

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Chair Schuman.

### ROLL CALL

Mike Giller                      Christie Leidal                      Ron Schuman  
Gretchen Dudney              Jim Lamb                              Steve Gerard  
Dan Schroder (arrived 7:01 pm)

### APPROVAL OF MINUTES

Ms. Leidal: On page two, under combined hearing, the last sentence of the first paragraph, it says “The Town will pay for the survey and addition.” Is that correct? (Ms. Puester: I think it was supposed to be “in addition.”)

With no other changes, the October 18, 2016, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the November 1, 2016, Planning Commission Agenda was approved.

### WORKSESSIONS:

1) Sign Code Part I – Town Signage (Mr. Tim Berry, Town Attorney, and Ms. Puester)

Mr. Berry presented. The Town Attorney has been working with staff on a Sign Code modification in response to a recent Supreme Court decision. This case decision, Reed v. Town of Gilbert is requiring most municipalities across the country to rewrite their sign code to eliminate content related references. The Town Attorney’s interpretation of the decision is that signs can still be regulated regarding size, materials, etc., but cannot be regulated differently based on the sign’s written content or the type of sign it is (e.g, political vs. commercial). This is particularly true for signs on private properties. The Town does have some additional discretion when regulating signage that occurs on Town property, as this is considered the Town’s speech and the Town can control their own messaging or that of others that are given permission to use our property.

The approach that staff has been working with on the Sign Code modifications is to keep the key concepts of the Sign Code similar to what exists today rather than changing what staff believes is working.

Because additional discretion can be used when regulating signage on Town property, the Sign Code has been separated into two chapters. The presented draft code is the Governmental chapter only. Staff will present the Private/Commercial chapter at a later work session.

The primary topics in the Governmental chapter include:

- Traffic and street related signage
- Civic event banners
- Violations to remove and penalties

Staff would like to hear any issues that the Planning Commission may have on the governmental chapter presented in your packets for this evening’s meeting.

### *Commissioner Questions / Comments:*

Mr. Schuman: Do you have a day you have to have this done by? (Mr. Berry: No, but we are working diligently on getting the new ordinance into effect. We do need to get the ordinances in place as a practical matter for the staff.)

Mr. Gerard: Looking at the redraft we received today, in the penalties and remedies section, in paragraph B, I would tighten up the 3<sup>rd</sup> offense language instead of leaving it wide open to the municipal

judge; it could say not to exceed the amount set forth in 4-1-1, for example. (Mr. Berry: That is a good suggestion; I will look at that, thank you.)

Mr. Schroder: Is Main Street Station private? (Ms. Puester: Yes.) (Mr. Berry: With a for sale house, what we are going to do now is allow any property to have some signage, but we then allow additional signage when a house is for sale, an action with what is happening on the property.)

Ms. Dudney: Can HOAs regulate more than the town then? (Mr. Berry: Yes, they have more regulatory authority on this because they are not limited by the first amendment.)

The worksession was opened for public comment. There was no public comment and worksession was closed.

### **TOWN COUNCIL REPORT:**

Mr. Grosshuesch:

The last meeting was the budget retreat. The most noteworthy decision made was to defer the building of the water treatment plant and Council asked that we do a second look at the financial aspects of that. (Ms. Dudney: How much is the cost?) Right now the cost is estimated to be \$53 million, which is almost double the initial estimate. The Heritage Alliance was given the match for the Reiling Dredge stabilization they were seeking from Town. The Breckenridge Tourism Office requested an increase in budget which was approved, as was the BreckCreate Arts budget. They approved an additional housing planner position and approved a position in the building department, a plans reviewer that was seasonal but would now be full time year-round.

### **OTHER MATTERS:**

#### 1) Meeting Schedule Discussion

Ms. Puester: We have been looking at moving up the Planning Commission meeting start time, proposing a 5:30pm start time with a light dinner beforehand and asking Commissioners to arrive between 5 and 5:15 to eat beforehand. We want to see if that is acceptable. It would require a resolution to be adopted by the Commission which we would bring to the next meeting. We think it would be helpful for public hearings – members of the public would not have to wait so late in the evening to attend and comment as well as benefit staff hours.

Mr. Truckey: Other commissions such as BOSAC start at 5:30 and the reason we started later was mainly for Mr. Pringle's benefit in the past. This would also be very helpful for staff.

#### *Commissioner Questions / Comments:*

Mr. Lamb: I love it.

Mr. Schuman: 5:30 is the earliest? (Mr. Truckey: Yes, this would be best for people who work 8-5 jobs.)

Ms. Leidal: I have a conflict where I teach a class from 4:30-5:30, and it will go through May. I could show up late, I could probably make 6 until then.

Ms. Dudney: As far as I'm concerned dinner is not necessary, that's not a requirement, right? (Mr. Truckey: I know dinner helps some people coming straight from work, we do it for some of our other commissions.)

Mr. Schuman: We could do a resolution with 6 to start and then come summer we could go to 5:30.

Mr. Schroder: I support the earlier time, it is easier for me, and better for the public.

Mr. Gerard: We could look at June 1<sup>st</sup> for going to 5:30 when Ms. Leidal's class is over and include it in the same resolution.

Ms. Puester: We will bring a resolution to you for next meeting; let me know if any questions or issues arise.

#### 2) Chair and Vice Chair Elections for 2016-2017

Ms. Dudney: Historically, the Chair rotates every 12 months, and the Vice Chair becomes the Chair. Dan is the Vice Chair currently.

Ms. Leidal: Would Mr. Schuman want to stay? Since you did not have a full year?

Mr. Schuman: I could remain if you would like.

Ms. Dudney: When did Mr. Schuman become chair? (Ms. Puester: In February.)

Ms. Dudney made a motion to nominate Mr. Schroder as the Chair of the Planning Commission for the next year. Mr. Schuman seconded, and the motion was carried unanimously (7-0).

Ms. Dudney made a motion to nominate Ms. Leidal as the Vice Chair of the Planning Commission for the next year. Mr. Gerard seconded, and the motion was carried unanimously (7-0).

### 3) Planning Commission Retreat Agenda

Ms. Puester: You have been given the agenda; the retreat begins at 9 am Thursday and we will end around 3 or 3:30pm. The agenda is pretty inclusive and included we go into a unit at Pinewood II, Lincoln Park, and the construction at Denison Placer. Mr. Pringle will also be joining us for lunch.

### 4) Additional:

Mr. Schuman: There are two people in the audience; I would like to see if there was a particular issue they were in attendance for that they did not get to comment on? (The audience members responded they were new in town and in attendance just to see the process.)

Ms. Dudney: Thank you, Mr. Schuman, thank you so much for your service as Chair.

Mr. Truckey: The Council will be recognizing Dave Pringle around 7pm next Tuesday, November 8, for his 38 years of service.

### **ADJOURNMENT:**

The meeting was adjourned at 7:35pm.

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Ron Schuman, Chair