

Town of Mills River
Minutes of the Planning Board
Tuesday, February 7, 2017

The Town of Mills River Planning Board met on Tuesday, February 7, 2017, at 7:00 PM in the Mills River Town Hall. Board members present were: Jim Humphrey, Randy Austin, Cheryl Janoski, Brian Kimball, Sherri Hill, Ronnie Edwards, Jim Foster and Connie Vlahoulis. Chae Davis was absent (excused). Town Manager Jeff Wells, Zoning Enforcement Officer Jesse James and Tax Collector/Deputy Town Clerk Aurelie Taylor were also present. There are no open seats on the Board.

Chairman Jim Humphrey called the meeting to order and those present stood for a moment of silence and gave the Pledge of Allegiance.

Adjustments/Additions to Agenda: None.

Brian Kimball made a motion to approve the minutes from January 3, 2017. Cheryl Janoski seconded the motion and the motion passed by unanimous verbal assent.

Chairman Humphrey requested that Aurelie Taylor include in these minutes his commendation of the accuracy and articulation of the January minutes.

Public Comment: None

Old Business:

A. Sign Ordinance Overview – Town Manager Jeff Wells

Town Manager Jeff Wells asked Zoning Enforcement Office Jesse James to go over the results of his research into LED sign ordinances in similar jurisdictions to Mills River, the text of which appears below:

Sign Ordinance- February 7th Planning Board

Town of Mills River Code of Ordinance

Monument and Freestanding Sign Types-

(6) Changeable copy may be incorporated into a monument or freestanding sign provided that the changeable copy area does not exceed 32 square feet. Changeable copy may be digital (including LEDs), but may not change more than one time per day.

Similar towns Ordinance

Indian Trail NC

960.070- If any LED sign alternates between messages, it shall continuously show one message a minimum of ten minutes in time before switching to the other message.

Waxhaw NC

3. Electronic Message Boards

A. Permitted Districts: C1, C2, C3, I1, I2, OIS

B. Permitted Types: Electronic message boards may be incorporated into a permitted wall sign, or monument sign and may function as a time and temperature sign or gasoline price sign only.

C. Maximum: 1 per tenant

D: The electronic message board shall not comprise more than 40% of the primary sign area.

E: Construction and Dimensions: The electronic message sign must be physically attached to the primary sign and the numerals shall not exceed 18 inches in height. Subject to the preceding height limitation, the electronic message sign may contain up to two horizontal rows of information provided that the total numeral height of both lines does not exceed 26 inches (eg. One 18 inch line and one 8 inch line).

F: Electronic Message Technology Requirements: All lighted characters, letters or numbers shall be LED (Light Emitting Diodes) and only green and red in color. The background screen shall only be black.

G: Message Variation: The electronic message shall not scroll, blink, or flash. New Messages shall be timed to fade in and out slowly.

Farview NC

Prohibited- 5. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color. Signs with electronically scrolled messages must go through the conditional use permit process.

Leland NC

7. Changeable Sign. A sign with a changeable copy or reader board area and electronic message board area is permitted as a wall sign, provided that the changeable copy or electronic message board does not exceed 50 percent of the total area of the sign and has a maximum square footage of four feet. An electronic message board area is included in the calculation of the total sign area unless the board displays only time and temperature information, in which case, the message area is allowed in addition to the maximum area of the sign. Electronic message board signs may only change copy every 30 seconds.

Midland NC

(G) Changeable Copy *signs* are allowed as either attached or freestanding *signs* provided they are:

- (1) incorporated into the general or attached signage for a nonresidential property,
- (2) not more than one such *sign* is per occupancy,
- (3) the *sign* message changes no more frequently than once every four hours for manually and/or mechanically changing *signs* and once every eight seconds for digitally changing *signs*.

(H) Digitally Changing *signs* are allowed only on properties zoned MS, OM, C601 or C24/27. Unlike time and temperature *signs*, no area bonus is allowed for changeable copy *signs*.

Elm City NC

E. subject to subsection (F) below, no sign may contain any light or illumination which flashes, moves, rotates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations (such as a strobe light, ziplight, flashing light or rotating beacon). An exception to this requirement is that a sign or portion of a sign that automatically changes its face (by electronic or mechanical means) once every 60 seconds or at a slower rate is permitted.

Shallotte NC

- (d) The LED or electronic display area shall be computed as part of the total allowable freestanding sign display area for the zoning district in which it is located, except that freestanding signs advertising the price of gasoline or diesel fuel for sale on site may display said prices on an LED or electronic display no greater than eight (8) square feet in total area in excess of the maximum permitted freestanding sign area.
- (e) LED or electronic display signs shall not have any flashing or animated messages. The message is, however, permitted to scroll across the LED display area. The actual sign message shall not be changed in intervals of less than eight (8) seconds. Public Emergency Messages/Public Emergency Announcements may change display as frequently as once every five (5) seconds only if the entirety of the sign face is comprised of the Public Emergency/Public Announcement Message and no commercial message is displayed.
- (f) All Electronic Changeable Copy signs shall be installed with light sensitive automatic dimming controls.

NC DOT

- (4) Automatic Changeable Facing Sign:
 - (a) Automatic changeable facing signs shall be permitted on the controlled routes under the following conditions:
 - (i) The sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
 - (i) The changeable facing remains in a fixed position for at least eight seconds;
 - (iii) If a message is changed electronically, it must be accomplished within an interval of two seconds or less;
 - (iv) The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway;
 - (v) The 1000-foot distance shall be measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;
 - (vi) A legally conforming structure may be modified to an automatic changeable facing upon compliance with these standards and approval by the Department. Nonconforming or grandfathered structures shall not be modified to an automatic changeable facing;
 - (vii) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
 - (viii) The sign application meets all other permitting requirements.
 - (b) The outdoor advertising permit shall be revoked for failure to comply with this Item.

Staff Findings:

- Most towns similar to Mills River (auto oriented-no town center) have either restricted or regulated the change copy electronic signs. Recommendation- Allow but have a regulated time frame for change time.
- Most of these municipalities regulate the size of the changeable copy. Recommendation- Enforce the electronic changeable face size as either a percentage of allowed sign area or give maximum size restrictions.
- Some municipalities permit their changeable electronic copy signage in certain zones.
 - Recommendation- Choose zones that regulation makes sense, and make other zones subject to conditional use or special use permitting process.

- Flashing, scrolling, and fading in and out electronic message boards are not permitted in any of these municipalities.
- Some municipalities define what types of signs will be permitted to have an electronic message board.

Staff suggested that Planning Board look at regulating the type of sign (freestanding, wall, etc), the Zoning district, the percentage or overall size of the LED portion of a sign, and the time frame for changeable copy. Discussion began with where the MR-GB zoning designation was, the thought being that LED signs would be confined to that area. Jeff brought out the big zoning map. Jim Humphrey thought that following DOT guidelines would be a good idea. The types of signs were also discussed, along with window signs, measuring façade percentages, and the scale of wall signs.

Randy Austin suggested that the Board focus on LED signs first, then put their recommendation aside until its reached on the outline (attached to January's minutes). Time frames for changeable copy (electronic) was talked about; most board members were OK with 8 seconds, the DOT standard. The special use permit can take care of any requests for a shorter time frame or signs outside of General Business.

Jim Foster made a motion to limit the time LED changeable copy signs can change a message to not less than every 8 seconds. Connie Vlahoulis seconded the motion and the motion passed by majority. Randy Austin voted against the motion.

The Board moved on to where LED signs would be permitted. The suggestion is that they be permitted by right in MR-GB and by special use permit in any other designation. There was very little discussion.

Ronnie Edwards made a motion that LED and LED changeable copy signs be permitted by right in MR-GB and by special use permit in all other zoning designations. Connie Vlahoulis seconded the motion and the motion passed by unanimous verbal assent.

The size allowed also elicited very little discussion. Staff recommended that the LED portion of the sign take up no more than 40% of the total square footage, with a maximum sign size of 32 square feet. One town allowed 50% of the sign to be LED.

Jim Foster made a motion that LED signs be limited to a maximum of 40% of the entire sign square footage and that the total size of the sign be limited to 32 square feet. Connie Vlahoulis seconded the motion and the motion passed by unanimous verbal assent.

Jesse mentioned that the prohibition on flashing, scrolling, fading, strobing, etc., signs was already in the ordinances. It was decided to leave that prohibition intact.

Brian Kimball brought up the colors of LED's and thought that the background color was important to safety. There was some discussion on bulb colors and background colors and the possibility that red and green colors might be confused with traffic signals. White anywhere on the sign was thought to be distracting and possibly dangerous.

Brian Kimball made a motion that all lighted characters, letters, or numbers on LED signs shall be either green or red. The background color shall only be black. Randy Austin seconded the motion and the motion passed by unanimous verbal assent.

The last staff finding from Jesse's research was regarding the type of sign allowed to be LED (freestanding, wall, pedestal, banner). Staff's recommendation was that freestanding signs only should be LED.

Randy Austin made a motion that the only type of sign allowed to be LED is freestanding. Jim Foster seconded the motion and the motion passed by unanimous verbal assent.

Jeff reminded the Planning Board that there is another type of changeable copy sign: the manual changeable sign. Did the Planning Board wish to have different standards for these? Schools were used as an example of these types of signs that were neither 32 square feet nor inside MR-GB. Did the Planning Board wish government/public entities to be exempt from changeable copy sign ordinances? The Board decided, no, since those in existence would be "grandfathered in" and new ones could go through the special use permit process.

Brian Kimball asked if colors could be restricted on such signs – both letters and background. Staff will research and bring the findings back to Planning Board.

Jeff presented his "Council Actions" memo, the text of which appears below:

COUNCIL ACTIONS – JANUARY 2017

- Norafin Agreement
 - Updating incentive agreement
- Multi-Use field
 - Grading field adjacent to new parking lot for general recreation in Spring
- Hooper Lane Bridge
 - Reviewed design plans

OTHER NOTABLE ITEMS

- Council Visioning – February 23.
- Silver Ridge operational.
- Bojangles – open next week.
- Wayfinding sign implementation this year.

- Working towards another PARTF grant application
 - Basketball court
 - Picnic shelter #2

Jeff also mentioned the Henderson County Sheriff's Department Town Hall meeting this Thursday, February 9. No Town Council meeting will be held that night.

As there was no further business to discuss, Jim Foster made a motion to adjourn the meeting. Randy Austin seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor
Tax Collector/Deputy Town Clerk