

Town of Mills River
Minutes of the Planning Board
Tuesday, June 6, 2017

The Town of Mills River Planning Board met on Tuesday, June 6, 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, Chae Davis, Jim Foster, Ronnie Edwards, and Matt Holloway. Also in attendance were Town Manager Jeff Wells and Tax Collector/Deputy Town Clerk Aurelie Taylor. There are no open seats.

Chairman Jim Humphrey called the meeting to order and welcomed Assistant Scout Master Pat Galligan and Scouts from Troup 622. All those present stood for a moment of silence. A Scout member led the Pledge of Allegiance, recited the Scout Oath and Law.

Adjustments/Additions to Agenda: None.

Jim Foster made a motion to approve the agenda. Cheryl Janoski seconded the motion and the motion passed by unanimous verbal assent.

Ronnie Edwards made a motion to approve the minutes from May 2, 2017. Sherri Hill seconded the motion and the motion passed by unanimous verbal assent.

Public Comment: No Public Comment

Old Business:

A. Sign Ordinance Overview – Town Manager Jeff Wells

Mr. Wells turned over the section to Planning and Zoning Officer Jesse James after saying that he hoped to be able to finalizes the changes and finish the review of the Sign Ordinance tonight. Jesse went over the chart on the proposed Sign Ordinance amendments point by point. The text of the chart appears below:

Sign Ordinance Re-Write Planning Board 2017

| Code Section | Current Code | Planning Board Working Draft | Notes: |
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| 154.250- Purpose and Intent | No Change | Format added bullets for better organization | No change in ordinance |
| 154.251- General Provisions/Applicability | Use to be 2 sections-combined | Combination of 2 sections | No Change other than combination of 2 sections |
| 154.252- Definitions | See Code book | To be continued after council approval of summary. | No need in working on definitions until after draft is approved. |
| 154.253- Sign Permit Required | Doesn't address changing copy signage for same size conforming sign. | Notwithstanding the above, changing or replacing the permanent copy of an existing and conforming sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of the Town Code. | We do not review content (unless listed under prohibited section). It is apparent we should not spend time reviewing a simple copy change informing sign. |
| 154.254- Determination of Sign Copy Area and Sign Height | Section 154.256-154.257 | Combined 2 sections into one. Re-written but same information to make more sense. | Summed up information to make more sense and added section on changeable copy to be included in signage area. |
| 154.255- Sign Illumination | Section 154.263 | Took out section C on 11PM to 6AM illumination within 100 linear square feet of a residence. This is addressed in Section D about not allowing intense or excessive glaring lights. | We don't have a way to enforce this time span restriction. If complaints emerge we can use Section D to resolve and enforce the brightness of the signage. |
| 154.256- Construction Standards | Not in the current code | Highlights that signage must meet building code | This section needed to be added for a reminder to meet Chapter 31 of the Building Code. |

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| 154.257- Common Signage Plan For Multi-Unit Developments or Developments With More Than One Principle Building | Not in the current code | Added Section- site plan sign review needed for larger developments with multiple signs. | Its better to review all the signage at once to be more efficient and to to lessen chances of mistakes. |
| 154.258- Signs Permitted in the MR-GB, MR-NC, MR-LI, and MR-MU Zoning Districts | (154.258) Signage Types (154.259) Signage Types (154.260) Additional Signs | Took out section on suspended shingle post/arm signs (need to either re-write or take out all together and consider these free-standing). Projecting signs- added the maximum number of projecting signs permitted shall be 1 per tenant frontage. Added- a projection sign can take place of a wall sign or in lieu of. Wall signs- Changed area computation to wall signage shall not exceed 10% of the total surface area of the wall with a max of 150 sq feet. Use to read 1.5 linear square foot of building frontage. Non-residential subdivision signs will be re-written in another section. | More efficient and makes more sense to have all in one section. It is easier to read, there is less cutter, and the signage taken out would all have the same type of requiemnts as free standing. The area computation section changes seem to make more sense than measuring linear square footage. (tall buildings and short buildings should not have the same allowable area computation if the length is the same) The total frontage square footage area to measure off of is more fair and makes more sense. |
| 154.259- Signs for Non-Residential Uses Permitted in the MR-30 Zoning District | Not in the current code | 50% of the requirements in previous section 154.258 | Less intrusive for residential districts than is detailed in 154.258 |
| 154.260- Changeable Copy Signs | Listed in section 154.257, 154.260, Permitted in all districts. 24 hour minimum change period | Permitted by right in MR-GB, special use permit in other districts. a. In no case shall a manual changeable copy sign comprise more than 40% of the freestanding sign copy area, up to a maximum of 32 square feet. b. The copy area (background) must be one uniform color. c. The letters and numbers may be colored red or black. c. Messages shall remain in a fixed position for at least 8 seconds. e. Message transition must be instantaneous. | Voted in favor of these changes in Februrary Board Meeting. Electronic Copy has the same standandards as manual. |

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| 154.261- Signs Exempt from Obtaining a Sign Permit | 154.261- Signs Exempt From Regulations | 154.261- A)Added Public (Governmental) signs B) Added Flags (Non advertising/non informational). C) Addressing added D) Window Signs added E) Building Memorial added F) Sidewalk signs added G) Temporary signs reorganized (moved some bullets into this section to place under one category including real estate, construction and added items. Table format. | A)Public(Governmental)(DOT, hazard/warning/ -does not include government signage unique to town such as schools or water treatment facility) D) No reason to regulate(up for discussion?) F) Sidewalk Signs (up for discussion?) |
| 154.262- Extended Use Temporary Signs | New section-replaced subsection from Additional Signs Section (154.260). | Changed height from 20 to 10 feet. | Needed its own section for clarity. |
| 154.263- Signs Prohibited | 154.262 | No Changes | No Changes |
| 154.264- Subdivision and Development Signs | Took out of Additional Signs section(154.260) (F) Multiple tenant identification. | Brings all uses (commercial, industrial, residential) into one section | Consolidated all uses for clarity and organization. Easier to find in the code. |
| 154.265- Non-Conforming Signs | 154.266 | No changes, just re-organized | No Changes |
| 154.266- Sign Maintenance | 154.263 | No changes, just re-organized | No Changes |

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| 154.267- Dangerous or Unsafe Signs | 154.269-154.265 | Same however deleted removal of obsolete signs because this section addresses the intent of that section which is removal of unsafe signs. | We can not make a closed business take down a sign structure. That is an owner/buyer matter. Town Council has the authority pursuant to GS 160A-193 to direct a land owner to remove unsafe signage. |
| 154.268- Enforcement | Not in the current code | If the Zoning Administrator or his/her designee shall find any of the provisions of the Sign Ordinance are in violation, he/she shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it or shall take any other action authorized by Section 154.999 of the Town Code. | Discussion? |

In section 154-255, Sign Illumination, Randy would like to see the 100 linear foot rule remain in the ordinance, as it is a finite measure. The rest of the rule seems to be more subjective.

Randy Austin made a motion to leave the 100 linear feet measurement language in 154.255, the rules governing Sign Illumination. Brian Kimball seconded the motion and the motion passed with unanimous verbal assent.

The presentation continued until it reached 154.261 Signs Exempt From Obtaining a Sign Permit. Cheryl Janoski had a concern that sidewalk signs could present a hazard to pedestrians and could impede the flow of foot traffic.

Cheryl Janoski made a motion to include language that sidewalk signs must be on internal sidewalks, not in the street right of way and be positioned so that they don't impede the flow of foot traffic or create a safety hazard to pedestrians. Brian Kimball seconded the motion and the motion passed by unanimous verbal assent.

There was little to no discussion of the next sections until 154.268, Enforcement was reached. Discussion began on whether the Town should continue enforcing the Sign Ordinance by complaint only or become more proactive in violation enforcement. Frustration was expressed that current violators were being appeased rather than having the current ordinance enforced. Staff suggested language referencing 154.999 Penalties be repeated in the Sign Ordinance section. This began much discussion of penalties, the deterrent effect of a \$50/day fine, how that would be implemented, and the lag time between offense and when a penalty is actually assessed. An escalation of monetary penalties was brought up as well as the period of time allowed before monetary fines increased.

Brian Kimball made a motion that language be added to both penalty sections that for every 15 days of noncompliance, fines double. Sherri Hill seconded the motion and the motion passed by unanimous verbal assent.

At the end of the chart presentation, the Board had no further questions, comments, or changes.

Jim Humphrey made a motion that the Planning Board recommend that Town Council approve the Sign Ordinance revision outline with the changes made at this meeting. Randy Austin seconded the motion and the motion passed by unanimous verbal assent.

New Business:

A. Election of Chairman/Vice Chairman – Dep. Town Clerk Aurelie Taylor

The floor was opened for nominations. Jim Foster nominated Jim Humphrey for Chairman and Brian Kimball for Vice Chairman. No other nominations were made. The nomination was seconded by Chae Davis and they were elected unanimously.

B. Cancellation/Rescheduling of July Meeting – Dep. Town Clerk Aurelie Taylor

The July meeting falls on the Independence Day Holiday. Jim Humphrey asked whether the Board wished to cancel that meeting. There was no request to reschedule.

Jim Foster made a motion to cancel the July Planning Board meeting. Brian Kimball seconded the motion and the motion passed by unanimous verbal assent.

Jim Humphrey reminded the Board of the other subjects they'd previously identified as needing review: the comprehensive land use plan update/corridor study, a nuisance ordinance, and workforce housing. He also said that Jesse would like them to talk about the possibility of developing a "change of use" permit. At present a building undergoing interior renovation from residential to commercial use never needs a zoning permit. Many times Henderson County will inform us of the change, but that's not consistent. The issue is that commercial buildings have landscape and parking requirements that commonly are missed and never installed. Jesse also commented that a large number of his phone calls from citizens involve issues normally covered by a nuisance ordinance. He would appreciate the Planning board taking up that subject as well. Also, a representative from the NC 280 Corridor Bike Path study group would like to address the Planning Board about that project.

Brian Kimball made a motion to put the NC 280 Bike Path Study representative on the agenda for the August, 2017, meeting. Jim Humphrey seconded the motion and the motion passed by unanimous verbal assent.

Jim Foster made a motion that the development of a change of use permit and a discussion of a nuisance ordinance be placed on the August agenda if no priority issues arise. Brian Kimball seconded the motion and the motion passed by unanimous verbal assent.

Town Manager Update:

Town Manager Jeff Wells then presented an update on **Council Actions:**

COUNCIL ACTIONS – MAY 2017

- Budget workshops complete
 - Finance Committee recommends approval of budget
- Authorized construction of shade structure over playground area
 - Estimated completion in July
- Budget – public hearing June 22nd
- Budget amendments – June 22nd

OTHER NOTABLE ITEMS

- Multi-use field project
 - Grass growing well
- Development Activity – website
- NC 280 Path update
- Norafin plan submitted

As there was no further business to discuss, Chae Davis made a motion to adjourn the meeting. Brian Kimball seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor, CTC
Tax Collector/Deputy Town Clerk