

**PLANNING BOARD
MINUTES
FEBRUARY 8, 2011
CITY HALL
6:30 P.M.**

CALL TO ORDER

Chairman Dave Giera called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ATTENDANCE: In attendance were Chairman Dave Giera, Shayne Hawn, Sue Franks and alternates Allen Phillips and Tom Von Voigt, UDO Administrator Becky Cummings and Secretary Sylvia Wagner. Absent were Matt Smith (excused) and Bill Clark (excused).

Due to the absence of Mr. Smith and Mr. Clark, alternates Allen Phillip and Tom Von Voigt assumed a voting position on the Board.

APPROVAL OF MINUTES

A motion was made by Sue Franks and seconded by Allen Phillips to approve the minutes of the January 11, 2011 meeting with the addition of "excused" absence for Shayne Hawn.

Vote: 4-0 with Shayne Hawn abstaining Motion carried

APPROVAL OF AGENDA

A motion was made by Shayne Hawn and seconded by Sue Franks to approve the agenda with the additions by the Chairman of "Mailboxes" to "New Business" and to place "New Business" ahead of "Old Business" in order to hear a citizen early in the meeting.

Vote: 5-0 Motion carried

PUBLIC COMMENTS

There were no public comments.

NEW BUSINESS

Christmas Lights

Mr. Robert Prince presented the Planning Board with some pictures and detailed information about his idea to have a Christmas lighting display consisting of archways. The arch would be made with PVC pipe, anchored at each end and wrapped with lights and garland. His request of the Board is to allow him to place this display in the City's road right of way and cross a City street.

The Planning Board discussed some issues with this display such as power supply, wind, and everyday traffic including school buses and delivery trucks and possible interference of the arches. Becky Cummings contacted the City Attorney for legal advice and Ms. Elva Jess responded that there are several issues that must be considered by the City. The City could be held liable for permitting encroachments in its right of way if they are the cause of injury. The City ordinances do not permit such a display and a municipality is not permitted to promote any religious view.

Chairman Dave Giera suggested that Mr. Prince place his display in his driveway on his private property for the public to enjoy. Mr. Prince thanked the Planning Board for their time.

A motion was made by Shayne Hawn and seconded by Sue Franks to recommend to the Board of Commissioners that Christmas lights not be approved in the public right-of-way as per ordinance under Section 10.2(E) 3.

A discussion followed regarding location of banners and poles decorated by the City located in the right-of-way. Since these are on City property, the City takes liability. Becky Cummings noted that "Sign Regulations Section 10.2(E) 3 Prohibited Signs" of the UDO states "Private signs that are located on or over a public right-of-way unless excepted by City of State laws.

Vote: 5-0 Motion carried

Mail Boxes

Chairman Dave Giera brought to the Board's attention that a citizen recently commented on the placement of mailboxes on the roads in town. They are scattered so much and can be a problem when the City is mowing. It was suggested that they move them back from the road or perhaps put them together as a group which would mean that some people would have to walk a bit to pick up their mail. The U.S. postal workers are concerned about the edges of the road breaking off also. It was decided to leave the Ordinance as is.

A motion was made to recommend to the Board of Commissioners that they leave the Ordinance as is as per the U.S. Postal Service.

Vote: 5-0 Motion carried

OLD BUSINESS

Vending Machines

A brief update was given by the Chairman regarding a free standing ice machine located on Route #87 which was erected without any permits being issued. Vending machines are not included in the ordinance and this ice machine is in violation of code. The Board of Commissioners has just issued a stay of fines and staff brought the issue to the Planning Board for their recommendation. The P.B. reviewed an ordinance of the City of Daphne which appears to be well written and well suited for our City's needs. A few changes and corrections were made to this document to accommodate Boiling Spring Lakes.

A motion was made by Shayne Hawn and seconded by Allen Phillips to recommend to the Board of Commissioners the attached document titled "Section 6.47 Self Service Ice Vending Units and Other Similar Uses".

Vote: 5-0 Motion carried

Conservation District Update

On February 26, 2011 Mayor Richard White, Becky Cummings, Dave Giera and Matt Smith met with three State Officials: Mr. Kent Yelverton, M. Stephen Schmidt, and Mr. Gene Cross. They seemed very receptive to the City's ideas of the Conservation District zoning. The public use of the land was mentioned but not really discussed. Also, the State wasn't aware of Camp Pretty Pond being for sale and they seemed very interested. Becky Cummings will check with Mayor White about touching base with these gentlemen by email.

Economic Development Update

Becky Cummings and City Manager Dave Lewis met with Mr. Bradshaw of Brunswick County Economic Development recently. It appears that UNC Wilmington has a student who will come in to write his thesis and help out the City and their development plan. We are making steady forward movement.

OTHER BUSINESS

Light industrial zoning was brought up and the future development of Antennae Rd. and Midway Rd. growth. The Board will discuss Light Industrial zoning again possibly at the next meeting.

ADJOURN

A motion was made by Allen Phillips and seconded by Sue Franks to adjourn the meeting at 8:05 p.m.

Vote: 5-0 Motion carried

Respectfully submitted by Sylvia Wagner