



TOWN OF WAYNESVILLE Planning Board

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Development Services
Director
Elizabeth Teague

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

Anthony Sutton

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 February 20, 2017

THE WAYNESVILLE PLANNING BOARD held its regular meeting on February 20, 2017, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Patrick McDowell - Chairman
Bucky Dykes
Ginger Hain
Phillip Gibbs
Robert Herrmann
Pratik Shah

The following Board Members were absent:

Danny Wingate – Vice Chairman
Marty Prevost
Anthony Sutton

The following staff members were present:

Elizabeth Teague, Development Services Director
Amie Owens, Assistant Town Manager/Town Clerk

Elizabeth Teague, Development Services Director explained that she would not be present for the next regularly scheduled meeting on March 20, 2017. She noted that there were currently no applications in the works and that the date of the next regular meeting corresponds to some college spring breaks. If no applications or issues for review come in prior to the March 6, 2017 deadline for agenda items, she offered the Board the option to cancel the meeting. The group agreed by consensus to cancel the March 20, 2017 meeting. The next regularly scheduled meeting would be on April 17, 2017.

2. Adoption of Minutes

A motion was made by Board Member Bucky Dykes, seconded by Board Member Pratik Shah, to approve the minutes of the January 19, 2017 regular meeting, as presented. The motion passed unanimously.

B. NEW BUSINESS

1. Public Hearing to consider to consider a staff and Planning Board initiated text amendment to the Town of Waynesville Ordinances regarding temporary signage, Land Development Standards Section 11.5.12.

Chairman McDowell opened the Public Hearing at 5:32 p.m. and asked Development Services Director, Elizabeth Teague, to present background information on this text amendment request.

Background:

Ms. Teague explained that work was being done to revise the ordinance due to US Supreme Court decision in the case entitled *Reed v. Town of Gilbert, Arizona* in which the Court determined that if an enforcement official has to read the content of a sign to determine whether its size and location are permitted, the local ordinance is unconstitutional. There has been a great deal of information about the impact of this case via the NC bar, various listserves, and Ms. Teague has consulted with Planning Board Attorney Ron Sneed.

As a result of this decision, content or message contained on a sign cannot be used to determine its legality, or to regulate it more restrictively than any other type of sign allowed within the jurisdiction. The Court decision held that if an enforcement official has to read the content of a sign to determine whether its size and location are permitted, the local ordinance is unconstitutional. Ms. Teague added that from previous discussion, it was determined that the area where content specific information is used in the present ordinance is under temporary signage.

Due to the fact that the North Carolina has specific guidelines related to regulating political signs, the staff recommends quoting the existing State Statutes rather than include political signage as part of the Town's response to the Supreme Court Case of *Reed v. Town of Gilbert*. Therefore, the draft defers to the State in regards to political signage, but defers to the Gilbert Court Case in all other types of temporary signs.

Chairman McDowell opened the public hearing at 5:42 p.m.

No one addressed the board

Chairman McDowell closed the public hearing at 5:43 p.m.

Board Member Dykes made a motion, seconded by Board Member Gibbs to find the text amendment consistent with the Town of Waynesville's 2020 Comprehensive Land Use Plan. The motion carried unanimously.

Board Member Gibbs made a motion, seconded by Board Member Herrmann to recommend approval of the Signage Draft and text amendment by Board of Alderman. The motion carried unanimously.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

No one addressed the Board.

D. ADJOURN

With no further business, Chairman McDowell adjourned the meeting at 5:44 pm.



Patrick McDowell, Chairman

Amanda W. Owens, Town Clerk