

**TOWN OF SELMA
SPECIAL COUNCIL MEETING
SEPTEMBER 29, 2015**

Present: Mayor Cheryl Oliver, Mayor Pro-Tem Jackie Lacy, Councilmembers Tommy Holmes, and William Overby, Town Manager Jon Barlow, and Town Clerk Cynthia Richardson.

Councilmember Eric Sellers was not able to attend.

Others Present: Planning Director Julie Maybee, Police Chief Richard Cooper, Electric Utility Director Donald Baker, and Deputy Clerk Brenda Thorne.

Mayor Oliver called the meeting to order at 6:00 p.m. in Jernigan Building located at 110 East Anderson Street and declared a quorum was present. She said that the sole purpose of this meeting was for discussion and consideration of a special use permit for Selma Middle School for the installation of an electronic changeable message board.

**PUBLIC HEARING
AND
CONSIDERATION
OF A SPECIAL USE
PERMIT FOR
SELMA MIDDLE
SCHOOL FOR THE
INSTALLATION
OF AN
ELECTRONIC
CHANGEABLE
MESSAGE BOARD:**

Mayor Oliver stated that this is a quasi-judicial public hearing for Council's consideration of a special use permit for Selma Middle School for the installation of an electronic changeable message board. She said that anyone wanting to present evidence for or against the special use permit needed to be sworn in.

Attorney Chip Hewett swore in Principal John Bell and Planning Director Julie Maybee.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to open the public hearing. Motion carried unanimously. 6:02 p.m.

Planning Director Julie Maybee

A special use permit application has been filed on behalf of Selma Middle School for the installation and operation of an electronic message sign at 1533 US Highway 301 North, Selma, NC. Staff requests that the staff report and exhibits be incorporated into the record.

Town Attorney Chip Hewett

So moved. Received into evidence.

Special Use Permit Request - Selma Middle School

Install an Electronic Changeable Message Sign (Digital Sign) at Selma Middle School, 1533 US Hwy. 301 N., Selma, North Carolina

Public Hearing: Quasi-Judicial Procedures

- ▶ All persons who intend to present evidence must be sworn in.
- ▶ Public Hearing Announcement - Call Case
- ▶ Consent of Hearing Body if applicant is not represented by an Attorney
- ▶ Members of Hearing Body Disclosure
- ▶ Applicant or other affected person may present objection to Member's Participation
- ▶ **Open Public Hearing**
- ▶ Staff Report
- ▶ Applicant Presentation/Exhibits
- ▶ Receive Public Comments
- ▶ Cross Examination
- ▶ Staff Comments
- ▶ **Close Public Hearing**
- ▶ Council Deliberation
- ▶ Council Decision (Findings of Fact)

Exhibit D

Electronic Changeable Message Board



Signs Definitions

- ▶ Sec. 17-283. - Definitions of terms specific to this article.
- ▶ [The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- ▶ **Electronic changeable message board sign** - An on-premise/on-property sign on which the copy changes. This may be either a free standing sign, ground sign, pole sign or monument sign.
- ▶ **Flashing Sign.** A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronic changeable message board sign is not a flashing sign. In addition, a sign in which fifty percent or 16 square feet, whichever is less, of the sign face contains reflective materials that give the illusion of intermittent or flashing light shall not be deemed a flashing sign.
- ▶ **Freestanding sign:** Any sign which is placed or anchored in the ground with one (1) or more supports that are not part of a building or other structure.
- ▶ **Height of sign:** The vertical height of a ground sign shall be measured from the top of the sign to the ground at the base of the sign or highway grade level, whichever may be the higher.
- ▶ **On-Premise/On-property sign:** A permanent sign which advertises the sale or lease of property upon which it is located or which advertises an activity conducted or product for sale on the property which it is located. Said signage to comply with all Federal, state and local laws and regulations.
- ▶ **Outdoor advertising sign (billboard):** A sign the message of which refers to products, services and advertising not produced or sold on the premises upon which the outdoor advertising sign is located. Such signs are often referred to as billboards.
- ▶ **Monument Sign.** Any monolithic sign in which the bottom of the sign is flush with the ground.
- ▶ **Portable sign:** A sign which is not directly attached to the ground or anchored therein. Anchored therein shall mean placement in a concrete footing, in holes with compacted earth or gravel, or similar support so as to be adequately affixed to the ground as a permanent structure.

Electronic Changeable Message Sign Allowed in R-8

- ▶ Sec. 17-289. - Signs in residential districts.
- ▶ No sign shall be erected or displayed in any residential district or planned development-housing except as allowed below:
- ▶ (1) Development identification signs containing the name and/or logo of a subdivision, multifamily development, mobile home park, or planned development, provided such signs are limited to one (1) freestanding sign at each principal point of access to the development, forty-eight (48) square feet in area per display surface, and a maximum height of eight (8) feet above finished grade; or two (2) signs mounted on wooden, brick or stone entry walls, twenty-four (24) square feet per display surface, and a maximum height of six (6) feet above finished grade.
- ▶ (2) Home occupation signs identifying a home occupation, provided such signs are not illuminated and are limited to one (1) wall sign per zoning lot and a maximum display surface area of three (3) square feet.
- ▶ (3) A place of worship bulletin board or sign not exceeding forty-eight (48) square feet for the purpose of displaying the name of the institution and other related information. Such signs shall be set back at least twenty (20) feet from the street right-of-way line.
- ▶ (4) Nonresidential signs identifying nonresidential uses permitted as a principal or special use in residential districts or as an accessory use in planned development-housing developments provided such signs are limited to one (1) freestanding or wall sign per zoning lot and 46 32 square feet in area per display.
- ▶ (5) Lighting of signs in residential districts and in planned development-housing developments is permitted if illumination levels are low, all fixtures are concealed, and spill-over of light is minimal.
- ▶ (6) **Non-Residential Electronic Changeable Message Board Sign subject to a special use permit provisions - See Article VI, Section 17-127 and Article IV, Section 17-67(c).**

Special Use Permit Requirements

- ▶ Article VI - Special Uses, Section 17-127 Special Uses, Add Subsection (8).
- ▶ Electronic Changeable Message Boards
- ▶ All electronic message boards are subject to the regulations of this section.
- ▶ (1) Maximum percentage of sign face comprised of electronic message board - 50% or 16 sq. ft. whichever is smaller.
- ▶ (2) Minimum hold time for message is 8 seconds. Does not apply to message that include only time/temperature information.
- ▶ (3) Hours that electronic message board must be turned off: 11:00 p.m. to 6:00 a.m.. Automatic timers are required.

Special Use Permit Requirements

- ▶ 8) The maximum size limitations shall apply to each side of a sign structure; signs may be placed back-to-back, side-by-side, or in V-type construction with not more than one (1) display to each facing, and such sign structure shall be considered as one (1) sign. V-type and back-to-back signs will not be considered as one (1) sign if located more than fifteen (15) feet apart at their furthest points and connected and physically contiguous.
- ▶ (9) Signs may not be located in such a manner as to obscure or physically interfere with the effectiveness of an official traffic sign, signal, or device, nor obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- ▶ (10) Landscape around base of sign equal to half of the sign area.

Special Use Permit Requirements

- ▶ 4) Transition
- ▶ The transition from one image to the next must be accomplished in one second or less. Fading, flashing, scrolling, spinning or other animated effects may not be used as part of the transition.
- ▶ (5) Sequential Messages
- ▶ No sequential messages are allowed; messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- ▶ (6) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal nor obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- ▶ (7) The display area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign.
- ▶ (8) The maximum size limitations shall apply to each side of a sign structure; signs may be placed back-to-back, side-by-side, or in V-type construction with not more than one (1) display to each facing, and such sign structure shall be considered as one (1) sign. V-type and back-to-back signs will not be considered as one (1) sign if located more than fifteen (15) feet apart at their furthest points and connected and physically contiguous.
- ▶ (9) Signs may not be located in such a manner as to obscure or physically interfere with the effectiveness of an official traffic sign, signal, or device, nor obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- ▶ (10) Landscape around base of sign equal to half of the sign area.

Signs Specifications

- ▶ Article IV, Section 17-67(c) (2) revise and add subsection:
- ▶ (f) Non-Residential Electronic Changeable Message Copy Sign - See Article VI, Section 17-127.
- ▶ (1) Meet minimum yard requirements as the principal structure.
- ▶ (2) The maximum height of an electronic changeable message sign is 16'.
- ▶ (3) One permitted freestanding sign per lot.

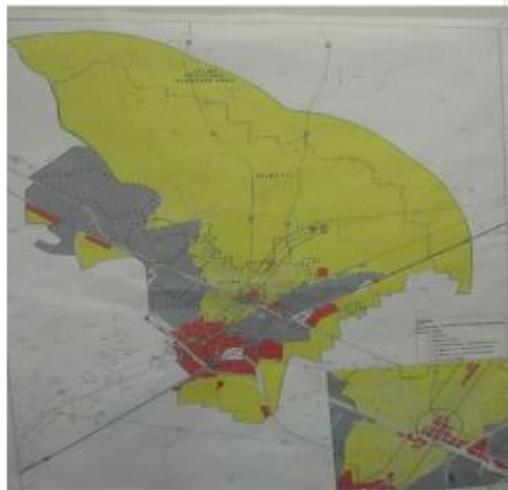
Site Plan



Zoning Map



Future Land Use Map



Future Land Use Plan

A. Future Land Use Categories:

Residential - If developed, land designated as "residential" is intended and expected to be primarily residential in nature. Mixed use and other innovative development trends should also be considered, but in a way which supports predominately residential uses and excludes commercial/industrial solar farm operations. Dwelling density and other factors should be considered on a case-by-case basis to ensure that they are compatible with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and are compatible with surrounding development.

Photographs



Photographs



Photographs



Photographs



Photographs



Photographs



Photographs



Photographs



Photographs



Town Council Findings of Fact

- ▶ EXHIBIT C - Selma Town Council Findings of Fact and Motion SUP #9.1.15

Planning Director Julie Maybee

Just a quick overview, the ordinance that was amended to allow an electronic changeable message board sign, which that sign is, The ordinance was amended to allow an electronic changeable message sign in the R8 Zoning District. The school is located in an R8 Zoning District, so this is a permitted use as a special use permit, and that is the reason the request is before the Board. Some of the special use permit requirements, about the size of the sign and the base of the sign does comply with provisions under subsection 1. The height of the sign is fourteen (14) feet tall. The size of the electronic message board is less than sixteen (16) square feet. The overall size of the sign is thirty-two (32) feet. With an electronic message board, the minimum hold time for that signage is eight (8) seconds. It is to be equipped with a dimming device where it will turn off between 11:00 p.m. and 6:00 a.m.

In the agenda, I included a copy of the site plan showing the location of the sign. It does comply with the minimum setbacks in that zoning district; minimum of twenty (20) foot from the front property boundary, eight (8) foot from the sides, and ten (10) foot from the rear. It is to be located so that it doesn't interfere, obstruct the vision of traffic. That was one of the requirements that was in the information provided.

Looking at the zoning map that the area in pink is the R-8 Zoning District where the sign is located at. The Future Land Use Map shows it as residential, and the school is compatible with the residential land use in that area. The land use plan does comply with the provisions of the Future Land Use Plan. This is an excerpt of the residential section. When you look at some photographs of the area, you see that it is largely, where the sign is situated, it is not going to obstruct the visibility of

traffic. The existing free standing sign will be removed. The sign that is going up will be closer to the road. The sign is about seventy (70) feet back. It is going to be a lot closer, so it will be more visible.

Just looking at some of the surrounding usage, when you look across the street from the school, you can see across the street towards Webb, you can see the church land use over in that direction.

The Planning Board did meet and deliberated on the request, and unanimously support the request. I've included a copy of the findings of fact, and incorporated the applicant's findings of fact. A copy of their application is included in the agenda packet. I might also add included in your information is a letter from Stevens Realty, and it basically states that the digital sign installation on the premises of Selma Middle School offers no major impact to the properties that are adjacent to the surrounding area.

Ms. Maybee asked if there were any questions.

Mayor Cheryl Oliver:

I have one question, and it is actually in the part in the Stevens Realty letter that you did not read. It talks about its ability to display information about community activities and awareness. I know one of the things that were said verbally is that the school would like to support the community through the sign and have some community events as well as school events. On page two (2), it only alludes to on premise functions.

Planning Director Julie Maybee:

Yes, something that is taking place on premise. That is what differentiates it between a billboard and an on premise digital sign. If the activity is taking place on school grounds, that would be an appropriate message to have on that sign.

The other thing is that I might add as well is that under sign provisions there needs to be landscaping around the base of the sign. The sign needs to be at least 20 feet from the edge of the road right-of-way. Also, the sign projection needs to be 20 feet back.

Principal John Bell, Selma Middle School, 1533 Highway 301, Selma:

I would like to thank the Town Council for their support and guidance through this process, and Ms. Maybee as well. Again, this is going to be something that is positive for our community. I would like to address one thing you just said, Mayor Oliver, we do have a long standing partnership with Selma Parks and Recreation. In talking with Joe, one of the things that I told him that would be a benefit to the Parks and Rec is to have that available for Parks and Rec since they do activities on school property and we do share responsibility for the fields. Because those are held on campus, we would be using the sign for some Parks and Rec

activities. Also, I would like to publicly reiterate that our doors are open to you. I believe in transparency. We are working really hard to turn our school around to be a beacon light in the community, and I think it needs to be a partnership. As a matter of fact this spring we will be partnering with the Police Department to have a Police Academy for our kids, and I would like to invite each and every one of you. We would like to start a mentor program, and I will talk more with Mayor Oliver and Mr. Barlow and Mr. Overby and some of the Councilmembers to work something out. I would like for our kids to see the leadership in the Towns and schools, and I would like for you to see what is going on in the schools too. Again, I think we have a reciprocal obligation to our kids, and again, I will welcome you at any time. I know at least a couple of you have been by the school, and I do appreciate that, and kids appreciate that too. When they see new faces they get excited. They need to know who you are as our leaders in the community. Again, the sign is going to support my efforts to get that transparency across to our community and to better communicate with the Town residents of Selma. Again, I think for our population a lot of them, unfortunately, this will be their only means of communication at times. Because we do have some folks that lose their phones, and do not have internet at home, they rely on our sign outside of the school for it to be visible, and something can get more information across and keep them up-to-date I think is very important. Again, I want to thank you for holding this special session.

Planning Director Julie Maybee

Just wanted to say that staff concurs with the Planning Board's recommendations and findings of fact, and I have included it in exhibit #1. I request that those comments be incorporated in the motion other than reading each one of those. I recommend that a condition of approval that a zoning permit and construction permits be obtained before the request is approved.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to close the public hearing. Motion carried unanimously. 6:09 p.m.

A motion was made by Mayor Pro-Tem Jackie Lacy and seconded by Councilmember William Overby to approve Exhibit C as presented by Planning Director Julie Maybee. Motion carried unanimously.

A motion was made by Councilmember William Overby and seconded by Mayor Pro-Tem Jackie Lacy to approve the findings of facts 1 – 5 in Exhibit C. Motion carried unanimously.

A motion was made by Councilmember William Overby and seconded by Mayor Pro-Tem Jackie Lacy to approve the Special Use Permit (SUP). Motion carried unanimously.

ADJOURNMENT:

With no further business, a motion was made by Councilmember

William Overby and seconded by Mayor Pro-Tem Jackie Lacy to adjourn. Motion carried unanimously.

The meeting adjourned at 6:12 p.m.

BRENDA W. THORNE, Deputy Clerk