

WILL COUNTY BOARD
COMMITTEE OF THE WHOLE MINUTES

Immediately following the Forest Preserve Meeting, but not prior to 9:45 a.m.

Will County Office Building – County Board Room
302 North Chicago Street
Joliet, IL 60432

April 14, 2011

CALL TO ORDER

Mr. Moustis called the meeting to order at 10:20 a.m.

ROLL CALL

Present were Members: Adamic, Argoudelis, Howard, Singer, L. Smith, Weigel, Dralle, Hart, McPhillips, Kusta, Goodson, B. Smith, Gould, May, Rozak, Konicki, Seiler, Brooks, Stewart and Moustis.

Absent were Members: Bilotta, Deutsche, Maher, Traynere, Winfrey, Babich and Wilhelmi.

Also Present: B. Friefeld and M. Johannsen.

Present from State's Attorney's Office: M. Tatroe and M. Manning.

PLEDGE OF ALLEGIANCE

Mrs. Rozak led the Pledge of Allegiance.

APPROVAL OF MINUTES

No minutes were presented for approval.

OLD BUSINESS

NEW BUSINESS

Digital Billboards/Advertising Signs Zoning Text Amendment

Mr. Radner gave an overview of the Advertising Sign Text Amendment using a PowerPoint presentation. The information also was included in the packet distributed to the board members.

Mr. Moustis asked if a company must remove existing signs within a 10-mile radius of a new digital sign.

Mr. Rader replied the committee chose the 10-mile radius, meaning the signs being removed must be within that distance from the new sign. It doesn't mean one can be installed somewhere else within the 10-mile area.

Mr. Moustis stated constituents wanted to make sure the sign being removed is in the same community or area as the new sign. Ten miles might be too far. Then a sign could be put up in Homer Glen and one could be removed in Mokena, for example. The community being impacted should also have the benefit. The county should be involved in the process of choosing the sign to be removed but isn't at this point. The county should at least agree on which signs are being removed. The companies should not be able to remove five small signs and then install a much larger one.

Mr. Radner commented it is not always an easy process. A sign company might not have a site for a sign within a 10-mile radius, considering the size of Will County.

Mr. Moustis stated the requirement should be met when it is possible. The county should have some leverage on sign placement.

Mr. Radner noted the subject was raised during the committee's deliberations. The members thought the county should not be able to pick and chose the signs for removal.

Mr. Adamic commented a sign might be in Will County but the 10-mile radius might include areas outside the county's boundaries, such as Cook County.

Mr. Radner stated there was language requiring that the signs must be removed from Will County.

Mr. Moustis suggested a five-mile radius. If there wasn't a sign within that area, the boundary could be widened to 10 miles. The community that will have a new sign should have the first consideration.

Mrs. Rozak suggested if there wasn't a sign within five miles perhaps the radius could be widened by one mile increments.

Mr. Gould asked if Mr. Moustis favored the sign in the closest proximity to the new sign.

Mr. Moustis answered yes.

Mr. Argoudelis noted a sign company might have several signs nearby. A company might have two signs on Route 59 and one on Route 30 in Plainfield, for example. The company might want to keep the two signs on Route 59 because of their value despite their close proximity. Perhaps it would be better to use the area within the radius. That would give the companies some flexibility.

Mr. Moustis agreed.

Ms. Konicki stated the radius should be reduced to pair the burden and the benefit. Sometimes municipalities can annex property that includes a billboard sited by the county. Billboards permitted by the county should be included in the swap out. A company should not be allowed to remove a billboard within the boundaries of a municipality and then install a digital billboard in an unincorporated area. The billboards remaining in the county should come into compliance so there is the correct spacing between signs, for example.

Mr. Moustis stated he did not oppose the digital billboards because they seem cleaner and more modern than many existing static signs. The county must have some input and control over the signs, however.

Ms. Goodson asked how the rules regarding nits during the daytime and nighttime were developed. How was it determined that 250 nits was an appropriate level of brightness at night?

Mr. Radner answered the planning community as a whole sees 500 nits as an acceptable level. During a tour of some billboard sites, the highest reading in nits for a digital billboard was 240. Other advertising signs, such as the McDonald's on Route 59 near 127th Street, have a nit level of 300 or 400. Limestone Brewery was measured at 700 nits. Other businesses have higher levels of nits than any billboard. The hospital in Bolingbrook is 3,000 nits. The majority of the committee felt 250 nits was an acceptable level.

Ms. Goodson asked if the relative brightness of a particular area affect the visibility.

Mr. Radner answered it could have an impact. This area is classified as E2, a suburban lighting area. The more rural areas of the county would have a different classification. There should be a certain amount of brightness so the sign can be read and won't be an illegible distraction as motorists drive past. It would be hard to determine one number that would work for the entire county but 250 nits is acceptable.

Ms. Goodson asked if companies might seek variances on the lighting level.

Mr. Radner replied no.

Mr. Howard asked if there would be any affect on municipalities that have a planning area a mile and a half beyond their boundaries.

Mr. Rader answered it was not taken into consideration.

Mr. Brooks asked if safety was the reason why message sequencing would not be allowed.

Mr. Radner replied yes.

Mr. Moustis asked if the sign ordinance should include regulations about the nits level of all signs.

Mr. Radner answered the comprehensive update to the zoning ordinance is being prepared and there is language addressing on-premises signs. The board must then consider what would be appropriate.

Mrs. Dralle asked if the regulations regarding setbacks in residential areas would apply to neighborhoods where homes have yet to be constructed.

Mr. Radner replied the rules would apply. A 300-foot setback still would be required, and the sign company still would have to comply with the nits level.

Mrs. Dralle asked if there was enough flexibility within the ordinances to allow changes in the future.

Mr. Radner answered the ordinances included provisions that would allow some changes.

Mr. Moustis asked how the signs would be inspected and the rules enforced.

Mr. Radner replied there was an annual registration for static billboard signs. Digital signs will be inspected quarterly to verify dwell time and brightness level. The annual inspection fee will be increased from \$100 to \$150 per sign face for static signs, and will be \$650 for digital signs to recoup the costs.

Ms. May asked if the signs would include public announcements.

Mr. Radner answered yes. Clear Channel included more than 100,000 10-second ads for Will County 9-1-1 on its digital billboard in Plainfield. The community advertising aspect is not included in the code, but the Land Use Department is trying to negotiate a memorandum of understanding so those types of advertisements could appear on the digital signs.

Ms. Konicki stated the Illinois Coalition for Responsible Outdoor Lighting has officially taken a position against 250 nits being too high. At 119th Street and Illinois 59, there are two static billboards that are at 100 nits or below. The typical brightness of static billboards is less than will be allowed with the digital signs. The county should have the legal right to change the ordinance, lower the nit level and make the digital operators comply. Although grandfathering won't be allowed for brightness levels, dwell

time and other factors, the state's attorney's office should provide a legal opinion on these factors.

Ms. Manning stated she could address the issue and also could write a legal opinion. Commercial speech is not as protected as political speech. It can be regulated by time, place and manner if it is being done for a substantial government interest and the regulation directly advances the government interest. If nits and dwell time are being regulated because of safety reasons, there is the ability to regulate.

A motion was made by Mr. Kusta, second by Mr. Singer, to move the text amendment as amended to the County Board. On a roll call vote, Adamic, Howard, Singer, L. Smith, Weigel, Dralle, Hart, McPhillips, Kusta, Argoudelis, Goodson, B. Smith Gould, May, Rozak, Seiler, Brooks, Stewart and Moustis voting yes. Konicki voting no.

MOTION CARRIES.

ADJOURNMENT

A motion was made by Mr. Smith, second by Mrs. Rozak, to adjourn the meeting at 11:05 a.m. All in favor.

MOTION CARRIES.