



ORIENTAL PLANNING BOARD WORKSHOP MINUTES

Friday, October 25, 2019 10:00AM

Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

PRESENT: Chairman Aeschleman, Vice Chair Barrow, Member Flaherty, Member Lohmar, LUA Miller, Ms. Grace Evans, Commissioner Price, Commissioner Simmons, Commissioner Overcash, Mayor Pro Tempore White.

Chairman Aeschleman called the meeting to order at 10:06AM.

OLD BUSINESS

- Sign Ordinance:
- There are still some questions concerning Sign draft: All ROW signs are prohibited- not being enforced- part of that is that the LUA is required to serve certified notice before removing. Was originally a small change, but that has had some issues. Sent to the Commissioners, who sent it back requesting additional language.
- In the removal part, it mentioned Public Trust and Public Property- in the removal section we strengthened to remove all signs in the ROW.
- One questions was who controls ROW on 55- State does, but the State mentioned commercial and political, but do not mention anything else. In reality, they are not enforcing anything on the ROW.
- Their (State) Ordinance is not consistent constitutionally- which is likely why they do NOT enforce their own regulations- this would open them to litigation.
- What could we do about signs on 55? Not in our jurisdiction, however, enforcement on other streets (Hodges) is, we could remove the one at the Provision Co., but then Brantley's sign remains. Could write to NCDOT to either enforce, or allow us to enforce on 55? Yes, could, but where does that get us? Other towns have enforced, but that was prior to the Reed Case- about regulating content and signs on Private Property. If we allow removal of ALL signs on the ROW, we're good. We need to evaluate whether what we are proposing accomplishes the goal. Event signs, directional signs, etc. Our objective was that we could remove signs that were on Public Property (this building) and temp signs that obstruct motorists' view. Tasked to enable the LUA to remove signs without the certified notice. Once done, the restrictions were unintended consequences to that restriction. Which brought more issues. Original purpose was to remove signs from our property and be able to remove without notice. Balance- try to keep the old that works and fix what does not work. All Public Property would include banner over the street, Moore's corner, parks, etc. Might want to specify WHICH properties we do NOT want signs on. Only current regulations on ALL signs is on the ROW. Problems arise where you have to touch several sections for each thing. Might be better off re-evaluating- maybe ask to pull Public Hearing and give us more time to evaluate. The proposed minor fix right now is making more issues than it is solving.

- Vice Chair Barrow makes a MOTION to rescind the language offered the Town Board for the GMO revision. Member Flaherty seconds. LUA Miller asks if we should request additional direction for revision. Additional conversation concerning the placement of temp signs on Public Properties (parcels). Currently, (with proposed language) will remove from ALL Public Properties. As written, it gives the Board of Commissioners latitude to approve signage on public places. Looking at a recurring policy (like the closing of streets ordinance for annual events)- that ends up being content driven.
- Direction given was that we do not want signs on our property, and to give the LUA the ability to remove signs without a letter.
- Mayor Pro Tempore White says the Town Board needs to have this discussion openly and give the Public the ability to hear those discussions. The Oct 31 Workshop is a perfect opportunity. LUA Miller notes that the attorney asked for conversations about the proposed changes. While she has not spoken with him yet, there are obvious issues.
- Notice has been given for Public Hearing, and we are supposed to have proposal available for review- we do not. Commissioner Overcash notes we need to hear from the attorney. At this point, we need to stop the hearing. Question about regulating signs on ALL Public Properties. Mayor Pro Tempore White prefers that ALL signs on Public Property should be removed and prohibited, so as not to put the LUA in the position to have to regulate content. So do we want to prohibit advertisement of Croaker Festival? If we pass it the way it is written, no signs are ANYWHERE on Public Property. We're going in circles. Vice Chair Barrow- no- it has allowed us to examine potential scenario. The challenge is that we want to keep what we like, but don't want to be forced to advertise unwanted events. We want to remove from AT LEAST some public properties. LUA references back to remove any temp signs without notice.
- MOTION on the floor to rescind the proposal. MOTION withdrawn.
- (Commissioner Price leaves)

NEW BUSINESS:

- Solar Ordinance:
- Solar draft distributed to all. No definition of farm yet. Definitions have to be added to the definition section. Also Permissible Use Table additions. Member Lohmar- should we add to "Structurally compliant" "roof"? structurally mounted to a roof. Compliant with ALL codes? Minor infractions included? Not unrealistic for the whole building to be code compliant? We have discussed a permit that requires the structure being affixed to be compliant. Or close to condemnation- we do not have minimum standards.
- Dripline, not zipline (!)
- May not extend beyond the dripline.
- Structurally mounted change to permanently affixed.
- Add to roof mounted system- withstand 140MPH wind- all systems must withstand this.
- Concern was over the system connected to the panels, not the panels themselves- fencing around any high-power, dangerous components. Fencing requirements as copied from the Pamlico County Ordinance.

- Common access- those lots that run from street to street are restricted to side of structure or rooftop installation only.
- Significant conversation about footprints vs driplines. Define footprint- include carport? NO- not part of the primary structure. Tax book footprint measurement is what should be used.
- **POST MEETING NOTE:** Current GMO: 251.76 Footprints: The area covered by the roof of a building.
- Chair Aeschleman disagrees that the restriction away from common area should be included, Vice Chair Barrow notes he cannot support the document without its inclusion. (N.C.G.S. § 160A.201)
- Level I/ Level II definitions OK? Yes.
- Mayor Pro Tempore White- over 50% needs SUP? Process requires burden of proof on the defenders- evidence of devaluation.
- Lot size restrictions: can set a minimum acreage.
- Grace Evans: Article from Fayetteville where community is putting in its own system for its own use- we should leave open for us to have options.
- Chairman Aeschleman- we are trying to be supportive within reasonable restraints.
- Each member should look through all of this to give Chairman feedback.- We need to choose WHERE in the GMO this should go. Definitions should go integrated to definitions. Then section 137 should be the new section. Not looking at a Level III.
- In the PUT- add to accessory use- exempt from separate permitting as they are permitted within the use.
- SUP rules can be limited by the specific constraints on the use. Pamlico sections should help protect us with buffers and fences, etc. We should copy/paste, so that we are always aware of where we are, even if they choose to change theirs.

NON-AGENDA ITEMS / PUBLIC COMMENT

ADJOURN Meeting was adjourned at on a MOTION by Member Lohmar with second from Vice Chair Barrow at 11:47AM . 4-0. **Next Meeting scheduled for November 20, 3PM**

Stan Aeschleman, Chairman

Diane Miller, Clerk to the Board

Approved: _____