

**Board of Adjustment
Minutes
February 4, 2019 at 7:00 PM
Minneola City Hall**

The City of Minneola Board of Adjustment meeting was called to order by Chairwoman Debbie Flinn. Also present were Vice Chairman Oscar Trujillo, Board Member Paul Giacalone, Board Member Jeff Henderson, Board Member Leonard Jackson, Board Member William McCoy, Board Member David Yeager, Grant Watson (City Attorney), Joyce Heffington (City Planner), Kristine Thompson (Administrative Assistant),

CALL TO ORDER

Chairwoman Flinn called the meeting to order.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

A moment of silence was observed, and the Pledge of Allegiance was led by **Vice Mayor Serviss**.

AGENDA REVIEW

Chairwoman Flinn explained Item 1 will be seen by the Board of Adjustments. The Board will decide whether they will uphold the sign denial or appeal it.

DISCUSSION & ACTION ITEMS

Item 1: Ink Ink Sign Permit Denial Appeal

Grant Watson swore in those wishing to speak on this item.

Joyce Heffington explained the sign was denied because the code prohibits signs with lights that flash, blink, scintillate and the sign that was applied for does fall under these categories so it was denied.

Paul Ricci stated the code does allow for electronic message centers. Believes his signs are electronic centers and should be permitted as such. Has provided videos of other signs within the city that are similar. Has also reprogrammed board so they no longer flash.

Chairwoman Flinn asked Code Enforcement if they have checked to ensure the signs no longer flash. Also inquired from the city attorney how glare is determined.

Grant Watson explained he is unsure how the city determines glare but explained how the code describes glare.

Chairwoman Flinn inquired who made the decision the sign caused glare.

Ramon Flores stated the determination is made by the Planning and Zoning Department.

48 **Joyce Heffington** explained the signs were not permitted. When Code Enforcement sent
49 the applicant in to receive a sign permit we noticed the signs did not meet the code and
50 therefore was denied.
51
52 **Board Member McCoy** inquired if the applicant was aware he should have pulled a permit.
53
54 **Paul Ricci** stated he did not know. It was his understanding that window signs did not
55 require a permit.
56
57 **Board Member McCoy** asked how long he has been at that location.
58
59 **Paul Ricci** stated 13 years and never had a permit.
60
61 **Paul Ricci** showed examples of signs currently in the city.
62
63 **Joyce Heffington** stated the sign in the last video is not permitted.
64
65 **Daniel Smith** inquired if there is a definition of an Electronic Message Center in the code.
66
67 **Grant Watson** read the definition of an Electronic Message Center from the code.
68
69 **Grant Watson** indicated the code explains glare is the intensity or brilliance to cause glare.
70 Criteria could be defined if that's the way the city wants to go but there is not a constitutional
71 problem as it is now.
72
73 **Daniel Smith** asked if the applicant could tone down the signs so they weren't constantly
74 rotating, would it meet the standards.
75
76 **Joyce Heffington** if it was a normal message that came across like a message center with a
77 normal transition to the next message, yes.
78
79 **Daniel Smith** asked if that was something the applicant would be willing to do.
80
81 **Paul Ricci** stated he could attempt it.
82
83 **Board Member Giacalone** thought the applicant's sign shown in his video was before he
84 stopped it from flashing.
85
86 **Board Member Yeager** stated the issue is his interpretation versus the board interpretation.
87 Believes he needs to go back to the old neon signs.
88
89 **Board Member Henderson** asked when he opened his business.
90
91 **Paul Ricci** stated in 2008.
92
93

94 **MOTION by Board Member Yeager, SECONDED by Board Member McCoy, to**
95 **deny, work with the applicant, needs to go back to neon signs.**
96

97 **ROLL CALL:**
98

99 Yeager: AYE
100 McCoy: AYE
101 Trujillo: NAY
102 Flinn: NAY
103 Jackson: NAY
104 Henderson: NAY
105 Giacalone: AYE
106 Smith: AYE
107

108 **MOTION FAILED: 4-4**
109

110 **MOTION by Board Member Yeager, SECONDED by Board Member Trujillo, to**
111 **deny the sign appeal, allow the applicant to reapply and work with him to have either**
112 **LED or neon signs which have to be more conforming to the city and not spinning.**
113

114 **Board Member Jackson** asked what Mr. Ricci's thoughts are on this motion.
115

116 **Paul Ricci** stated he can try, though sometimes has trouble programming the signs.
117

118 **Board Member Jackson** asked again if he is willing to work with the city.
119

120 **Paul Ricci** stated he was.
121

122 **Daniel Smith** asked if this would be seen again by the Board.
123

124 **Ramon Flores** once resubmitted it would be reviewed again by the Planning Department
125 to ensure it meets city's code.
126

127 **ROLL CALL:**
128

129 Smith: AYE
130 Giacalone: AYE
131 Henderson: AYE
132 Jackson: AYE
133 Flinn: AYE
134 Trujillo: AYE
135 McCoy: AYE
136 Yeager: AYE
137

138 **MOTION PASSED: 7-0**
139

140 **MOTION by Board Member Henderson, SECONDED by Board Member Yeager, to**
141 **adjourn.**

142

143 **AYE:** Flinn, Trujillo, Giacalone, Henderson, Jackson, McCoy, Yeager

144

145 **NAY:** None

146

147 **MOTION PASSED: 7-0**

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149 *(Meeting adjourned at 7:56 P.M.)*


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Debbie Flinn, Chairwoman


155 **ATTEST:**

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Kristine Thompson, Administrative Assistant