



MINUTES OF
CITY OF CREEDMOOR
PLANNING BOARD MEETING
JUNE 13, 2019
7:00 P.M.

PRESENT

In attendance were Chairman Ed Gleason, Vice-Chairman David Forsythe, Mildred Goss, Steve Faucette, Mike Allen, and Kechia Brustmeyer Brown. Also present were Community Development Director Michael S. Frangos AICP, CZO, Planning Technician Michael Malecek, and attorney Kevin Hornik.

ABSENT

Robert Gorham and Dennis Lester.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Ed Gleason.

SWEARING IN OF NEW MEMBER

Mayor Robert Wheeler delivered the oath of office to Kechia Brustmeyer Brown and swore her in as a new planning board member.

RECOGNITION OF QUORUM

Chairman Ed Gleason noted that there was a quorum.

APPROVAL OF AGENDA

Mr. Frangos asked Chairman Ed Gleason to amend the agenda to include an update on FIP-2018-01 and the installation of the awning at Edge Environmental. Chairman Ed Gleason agreed to amend the agenda to include this update under item 7.a. (departmental activity).

Moved by Mr. Allen to approve the amended agenda; seconded by Ms. Goss. The motion received a 6-0 vote.

APPROVAL OF MINUTES

Moved by Vice-Chairman Forsythe to approve the minutes of May 9, 2019; seconded by Ms. Goss. The motion received a 6-0 vote.

COMMENTS FROM THE PUBLIC

None.

ACTION ITEMS

Chairman Gleason deferred to Mr. Frangos to begin the discussion of updates to Article 17: Creedmoor Sign Ordinance.

Mr. Frangos opens the conversation and notes that a text amendment is in progress to update Article 17 to make the ordinance compliant with the Reed supreme court decision. Staff will work to provide revised ordinance language at an upcoming Planning Board meeting.

Mr. Hornik provided an overview of the Reed v. Town of Gilbert supreme court case and the legal implications to municipal sign regulations. The supreme court decision makes it unconstitutional to regulate signs based on the content or message of the sign. Signs can still be regulated based on the factors of time, place, and manner – the amount of time the sign is displayed; where the sign is placed, located, or installed on property; and the construction, material, or manner of the sign itself.

Vice-Chairman Forsythe asks how temporary signs and banners for nonprofits, charities, and fundraisers will be regulated under new rules that are Reed compliant? Mr. Hornik responds that a number of different methods of regulation and enforcement are available, as long as they treat all temporary signs the same and don't single them out based on content. A nonprofit sign cannot be singled out and regulated differently because you have to read the sign content to determine if it is a nonprofit, charity, or fundraiser sign.

Vice-Chairman Forsythe asks if Christmas decorations are considered signage and if they would be regulated under the revised Article 17. Mr. Hornik responded that decorations are not considered signage, in regards to the Reed supreme court decision impacts on current sign regulations.

Ms. Goss asks about religious signs on private property in residential yards and how they would be regulated. Mr. Hornik responded that the City can't regulate religious signs specifically, because you have to read the content of the sign to determine if it is a religious sign. Temporary signs in residential yards could be regulated by creating an allowable amount of temporary signs that can be kept on private property at any one time, with an extra allowance for additional temporary signs during elections.

Chairman Gleason asks how the City would change and enforce regulations regarding commercial signs, for example a sign at a drive-through restaurant lane. Mr. Hornik responded that commercial signs can be regulated differently based on the commercial zoning of the property, but not the different types of signs that have to be categorized by reading the content of the sign. Mr. Frangos asks Mr. Hornik to clarify the difference between commercial and non-commercial speech on signs. Mr. Hornik responds that commercial speech on a commercial sign relates to the economic interest of the property owner and/or sign owner.

Chairman Gleason asks how the City is planning to regulate signs at the Walgreens corner at the intersection of Highway 56 and Main Street. Mr. Frangos responds that this corner is informally considered a community posting space, where temporary signs and banners can be placed in a kind of free zone, where enforcement is not targeted to that area. Ms. Goss states that the City

should regulate signs at the Walgreens corner and that when there are a lot of signs posted there it is unattractive and a distraction to drivers at this busy intersection. Vice-Chairman Forsythe states that he supports keeping a free zone to post signs at the Walgreens corner; without it people will post their signs other places illegally.

Chairman Gleason says that churches and community groups are often the organizations with the need to place temporary signs around the City to advertise their events, and that these organizations should be included to offer input on the proposed changes to the Creedmoor Sign Ordinance.

Mr. Frangos asks the Planning Board members how they want to move forward with adopting changes to the Creedmoor Sign Ordinance to make it Reed compliant. He states that staff can do a light revision of the sign ordinance and wait for further guidance on the Reed supreme court decision, or staff can present a heavily updated ordinance that tries to comply with the Reed decision now, based on existing case law and guidance. Chairman Gleason questions the need for the City to make its sign regulations Reed compliant now, when there is a lack of guidance and additional case law to clarify the supreme court decision. He states that the Planning Board could choose to leave the sign regulations the way they are until more guidance is available to specifically clarify what changes are needed and how to regulate signs after the Reed case.

Chairman Gleason states again that church and community groups should be included in this process to ascertain their needs for temporary signs and the best way for the City to regulate them. Chairman Gleason directs staff and the Mr. Hornik to keep working on revising the sign ordinance until we receive more direction and guidance about how best to regulate signs, considering the Reed supreme court decision.

STAFF REPORT

Mr. Frangos reports on the installation of the new awning at Edge Environmental, part of the facade improvement program (FIP-2018-01). Mr. Frangos distributes a recent photo of the new awning and improved look of the facade for planning board members to look at.

Vice-Chairman Forsythe moved that the Planning Board is satisfied with the installation of the new awning at Edge Environmental as part of FIP-2018-01, and approves reimbursement of funds from the City of Creedmoor Finance Department; seconded by Ms. Goss; the motion received a 6-0 vote.

Mr. Frangos delivered a report on department activity and developments with the multiple, active construction and infrastructure projects around town. Mr. Malecek delivered a code enforcement update on properties at 816 N. Durham Ave. and 911 N. Durham Ave.

Ms. Goss asked staff to look into overgrown trees on Oak Street. She stated that she's seen crews trimming trees around Duke Energy power lines and would like Public Works to trim some of the low hanging tree branches on Oak St. Mr. Frangos said that staff will look into it and coordinate with Public Works on a work order.

REPORTS FROM THE BOARD

None.

ADJOURNMENT

Moved to adjourn by Ms. Goss; seconded by Mr. Allen. The motion received a unanimous vote and the meeting was adjourned at 8:30 p.m.

Michael Frangos, AICP, CZO

Michael Malecek, Planning Technician