

**MINUTES
VILLAGE OF LAKE PARK
PLANNING BOARD
3801 LAKE PARK ROAD, LAKE PARK, NC
SEPTEMBER 16, 2014**

Planning Board Members Present: Greg Crosby, Fred Leverenz and Bjarne Hansen.

Attorney: Ken Swain

Zoning Administrator: Cheri Clark

Council Liaison: Mark Phillips

Call to Order: Greg Crosby called the September 16, 2014 Planning Board meeting to order.

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

Public Comment: There was no public comment.

Oath of Office: Greg Crosby took the Oath of Office to serve on the Planning Board and the Board of Adjustments and to also serve as the Chairman of the Planning Board.

Planning Board Position: Terry McBroom has lived in Lake Park since April 1998 and retired in 2009. He would like the opportunity to give back to the community. Terry and Laurie are active in the Garden Club.

John Laurents and his family have lived in Lake Park 14 years and is a licensed General Contractor.

Greg Crosby opened the nomination. Fred Leverenz nominated John Laurents. Greg Crosby nominated Terry McBroom. Greg Crosby closed the nominations. Planning Board members then marked their ballots and passed them to Cheri Clark. Bjarne Hansen and Fred Leverenz voted for John Laurents and Greg Crosby voted for Terry McBroom. By majority, John Laurents will be recommended to Council for the Planning Board position.

Approval of Minutes: Fred Leverenz made the motion to approve the July 17, 2014 minutes as presented. Bjarne Hansen seconded the motion. Vote – Unanimous.

Changes to the Agenda: No changes to the agenda.

Council Liaison: Mark Phillips congratulated Greg Crosby on his position. At the October Council meeting, Mark Phillips will nominate John Laurent for the open Planning Board position.

Political Signs: Greg Crosby stated that back in July, Planning Board started a discussion concerning political signs. Based upon the discussion, Vagn Hansen was consulted concerning the need for additional clarification within the UDO. Vagn Hansen forwarded several suggestions for our review prior to the meeting.

Vagn Hansen shared that several years ago the General Assembly established in GS136-32 the regulation of political signs within state maintained right of ways. Without a municipal ordinance for political signs, the VOLP would follow the state statute. The VOLP UDO could be strengthened in reference to political signs in municipal right of ways.

Included with suggested changes to the UDO sign language, Vagn Hansen supplied information for a stand-alone ordinance for Council to consider. Attorney Ken Swain would need to incorporate the definitions, activities that would be regulated and remedies and penalties. The stand-alone ordinance would provide a mechanism to respond to a violation faster than the UDO. Most cities that maintain their right of ways have both a political sign ordinance and a stand-alone ordinance. These two ordinance essentially prohibit on municipally maintained right of ways, political signs from being placed in the right of ways. The general ordinance is a little stricter than the UDO and provides for a quicker response than the UDO.

Greg Crosby shared that the ordinance needs to be content neutral as far as signs are concerned. Political signs, religious signs and for sale signs can all be placed behind the sidewalk on private property. Political signs could be placed at the polling precinct according to Board of Election guidelines. Vagn Hansen stated that Article 8 of Chapter 160A of the General Statutes states that 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 Section 11.2.8 Removal of Signs on **Public Property and Rights-of-Way**

The Administrator or his designee may **summarily** remove any sign placed on **Village-owned** property or within **the** right of way of any public street **maintained by the Village of Lake Park, including political signs prohibited by Section 11.6.3 of the UDO.**

In Section 11.6 Prohibited Signs – The following signs are prohibited: 11.6.3 Any sign (other than a government sign), **including political signs as defined by NCGS 136-32(C)**, placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on, over, or across any public **property**, street or right-of-way, unless otherwise **expressly** permitted. **The prohibition on political signs in public rights-of-way shall apply only to street right-of-way maintained by the Village of Lake Park. Political signs in state maintained rights-of-way shall comply with NCGS 136-32.**

Greg Crosby made the motion to recommend the proposed UDO changes to the Council. Bjarne Hansen seconded the motion. Under discussion, Attorney Ken Swain discussed the need to provide Council with a written Consistency statement. The text amendment must be consistent with the UDO. A written submission will be required to the governing board of what your recommendation is, why Planning Board (PB) believes these changes are consistent with the

UDO and why PB believe they are reasonable and serve the public. Vagn Hansen stated that if this is going to be the formal recommendation to Council, then we need a written statement. Attorney Ken Swain asked Cheri Clark what was the underlying foundation for this issue to be considered by the Planning Board. Cheri Clark stated that Margaret Phillips raised the issue when she requested permission to place campaign signs in the Village six weeks prior to election. Mayor David Cleveland and Cheri Clark have also spent a considerable amount of time removing yard sale signs, business advertising signs and other miscellaneous signs that people have not requested permits for within the Village. The Village landscaper has discussed the mowing issues that are created by the signs. Margaret Phillips stated that she disagrees with limiting political signs within the Village.

Greg Crosby stated that the current UDO does implicitly disallow political signs, we are just clarifying the way the UDO is currently written. Attorney Ken Swain shared that the Planning Board can also make the recommendation to Council to draft and adopt a free standing ordinance that would provide a quicker remedy. Council will make the final determination as to whether or not to make the changes to the UDO and to develop a free standing ordinance. Vote – Unanimous.

Planning Board decided to have Vagn Hansen and Cheri Clark draw up documentation for the next Planning Board meeting concerning the two text amendments. The statement will be prepared for the October Planning Board meeting.

Greg Crosby made the motion for Attorney Ken Swain to present to Council in October the development of a free standing police power ordinance in October. Bjarne Hansen seconded the motion. Vote – Unanimous.

Mark Phillips stated that Planning Board should expect some resistance from Council to the proposed changes to the UDO and that he disagrees with reducing political signs in the Village.

Setting Agenda for Next Month's Meeting: Delete: Planning Board Positions, Add: Political Signs A. Consistency Statement. B. Statement of Reasonableness.

Adjourn: Fred Leverenz made the motion to adjourn. Bjarne Hansen seconded the motion. Vote – Unanimous.

Respectfully Submitted,

Cheri Clark
Clerk