



DRAFT
MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
May 24, 2016 – 7:00 P.M.

A Work Session of the Town of Warrenton Planning Commission convened on Tuesday, May 24, 2016 at 7:00 PM in the Municipal Building.

The following members were present: Dr. John Harre, Chair; Ms. Brandie Schaeffer, Vice-Chair; Mr. Lowell Nevill; Ms. Sarah Sitterle, Director of Planning and Community Development represented staff. Also present was Whitt Robinson, Town Attorney. The following members were absent: Mr. John Kip; Mr. Brett Hamby; Mr. Ali Zarabi, and Ms. Susan Helander.

Presentation on Signage Best Practices

Denise Harris, Senior Community Planner gave an introduction to the Commission regarding sign ordinances. She said that in June of last year the U.S. Supreme Court had a case *Reed vs. the Town of Gilbert, Arizona*. It was a case about the temporary sign ordinance. The court ruled against the town stating they were regulating content or free speech. In the intervening year, communities across the country have started to review their sign ordinances. The Town of Warrenton has started to review its' sign ordinances as well.

Ms. Harris introduced Mr. David Hickey with the International Sign Association.

Mr. Hickey said the I.S.A is a trade association for the on-premise sign industry. We have 2,500 member sign companies and seventeen affiliates including the Virginia Sign Association. He said he and his team work on sign codes because sign codes are one of the most complex, controversial and high- profile issues that local officials have to deal with. We work to supply officials with as much information as possible to assist them in review and revision of sign codes so they are effective and enforceable. Our services have helped many towns across the country to accomplish that. We do not provide legal counsel.

He went on to say that Ms. Harris provided a nice summary of the *Reed vs. Gilbert* decision. The case came out June 18, 2015. It was the first sign code specific case in over 20 years. It was, for the most part, a slam dunk decision because sign codes can't be content based, but virtually every community has a sign code that is content based.

Mr. Hickey presented pamphlet hand outs that can be used as a resource when reviewing and revising sign codes. He presented the Urban Way Finding manual and added these are the kinds

of resources we provide to assist localities with sign ordinances. He also presented a pamphlet *Best Practices in Regulating Temporary Signs after Reed*. He said temporary signs are a hot button issue following *Reed vs. Gilbert*; however, the ruling does apply to all signs. He went on to say that all the pamphlets are available on the website. The resources, he said, are put together by planners and attorneys. We will probably communicate with you by e-Mail or telephone, but we are happy to come out and give talks.

He went on to say there is a long presentation that we provide to localities, and we would be happy to do that, but this evening we will touch on a few items. There are five regulatory principles in the aftermath of *Reed vs. Gilbert* that all communities should consider. Some of the goals of sign ordinances are public safety and welfare of the community and another is economic development. One of the things you want to have in your Legislative Purpose Statement is language that the sign code has been developed to protect the free speech of the citizens. The more that your sign code is content based, the more you open yourself to litigation. There was a short discussion regarding real estate signs.

Commission members queried Mr. Hickey on issues related to sign ordinances and Mr. Hickey provided answers.

Mr. Hickey said we encourage communities after *Reed vs. Gilbert* to always have a substitution clause. That is where you have the language, “*any sign authorized by this ordinance is allowed to contain any otherwise lawful non-commercial content in lieu of any other content*”. Anywhere you allow commercial speech you have to allow non-commercial speech. That is a substitution clause and you have that, so that’s great.

Mr. Hickey said what you don’t have in your sign code is a severability clause. A severability clause in your sign code is where it says, “*if a portion of this sign code is found to be illegal, only this portion will be eliminated, not the entire sign code.*” That has happened in communities, especially when billboard companies pursue litigation. We can help with language on this. We are not the billboard trade association by the way, he added.

He also said what we have found following *Reed vs. Gilbert* with real estate signs; you don’t want to be specific in your sign code when it comes to the language. Real estate signs are something you may want to modify in the language, say something like, “*temporary sign at a premise that is for sale or for rent.*” That way you are classifying the property, not the sign. He stated you can go through the definitions of temporary signs, for which a permit is not required, and modify the language. He said one of the benefits of *Reed vs. Gilbert* is that it will make sign ordinances more concise.

Whitt Robinson, Town Attorney said he had several questions on portable signs including signs on vehicles. He stated the town has had issues with these. Mr. Hickey said right under Portable Signs there is an exemption that it shall not apply to signs painted on a commercial vehicle for delivery. You probably should also have an exemption for signs carried by a person as well as sandwich boards and projecting signs. Also, consider language exempting marquees, awnings and canopies.

Mr. Hickey said the I.S.A is coming out with a resource for *Sign Regulation in Historic Districts*. That is something your community will want to have on the shelf to refer to.

Commission members and the Town Attorney queried Mr. Hickey with Mr. Hickey providing answers.

David said the I.S.A. has given direction to Fairfax County regarding their ordinances. Ms. Harris, Senior Community Planner said that Fairfax is currently looking at their sign ordinances and it will be a five year process in two phases. They have a team of county attorneys and planners that are working on it. They hope to have the first phase completed in a year or two.

Mr. Robinson asked Mr. Hickey to speak to the Architectural Review Board chair, Melissa Wiedenfeld, who was present regarding *Reed vs. Gilbert* and how it may affect the historic district. David said the resource *Sign Regulation in Historic Districts* is forthcoming and it will be an invaluable resource for the ARB.

A discussion was held on whether to look at and possibly revise the total sign ordinance or just revise sections as determined. Ms. Schaeffer and Ms. Harris both mentioned it may be a good idea to look at what the county has done with their sign ordinance to get an idea of how to approach it.

Comprehensive Plan Update

Denise Harris, Senior Planner said tonight you saw the beginning of our Comprehensive Plan Public Engagement Outreach. We have also launched Virtual Town Hall tonight. In front of you is a stack of business type cards that we would love you to take as many as you like and hand out to people. On the cards is information on how to participate in the Virtual Town Hall. We are trying to get them all over the town to get people to engage. She went on to say there is a high level survey on the Virtual Town Hall now and it asks things such as what are your favorite places, what are your favorite things, and if you could pick three things for the town to do in the next twenty five years what would they be. The survey is to get a sense of the pulse of the community. We are doing this outreach over the summer. The beauty of this is that it is run by a third party company. They collect the personal information but that personal information is not shared with the town and therefore a person's information is kept private. You can only vote once.

A discussion was held regarding the RFP and the evaluation scoring sheet which Ms. Harris stated was the last page of their staff report. She said this has to go into the RFP so that anyone who is bidding on the project knows how we are going to weight their scores as they are evaluated. It is a tool to assist in the selection process. She said she wanted to make sure the commission is comfortable with the weights that are given and the categories that are given. Members of the commission queried Ms. Harris on the weighting and she was asked if she wanted the members to look over the evaluation scoring sheet now. She said you can look it over now or take it with you, review it and bring it back.

Ms. Harris said the last aspect of this will be a review committee. You can't determine this tonight because you don't have a quorum. However, we would like one Planning Commission member and one Town Council member to be on the review committee.