

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MARCH 20, 2023, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Pro Tem Edie Tugman, Todd Carter, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend (joined at 6:03 p.m.), Scott Boyd, John Tippet, Frank Venio, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, 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 6:01 p.m. Chair Shay called the Planning Commission to order at 6:02 p.m.

Moment of Silence

A moment of silence was observed.

Commission Member Behrend joined the meeting at 6:03 p.m.

PUBLIC HEARING

Ms. Jane Shook, Director of Planning & Inspections, explained the guidelines for each case presented at the 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. Shook noted that the staff report had been revised to reflect changes discussed at the January 23, 2023, public hearing. She stated that the text revisions were shown in yellow highlight and indicated that she would cover all the changes made since the last hearing.

Ms. Shook referred to section 26.04.04 which had been renamed from “Abandoned Signs” to “Removal of signs not in use or discontinued”. She stated the section had been revised to distinguish between signage that had been abandoned and signage that was not in use. She noted that based upon the previous hearing, that the text had been revised to allow ninety days the removal of sign copy from a sign where the business had permanently and indefinitely ceased and 12 months for the removal of an abandoned sign structure that had been abandoned. No further changes were suggested.

Ms. Shook then referred to section 26.05.01 Prohibited. She reviewed the following changes:

- 26.05.01(C) revised to include signs with animation, streaming video, flashing, scrolling, fading, and other illusions of motion.
- 26.05.01(H) added to included feather banners. Additional discussion is warranted based upon the last public hearing. Also added were feather banners under 26.05.01(H).

- Inflatable signs were moved from the proposed “prohibited” section to the “temporary or other exempt sign” section.
- 26.05.01(R) added to address lighting that drew attention to a business rather than providing light for its functional purpose.

Upon conclusion of the presentation of changes in 26.05.01, Mayor Pro Tem Tugman asked if the change in 26.05.01(C) would address issues like the lighting at the new carwash. Ms. Meade replied that the regulations in 26.05.01(S) would address that kind of situation.

Brief discussion ensued on changeable copy. Ms. Shook stated that the staff had made a list of every changeable copy sign in town. Mr. Stacey Miller, Deputy Director of Planning & Inspections & Chief Building Inspector, added that there were 20-some electronic changeable copy signs. Council Member Roseman stated that she had only seen a couple of changeable copy signs that really bothered her. She added that she did not want to overregulate this type of sign. Mayor Pro Tem Tugman expressed concern that in 5-7 years, there would be too many changeable copy signs, and Boone would begin to look like the Vegas strip as it did in 1972.

Discussion continued on prohibited signs. Ms. Allison Meade, Town Attorney, suggested adding inflatable signs back into the prohibited sign section with language that would indicate that inflatable signs except those allowed per Section 26.06 would be prohibited. She also suggested changing 26.05.01(S) to read “any other sign(s) not expressly authorized by another section of this Ordinance.

Discussion ensued on feather banners. Ms. Meade suggested one option would be to allow feather banners the same as inflatable signs. Council Member Roseman indicated she would agree to allow feather banners because they were cheap. However, she felt there should be a height limit of six feet and a time limit on how long they could be displayed. Vice-Chair Plaag suggested limiting the number of feather banners that could be displayed within a particular linear foot. Staff agreed to review the feather banner issue when the portion on temporary signs came under review under the next section on “temporary or other exempt signs”

Ms. Shook referred to section 26.06.01 Temporary or other exempt signs. She noted that entire section had been reworked to address the comments at the last public hearing. She briefly reviewed the new subsection headings and began to review the changes made outside of the reformatting. She noted 26.06.01(G) had been added to recognize the corner of Blowing Rock Road and Hwy 105 as an area for a limited public forum where community event signs could be placed without a permit as discussed at the last public hearing. Discussion ensued. Ms. Shook indicated and there appeared to be agreement with Council and the Planning Commission that if allowed that the size of the area where signs would be allowed would need to be defined. Vice-Chair Plaag expressed concern about having a public forum on private property. After some discussion, Ms. Meade indicated that she thought the location was appropriate for a limited public forum and noted that as written the Town would retain the right to close the forum at any time.

Continuing on with the review of changes, Ms. Shook referred to section 26.06.02(A)(2) and reminded Council and the Planning Commission that last time Staff had presented the change to the display time of temporary signs from ten days to 14 days to make it an easier two weeks for tracking for enforcement.

There was a discussion of allowing feather banners under Section 26.06.02(A) on-premises advertising temporary signs. Council Member Roseman and Commission Member Warren indicated they were in favor of allowing feather banners. Ms. Meade noted that the average height of a feather banner was eight feet tall. Mayor Pro Tem Tugman expressed concern that there could be too many banners along

the roadways. Ms. Shook noted that only one feather banner would be allowed per parcel. She also felt feather banners should not be allowed in the B1DC or the B1DI.

After a brief review of how Subsection 26.06.04 Temporary signs advertising temporary events was laid out, Vice-Chair Plaag suggested moving 26.06.04(C), which was the definition of a temporary event, to 26.06.04(A) so it would be at the top of the Temporary signs advertising temporary events section.

Ms. Shook reviewed 26.06.04 to section 26.06.04(B)(2) Off-premises temporary signs advertising temporary events. Discussion ensued on the concern of the limitation of what events qualified as a temporary event under the proposed language and the proposed limitations of the length of time the temporary event off-premise signs were allowed to be up. It was suggested that written consent, either by letter, signature page, or email, be obtained from each off-premises property owner allowing a sign to be placed on their property. Council Member Carter stated that it was not tenable to obtain signed approvals from each property owner, nor was the suggested time for the signs to be up reasonable. As an event organizer, he stated that he would rather the signs not be allowed at all instead of allowing them under those guidelines. Mayor Pro Tem Tugman suggested allowing signs to be displayed no more than 72 hours prior to an event. Ms. Meade suggested the addition of language that no compensation could be requested or given to off-premises property owners displaying signs. Ms. Shook noted that the proposed language did not limit the number of off-premises signs that could be displayed. She stated that current regulations allowed 12 small off-premises signs, one off-premises banner, and one on-premises banner. Ms. Meade felt it might be a good idea to keep the limit of 12 off-premises signs.

Mayor Pro Tem Tugman called a break in the meeting from 8:07 p.m. until 8:17 p.m.

Ms. Shook referred to section 26.06.05(P) Real estate signs. She stated that the allowed height in the B1DC had been changed to five feet.

Ms. Shook referred to section 26.07.07(H) Changeable/digital copy. She noted that current regulations allowed sign copy to change every hour. The proposed language would allow the sign copy to change every five minutes. Council Member Roseman felt that five minutes was too long. She suggested allowing the copy to change every 2.5 minutes, if not sooner. Mayor Pro Tem Tugman stated she would be happy to keep the requirement that copy could only change once an hour. Council Member Carter said he would be okay with five minutes but felt one hour was too long. Ms. Shook noted that Mr. Miller verified the number of changeable copy signs in town was 26.

Ms. Shook referred to section 26.08.05(E) Monument signs. She noted that since the last meeting she had included 26.08.05(E)(2) that the base of the sign was proposed to be two feet in height. After some additional thought and review of the sign photos included in the packet, Ms. Shook felt the two-foot height requirement could be removed, which would allow for more sign copy area. She indicated the same for new Section 26.08.05(E)(3), that indicated that signs must have a decorative border or topper. Ms. Shook did not feel that was necessary. She noted that monument signs in the B1 districts would be required to have a pedestrian-oriented courtyard, landscaped greenspace, or landscaped buffer that contained four times the size in area of the proposed sign, and the sign had to be set back at least six feet from the edge of the right-of-way or the back of the public sidewalk, whichever was more restrictive.

Ms. Shook reviewed the photos in the meeting packet that depicted numerous signs around town, and their measurements.

Ms. Meade suggested that the maximum height of a monument sign in the B1DC be changed from five feet to six feet because the setback requirement was six feet.

There was a discussion about no longer allowing pole/pylon signs. Mayor Pro Tem Tugman and Council Members Roseman and Carter agreed they would like to eliminate pole/pylon signs. Ms. Meade

suggested bringing that forward as a separate text amendment in order to allow public input, consideration, and education.

Chair Shay expressed concern that eliminating pole signs might net cheaper designs of monument signs.

Ms. Meade suggested allowing larger monument signs if a parcel had a larger setback.

Ms. Shook referred to section 26.08.06(F) Window signs. She noted that many small businesses displayed window signs in the staff's observations, not just larger or chain businesses. She pointed the Staff Report included questions and concerns Staff had about the regulation of window signs. She asked the Planning Commission if they would identify what was their most concern regarding window signs- was it the amount of signage or was it the lighting?

Vice-Chair Plaag stated he was most concerned with neon lighting and the amount of window area taken up by interior signs.

Commission Member Veno felt the most significant issue was lighted signs in windows. He expressed concern for the historic district.

Council Member Roseman asked if light pollution coming from inside a business was regulated. Ms. Shook replied that current regulations measured light pollution from exterior site lighting. She felt it would be challenging to regulate pollution from interior lighting.

There was some discussion regarding item two under Window signs as it related to a 25% limitation of window surface that could display signage. At this time, it was felt that lighting was the main concern and enforcement of window signs would be difficult. It was suggested that item two be excluded from the proposed text.

There was a general consensus to continue with items one and three, with the inclusion in item three of lights outlining windows.

Ms. Shook read section 26.08.08 Murals, then referred to the definition of Murals in the definition section.

Ms. Meade stated that murals were currently allowed as long as they were not signs. She suggested allowing the addition of 5% of the total mural space to be dedicated to a logo, trademark, or tradename. Ms. Meade also suggested including the proposed Possible Addition listed in the definition that stated A mural that is sponsored by the Town of Boone shall not be considered an advertising sign, but rather government speech, and is subject only to such conditions as the Town Council shall impose; provided that the foregoing provision shall not be construed as exempting a Town-sponsored mural to be located in a historic district from any applicable requirement of the historic district standards.

Vice-Chair Plaag asked why the Town would prohibit billboards but allow advertising on a mural. Ms. Meade replied that the allowance of 5% advertising on a mural would not be equal to the advertising provided by a billboard. She added that murals were considered art.

Commission Member Behrend asked what would happen if a mural was considered offensive. Ms. Meade felt that most murals would be tastefully done but thought it was a risk worth taking.

Vice-Chair Plaag stated that murals sometimes had a positive short-term benefit but might not have a favorable long-term outcome.

Due to the time, it was determined that another date would need to be set for the Planning Commission to make recommendations on the proposed sign text amendment. There was a consensus of Commission members that consideration of this text amendment would be placed on Planning Commission's agenda for March 27, 2023, following the regularly scheduled Public Hearing at 6:00 p.m. to be held via WebEx.

Mayor Pro Tem Tugman and Council Member Carter stated they would not be able to attend the March 27, 2023, Public Hearing. Council Member Roseman indicated she would be able to attend.

Adjournment of Town Council

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

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

Adjournment of Planning Commission

Vice-Chair Plag made a motion to adjourn the meeting at 10:11 p.m. Commission Member Tippet seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary