



CITY OF DELAWARE CITY
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**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF DELAWARE CITY
JULY 11, 2016**

CALL TO ORDER

Commissioner Hendry called to order the regular meeting of the Planning Commission at 7:00 p.m. Those present included Commissioners West, Hendry, Smith, Renoll and Williams. City Manager Cathcart and City Solicitor Walton were also in attendance.

ACTION ON THE PREVIOUS MINUTES

Commissioner Williams made a motion to accept the minutes of the June 6, 2016 Planning Commission meeting as written. The motion was seconded. There was no discussion. A vote was taken, all ayes, motion carried.

SIGN ORDINANCE

City Manager Cathcart explained that the purpose of the meeting was to go over the draft sign ordinance. He said City Solicitor Walton was in attendance this evening to assist with this review. City Solicitor Walton explained that this sign ordinance draft was precipitated by a ruling made by the U. S. Supreme Court in June 2015, in a case titled Reed v. The Town of Gilbert, as it relates to signs and sign codes. He explained the case and how it got to the U. S. Supreme Court. The court said the code was unconstitutional because it treated the speech of one group that was advertising their church, differently than it treated the speech of political signs. The Supreme Court said a municipal government has no power to restrict expression because of its message, content, or subject matter. If the

speech is treated differently, that is unconstitutional. Signs cannot be regulated based upon content. Justice Alito wrote a concurring opinion, with three justices joining him. In that opinion, Justice Alito gave a list of what can be regulated. Posting of signs can be forbidden totally. City Solicitor Walton summarized that list.

The City Solicitor added that the City must comply with the Supreme Court ruling. He said when he drafted the ordinance; it was with this ruling in mind, in order to make sure the City was in compliance. He explained how he took the existing code and changed it to make it constitutional.

City Solicitor Walton recommended that signage be determined based upon zoning districts. Discussion followed regarding current code. City Solicitor Walton said the Planning Commission's job is to determine what the sign code should say and make a recommendation for the changes to the Mayor and Council. Questions were asked of the City Solicitor and more discussion occurred. City Manager Cathcart said the August meeting would be a work session to make changes so that the recommended sign ordinance could be presented, for an introduction and first reading, at the September Mayor and Council meeting.

ADJOURNMENT

Commissioner Williams made a motion to adjourn the meeting. The motion was seconded. A vote was taken, all ayes. Meeting adjourned at 7:42 pm.

Respectfully submitted,

Dawn K. Gwynn

City Secretary