

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
OCTOBER 26 – 7:00 p.m.
MINUTES**

The Planning Board of the Town of Weddington, North Carolina, met in a Regular Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on October 26, 2015, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jim Vivian, Bruce Klink, Gerry Hartman, John Giattino, Brad Prillaman, Town Planner Julian Burton and Administrative Assistant Tonya Goodson

Absent: None

Visitors: Councilman Michael Smith

Item No. 1. Open the Meeting. Chairman Dorine Sharp opened the meeting at 7:02 pm.

Item No. 2. Oath of Office for Brad Prillaman. The oath for Mr. Gerry Hartman and Mr. Brad Prillaman was administered by Mayor Bill Deter prior to the meeting.

Item No. 3. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Item No. 4. Approval of Minutes.

A. September 28, 2015 Regular Planning Board Meeting Minutes. Mr. Hartman moved to approve the minutes from September 28, 2015 as presented. Vice Chairman Rob Dow seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Dow, Vivian, Klink, Hartman, Giattino and Prillaman

NAYS: None

Item No. 5. Old Business. None

Item No. 6. New Business.

A. Review and Consideration of amendments to the Land Use Plan to align the plan with stormwater and buffer policy changes. The Planning Board received pages 54-56 of the Land Use Plan with suggested Amendments.

Town Planner Julian Burton reviewed the proposed changes on page 56. He wanted to make sure the Land Use Plan aligns itself with the Town's policy and the Town continues to adapt the ordinance and policies to align with growth. He wanted this to be reflected in both documents. He suggested the following 2 sentences underlined on page 56 be added. Town Planner Burton realized he put November 2015 and it should be changed to 2014.

In November of ~~2015~~ 2014, the Town Council increased the thoroughfare buffer requirements in response to increased residential development, in order to better preserve the viewshed and maintain the rural feel.

To better manage the impact of growth on existing residents and the natural environment, the Town Council adopted a new stormwater ordinance in November of 2014 to better manage runoff caused by new development.

Vice Chairman Dow moved to send the suggested changes along with the date change for the Land Use Plan to Town Council with a favorable recommendation. Dr. Bruce Klink seconded the motion with votes recorded as follows:

AYES: Vice-Chairman Dow, Vivian, Klink, Hartman, Giattino and Prillaman
NAYS: None

B. Review and Consideration of Amendments to Sections 58-144 – 58-153 - Signs. The Planning Board received the following memo from Town Planner Julian Burton along with Article V – Signs of the Town Ordinance.

I. Background

A recent Supreme Court ruling, Reed v. Town of Gilbert, Arizona, appears to prohibit content based sign regulations. The case focused on the zoning ordinance for the Town of Gilbert, AZ, which afforded greater degrees of latitude to the placement of “political” or “ideological” signs than to the placement of what it defined as “temporary directional signs.” The lawsuit was brought by a small church, whose members frequently placed signs advertising worship service times. The Court essentially found that any regulation on the basis of content is prohibited by the 1st Amendment to the Constitution.

At the Town Council meeting on October 12th, 2015, the Town Attorney, Anthony Fox, affirmed the need to revise the Town’s sign ordinance. He stated that “the US Supreme Court ruling in Gilbert vs. Reed is an Arizona case where they addressed temporary signs. It was ruled Governmental bodies cannot regulate the content of the speech of the sign. So that has thrown up in the air the regulations on temporary signage by Governmental entities across the Country and now everyone must review their sign ordinances and modify them so they are consistent with what is a very difficult ruling of the Court because it's partial to different Justices and current opinions.”

II. Application

It is clear that the Town may still regulate signs in terms of their physical characteristics, and their location (zoning district, outside right-of-way, etc.). But, if a sign is allowable in a given district, then the Town may not be able to regulate the content written on the sign. For example, Section 58-145 (4) allows for real estate signs to be placed on residential property. This regulation is based on the content of the sign (the message advertising property for sale or lease). Therefore, if the Town wishes to continue to permit such signs, then they would have to allow ALL signs that otherwise comply with the permitted restrictions (non-content based) to be displayed for the same length of time, in the same manner and in the same location as the “permitted” signs.

Staff is attempting to obtain additional information from the Town Attorney about the potential impact of the court case on the sign ordinance. It appears that at the very least, the Town will need to revise sections dealing with temporary signs.

III. Attachments

The packet includes the Town’s sign ordinance for reference. Staff recommends focusing on Sections 58-145 and 58-151, which include temporary sign regulations.

The Planning Board reviewed this and decided that it was early and is still being considered. Below are some points that were discussed.

- The reason for this discussion is because it was suggested by the Town Attorney that the Planning Board review the sign ordinance.
- According to Town Attorney Fox the first logical step is to look at temporary signs.

- Chairman Sharp suggested the Board identify the different types of temporary signs. How does the Town regulate them? Are they content neutral or not?
- The purpose of the current ordinance is to minimize signs along the roadways.
- Town Planner Burton wants to clarify the difference between commercial and noncommercial. Chairman Sharp will send to Town Planner Burton a definition of commercial signs.
- The Board created the following questions that they would like presented to the Town Attorney.
 1. Do we need to allow a longer time period for temporary church signs since political signs can be up for 60 days (not 30)?
 2. Can we place restrictions on which signs require a permit v. which signs do not require a permit?
 3. Are we allowed to restrict the size of political signs?
 4. Is there a minimum/maximum amount of time that political signs have to be up?
- Town Planner Burton will check with other municipalities to see how long political signs can stay up.

This topic will be put on agenda for next month

Item No. 7 Update from Town Planner. The Planning Board received the following memo from Town Planner Burton.

- A new proposed subdivision at the intersection of Weddington-Matthews and Hemby Road is working through the initial TIA process with Justin Carroll. Staff expects to receive the Sketch Plan in the coming months.
- Staff received the preliminary plat application for the Enclave at Weddington. It will likely be on the November Planning Board agenda.
- Staff scheduled PIMs for November 2nd and 3rd for an 18 lot subdivision, named Sugar Magnolia. It will also likely be on the November Planning Board agenda.

Item No. 8. Other Business.

A. Report from the October Town Council Meeting. The Planning Board received the agenda from the October 12, 2015 regular Town Council Meeting.

Item No. 8. Adjournment. Vice Chairman Dow moved to adjourn the October 26, 2015 Regular Planning Board Meeting. Mr. Giattino seconded the motion with votes recorded as follows:

AYES:	Vice-Chairman Dow, Vivian, Klink, Hartman, Giattino and Prillaman
NAYS:	None

The meeting adjourned at 7:59p.m.

Dorine Sharp, Chairman

Attest:

Tonya M. Goodson