

1 **PLAN COMMISSION MEETING MINUTES**
2 **TUESDAY, JULY 26, 2016**
3 **Sister Bay-Liberty Grove Fire Station -2258 Mill Road**
4

5 The July 26, 2016 meeting of the Plan Commission was called to order by Chairperson Dave
6 Lienau at 5:30 P.M.

7
8 **Present:** Chairperson Lienau and members Scott Baker, Nate Bell, Don Howard, Marge
9 Grutzmacher, and Mary Kay Shumway. Shane Solomon arrived at 5:54 P.M.

10
11 **Staff Members:** Village Administrator Zeke Jackson and Assistant Administrator Janal
12 Suppanz

13
14 **Others:** Ronald and Barbara Sense, Sharon Bennington and one other individual

15
16 **Comments, correspondence and concerns from the public:**

17 Lienau noted that no new correspondence had been received, and then asked if anyone
18 wished to comment regarding a non-agenda item. No one responded.

19
20 **Approval of the agenda:**

21 *A motion was made by Grutzmacher, seconded by Howard that the Agenda for the July 26, 2016*
22 *meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

23
24 **Approval of minutes as published:**

25 **As to the minutes for the June 28, 2016 meeting of the Plan Commission:**

26 *A motion was made by Baker seconded by Howard that the minutes for the June 28, 2016 meeting of*
27 *the Plan Commission be approved as presented. Motion carried – All ayes.*

28
29 **Business Items:**

30 **Item No. 1. Review of the U.S. Supreme Court Decision regarding “Reed v. Town of**
31 **Gilbert”;** Review of Sister Bay’s Sign Code and proposed revisions to that document
32 **which will comply with the standards established by “Reed v. Gilbert”;** Discussion
33 **regarding a proposed re-draft of the Sister Bay Sign Code and potential amendments to**
34 **that document;** Consider a motion to bring the re-draft of the Sign Code to a public
35 **hearing at a future meeting of the Plan Commission:**

36 The U.S. Supreme Court’s Decision regarding the case entitled, “Reed v. Town of Gilbert”
37 struck down a local government’s Sign Code as a violation of the freedom of speech
38 guaranteed by the First Amendment. The Sign Code for the Town of Gilbert, AZ prohibited
39 the display of outdoor signs without a permit, but then exempted 23 categories of signs from
40 that requirement. Three categories of exempt signage were relevant to the case: Ideological
41 signs, political signs and temporary directional signs related to a qualifying event. Clyde
42 Reed, the pastor of Good News Community Church, wanted to advertise the time and
43 location of Sunday church services. The church did not own a building in the Town of
44 Gilbert and held services in elementary schools or other locations in or near the Town. The
45 church began placing 15 to 20 signs around town early in the day on Saturdays to announce
46 the time and location of upcoming services and they were removed around midday on
47 Sundays. Eventually Town officials cited the church for violating the Town’s Sign Code.
48 Efforts by the church to reach an accommodation with the Town proved to be unsuccessful,

1 and the church eventually initiated a lawsuit against the Town, arguing that the Sign Code
2 abridged their freedom of speech – a violation of the U.S. Constitution. Eventually the case
3 was referred to the U.S. Supreme Court, and the Court ruled that Sign Codes which
4 distinguish between political signs, ideological signs, or temporary directional signs to
5 certain events are considered to be content-based. (Specifically the Court stated, “Content-
6 based laws – those that target speech based on its communicative content – are
7 presumptively unconstitutional and may be justified only if the Government proves that
8 they are narrowly tailored to serve compelling State interests”.)
9

10 In light of “Reed v. Town of Gilbert” the Village can basically only regulate the location, size,
11 and duration of display of a sign as well as the materials it is constructed of, illumination of
12 it, and portability, and, therefore, it will be necessary for a number of revisions to be made to
13 the Village’s Sign Code. An applicable draft was included in the meeting packets, and the
14 Commission members jointly reviewed that document. During the review process some
15 grammatical revisions were suggested and Jackson took note of all of them.
16

17 *A motion was made by Grutzmacher, seconded by Solomon that at the next meeting of the Plan*
18 *Commission a public hearing shall be conducted regarding the Sign Code amendments which were*
19 *reviewed and amended at this meeting. Motion carried – All ayes.*
20

21 **Item No. 2. Report by the Zoning Administrator regarding development activities,**
22 **various enforcement actions, and issuance of Sign and Zoning Permits:**

23 Jackson reported on the following issues:

- 24 • He recently sent a Code Enforcement Letter to Lyle Bruss as he received a report that
25 fireworks were ignited on his property over the 4th of July weekend.
26
- 27 • Ronald and Barbara Sense own Village of Sister Bay Parcel No. 181-00-08312833F,
28 which has been assigned an address of 2454 Flint Ridge Road and consists of
29 approximately 12.56 acres of land. The Sense’s would like to replace the home which
30 is currently on their property and would also like to be able divide the parcel at some
31 point in the future as they want to leave some of their land to their children. The
32 property is currently zoned B-1 and the Sense’s are requesting that it be re-zoned R-3.
33

34 *It was the consensus that a public hearing shall be conducted regarding the Sense’s request at*
35 *the next meeting of the Plan Commission.*
36

- 37 • A property owner recently informed him that someone was interested in purchasing
38 his property. The potential buyer also contacted him and asked for blanket approval
39 of a number of items, but did not wish to submit plans or do an impact fee
40 calculation. Obviously he did not grant blanket approval, but was able to conduct a
41 parking calculation for the property in question and determined that more parking
42 would be required. Eventually the sale fell through. After conducting the previously
43 mentioned parking calculation Jackson believes that revisions to the parking
44 regulation section of the Zoning Code are definitely warranted.
45
- 46 • In accord with the Village Board’s directives a Public Hearing Notice was recently
47 mailed via first class as well as certified mail and some return receipts have already

1 been received.
2

3 **Item No. 3. Matters to be placed on a future agenda or referred to a committee, official or**
4 **employee:**

5 *It was the consensus that the following issue shall be addressed at a future meeting of the Plan*
6 *Commission:*

- 7 • *Review and revision of the Village's parking regulations.*
8

9 *The next meeting of the Plan Commission will be conducted at 5:30 P.M. on Tuesday, August 23,*
10 *2016.*

11
12 **Adjournment:**

13 *A motion was made by Shumway, seconded by Baker to adjourn the meeting of the Plan Commission*
14 *at 7:50 P.M. Motion carried – All ayes.*

15
16 Respectfully submitted,

17 

18 Janal Suppanz,
19 Assistant Administrator