

**TOWN COUNCIL AND PUBLIC HEARING MINUTES
MONDAY, JANUARY 23, 2023, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Pro Tem Edie Tugman, Todd Carter (joined at 6:10 p.m.), Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, Scott Boyd, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, KC Banner-Building Inspector (joined at 6:42 p.m.), Darrell Pulliam-Building Inspector (joined at 7:10 p.m.), and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney

Call to Order

Mayor Pro Tem Tugman called the Town Council to order at 6:04 p.m. Chair Shay called the Planning Commission to order at 6:04 p.m.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member George made a motion to approve the November 28, 2022, Public Hearing minutes as written. The motion was seconded by Council Member Nenow.

Vote: Aye – 4
Nay – None
Absent – 1 (Carter)

The motion passed.

Vice-Chair Plaag made a motion to approve the November 28, 2022, Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Case PL05781-061322 Signs – UDO Text Amendment

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations. Numerous changes have been made to the regulations in order to be compliant with statutory requirements, case law, and the need to modernize the language.

Ms. Jane Shook, Director of Planning & Inspections, referred to the Ordinance found on page 23 of the meeting packet. She noted that the reference to Article 23 should be changed to Article 26. Ms. Shook also pointed out any dates referenced in the ordinance would need to be updated to the right dates prior to adoption.

Council Member Carter joined the meeting at 6:10 p.m.

Ms. Shook referred to section 26.04.04 on packet page 49 regarding abandoned signs. She asked for direction regarding the removal of abandoned signs. Vice-Chair Plaag suggested that the copy element be removed within ninety days, but allow the sign structure to be retained for up to two years. He felt this would allow a new tenant ample time to reuse the sign structure.

Ms. Shook then referred to section 26.05.01(H) on packet page 50 regarding inflatable signs. She noted that previously inflatable signs were allowed because a local business used to erect an inflatable in support of Project Graduation. Ms. Shook asked if this type of sign should continue to be allowed or be prohibited.

Vice-Chair Plaag felt that inflatable signs should be prohibited.

Council Member Carter stated that inflatables were used at numerous events and felt there should be some type of allowance for temporary inflatables. He felt they should strive for the balance of being a friend to businesses while protecting the character of Boone.

Ms. Meade suggested a possible allowance of inflatables for events, with limits.

Vice-Chair Plaag suggested that the number of temporary inflatable permits could be limited, as well as the length of time they would be allowed to be displayed.

Ms. Shook directed everyone to packet page 45 which contained the current UDO language regarding inflatable signs.

Ms. Meade noted that the law did not allow a distinction between for profit and not for profit when it came to signage. She stated that they could distinguish between commercial and non-commercial.

Council Member George suggested there could be a month long event. If inflatables were allowed, he did not feel that the inflatable should be allowed to stay up for the duration of the month long event.

Ms. Shook stated that some of the previous language could be put back in the proposed text to allow inflatable signs with limitations.

Ms. Shook referred to section 26.06.01(D) on packet page 53 regarding building identification signs. She explained that this was for signs that were etched or built in to a building's façade. Ms. Shook stated she wanted to have a discussion on if there should be a cap on size and inserted 5% and highlighted it for discussion. Council Member Roseman stated she was okay with the building identification sign proposal. Some others were a little unsure about allowing such a permanent sign.

Ms. Shook stated that the proposed language in section 26.06.01(F)(2) regarding fence wraps came directly from state law.

Ms. Shook pointed out an error on packet page 54 in section 26.06.01(M)(3) regarding political signs in the public right of way. The proposed language stated that signs must be removed within 48 hours after the election. Ms. Shook stated this should be revised to state that signs must be removed within 10 days after the election to be consistent with statutory language. Ms. Meade added that the language for political signs came directly from state law. She added that temporary political signs were allowed in the public right of way by state law.

Ms. Shook referred to section 26.06.01(O) regarding real estate signs. She noted that section 26.06.01(O)(5)(a-d) regarding open house signage should be removed because this would be addressed under temporary signs.

Ms. Shook then referred to section 26.06.01(Q)(1)(c-d) on packet page 55 regarding temporary sign regulations. She stated that c and d should be combined to state, "Except as provided at subsection 26.06.01(M) Political Signs, temporary signs are not permitted in public right of way. In addition,

temporary signs, regardless of whether or not in a public right of way, are not permitted within 11 feet of edge of pavement of any roadway or alley.”

Mayor Pro Tem Tugman expressed concern with temporary signs blocking the sight triangle.

Vice-Chair Plaag suggested that language be included in the real estate and political sign sections regarding sight triangle requirements.

Ms. Shook referred to section 26.06.01(Q)(2)(a)(i) regarding on-premises advertising temporary signs. She suggested the proposed text be revised to state, “Each tenant in a multi-tenant development is only allowed to display a freestanding temporary sign in compliance with this section if their building fronts the street the sign is located on. The sign must be placed on the tenant’s parcel or in the development’s common area.”

Council Member Roseman suggested that temporary signs be limited to a display time of seven consecutive days per month. There was discussion about display time limits, and Ms. Shook reminded everyone that the regulations needed to be something enforceable by staff.

Off-premises advertising temporary signs in section 26.06.01(Q)(3) were discussed. Ms. Shook stated it was the intent to allow these signs to be placed 48 hours before an event and removed 48 hours after. Ms. Meade felt that only one sign should be allowed per property. Ms. Shook stated that the current sign ordinance allowed up to 12 off- premises community event signs. She explained that the proposed text could allow as many signs as someone could get property owner permission for.

Ms. Meade suggested that the area at the corner of 321/Blowing Rock Road and Hwy 105 could become a public forum area where all signs could be placed.

Ms. Shook referred to section 26.06.01(Q)(4)(a) regarding noncommercial message temporary signs. She noted the proposed language would require these signs to be placed no closer than 11 feet from the edge of the pavement. There was discussion regarding topography and a possible inability to meet the requirement of 11 feet from the edge of the pavement. Ms. Meade stated some more work could be done on the proposed language.

Ms. Shook asked how everyone felt about feather banners. Vice-Chair Plaag felt they were too distracting and likened them to the wavy air signage.

Council Member Carter stated he was okay with feather banners. He felt it was just vertical space versus horizontal space.

Council Member Roseman stated she was also okay with feather banners, but felt they should have a height restriction.

Ms. Shook noted the time and asked how everyone would like to proceed. Vice-Chair Plaag stated there were a lot of areas that still needed some work or wordsmithing. He preferred that Town Council make the decision to have staff work on the language and bring the revisions back to a future public hearing.

Mayor Pro Tem Tugman called a break in the meeting from 8:36 p.m. until 8:43 p.m.

Ms. Shook referred to section 26.07.01(D) on packet page 57 regarding window signage. Vice-Chair Plaag suggested a revision to state that mullions and muntins were not considered an element that divides window area. He also felt that neon and lighting inside windows should be limited.

Ms. Shook stated that regulating interior window signage would create additional enforcement actions for staff.

Ms. Meade suggested, if window signage was prohibited, that the signage should not be grandfathered. Instead, a date of compliance should be established.

Ms. Shook referred to section 26.07.02(A) on packet page 58 regarding freestanding sign height. She noted that option #2 would allow the height of the sign to be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

Ms. Shook then referred to section 26.07.07 on packet page 60 regarding changeable/digital copy. She stated that the proposed text would allow changeable/digital copy in all commercial zoning districts. Ms. Shook noted that the current sign ordinance allowed copy to change every 60 minutes while the proposed text would allow the copy to change every 60 seconds.

There was discussion regarding the frequency of changeable copy. Council Member Carter felt it was somewhat extreme to go from allowing changeable copy every 60 minutes to every 60 seconds.

Council Member Roseman stated there were numerous signs around town that changed more often than once an hour. She felt that only allowing the copy to change every hour was absurd. Council Member Roseman suggested that the copy be allowed to change every 2.5 to 5 minutes. Council Members Nenow and Carter stated they would be okay with five minutes. Mayor Pro Tem Tugman stated she did not want Boone to become a mini Las Vegas, but would grudgingly agree to a five-minute interval of copy change.

Ms. Shook referred to the table in section 26.08.05(E) on packet page 68 regarding monument signs, particularly in the B1 Downtown Interface. She noted that the Interface was a transitional area into downtown. Ms. Shook suggested a possible six-foot height allowance instead of the four feet that was proposed.

Ms. Shook reminded everyone that Mr. Graydon Eggers and Mr. Skip Greene had appeared at the November public hearing to request changes to allow them to replace the monument sign at First Baptist Church that was removed due to road construction.

Vice-Chair Plaag suggested a reduction in maximum square footage to 24 square feet with a six feet height limitation.

Ms. Meade suggested the possibility of having a flexible allowance based on street frontage.

Mayor Pro Tem Tugman felt the proposed sign size for the Downtown Interface was too large.

Ms. Shook shared a photo of the sign that was removed in front of First Baptist Church, a sign that was located on the corner parking lot of First Baptist Church, and the zoning map showing the boundaries of the Downtown Core and Interface.

Vice-Chair Plaag noted that, based on the zoning map, the property where the First Baptist Church was located was in the Downtown Core. The property the church owned containing the parking lot across the street was in the Downtown Interface.

Ms. Shook expressed concern that there could be some confusion or miscommunication between staff and Mr. Eggers regarding the appropriate zoning of the church's property.

Vice-Chair Plaag suggested that staff provide sign measurements and photo examples of signs at the next meeting.

Next meeting dates were discussed. It was noted that the DFI meeting had been rescheduled to February 20, 2023 at 1:00 p.m. A special public hearing date was set for March 20, 2023 at 6:00 p.m. via WebEx to continue discussion of the UDO text amendment for signs. Ms. Shook noted that the next regularly scheduled public hearing would be on March 27, 2023 at 6:00 p.m.

Adjournment of Town Council

Council Member Carter made a motion to adjourn the Town Council at 10:13 p.m. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

Edie Tugman, Mayor Pro Tem

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Public Comment

There was no additional public comment made.

Approval of Planning Commission Meeting Minutes

Vice-Chair Plaag wished to amend the November 28, 2022 Planning Commission meeting minutes in the last paragraph of page 15. He asked that the word compliant be changed to complaint.

Vice-Chair Plaag then made a motion to approve the November 28, 2022 Planning Commission meeting minutes as amended. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Adjournment of Planning Commission

Vice-Chair Plaag made a motion to adjourn the meeting at 10:15 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary