

BANNER ELK PLANNING BOARD MEETING
MONDAY, 02 NOVEMBER 2015
MINUTES

Members Present: Allen Bolick, BR Hoffman, Will Mauney, Meredith Olan, Joel Owen, Penny VonCanon

Staff Present: Zoning Administrator Cheryl Buchanan, Rick Owen, Town Manager

Others Present: Rebecca Bolick, Jean Paul Cogdill, Edie & Rick Crosby, Charles & Donna Flanagan, Alan & Sara Gregory, Julia Heinlein, Tom & JoAnn McMurray, Nathan Paris, Kathy Rudisill, Ericka Siegel, Charles B. VonCanon, Jr.

Chairman Joel Owen called the meeting to order at 6:01 pm. The Chairman opened with the pledge of allegiance to the flag and noted that there was a quorum present.

Consideration of the August 31, 2015 Minutes

Chairman Owen asked if anyone had changes to the minutes from August 31st. Meredith Olan moved to approve the minutes as submitted. Penny VonCanon seconded the motion. The vote was unanimous and the motion carried.

Chairman Owen suggested that the order of agenda items be moved to allow all those present to speak while it was still early. Penny VonCanon moved to approve the change to the agenda. BR Hoffman seconded. The vote was unanimous and the motion carried.

Zoning Ordinance Amendment – Section 307.15 Civic Zoning District

During the rezoning of the Banner Elk Fire Department last month, it was discovered that a sentence had been included in the definition that would exclude the Fire Department from participating in this zoning designation. After discussion with the Fire Department's Attorney and the Town's Attorney, it was recommended that the sentence was unnecessary and needed to be stricken from the definition. The sentence reads: "Management of the property in this district will be under control of the governmental entity or its assigns."

BR Hoffman moved to strike the sentence from the Zoning Ordinance. Will Mauney seconded. The vote was unanimous and the motion carried.

JoAnn McMurray - Businesses need Extra help promoting Their Businesses

JoAnn McMurray, President of the Avery Chamber of Commerce, spoke on behalf of several businesses, many of whom were represented at the meeting. The request was to allow more temporary signs and balloons as this is the one and only true way to advertise. A lively exchange ensued between Mrs. McMurray and the Board. Chairman Owen explained to Mrs. McMurray and all those in attendance how difficult it has been to write not only the sign ordinance but the whole ordinance and that the Planning Board has worked very hard to get the Town where it is today. Mrs. McMurray had several suggestions

that the Board could think about in allowing temporary signs, sandwich board signs and balloons. Chairman Owen asked that they come back to the next meeting with examples that the board could look at and the Board would give them a fair consideration.

In Reed v Gilbert, Content-Based Signs were Ruled Unconstitutional by the Supreme Court

Zoning Administrator Cheryl Buchanan opened this portion of the meeting by giving the Board a brief synopsis of what the court case is about. Most specifically the ruling applies to temporary signs that are religious, political or ideological and have different timeframes for use. Ms. Buchanan explained that if our regulations apply to a “particular” sign because of its non-commercial content, then we are in violation of the Supreme Court ruling. Ms. Buchanan asked the Board to look through Section 600 and then give her their opinion of what might need to be corrected in our ordinance. Ms. Buchanan encouraged the Planning Board Members to send her their thoughts on this topic.

Future Planning Needs for Lees-McRae College

Zoning Administrator Cheryl Buchanan told the Board that she had been visited by some professionals who were looking at areas on LMC’s campus suitable for building. The needs to be met are for low income faculty and staff housing and additional student housing. The terms condos, townhomes or apartments were mentioned in relation to staff and faculty. For the students, a site had been identified for another dorm to be built on campus. It is possible that another dorm may not be able to be built because of the height restrictions and what did the Board think about a variance. Other projects that have been mentioned for other areas of the Town were also mentioned in order to get the Board thinking about any future decisions the Board would be involved in.

With no further business, Meredith Olan moved to adjourn. BR Hoffman seconded. All were in agreement and the meeting came to a close at 7:45 pm.

Respectfully Submitted,
Cheryl Buchanan, Zoning Administrator