

**MINUTES  
VILLAGE OF LAKE PARK  
PLANNING BOARD  
3801 LAKE PARK ROAD, LAKE PARK, NC  
JULY 15, 2014**

**Planning Board Members Present:** Greg Crosby, Fred Leverenz and Jonathan McDaniel

**Attorney:** Ken Swain

**Zoning Administrator:** Cheri Clark

**Council Liaison:** Mark Phillips

**Call to Order:** Greg Crosby called the July 15, 2014 Planning Board meeting to order.

**Pledge of Allegiance:** Greg Crosby led the Pledge of Allegiance.

**Approval of Minutes:** Fred Leverenz made the motion to approve the June 17, 2014 minutes as presented. Greg Crosby seconded the motion. Vote – Unanimous.

**Changes to the Agenda:** Change 9. Planning Board Position – tabled until next month.

**Public Comment:** There was no public comment.

**Council Liaison:** Mark Phillips shared that Council unanimously approved Greg Crosby's appointment to the Planning Board. Council decided to advertise the open position on the Planning Board, for another month. Council also approved Benchmark's contract for the 2014 – 2015 fiscal year.

**Selection of Chairman:** Fred Leverenz nominated Greg Crosby to be the Chairman. Jonathan McDaniel seconded the motion. Vote – Unanimous.

**Zoning Administration:** Cheri Clark shared that Margaret Phillips wanted to know the Village of Lake Park's policy concerning political signs. After speaking with Union County Board of Elections, it is up to the individual jurisdiction to establish their own policy concerning political signs on privately held roads.

The UDO does not reference political signs only civic signs or temporary signs. Cheri Clark sent an e-mail to Benchmark to try and understand where the signs are permitted or not permitted and the First Amendment issues involved in the policy that the Village establishes. In the Planning Board packet there is a copy of Waxhaw's flyer which states their policy on town maintained streets and common areas. The School of Government (SOG) has two articles on campaign signs and local land-use ordinances by Richard Ducker. The first article was written in 2009 and the second article is an update September 2013. Attorney Ken Swain has also provided

information concerning the court case *Brown v Town of Cary* for the Board to review and referenced NCGS 132-32.

The reason Cheri Clark is bringing this to Planning Board is the concern of becoming inundated with political signs in the common areas through-out Lake Park. The Village has received complaints from residents concerning the endorsement of a particular candidate.

Attorney Ken Swain shared that the Village has a couple of choices to make.

1. Do nothing and try to enforce a blanket prohibition of political signs throughout the Village being aware of GS136-32 which dictates the removal of lawfully placed political signs.
2. Apply state law within the jurisdiction and on a case by case basis determine whether the signs have been unlawfully placed.
3. Discuss with Benchmark whether or not the UDO needs to be changed.
4. Develop a free standing ordinance.

Attorney Ken Swain stated that the UDO is very specific in the regulation of signs. The regulations are pretty content neutral. At the voting precinct the Village needs to follow the state statute. Jonathan McDaniel asked that if we decide to just follow the state statute, do we want to include verbiage stating that in the UDO. Attorney Ken Swain stated that the Village may want to consider going beyond the state statute considering the amount of common property owned by the Village.

Greg Crosby stated that through consensus, political signs should be included in the UDO. Attorney Ken Swain requested that Benchmark look at *Brown v Town of Cary* when discussing political signs within the Village.

Greg Crosby shared NCGS136-32:

(b) Compliant Political Signs Permitted. – During the period beginning on the 30<sup>th</sup> day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10<sup>th</sup> day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply.

The Village will reach out to Vagn Hansen to see if he can attend the August Planning Board meeting to discuss political signs and to look at the Brown v Town of Cary case in conjunction with signage.

**Planning Board Positions:** Tabled until next month.

**Setting Agenda for Next Month's Meeting:** Add: Oath of Office

**Adjourn:** Jonathan McDaniel made the motion to adjourn. Fred Leverenz seconded the motion. Vote – Unanimous.

Respectfully Submitted,

Cheri Clark  
Clerk