

**Planning & Zoning  
Discussion Summary  
February 22, 2012**

**ATTENDANCE:** Michael Fortner, Michael Dawson, Ray Ryan, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

**Discussion started at 6:30 p.m.**

Due to a quorum not present the January 18, 2012 Planning & Zoning Meeting minutes will be tabled until the next scheduled meeting.

Mr. Fortner explained we can discuss the business on the agenda but are unable to make a decision or recommendation tonight. We can continue our discussion of signage.

Mr. and Mrs. Burkins were in attendance and asked for an explanation of what the rules and regulations are as far as the proposed sign.

Discussion continued the Zoning Certificate that was submitted didn't meet current requirements. We can discuss this but tonight there is no vote from the Planning Commission for a recommendation. We are in the process of revising our sign regulations and there are certain things in the proposed changes that it might meet after all the changes are finalized and adopted. More information is still required from you for us to complete the review process. A survey of your property showing sign locations is needed to determine if placement is in the State Highway right-of-way, in accordance with SHA's new regulations. During phone conversation with Mr. Burkins, approximate distances were provided but actual location still has to be determined. The other concern was movement of the sign, which is not permitted under current zoning regulations. If the sign would be continuous movement, scrolling, that is currently not allowed. For the past three months the Planning Commission has been having discussions regarding possible changes to the Zoning Ordinance for signage and because your submittal was pertinent to this ongoing conversation it was suggested to Mr. Burkins to attend the meeting for his request.

Ms. Skilling indicated information was received from SHA regarding their right-of-way: email received today from Mr. Fender; *"have to keep a setback of at least 109' from the center of US Rt40 as shown on the plat, and Mr. Burkins will be responsible for getting his property surveyed to ensure he actually places the sign on his property and not within SHA right-of-way"*. (Copy of email was provided to Mrs. Burkins with a copy of Staff Report.) This application was brought to the Planning Commission because we couldn't approve it and we've been going through this whole process so we wanted the Planning Commission to see the review for the Zoning Certificate and why it was denied, so you understand as we go through the regulations now. If some things are changed there may be something that could be approved at a later date. Once we complete the process, the Planning Commission has to approve it, public hearing is held and a recommendation is made to the Mayor and Commissioners, with another public hearing, and once the changes are approved by Mayor and Commissioners the changes are adopted and the Zoning Ordinance is updated with the changes. At that point you can apply based on the new regulations but it has to follow the new guidelines. Right now with the new SHA regulations any sign that exists in their right-of-way is illegal and SHA will require you to provide a survey of your property for determination, as per their email. Unfortunately a recommendation cannot be made tonight due to a quorum is not present and I apologize for your inconvenience to attend.

Discussion continued regarding SHA is now enforcing their right-of-way regulations and requiring any signs in their right-of-way to be removed, to be considered as a civil violation, if they enforce it. When a sign application is received that is located on any major highway the Town will also have to submit to SHA for review. If their sign is in the SHA right-of-way, that's an issue between them and the State and doesn't stop the Town from making a decision based on our regulations. However, the Town could not allow them to build something on a sign that is in the right-of-way, we wouldn't be able to approve it. Mr. Burkins stated it's not in their right-of-way.

Discussion continued regarding the definition of movement. Some definitions were added to the suggested changes but movement wasn't one of them. Question was asked what the bank sign is considered, but in current regulations those signs that display date, time and temperature are allowed. That type of display is public information.

Ms. Battaglia explained when the Zoning Certificate was submitted from Mr. Burkins there were no details attached. I requested a picture of what it was going to look like and then had a conversation with Mr. Burkins for more details, such as color because these types of signs come in all color combinations and hundreds of options out there. Mr. Burkins explained that it is an older type sign, amber letters on a black background and that it is a continuous moving message sign. Mr. Burkins said he will check if it is continuous because he doesn't know if it has the capability to remain static for a period of time. State and Federal regulations require signs remain static for eight (8) seconds before changing.

Mr. Dawson asked for the signs that display date, time and temperature, who enforces that because we don't ask them what they're going to put up there to advertise on it, we're just assuming Mr. Burkins is going to use the scrolling sign to say sale, so who enforces if someone puts a sign up that says something different. If Food Lion puts a sign up there that says date and time and we approve it and then a month later it says "Milk ½ price", who enforces that, what's the fines and how does that work. What article is there that says we're going to enforce that. Who's going to go after them and cite them, what would they cite, and what would the fine be, do we have that?

Ms. Skilling responded right now our regulations say that sign can display date, time and temperature. Anything other than that would be under Code Enforcement. Mr. Ryan commented if the bank changed the sign to display interest rate or whatever, Ms. Hickman, Code Enforcement, it is her responsibility to enforce all our Codes as they are currently written and it says in there nothing but date, time and temperature is allowed.

Mr. Ryan continued we've worked hard on this and I would like to say I'm in favor of your sign; however we need to get regulations changed first. This is too premature and we should get the process changed and then bring it back and it eliminates a lot of issues we may have regarding flashing, rotating, scrolling, whatever, and then the only thing you'll have is the State right-of-way issue. I want to wait and get this all in line because right now what you're asking is for an exception to the rules that we have.

Ms. Skilling continued do you want to discuss any of the proposed changes to the existing signage that were submitted or do you want to wait until the next meeting to go over it.

Mr. Fortner responded I would like to wait because there are only three of us here and it would be better to have the whole group here for discussion.

Discussion continued that it could take up to three months to get proposed changes implemented to go through the process, get all public hearings done. All regular meetings are public and allow

public comment, give your opinions to add to the discussion. Hopefully when all is done and changes are made it will satisfy what Mr. Burkins wants to do. The next meeting will conclude discussion and come up with a final draft for the proposed changes. After that a public hearing can be scheduled for the following month, a recommendation will be made to Mayor and Commissioners and they will hold a public hearing.

Discussion ended at 7:15 p.m.

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator