're correct.

MR. WHITEFORD: So it's a matter of calculating it differently in the future for the industry.

VICE CHAIR SNAPP: In terms of robbing Peter to pay Paul, I think Mr. Kaleita is right, that's not a good thing, because what you want is some consistency.

MR. WHITEFORD: I think you can come up with a consistency, because one of the terms Michael likes to use is sign budget. So what you do is, you calculate your entire sign

face area for wall signs based upon your entire frontage and then you divvy it up according to some other things that are built into this Code, which is a Master Sign Plan, and then you begin to say, this tenant's going to get this, these tenants are going to get that, and you begin to divvy it up and even it out that way.

MR. KALEITA: One of the plazas that I represent did this, where each bay was allocated a certain amount of space, and they had an interest in making sure that the signs were uniform, they had criteria --

MR. CAPPELLA: That's fine, Bruce. However, let's say you have five bays in that hundred feet he's describing. You could take the first bay and say, I'm going to give you 40 feet, I'm going to give you 10, I'm going to give you five, you couldn't allocate that unfairly by each bay, you couldn't -- each bay should have exactly the same amount of square footage.

MR. KALEITA: I haven't met a plaza owner that wants to do that to his tenants --

MR. CAPPELLA: That's my understanding --

MR. WHITEFORD: We're not going to do that to somebody. They're going to come to the County to propose that --

MR. DYETT: If you look at page 25, page 25, the Master Sign Plan requires that all tenants be provided adequate opportunity for identification.

VICE CHAIR SNAPP: Here's the problem you got: If you don't codify that you can't shift this square footage or acquire the Sign Plan, here's the problem you're going to have, you got a lot of owners out there that are not sophisticated owners, they're not shopping center developers. Shopping center developers will take -- this is never going to be an issue -- they will have a Sign Plan in their lease. But you've got some small business owner or a doctor or a lawyer or some investor that's bought a piece of property as a real estate investment and it's just -- it's an investment. And what happens is, the first time he in comes in and they go down and the County says, okay, they get a maximum of 40 square feet and the next guy goes to get the permit for his sign and he can't get the permit because it's already been used. That will happen. And that's not a good situation to create. It happens with pylon signs all the time, or freestanding signs. You're creating a situation if you allow that to be distributed behind the bay area.

I strongly recommend you say, it's some percentage of some square footage based on the frontage area of that location, because they're going to come in and get their occupational license and they're going to come in and get a permit for that bay. And I think you're making a mistake if you allow them to go outside the area of that bay. And so whether it's more than one and a half feet or whatever the number is, I think you need to hold it to that.

MR. KALEITA: You understand, if you do that, then you're going to have a sign landscape on plazas that really is product of the size -- the proportionate share of leased premises below that sign; and that all those signs are going to have completely different sizes, from that to this, to this.

MR. CAPPELLA: Bruce, if I may say so -- pardon me -- but let's say you take a shopping center, you want that criteria to be reverse channel backlit letters. Crystal Tree is a good example in North Palm; we have a reverse channel backlit letter. However, each of the bays, you've got some bays that have 60 foot frontage, you got some bays that are 20 foot frontage, however, they have a maximum size letter, 20 inches, so you can't use anything more than 20 inches. And then it would be just sensible for any of the developers to say, okay, we know what the bays are and you have a maximum size letter of 18, 15, 17, 20 inch --

MR. KALEITA: That's not County imposed. That's imposed by the knowledgeable landlord.

MR. CAPPELLA: And the square footage involved with that individual bay. There's no reason why a fellow with 60 feet of frontage shouldn't be allowed a greater sign than the fellow with a 20-foot bay.

MR. KALEITA: I'm just imagining what the County might not like and the County might not like the hodgepodge of sign sizes.

MR. CARPENTER: I don't think that would be the case.

VICE CHAIR SNAPP: Actually it promotes the opposite; it promotes uniformity. If you put those restrictions, it promotes uniformity.

MR. CARPENTER: You're going to have about the same letter size because they're going to be judging how big does the letter need to be to be seen from the street and that's going to determine what the length of your sign is.

MR. WHITEFORD: I think it's also important to point out that the program that's before you, the County has no interest in dictating who gets what signage. The County is just simply putting forth a method to calculate it and then you put together a plan that we require and you begin to allocate it however you so desire. We're looking for good sign plans and we have opportunity to comment on those.

The issue that you talked about, D.J., is certainly a realistic one. And I think that if a tenant came in today, unless it had authorization from the owner of the entire center or they represented the entire center, we probably would calculate their signage just based upon the area that they had control over. And if they didn't like that calculation that they were going to get, you're only going to get the small sign because that's all you have control over, then we'd have to tell that person to go get the owner, have him come in, have him do a new calculation based upon the entire frontage, do the Master Sign Plan that the Code calls for, and begin to put forth -- much like they do in North Palm Beach -- an entire plan for the project.

MR. KALEITA: But that's not currently in the Ordinance, right?

MR. WHITEFORD: No. That is. That's what's being proposed in here, is the opportunity to do Master Sign Plans based upon your --

VICE CHAIR SNAPP: But is it clear --

MR. KALEITA: It says, building frontage. It doesn't say, frontage of applicant's space. And that's what was raised by the sign industry rep here, that question.

So are we going to say then, it's really not building frontage, it is based upon the frontage of the individual storefront, or, are we going to say it's okay for it to be building frontage, so long as any individual applicant only gets a sign that's based upon his little frontage and that this is solely for determining a great sign and size for the overall building?

MR. CAPPELLA: Which Code currently is based on your leased sign area. I can't use somebody's square footage from next door or either side to get a larger sign.

MR. KALEITA: Are you saying that the term "building frontage" is construed as being the store's leased by --

MR. CAPPELLA: I can bring in a whole shopping center. Their leased area is just what they have. Their area may be 20 feet, 25 feet, whatever it is, and that's the calculation. They certainly can't take the entire area and say, well, that's not being used, I'll apply it to mine. I couldn't get a permit on that, and wouldn't want to, frankly, in all fairness to every tenant in there.

VICE CHAIR SNAPP: I would like to see it clarified that that's in the Code, that that's what it is, that it's speaking about the leased sign area. And if that's the case, I have no qualms about having to go to the one and a half square feet with respect to retail spaces.

MR. KALEITA: It would be per leased building frontage.

MR. CARPENTER: Where is that? Added to what page, line?

VICE CHAIR SNAPP: Well, that would change it to say that you get one and one half square feet for wall signs per leased linear foot of frontage with retail, and just leave it at the one foot for everything else.

I don't remember what page it's on.

MR. DYETT: Thirty-four.

VICE CHAIR SNAPP: Did you understand that, Michael?

MR. DYETT: I did.

MR. CAPPELLA: Excuse me; let me read to you the current Code under wall signs, the total square footage of all wall signs of any wall should not exceed any -- in surface area of one and a half times the length of the exterior wall of the individual business establishment to which it is attached.

That's reading from the current Code.

MR. WHITEFORD: No, no, no. That's current Code. That's the difference between the old Code, looking at it per lessee, to the new Code, which the concept was, you get a sign budget based upon your entire frontage of your building, you do a sign plan and you divvy it up, you present it to the County. We're not going to dictate that. You come up with an attractive sign program based upon the amount of signage that you get total available for your building.

VICE CHAIR SNAPP: I would suggest a change, and that's that you have Option A or Option B: If you submit a sign plan, that's what happens; if you do not, then it should be what the old Code was. Because if the people are sophisticated enough to handle that, that's great. But if they aren't, then you get the problem I was telling you about, where it gets used up and the last three tenants can't get a sign.

MR. KALEITA: Let me make a motion that we incorporate that provision from the old Code on all situations, that there is also an approved Master Sign Plan.

MR. CAPPELLA: At one and a half square feet?

VICE CHAIR SNAPP: I think we got two issues right now. One is how it's calculated. And what's being proposed is that, if there's a Master Sign Plan and it's approved. But if there isn't, then it's lost in the old language of what the space of -- whatever's that frontage. That's issue one, okay.

MR. KALEITA: And that's my motion.

VICE CHAIR SNAPP: Did you second that, David?

MR. CARPENTER: For discussion, let me just see if this is what Bruce is -- if we kept the old Code like it is and then say or present the Master Sign Plan, then the standard Code would be that you get the sign based on the actual lease space, unless you approve otherwise with a Master Sign Plan.

VICE CHAIR SNAPP: Well, that's exactly what his motion says.

MR. CARPENTER: You want to establish in the standard as the lease space --

MR. PEDUTO: I'll second that motion.

MR. WHITEFORD: Just to make sure it's clear before you call the question; it would only apply then to older projects, because anything new is going to have a Master Sign Plan up front, ahead of time, working with sophisticated people when they're developing a project. This would only apply to an older project that doesn't have a Master Sign Plan, that scenario.

VICE CHAIR SNAPP: So you got an "either/or" situation.

You got that, Michael?

MR. DYETT: Just one clarification. This really is only the Urban/Suburban Tier or is this 1.5 going to be in all tiers?

VICE CHAIR SNAPP: Really isn't talking about the 1.5, but it would only be in the

Urban/Suburban.

MR. DYETT: Just to clarify. I think that makes sense.

VICE CHAIR SNAPP: And the addition that we're making is that, if there is no Master Sign Plan, then it just kind of strictly will follow the language in the old Code.

MR. DYETT: Sounds good.

VICE CHAIR SNAPP: Is there any question about -- any comments about the motion?

(No response.)

VICE CHAIR SNAPP: Then I'm going to call the question.

All those in favor of the motion to create the alternative, if there is no approved Master Signage Plan, to calculate the square footage of the signs based on the language in the old Code, addressing the frontage of the leased premises, all those being 1.5 feet in the Urban/Suburban Tier, all those in favor of the motion signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed to the motion?

(No response.)

VICE CHAIR SNAPP: Hearing none, passed unanimously.

MR. KALEITA: So we addressed both the 1.5 and what happens if there's no Master Sign Plan.

VICE CHAIR SNAPP: That's correct. I think that was your last issue.

MR. CAPPELLA: Thank you so much for your help.

VICE CHAIR SNAPP: Is there anything else to come from the Committee?

MR. PEDUTO: I don't know if technical items should be brought up at this time.

VICE CHAIR SNAPP: We have a yellow sheet that was passed out which suggested errata changes that are incorporated from the County Attorney's office and we'll put that on the table, plus Damien has some comments.

MR. PEDUTO: Just very brief and insignificant: Page 13 references construction signs, two types. And if the language, instead of "B" saying, over five acres, can address five acres or more, and then the reference diagram down below indicating "less than" can reflect, "B", than that would take care of that comment. That's the only comment I had technically.

VICE CHAIR SNAPP: Okay. Steve.

MR. DECHERT: Going through the definitions, just clarification on page 65, awning, that identifies it as a temporary hood or cover. And on page 35, it doesn't identify it as a temporary.

MR. DYETT: I think the word "temporary" should be struck on page 65.

VICE CHAIR SNAPP: We also need to strike nonfunctional now, correct, there's no reason to maintain that definition any longer?

MR. DYETT: The functional, nonfunctional, that would be eliminated.

VICE CHAIR SNAPP: Right.

Anything else?

MR. DECHERT: Also on canopy sign on the same page it says, see awning or canopy sign. I think "sign" needs to be stricken from the "see", so you can have, see canopy. Is that correct?

MR. DYETT: I'm sorry, I don't understand the change.

MR. DECHERT: Page 65 where it says, canopy sign, it says, see awning or canopy sign, the word "sign" needs to be stricken. Keep going back to the same thing.

VICE CHAIR SNAPP: It's one of those circle things.

MR. DECHERT: And there is no definition for wall signs, as there is on page 34. There is no definition in the definition's area for wall signs.

VICE CHAIR SNAPP: So we can just move what's on 34 into the definition section. Okay.

MR. DECHERT: That's all.

VICE CHAIR SNAPP: So does anybody have any questions about the errata sheet, the yellow sheet that was handed out? Any explanation from Staff?

(No response.)

VICE CHAIR SNAPP: Looks like we're happy with the yellow sheet.

Is there a motion to make a recommendation for the Sign Code?

MR. DECHERT: So moved.

MR. KALEITA: Second.

VICE CHAIR SNAPP: I'm assuming with -- the motion is to incorporate the changes that we've adopted today and incorporate the amendments in the errata sheet into the document for presentation with a recommendation of approval; is that correct?

MR. DECHERT: Correct.

VICE CHAIR SNAPP: Any questions or comments on the motion?

(No response.)

VICE CHAIR SNAPP: Seeing none, all those in favor of the motion signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

MR. DYETT: Thank you very much.

(Staff Comments.)

VICE CHAIR SNAPP: Do we have any staff comments?

MR. KALEITA: I would like to remind the Chairman of the need to adopt the rule on committee formation before we adjourn.

VICE CHAIR SNAPP: Okay.

MR. WHITEFORD: Let's say good-bye to Michael real quick.

VICE CHAIR SNAPP: Good-bye, Michael.

Mr. Kaleita and Mr. Berger, do we have it in front of us someplace? I notice we did get clarification that you can talk to your alternate about issues; it's not a violation of the Sunshine Act that came up a couple of meetings ago.

ASSISTANT COUNTY ATTORNEY BERGER: Your own alternate.

VICE CHAIR SNAPP: That's right.

Now on the Rule, which is --

ASSISTANT COUNTY ATTORNEY BERGER: This was a committee request to come back with some sort of policy for formation of subcommittees. And I think the problem that gave rise to it was, I guess there's been quite a lot of subcommittee work -- I suppose that would be an understatement -- but that there was an issue with quorums. And the main reason for this was to provide just a way for you to form committees and specify a really small quorum.

I think I have two members, unless you want to have something else.

VICE CHAIR SNAPP: Is there any question on the issue, two members to have an official subcommittee meeting?

MS. ROSS: Is that two members and one Staff or just two members?

ASSISTANT COUNTY ATTORNEY BERGER: No. Two members of the subcommittee.

I mean, if you want to change it any other way you like, it's your pleasure. I just thought I'd -- I think we discussed maybe just having a couple of members.

MR. KALEITA: I don't know that quorum matters. Because quorum is only needed when there's going to be a vote and the subcommittees, they're not going to be voting, it's just recommending, because a vote would be something the CTF would take.

ASSISTANT COUNTY ATTORNEY BERGER: What this says is it provides you with consensus findings and the subcommittee would lay out remaining issues --

VICE CHAIR SNAPP: Two people is sufficient to conduct a meeting.

ASSISTANT COUNTY ATTORNEY BERGER: If you have one, it's kind of silly.

VICE CHAIR SNAPP: Instead of calling it a quorum, why don't we just say two people sufficient to conduct a meeting?

MR. KALEITA: We'd have to ban talking to yourself during the meeting.

VICE CHAIR SNAPP: If you're schizophrenic, you can hold the meeting by yourself. Do we need a motion to adopt that?

MR. KALEITA: I move that we adopt the Rule as amended.

VICE CHAIR SNAPP: Is there a second?

MR. PEDUTO: Second.

VICE CHAIR SNAPP: Yes, we have a second from Damien.

Any discussion on the motion?

(No response.)

VICE CHAIR SNAPP: Seeing none, all those in favor of adopting the rule as amended signify by saying, aye.

BOARD MEMBERS: Aye.

VICE CHAIR SNAPP: All opposed?

(No response.)

VICE CHAIR SNAPP: Motion carries.

(Board Comments)

VICE CHAIR SNAPP: Anything else to come before the committee from Staff?

MR. MACGILLIS: No.

VICE CHAIR SNAPP: Thank you for your attendance and your patience. The meeting is adjourned.

(At 4:50 p.m., the meeting was adjourned.)

CERTIFICATE

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I, SHIRLEY D. KING, Professional Court Reporter and Notary Public in and for the State of Florida at Large;

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages comprise a true and complete transcription of the Citizens Task Force.

I FURTHER CERTIFY that I am neither a relative nor employee of any of the parties or their counsel, nor financially interested in the action.

Witness my hand and official seal in Palm Beach County, Florida, this _____ day of July, 2003.

SHIRLEY D. KING,
Professional Reporter
Notary Public, State of Florida