

**SHELBYVILLE BOARD OF ZONING APPEALS  
MEETING MINUTES  
November 9, 2021**

Chris Clark: Good evening. The November 9, 2021 Board of Zoning Appeals meeting will come to order. Mr. Secretary, will you please call the roll?

Adam Rude: Mr. Cassidy - here, Mr. Clark - here, Mr. Bradburn - here, Ms. Terrell - here (virtually).

Clark: Our agenda calls for the approval of the minutes from September of 2021.

Doug Cassidy: Motion to approve.

Vince Bradburn: Second.

Clark: We have a motion and a second. We'll take a voice vote.

Rude: Mr. Cassidy - yes, Mr. Bradburn - yes, Mr. Clark - yes, Ms. Terrell - yes.

Clark: The minutes are approved. The agenda shows the next thing is Old Business and since we have none to look at, we will jump right in to New Business. Mr. Secretary, would you please start us off with that?

Rude: Yes. First item under New Business is BZA 2021-09 the Culver's pole sign special exception. The petitioner's name is Springfield Signs. The owner of the property is S & L Properties Shelbyville, LLC. The petitioner's representative is Laura Martinson. The address of the property is 1930 N. Morristown Road. Subject property zoning classification is business general and the request tonight is approval of one special exception use to allow a pole sign within the interstate corridor.

Clark: Would the petitioner please approach the podium? Please state your name.

Samuel Watts: My name's Samuel Watts. I'm with Springfield Sign out of Springfield, MO.

Clark: Okay, please tell us about your project.

Watts: Hi, yes so I represent Culver's franchising as the national sign company. As you guys are aware, I believe there's a new restaurant coming in here to Shelbyville. We're requesting in the interstate corridor a high rise sign similar to McDonald's, Zaxby's, Cracker Barrel. I believe if we were granted the exception, the codes state that the sign can be 100' in overall height, cannot exceed that and a maximum of 200 square feet. As we have it drawn, we adhere to both of those standards, the hundred foot max and we are less than 200 square feet so we feel the

sign's important especially in an interstate store is a good way finding program. There are many aspects to a way finding program on the interstate. Once you're off the interstate, interstate blue signs, all of that is part of a good way finding program. We just ask that this sign be allowed in order for our guests to be able to access the interstate and find the restaurant and hopefully help the business succeed like it has in over 800 locations around the United States. So I'm here to answer any questions you may have, technical questions in regards to the sign. This is a Culver's standard oval that we provide. It would be LED illuminated. All structural engineering would be provided and we would follow any local necessary codes to erect the structure. So any, that's all I have. Any questions?

Clark: That's what I will do. I will ask (?) questions if you have any.

Bradburn: I don't have any questions.

Clark: Mr. Cassidy?

Cassidy: Just curious; have you contacted Cracker Barrel in putting your sign under their sign? It would get you close to the interstate.

Watts: So I have not. Now I can tell you with those signs, especially a highrise application, they're usually designed for a certain amount of wind load and height. So adding a sign below an existing sign usually, I'm sure Cracker Barrel when they built that sign, they erected it for just enough square feet that their sign could have because over-engineering it would've added cost to their bill originally. So we do the same thing in our regard when we are engineering this. I'm not gonna engineer it for more than 200 square feet so more than likely I would say they probably couldn't add it on there but that is an assumption.

Cassidy: No I was just curious....(inaudible)....close to the interstate....(inaudible)....Thank you.

Clark: Ms. Terrell?

Terrell: No questions.

Clark: At this point, this was pretty straightforward. I have no questions. So I'll close the questions from the board and open it to the public. Anyone from the public wish to speak?

(?): Just taking notes.

Clark: Alrighty, no one from the public wishes to speak so I will close comment and I guess we'll move to a motion.

Bradburn: I'd like to make a motion to approve the requested special exception use to allow for a pole sign in the business general district in accordance with the petition (?) planning staff and the Findings of Facts and the planning staff's report.

Clark: We have a motion.

Cassidy: Second.

Clark: And a second. We will, since we are in hybrid(?) mode, we will ask for a voice vote.

Rude: So it's a motion for approval on PC 2021-09: Mr. Cassidy - yes, Mr. Clark - yes, Mr. Bradburn -yes, Ms. Terrell - yes. Motion carries.

Clark: We'll move on to the next item on the agenda, the ....(inaudible)....

Rude: The second and last item under New Business, BZA 2021-10. Again, this well this is the Culver's EMC special exception. All the same petitioner name, owner's name, owner's representative, address and zoning classification. The difference on this is it is a request for approval of a special exception use to allow an electronic message center so a digital sign on this property. We discussed it during the pre-meeting but I'll kind of walk through staff's concerns and recommendations. So because of the sign's location on the pole sign and facing out towards the interstate, we feel that it could be a safety hazard. A message or a sign with changing message could become distracting to interstate travelers when all the other signs in the area ....(inaudible)...just normal pole sign with a (?) or something. And along those same lines, we feel that the additional signage on a pole in the area might add some visual clutter. For those reasons stated in the staff report, we're recommending denial on this request.

Clark: Thank you.

Watts: Okay so with that, a couple of points of clarity that I would like to make in regards to our submittal. I did happen to arrive a little bit earlier so I heard some of the discussion. The purpose of the electronic message center that we are proposing is not in any way, shape or form to be oriented to the interstate traffic. It is made to be set and oriented to the main thoroughfare road in front. So typically with a Culver's we have a free standing sign whether it be a monument sign or a pylon sign, like a 30' tall pylon sign not the 100' footer that we're showing here. Initially when I drove the site today, I looked up and down and like McDonald's for example, McDonald's has a highrise sign and then they probably have between a 15-20' pylon sign with a static manual copy board. When we were looking at the plan and to reduce the visual clutter that staff has brought up is our thought was instead of placing two signs similar to that, we could only place one sign. The highrise would be oriented towards the interstate to gain that interstate traffic and then the EMC is oriented to that main thoroughfare traffic, basically to spread messages about the flavor of the day, public events, fundraising or items that the store is selling. I do understand concerns about the EMC message centers and they can be, if they are run incorrectly by operators that aren't following our guidelines or what we provide for Culver's, yes they can flash and they can be a nuisance. What we do and what we provide for Culver's nationwide is graphic and marketing loops that are consistent across the brand, across the store and then also we work with municipalities like yourself to set any kind of hold

restrictions to time messages so someone's not flashing or strobing that could cause issues. That can be anywhere around the country to 8 second hold times to we have some municipalities that you know we have one hour so that message can only change once an hour. In the Culver's world, messaging like this for the guests is critical to their marketing campaign. Getting out that flavor of the day, that's a big piece and a big core of the Culver's business and that's predominantly what those EMCs are used for. I do understand the concern staff has brought up. I just wanted to clarify that we were not trying to hit interstate traffic. It was mainly for that thoroughfare class traffic and we're willing to work with the city in any way to make sure they're comfortable that we're not causing clutter or a nuisance to traffic coming up and down that street. But another thing that I noticed with other restaurants in the area like McDonald's for example, has an old static manual copy board where you change the letters. One of the reasons why we've moved away from that is 1) you can change the message from the comfort of an office, just technology this day and age. You know it's come a long way. The other thing that a lot of owner/operators get into is employee safety. So with a lot of those you send 15, 16 year old kids outside with a change arm. They're up on a ladder and they're up there banging that. I'm from southwest Missouri. We don't have very bad winters but I know as I travel north, it's not the same so a lot of times owner/operators like us digital because they change the messages from their office. They're not having to send a staff member out there to change the message. So again, I'm here to answer any technical questions but just a few points of clarity on what we're looking to do with that sign.

Clark: Okay, thank you. With that, I'll start with questions from the board; Mr. Cassidy?

Cassidy: This sign will be on the bottom of your big sign, is that correct?

Watts: Yeah.

Cassidy: So is it gonna be in front of the driveway.....(inaudible)...

Watts: So the plan.....sorry, I believe you had the submittal for the site plan.....

Cassidy: Inaudible comment.

Watts: So yeah the plan would be the 100' highrise. You have the Culver's oval on the top. The EMC would be set on that same pole approximately 15' off grade on that same pole, yes sir.

Cassidy: It's only gonna change once an hour? It's not gonna be changed (?).

Watts: Well right now, based on your guys' current codes, that's not stipulated. That's something we're willing to negotiate. I know the owners would be willing to if you were interested in to hopefully go with this as an option.

Cassidy: And where that (?) would that....I know there's fencing there and ....(inaudible)....would people be able to see this sign? The.....

Watts: I believe so, yeah.

Cassidy: That's all I have.

Clark: Mr. Bradburn?

Bradburn: Yes, one question I have is so the you're thinking (?) of the highrise sign and not the pylon sign (?) site plan?

Watts: Uh huh.

Bradburn: The pylon sign....(inaudible)....

Watts: And actually what I'm looking, that plan was the original plan.

Bradburn: Okay.

Watts: So we have submitted another one. We eliminated that smaller pylon sign. So we were we're only planning one large sign. So I believe and when I was listening earlier, I believe that might be some of the confusion is I don't have a plan for another smaller free standing sign. We just are seeking the 100' highrise with the EMC on it. So I'm not asking for two there, just the one.

Bradburn: Is the is the rationale so I guess why not a monument sign? Why not a sign that's ....(inaudible)...

Watts: We could absolutely do that. My thought was almost, I have the structure here to not put two signs on that frontage road. I understood it could be done that way and if you guys did not want the EMC on the highrise it's a route we could look at. I was just trying to go to one sign instead of two. So almost, the less cluttered ( ?) if you would.

Bradburn: ....(inaudible)....appreciate....(inaudible)....as opposed to it being a high school kid having to get out there and change a sign myself, I certainly appreciate the advancements in technology. So I appreciate that. Alright, I guess that's all I had.

Clark: Alright, Ms. Terrell?

Terrell: Nope I think they asked a question that I was thinking. He answered my question. Thank you.

Clark: One of my questions would be what are the hours of operation of this Culver's store and how long will the sign be on?

Watts: Okay that's some typical Culver's, it can vary by franchisee to franchisee but general hours are 10:00 a.m. to 10:30 at night. Sometimes in the summer, locations stay open a little bit later, 11:00, 11:30. That's another item that can be scheduled with the digital sign is a lot of municipalities we put in that 30 minutes after close the sign must go dark or go black and the same thing is 30 minutes in the morning prior to opening, that's when the sign can fire up. So it's not running all night uselessly, sorry but typically 10-10:30. Summer's it can be extended a little bit later for hours of operation.

Clark: Okay. The other question I would have would be would you be open to scaling the size of that sign .....(inaudible)....

Watts: The EMC unit?

Clark: Yes.

Watts: I guess so they typically go on foot boundaries. So right now we're looking at a 4 x 10, 40 square feet but yes, it would be because we're trying to go for just that local traffic, yeah I mean I mean a 4 x 9 or a 4 x 8 to get it down.

Clark: Inaudible comment.

Rude: I believe it's 36 square foot for a single tenant. 36 square feet would be the max.

(?): So 5.....

Watts: 4 x 9, 36.

(?): Yep.

Watts: That's we would definitely be agreeable to that, sir.

Clark: I have no more questions. Is there any more questions?

Cassidy: Yeah. Adam, does that make a difference? Would it be less cluttered with that since they're not putting that (?) to it. You know because we went off this one.

Rude: That one, yeah.

Cassidy: And .....(inaudible)....what would that make a difference?

Rude: I think so. If you pull that size down and make sure that we're orienting to Morristown Road instead of 74, that would be part, some of our concerns that we saw from the original.

Cassidy: Okay.

Rude: Inaudible comment.

Cassidy: Does that work for you guys? We can go down to a 4 x 9.

Watts: Yes, sir. So the EMC just so I'm clear we 4' x 9, 36 square foot max?

Cassidy: Correct.

Watts: Yes. Well we would be agreeable to that. One thing, just so everybody's on the same page and it would it's a minor detail with the location view. We would orient the head to the interstate 74 and then the 4 x 9 EMC would be oriented to Morristown Road. So when you look at this on the plan, the shading would look a little different but it's a minor detail but yes, we would be agreeable to that.

Rude: One other item and I apologize for, the overall signage that's permitted on a highrise sign, all signs included is 200 so that might (?) the one at the top or, .....between the two, they get 200 square feet. The EMC can be a max of 36 so.....

Watts: And if I could comment to that, the and again, I apologize, I don't know which one you're looking at. If you're looking at this design, this is set up to 200, it's a shade under it's a shade under 200 square feet. So actually reducing the EMC is gonna bring it down 4 so we have adhered to that 200 square foot guideline.

Rude: Okay. Yep, okay. Just wanted to make sure that bringing everything within.....

Watts: Yep.

Rude: The other piece I would just would be to recommend or caution the board with in all our recent EMCs we have attached time frame stipulations. That's probably something smart to do here as well. So whether it be a set time or 30 minutes before, 30 minutes after. Either's appropriate and done specific times....(inaudible)....Yep so I think it would be appropriate exactly what that is spelled out.

Clark: Ms. Terrell, did you have any more questions ....(inaudible)....? Wanna make sure we don't forget you.

Terrell: I just wanna be clear; so the EMC is going to face Morristown Road, is that what he just said if this is, if we vote on this?

Rude: Yes.

Clark: (?) for that, yes.

Terrell: Okay. What other, I'm in my mind trying to visualize right there on Morristown Road with the Speedway gas station, Wendy's restaurant, the YMCA. Out of all of those things within those few feet from there, is YMCA the only one that has the EMC right out front right there on 9?

Clark: I think so.

Terrell: Okay. My concern was just the busyness of.....that's a busy intersection right there and I guess for me, even when I'm driving on north 9 and I'm trying to look at that YMCA EMC when I go, it is a distraction. That's the only reason I ask because that intersection right there with all of those restaurants, it just it's a busy place. So my concern would be the distraction that is there. You have, I mean that stoplight, you have a ton of traffic that's right there.

Rude: Do you see that Nicole?

Terrell: Okay, I do.

Rude: Just for everyone's point of reference, based off the map submitted, kind of in this area where that fire hydrant is located is where that pole would be.

Terrell: Okay.

Rude: Obviously one, you know it sounds like the sign at the top 100' up is facing kind of oriented towards the interstate. The one 15' up is oriented towards Morristown Road.

Terrell: Okay, alright. That's a good (?). Thank you.

Rude: Yep. Just a point of reference for everyone.

Terrell: Okay. No other questions.

Bradburn: The Adam, other conditions that were put on other EMCs included what was it? The (?) person, their address or phone number, contact information?

Rude: Yeah so every EMC, whether it's a condition of this board or not, has to register with the city so that if and when it fails or it's out of compliance, we have a local point of contact. Yes, that's a condition that we impose. Say pursuant to the requirements of the UDO. It's in there.

Clark: ....(inaudible)....any more questions?

No reply.

Clark: No questions from the board so we'll open it to the public. Would the public like to speak?



No reply.

Clark: No one from the public. We're ready for a motion of some sort at this time.

Allan Henderson: I would have one more thing just for (?) based on Vince's comment just now. I would make the....(inaudible)....all of the standards.....(inaudible)....

(?): .....(inaudible)....discussion. At this point, it's ready for a motion.

Bradburn: I get....(inaudible)...too excited about getting some butter burgers so I'm not sure it's gonna be a hidden gem.....(inaudible)....see it from 9 there. I wish it wasn't oriented towards ....(inaudible)....That's not a motion.....(inaudible)....

Rude: I will just state for the record, 3 votes one way or the other is what's needed to .... (in-audible)....so if you wanna talk through what you're comfortable with so we get to a motion. Yes, 3 votes one way or the other.

Cassidy: If we wanna compromise we can 3 square foot, turning that sign what's more towards Morristown Road....(inaudible)....affect the interstate much.

Clark: Inaudible comment.

Cassidy: Right.

Bradburn: And I guess, to me oriented towards Morris (?) and 9 is....(inaudible)....so really the 9 traffic....(inaudible)....There's no other business similar to in the same space ....(inaudible)... that currently has an EMC on that corridor now and I was on board .... (inaudible)....EMC.

Rude: Now the other option, I keep interjecting here, but the other option and mentioned by the petitioner tonight and I think I mentioned it in pre-meeting; some of their locations have you know more of a ground mounted sign with an EMC incorporated. That even scales back further and orients it more particularly to Morristown Road. That might be....I mean is that if the board feels more comfortable with that, I think that's also an option. It accomplishes some of the same goals.

Watts: A question with that; so in reviewing your codes, I know we had to ask for a special exception for the highrise pole sign and then we did it for this EMC as well. If we did go with a monument 'cause I think the straight zoning is we're allowed an 8' tall sign and I think either 32 or 36 square feet by code, does that have to come back in for a special exception or is that just allowed by code?

Rude: So the ground mounted sign, monument sign is permitted by code. The EMC portion could be permitted right now so that's a decision....

Watts: Okay.

Rude: ...then the EMC part would be permitted. The ground, the monument sign itself is already permitted.

Watts: Okay so we would just have to show the planning staff that hey, this is the monument sign with the EMC that was agreed upon? Okay, understood. Thank you. Sorry.

Bradburn: Is that something that (?) would entertain?

Watts: I mean the owner yes, really it comes down to your guys' city. So again, my initial thought was reducing the number of signs on the property. I sell signs for a living so that might seem kind of against the grain but if that was something that you would be interested, the EMC is very important to the Culver's business model of how they market and put information out there. So that is a critical item for store operation and sales for those stores especially in the COVID era. I know it's all loosening but when you know dine-in's not available and just advertising to the guests. So if that's something that you guys are more comfortable with, I'm sure my client would be opposed or not opposed to it. Again, my just initial thought was cutting down on the number of signs on the property. That's how we landed on the one.

Cassidy: Would that cause more clutter....(inaudible)....

Inaudible conversation among board members. No one is clearly audible.

Cassidy: I think that causes more of an issue than what on the sign....(inaudible)....There's a stop sign when you're coming up coming south on Morristown Road coming into town there's a stop sign there anyway and you'll be able to see Culver's there. So I don't know, having another sign that from I think that's more cumbersome and cluttered than having it on the pole. That three way stop right there, the 3 way stop.

Terrell: Real quick question; the Culver's on 9 in Greenfield, I am trying to visualize that and it's kind of somewhat a little bit the same setup. Is that not an EMC? Is that just kind of the I mean a monument sign we're talking about with like their flavor of the day? Is that not, I don't think that's an EMC on 9 in Greenfield, is it?

Rude: Let me see if I can pull it up on street view? Is that up by 70?

Terrell: It's close to 70.

(?): It's opposite of (?) on the west side.

Terrell: I mean 'cause that Culver's a pretty high traffic area as well so I was trying to think of the Franklin and the Greenfield to kind of get a comparison.

Rude: This is street view as of June, 2019. I don't know if they've updated but this is what Culver's in Greenfield looks like.

Cassidy: So that's not an EMC sign....

Watts: No that's.....

Cassidy: ....and....

Watts: No that's a manual copy board with the letters.

Cassidy: Inaudible comment.

Watts: Yeah.

Cassidy: ....(inaudible)...one in Franklin....(inaudible)...you did all of 'em so on 44 as you go in that....(inaudible)...

Watts: Franklin, so we did the Franklin store about a year, year and a half ago. Their EMC is actually mounted on their building and that was a stipulation to the PUD requirements 'cause we're on a shared sign there. But it's mounted on the building itself. And this is actually the same ownership group developing this store as the Franklin store. I'm trying to think other stores in the area we've done. Greenfield's a little bit older. We didn't do that sign package originally. I think that store was built about probably looking at the building about 9, 10 years ago. But Greenwood, IN on Emerson, both of those or both of the stores in Greenwood are more smaller base monument signs with digital EMCs. To give you a reference point to your comment, with a monument sign at 8' tall, if we were approved to do a digital, the digital's probably gonna be 2' off grade at the bottom of the board and usually those are about 2' tall compared to on our highrise, we're 15' off grade to the bottom of the EMC. So just to give you a little bit of a reference point to that.

Bradburn: Inaudible comment.

Watts: Sorry.

Bradburn: No, no go ahead.

Watts: And one of the current concerns I do wanna bring up is do I keep hearing the visual side of distracting traffic. The big thing with these boards is proper operation and that ties back to the restrictions, I'll use the word restrictions or hold times that we put in place with the loops we develop and working with you guys you know whether it's a static image for an hour before it changes or 30 or you know whatever those are. To me, it's just like anything. Anything can be abused but with the way we set these up and the files we provide our franchisees and working

with municipalities, it all comes down to proper use and not having people strobe and flash 'em. I mean, again I sell signs for a living. That annoys me. So hopefully understanding that we're well aware of those concerns and we work to fight against them.

Rude: The ordinance currently without any additional conditions, the hold time is 12 seconds between message, copy change or whatever the, it's 12 seconds before you can transition to a message and that's what is true across the entire (?).

Cassidy: But you're able to set that up at say 30 minutes? We don't want high traffic area, we don't wanna change it constantly.

Watts: Sure, correct.

Cassidy: So if we come up....(inaudible)....

Watts: Through the software those messages can be tailored basically anyway.

Cassidy: Okay.

Bradburn: ....(inaudible)....pole he's got over there.

Rude: Yeah about where that real estate sign is then.

Bradburn: ....(inaudible)....is about where this tree is or ....(inaudible)...

Cassidy: I think if you put that monument sign there.....

Bradburn: That's what I'm saying, yeah.

Cassidy: I think that's more than distraction ....(inaudible)....every 30 minutes or whatever but that's ....(inaudible)....I just think putting it there at that intersection....(inaudible)....

Several board members speaking at once; no one is clearly audible.

Clark: ....(inaudible)....then it doesn't change (?) someone else is sitting at the stop light.

Watts: I can comment to that a little bit. We can set hold times but the traffic, to tie it into the traffic system, I.....

Clark: Inaudible comment.

Watts: Yeah. Okay.

Clark: Finding out how much of a time would that light would take.

Watts: Yeah.

Rude: In a state, obviously that's a state controlled intersection.

Clark: And can change.

Rude: Yeah they incorporate sensors and based off of traffic volume, timing changes so it's not an easy you know it's 45 seconds or 30. It's all based off volume and peak times and it changes throughout the day. So it's not as easy as just picking a time. I think if you.....

Clark: I think a 15 minute per.....

Rude: Yeah. To that point, if you pick a high enough time there, you're clear no matter what the state's timing is on their signals.

Several people speaking at once; no one is clearly audible.

Bradburn(?): ....(inaudible)...but as I'm seeing it, this is where my mind is now. As it's presented on the pole, (?) right where we are.....(inaudible).....I think that's gonna people are gonna see that from 9 if it's there and I was thinking I'd be much more comfortable if an EMC were either on the building itself or closer to the building i.e. next to the entranceway over toward where ....(inaudible)....is. 'Cause then I'm seeing it if people are turning into off of 9 going into Culver and I wanna see what the flavor of the day or whatever it is, I think that's the traffic that's gonna be distracted rather than the traffic that's on 9. So that's where my thinking is.

Cassidy: ....(inaudible)....when they're turning off of ....(inaudible)...Morristown Road and they wanna stop .....(inaudible).....

Watts(?): Some of it. It's still gonna be above your, above grade.

Several people talking at once; no one is clearly audible.

Cassidy: Are we getting anywhere?

(?): I think so.

Clark: Ms. Terrell, do you have any comments?

Terrell: I am just enjoying the conversation but I do agree with Mr. Bradburn. I guess my the only point is kind of what Mr. Bradburn said is if we're really trying to gain the visual from the 9 traffic with that ground monument. I pulled up and looked at Franklin's and how it's on the building and I think that's a pretty appealing if you're, I guess if the goal is to advertise we're

hiring, this is the flavor of the day, depending on where it's set, that traffic you know from 9 should be able to see that based on the plans that have been submitted. So I feel more comfortable with the monument but especially if we're trying to get the traffic from 9 as the visual.

Clark: ....(inaudible)....any suggestion since .....(inaudible)....

Cassidy: How will that sign be placed? Maybe I'm misunderstanding how the sign on the ground. Is it gonna be, when you turn in off of 9 like that car is right there, is it gonna be facing, are you putting the sign out where those trees are at so it's facing out? Or are you.....

Watts: It's gonna be perpendicular. Typically, we place the sign perpendicular to the road because of double face for both ways of traffic. So it wouldn't be a single face facing out towards the road. In my mind it would be a double face, almost back to the original plan that you have in front of you where it showed it. It would be oriented that way.

Cassidy: So in that case, you wouldn't be pulling traffic off of 9....(inaudible)....see it come like that car is you can see it, but.....

(?): Inaudible comment.

Cassidy: From the building.

Watts: Can I, I assume that the ingress/egress into the parking lot is probably back in this area right here so yeah I think we'd have a place probably right in there.

Several people talking at once; no one is clearly audible.

Cassidy: ....(inaudible)....personally I like it better on the pole...(inaudible)...sign there just because of that but ....(inaudible)....traffic off of 9 putting it.....

Bradburn(?): So can I put this out there?

Cassidy: Yes, sir.

Bradburn(?): What if Cracker Barrel submits next month a proposal for an EMC to post on their (?) pole sign? What would you think about that?

Cassidy: I don't think we'd....

Bradburn(?): What if McDonald's comes to us two months from now and wants an EMC.... (inaudible)....

Cassidy: Sure.

Watts: If I could make one comment to that. I understand the concern. Quite honestly at the speeds people drive on that interstate, I'm sure it's 65, 70 miles an hour and the distance from that road, the size of board you would need to put on there to gain an impact would have to be pretty massive.

Bradburn: You're saying 74, that interstate?

Watts: Yeah, sorry, sorry, sorry. I meant the interstate. So you know a lot of billboards that you see you know digital billboards that you see on interstates or main thoroughfares, those are usually set at 10' vertical heights by you know 24 or 48'. They're massive screens. I understand setting a precedent but it would have to be a sizable unit to really I mean from my (?) to even make an impact to the traffic 'cause people are zooming by there so fast.

Bradburn: Sure, sure on the interstate traffic but the St. Rd. 9 traffic is what I think about.

Watts: Okay.

Bradburn: Inaudible comment.

Clark: Set a precedent.

Bradburn: Yeah so I'd kind of like to (?) thoughts on....(inaudible)....in this corridor.

Rude: I, quite frankly, I don't love (?) precedent of especially signs. Well I think signs up off the ground like in that space (?) 10' 40' space right there. That's where you start seeing our ordinance....(inaudible)....tries to keep signs below that or above that so that they serve you know either that smaller more local purpose or they're a hundred foot in the air and they serve that highway (?). I would have reservations opening the floodgates, if you will, for a lot of EMCs on those pole signs. I would have reservations if we started to see the everyone in (?) asking for an EMC. A 32 square foot EMC mounted 15' up on ....(inaudible)....I would have reservations.

Cassidy: Structurally, we've already said that those poles weren't strong enough.

Rude: Uh huh.

Clark: .....(inaudible)....like to put that into a motion?

Bradburn: Inaudible comment.

Cassidy: I'm okay with either one but...(inaudible)...if they're up with....

Watts: My question would be is in discussing this motion, is it a possibility or something that

could happen where you guys or the team could approve or the board could approve that an EMC would be allowed but it just would not be allowed on the highrise is kind of where it sounds like it might be going and then we would submit a piece of artwork that goes to town planning or planning to say yes, this is within code? Okay.

Rude: Procedurally, that's possible to just say yes, it's permitted. One of the conditions is it cannot be on ....

Watts: The highrise.

Rude: .....yeah the highrise pole, you know x, y and z. The other conditions.....(inaudible)...and then in those or following that path it would have to be on the building or on a ground mounted monumented sign. Those are the only two places left. And then staff could review and approve it as any other sign that comes through our office.

Cassidy: So procedurally, we would deny this petition but approve....

Rude: ....(inaudible)...the petition with a whole list of stipulations 'cause the exact request tonight is just permission to have an EMC on the property..

Cassidy: Okay.

Rude: So if that's the way the board's the heading, we would approve the request for the EMC and then attach a handful of conditions to it. It can't be on the highrise pole sign. If there's a certain hold time that we want, 30 seconds, 60 seconds, multiple minutes, whatever that might be, the hours of operation of the sign. Am I missing one?

Henderson: Inaudible comment.

Rude: Yes, yep. All the rest of the standards of the UDO, so....And then staff could work with petitioner to orient that on the building or the monument sign or find some other place for it to go.

Cassidy: Okay.

(?): Inaudible comment.

Rude: That would be a (?).

(?): Inaudible comment.

Cassidy: .....(inaudible)....I'd like to make a motion to approve the use of an EMC sign on the property of Culver's with the following conditions: 1) you have a 15 minute hold time. Hours of operation are 30 minutes before opening and 30 minutes after closing. (?) that there will



...(inaudible)...contact person if the sign messes up and finally that it meets all the standards of the UDO and the staff's approval.

Rude: Inaudible comment.

Cassidy: Inaudible comment.

Rude: Okay.

Clark: We have a motion.

Bradburn: Can you read that back...(inaudible)...

Cassidy: Uh....

Rude: Yes. I'll read. So it's an approval. I don't know if this is the correct order but I have that it won't be located on the highrise pole sign. It's a 15 minute hold time on the message, the change in message. Hours of operation are 30 minutes before and 30 minutes after closing. You have to have the contact person on file with our office and all other provisions of the UDO apply. I think I got it.

**\*\*Mr. Bradburn may have seconded the motion, but it wasn't audible.**

Clark: I think we're ready for a voice vote.

Rude: Just for the record again, I'll state it's a motion for approval with the following conditions: Sign cannot be located on the highrise pole sign. That the message copy has a 15 minute hold time. That the hours of operation are 30 minutes before and 30 minutes after opening and closing of the store. There's a contact person on file (?) the UDO and that all of the UDO requirements apply to the sign. Mr. Cassidy - yes, Mr. Clark - yes, Bradburn - yes, Ms. Terrell - yes. Motion carries.

Watts: Thank you all very much.

Clark: Thank you.

Cassidy: Welcome to town.

Bradburn: Absolutely.

Watts: You know I got to drive thru, it's a nice town. It's a great place. So thank you all very much.

(?): Thank yo u.

Watts: Appreciate the help and they don't this was good conversation. I appreciate it. A lot of times boards don't talk like this.

Laughter.

(?): We wanted to make your trip worthwhile.

Watts: Thank you all.

Henderson: I'll follow up.

Watts: Oh yeah. Thank you.

Clark: Points of Discussion?

Rude: No I'll just again I'll reiterate that the members of the public watching, we got the sad news earlier today that one of our fellow board members, Mr. Jim Lisher had passed away yesterday. He served on our he served the community his whole life in many different capacities but he served specifically on the Board of Zoning Appeals for the last 13 years so he'll be missed greatly and his friends and family are in our thoughts and prayers.

Clark: Motion to adjourn?

Cassidy: So moved.

Rude: Thank you.

Meeting adjourned.