



**TOWN COUNCIL SPECIAL MEETING & WORK SESSION
MONDAY, July 16, 2018, 6:30 PM
MARSHVILLE TOWN HALL**

Work Session Minutes

Present: Mayor Frank Deese, Mayor Pro-tem Virginia Morgan, Council Members: Margaret Bivens, Norma Carpenter, Ernestine Staton, and Gary Huntley

Staff Present: Scott Howard, Town Manager; Ann Sutton, Town Clerk/Finance Officer; Matt Tarlton, Police Chief

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 6:30pm by Mayor Frank Deese. The invocation was given by Council Member Huntley. The Pledge of Allegiance was given by everyone.

Introduction of Town Planner Blair Israel

Town Manager Scott Howard introduction of Blair Israel included that Mr. Israel has been with Centralina Council of Governments for fifteen years. Prior to that, he has worked in various capacities for a total of twenty six years of planning experience. He helped co-author the Town's Tree Ordinance. Blair has worked with us without compensation prior to our contract with him and CCOG.

Mr. Israel stated that he was a Certified Planner and licensed Landscape Architect. He has experience with GIS. He looks forward to helping guide the town's growth. Mr. Israel will be the administrator of our ordinance code development.

The proposed LED sign was discussed; LED means light emitting diode. The text amendment that Mr. Israel is working on the need for limits on the time the message on the LED sign changes. The planning board recommendation was to continue to allow outdoor LED signs in the current zones as mentioned in the MDO. The existing text that was recommended to change in Article 17, Sign Regulations, says the sign must change no more frequently than every four hours for manually and mechanically changing signs, and once every eight seconds for digitally changing signs. The proposed text change states that digital signs fronting Hwy 74 in the C74 zone, change no less than every five seconds. The sign change for zoning districts TMU, CIV, and C74 not fronting Hwy 74 shall be no less than five seconds. The proposed text change sets the upper and/or lower time limits for the six zones on Hwy 74. Council Member Bivens and Carpenter requested a copy of the old sign ordinance. Council Member Carpenter stated that what the old Sign Ordinance says is

not what the Council wants. Mr. Israel understood that the old ordinance was not in line with what was needed.

Mr. Israel continued to say that as Planning Administrator he has researched comparable sign ordinances from around the state and other parts of the country, spoke with the School of Government, and the Planning Board. He also spoke with Wingate for information. Wingate used the Planning Listserve to come up with answers on different codes and what the codes meant.

The Planning Board discussion findings were these; 1) Does the regulation affect the health, safety or welfare of the citizens? 2) Does the regulation impose on free speech? 3) Does the regulation set a precedence as far as the minimum and maximum time limit on the display? Most codes specified a minimum of five seconds for a display, but no codes specified a maximum time limit for a display. Is there a reason for there not being a maximum?

Mayor Deese requested to pause the open session. The closed session needed to begin due to the attorneys were on the phone waiting. This occurred thirteen minutes into the LED presentation. The Special Work Session was not recessing.

Motion to go into closed session made by Council Member Staton and seconded by Council Member Carpenter. 6:43pm

Closed session begins per NCGS143-318.11 (a) (3)

Motion to close the closed session by Council Member Morgan, seconded by Council Member Staton. Unanimous decision to move out of closed session. 7:08pm

Resume LED Discussion

Mr. Israel continued the discussion of LED signs. Planning Board recommendations were to continue LED signs in the zones already permitted as stated in our code. The restrictions on LED signs should be consistent in the zones already allowing LED signs; C74 and TMU. If the town wants to allow LED signs in other zones, this can be easily changed in the Town ordinance. Recommendations vary on the minimum time for the change of the display. The five second limit is often used in other ordinances. The five second minimum prevents flashing, subliminal messaging, and it minimizes distractions to drivers. Setting a minimum time too high diminishes the value of the sign to the owners. The recommendation by the Planning Board states that no maximum time should be imposed by town ordinance. A maximum would have no known safety advantage, has no known precedence in other Town Ordinances, and a maximum time limit may lessen the value of a sign to the owner.

One of the council members questioned how we could be sued. Mr. Israel stated that he looked for cases on that, but did not find it. However, whenever a jurisdiction legislates on content of a sign, they are putting themselves in a vulnerable position because owners are being told what they can and can't have on a sign at any time during the day.

Council Member Staton questioned the scrolling display of a sign that might take ten seconds to read. A driver may slow down trying to read the sign and cause an accident. Mr. Israel state that anytime you put up a sign on the road you create a safety hazard. Mayor Deese commented that he and Mr. Israel had spoken about no scrolling. The Council had not had that discussion. Mayor Deese asked if that had come up with the Planning Board. Mr. Israel has not gone through all the code that is written in this ordinance; he did not research scrolling at this point. There are many things that the Council could be talking about for instance how many lines can be allowed. He was specifically looking at the minimum and maximum time limits for changing the display. He did read that you do not want a sequence of messages; a message that would continue to another part of the message. Each message has to have meaning. Council Member Bivens referenced the Wingate sign as being informational.

Mayor Deese stated that until the research is done, we need to continue with a no scrolling ordinance.

Council Member Bivens questioned what the possibility of being sued was. Mr. Israel said that anytime you set a precedence, you have the possibility of being sued.

Mayor Deese asked about the fact that there were three zones for signs, TMU, CIV, and C74. But, only TMU and C74 were addressed. Mr. Israel referred back to Article 17.7-1H of the code that reference only the two zones. Mayor Deese said that Mr. Israel must have received an old code to reference. There was another code that included CIV. All three codes must be permitted since there are residences in TMU. That is how the code shows different rules in different zones. Mayor Deese is not opposed to trying to get the same thing in every zone, but there might be some omissions to the old code that we need to consider.

Mayor Deese says that a church was moving forward with their sign. A permit was presented, but the sign did not meet the sign restrictions; therefore, the permit was sent back to the church.

Mayor Deese thanked Mr. Israel for his work.

Discussion of LED Sign

Andrew Bocker was introduced as the manufacturer representative for our LED sign. A sign was brought into the parking lot to show an example of what our LED sign would look like. It is a 10mm, three feet by seven feet, high resolution sign. The sign group will answer any questions. Town Manager Howard wanted to make sure as to whether the sign would be on Hwy 74 or in front of the New Town Hall. Mayor Deese stated the sign will be on Hwy 74 in front of the ABC Store.

Mayor Deese brought Mr. Israel back up to ask what if someone wanted to put a naked woman on the sign. What are the restrictions for that? Mr. Israel will have to look through

the code to find it, but feels confident that there is something there that would restrict it. It is probably covered in another code.

Mayor Deese questioned the council as to whether the “Welcome to Marshville” should be on the top or bottom of the sign. Town Manager Howard showed that right now the Town of Marshville is on the top of the sign. Town Manager Howard asked if you want the LED in the top half of the sign or the bottom half of the sign. The price will be the same. There was clarification on where the top of the sign was and where the bottom of the sign was. The sign has a base to sit on, so the displays will not be on the ground. Mayor Deese questioned again where the “Welcome to Marshville” should be, on the top or on the bottom? The consensus of the council was to have “Welcome to Marshville” on the bottom with Council Member Staton wanting it on the top.

Council Member Morgan asked if we needed to vote on the cost/invoice for the sign. Mayor Deese reminded all that this had been voted on. Manager Howard briefly discussed the cost of the sign and said that the cost of installation was included in the total cost of the sign.

Mayor Deese thanked the sign company for coming.

Manager Comments

Scott Howard advised the council that his report was in their boxes.

Council & Mayor Comments

Council Member Bivens commented on the need for sidewalks.

Council Member Carpenter stated that the Marshville Museum roof leaked. She also stated that Mr. Israel will do a good job for the town in updating our ordinances. The town employees did a good job in making the move to the New Town Hall. The Marshville Museum had a birthday party Saturday with a good turnout. Advertising the Marshville events on the new LED sign on Hwy 74 will be a great asset.

Council Member Huntley asked about “Music in the Park”. He needed more information on who will be playing in the park. He wanted to know who the band was. The information needs to be on the website along with the time of the event.

Council Member Staton had several comments. She was thankful to the men cutting the grass on the sidewalks, but they only got the grass near Hwy 74, not on the residents’ side where the grass is growing out of the sidewalks. The grass has been killed, but it is still going to grow out of the sidewalk. Town Manager Howard said that the workers probably didn’t spray the side next to the residents because the workers did not want to be accused of killing someone’s grass. Manager Howard will look into this. Grass is growing up through Carelock Street sidewalk. The Stegall Milling trucks are riding onto the sidewalk which will eventually crack the cement; who is going to pay for the sidewalk to be replaced? Town Manager Howard will ask the police to have a discussion with Stegall Milling. The roses are

too high at the memorial at the Police Department. Council Member Staton ended her comments by asking Parks and Recreation to check with the Hornets and the Panthers for assistance in putting up basketball goals and other items. The major league teams have been active in other towns.

Council Member Morgan complemented Manager Howard on the completion of the move to the New Town Hall.

Mayor Deese said the MLK Committee is honoring one of Marshville's citizens, Mrs. Mary Harrell. This will be held in Monroe at the Old Armory in Monroe this Saturday. Mrs. Bivens has the tickets for the event if anyone would like to go. Mayor Deese is writing a proclamation to give her on behalf of the Town. Mayor Deese was sorry to miss the last meeting. He had been meeting with other councils in the area.

Adjournment

A motion to adjourn the meeting was made by all.

These minutes approved this _____, 2018.

By: _____
Franklin D. Deese, Mayor

Attest: _____
Town Clerk