



City of Maricopa

Meeting Minutes - Final City Council Work Session

Mayor Nancy Smith
Vice Mayor Rich Vitiello
Councilmember Eric Goettl

Councilmember Amber Liermann
Councilmember Vincent Manfredi

Councilmember Bob Marsh

Councilmember Henry Wade

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Tuesday, December 13, 2022

5:00 PM

Council Chambers

1. Call to Order

The meeting was called to order at 5:03 p.m.

2. Roll Call

Present, 5 - Mayor Smith, Councilmember Marsh, Councilmember Goettl, Vice Mayor Vitiello, and Councilmember Manfredi

Excused, 2 - Councilmember Liermann, and Councilmember Wade

3. Agenda Items

3.1 [WS 22-02](#)

The Mayor and City Council shall discuss the proposed changes to the Temporary Sign Code.

Code Enforcement Supervisor, Wes Moss presented on the proposed changes to the Temporary Sign Code and the memorial markers. He explained the changes had to stay within the guidelines of recent case law of Reed vs. Gilbert. He stated some of the changes included combining some of the tables in the temporary sign code and clarification on Residential Use and Residential Zones. He stated the first part was defining what Residential Use, and non-residential use was and elaborated. He detailed the five feet and ten feet setbacks. He provided photographs for reference. City Manager Horst clarified that the proposed setbacks would allow yard signs. Mayor Smith asked for clarification that it included open house signs, yard sales and yard signs. Discussion ensued regarding on content of the signs on residential properties.

Councilmember Marsh asked where the setbacks started. Mr. Moss stated the setback was from the street and provided photos for reference. City Manager Horst recommended establishing a flat "back of curve" and elaborated. Mayor Smith inquired about the maximum number of signs and spacing. Clarification ensued. Emergency Manager and Communications Director, Josh Bowman explained that the "back of street" was a problem with the code as it was and to try clarify it they changed it to the proposed wording "setback from street edge." Councilmember Marsh suggested putting samples of the kind of signs included in that section. City Manager Horst

stated the Zoning Code would have the improvements and suggested doing a public education piece. Mr. Moss discussed the proposed changes to Table 18.115.120.B on the criteria and limitations to the non-residential use in residential zones. He explained this included small businesses, events, open houses and so on. He stated the general criteria was the baseline unless specified. Mayor Smith asked if the "must also be on private property" was for all signs or just one. Mr. Moss responded it applied to all signs. City Manager Horst explained that they would need to get permission from the property owner and elaborated. Councilmember Vitiello suggested allowing up to ten signs. Mayor Smith asked if there was a way to word it to allow enough signs when there's a directional change. City Manager Horst explained the need for a minimum. Discussion ensued on the number of signs and possibly adding a distance requirement. City Manager Horst suggested a limit of within a mile of home site. They agreed to open it up for public comment. Mayor Smith stated she read the 20-foot requirement for minimum spacing from any other sign with two interpretations. Mr. Moss clarified that it was 20 feet from any other signs. He stated it was open for feedback. Councilmember Goettl asked if that included monument signs. City Manager Horst clarified that the word "permanent" should be removed and apply only to other temporary signs. Consensus was to strike the permanent signs from the requirements. Mr. Moss continued and stated the duration of the signs was proposed to be from "sunup to sundown during hours when organization is open for inspection." He reviewed Table 18.115.120.C Temporary Signs: Criteria and Limitations for Nonresidential zone. He stated the first row indicated the recommended maximum number of signs per parcel. City Manager Horst clarified that these signs would require permits except for A-frame and T-frame signs. Clarification ensued on "public sidewalks", and it was agreed to clarify language to make it clear it was private sidewalks for public use. He reiterated his recommendation that no signs be allowed on public right of way. Mr. Moss clarified that up to four signs per organization could be included in one permit. Councilmember Goettl expressed concerns with the sundown to sunup duration. Mr. Moss clarified that permanent temporary signs could stay up for the duration of the permit. Councilmember Marsh if it would be required to have contact information on the signs in the case they get removed. City Manager Horst elaborated on the issue. Councilmember Marsh stated he would like to see an improved process for retrieving signs that have been removed by code enforcement, such a clearly labeled bin. City Manager Horst emphasized the importance of public education and abiding by the code. It was agreed to come back to the issue.

Mr. Wess discussed the proposed changes to the memorial signs. He stated they would be moved from the temporary signs section and place as separate section. He stated he received three emails from the public: two in opposition of any type of pop-up memorials and regulating placement and oversight, and one email in support. He stated the timeline was open to discussion. Mayor Smith stated item three mentioned memorial markers would be allowed to remain in place for one year after installation, and after dialogue from the community, she stated she favored two years. Councilmember Goettl agreed. Councilmember Manfredi stated the City should not be involved in memorial markers. Vice-Mayor Vitiello agreed because it was a very personal topic. He stated he would be in favor of going up to three years if that was the direction and elaborated. Mr. Wess stated that it was a sensitive issue and that code enforcement often heard both sides including lack of maintenance and becoming a blight, and from people who wanted to memorialize their loss. City Manager Horst stated that some regulation was better. Mayor Smith stated input from the community favored the two year "at-cost" fees instead of the \$300 fee, and that a 30-60 day temporary memorial of flowers be allowed. City Manager Horst explained that the "at-cost" would only cover the sign and not the constant maintenance. He stated that allowing flowers without regulation it could be a potential hazard. Mayor Smith stated

regulations on what was allowed could be placed. Consensus was to come back. Councilmember Goettl expressed concerns with the infringement of the right-of-way but was not concerned with the size. City Manager Horst further expressed potential liabilities. Councilmember Manfredi reiterated it memorial markers should not be regulated by the City, but if that was the direction it should not be part of the temporary sign code. City Manager Horst agreed and suggested instead of being in the code, it could just be City policy. The Council was in consensus. Mayor Smith suggested allowing a temporary 30-60 day memorial of flowers, and that there should be some restriction on how long they stayed up, size and place. City Manager Horst stated it would be brought back after more input as a separate item and not part of the Sign Code. That concluded the presentation.

City Manager Horst reviewed some of the sign issued presented in the photographs. Councilmember Manfredi recounted removing two signs that were not removed after an event had passed and returning it to the resident.

Tina Dugan, President of the Glennwilde HOA, stated that the landscapers removed all signs on their common areas on Mondays. She expressed concerns with due process and that the Sign Code had no definitions. She elaborated on the right-of-way and stated a response from one of the code enforcement officers was conflicting. She stated the five feet from the edge of street was clearer. She asked how a regular resident would know where private property begins. She reiterated on having definitions. She supported the suggestion of not having a sign limit but instead a directional limit due to the Tortosa community. She expressed concerns with removed signs being placed in the dumpster and stated that notifications should be part of the process and elaborated. Lastly, she discussed the education process. Mr. Moss reviewed the Code and stated that sometimes names and identifiers were missing. He elaborated on the violation and removal process. City Manager Horst further clarified the process was to take a picture and record and elaborated. He stated that once a decision was made there would be a pictorial education piece. Vice-Mayor Vitiello stated that those with contact information could be notified, and those without should just be discarded. He stated that repeat offenders should be fined.

Jeremy Waters stated that currently up to six signs were allowed and stated that it already required spacing. He agreed with directional signs without a specific limit, but if there had to be a limit, he agreed ten was a good number and anything over would be excessive. He stated that professionals would follow the code and elaborated.

Liz Recchia, Government Affairs Director at the Association of Realtors and gave information on their members. She stated that input from members expressed concerns that signs be adequate, visible, and directional. She detailed their sign standards, and she stated she could supply codes from different cities. She stated that the sunup to sundown limit sometimes does not help and asked if there could be a room for special events. She suggested illustrations to understand things like the visual triangle and distances. She also spoke in favor of creating cheat-sheets. She stated that several cities had incorporated process for repeat offenders and offered to pass the information along.

Dana Molineaux stated she was a business owner in the Heritage area and had run ins with code enforcement. She stated each code enforcement officer gave a different interpretation and emphasized on the importance of education. She stated she agreed a cheat-sheet, a simplified version and clear definitions were needed.

Sean Leonard stated the 20-feet limit from other signs should be shortened and

elaborated on potential issues. He also expressed concerns with the number of signs allowed. He stated sometimes it took more than 10. Discussion ensued.

Dawn stated she was a realtor and stated she agreed education was needed. She discussed her experience with the sign code and code enforcement officers. She reiterated that education was needed. She stated she wrote an email to Council and asked that they read it.

Mr. Bowman asked for direction identifying the right-of-way. City Manager stated that because rights-of-way varied so greatly, he recommended clarification could be added such as five to ten feet behind edge of road and so on. He cautioned that it could create some problems, but he recommended trying it out. He stated that all signs discussed tonight included any content and not limited to real estate signs. Clarification ensued on right-of-way. Mayor Smith clarified that a temporary non-residential use in a residential zone could not be categorized and elaborated. City Attorney, Tina Vanucci stated that the code could be amended to make specifications that it must take place in a home. Councilmember Manfredi suggested tactically using signs and elaborated.

Jeremy Waters commented on the temporary nature of the signs. Councilmember Manfredi elaborated that the current code was more restrictive and elaborated. City Manager Horst elaborated and stated that while real estate agents were generally followed the rules, other people did not, and hundreds of signs were picked up that were illegal. He suggested vetting the possibility of finding a caveat to issue permits a year at a time for professionals to use. Councilmember Manfredi elaborated on the issue of finding a middle ground. Mayor Smith went back to Attorney's suggestion, that the code state somewhere that directional signs must lead to a house. Consensus was to explore ideas on the number of signs. Mayor Smith inquired about the process for retrieving removed signs. City Manager Horst suggested requiring contact information on the signs so code enforcement to contact residents, and if the information was missing, they would be discarded. He reiterated that the possibility of a permit might eliminate most of the issues. City Manager Horst stated the item would be revisited first thing after the holidays. Mayor Smith suggested if other timeframes besides sunup to sundown could be explored as well. She stated also agreed with the education portion, the need for a cheat-sheet or pamphlet, and revisiting repeat offenders.

4. Executive Session

5. Adjournment

This meeting was Adjourned at 7:01 p.m.

Certification of Minutes

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the work session of the City Council of Maricopa, Arizona, held on the 13th day of December, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of January, 2023.

Vanessa Bueras
City Clerk