



City of Boiling Spring Lakes

9 E. Boiling Spring Road

Southport, NC 28461

Phone (910) 294-0996 Fax (910) 363-0029

Nicole Morgan • Email: nmorgan@cityofbsl.org

**Planning Board
September 12, 2017
7:00 P.M. ~ City Hall**

CALL TO ORDER:

The regular monthly Planning Board meeting was held at City Hall on September 12, 2017. Chairman, Bill Clark, called the meeting to order at 7:00 p.m.

ATTENDANCE:

Members Present:

Bill Clark; Chairman, Gene Fioravante, Jeremy Sexton, Bill Sraver, Nancy Crawford, Lucille Launderville; 1st Alternate

Staff Present:

Maggie Della Badia; Administrative Assistant, Nicole Morgan; Administrative Assistant

Guest:

Cape Fear Council of Governments: Wes MacLeod

AGENDA:

A motion was made by Bill Sraver and seconded by Gene Fioravante to approve the September 12, 2017 agenda.

Motion Carried 5-0

MINUTES – September 8, 2017

A motion was made by Bill Sraver and seconded by Nancy Crawford to approve the September 8, 2017 meeting minutes.

Motion carried 5-0

MINUTES – Special Call Meeting September 15, 2017

Bill Clark asked Wes MacLeod if the Police Department needs to make changes regarding impervious coverage and Wes MacLeod stated they needed to provide the amount of impervious coverage they are proposing, which they did.

Bill Sraver asked Wes MacLeod if there has been any additional discussion with MGK Mini Storage in regards to impervious coverage and Wes MacLeod stated they have revised their plan and have met the impervious coverage requirement. Wes MacLeod further stated that MGK Mini Storage will be removing the road on the far south end of the site, although he does not believe they needed to do this to meet the impervious coverage requirement.

A motion was made by Gene Fioravante and seconded by Bill Sraver to approve the Special Call September 15, 2017 meeting minutes.

Motion Carried 5-0

PUBLIC COMMENT:

No public comment.

OLD BUSINESS:**1. Review Draft Article 10: Signage**

Bill Clark asked Wes MacLeod what the N.C. Statute says as far as how long political signage can remain up and Wes MacLeod stated it must be removed within 10 days of an election.

Wes MacLeod asked Nancy Crawford if she still had questions regarding temporary banners and Nancy Crawford stated that it is unclear as to exactly what type of signage is allowed for birthday parties and yard sales. Wes MacLeod stated they fall under temporary yard signs, which allows for a maximum of 1 sign. Wes MacLeod noted that no signs are allowed in the right-of-way and further stated that the Supreme Court states sign ordinances must be content neutral. Wes MacLeod will be looking into whether or not there is a way to handle yard sale signs specifically.

Gene Fioravante asked Wes MacLeod where real estate signs fall. Wes MacLeod stated they currently fall under temporary yard signs and noted that the Supreme Court says real estate signs can be up for as long as the property is for sale.

Wes MacLeod discussed that government bodies cannot be exempt from any ordinance and that the UDO must be changed to comply.

A discussion was started by Lucille Launderville concerning the 7 day limit on signs and all members agreed to change it to 14 days.

A discussion was had concerning memorial signage and Wes MacLeod stated that no signs are allowed in the city right-of-way, nor the DOT right-of-way. If in the city right-of-way, Ruth Bek, Chief Code Enforcement Officer, can remove them, and if in the DOT right-of-way, either DOT, or Ruth Bek, can

remove them. Jeremy Sexton asked Wes MacLeod if this means the city is under no obligation to enforce and Wes MacLeod stated that is correct.

Nancy Crawford stated that we do not address anything about LED light signs and Wes MacLeod stated currently, as is, they would not be permitted. A discussion was held regarding neon open signs and Wes MacLeod stated that if any have been put up since 2009 they would be considered non-conforming. Wes MacLeod further noted that the ordinance cannot specifically limit it to such signs as open, closed or vacant, as it must be content neutral. Jeremy Sexton and Bill Clark asked if it can specify a size limit for neon signs or glass tubes and Wes MacLeod stated yes.

Nancy Crawford asked Wes MacLeod about Christmas decorations in regards to illuminated signs not being permitted in residential districts and Wes MacLeod stated that holiday signs are exempt and noted there is information in the UDO concerning holiday decorations.

A discussion was held regarding damaged signs, which Jeremy Sexton stated has been moved to prohibited signs. Wes MacLeod confirmed.

Bill Clark asked Wes MacLeod if we are doing away with off-premise signage and Wes MacLeod stated it is not currently allowed in the city. Bill Clark noted that Pepperoni Grill was given approval to have 3 out for a limited number of days and asked if that has been done away with in the new UDO. Bill Clark further stated that temporary off-site signage on city roads is currently permitted to a maximum of 3 signs, as long as it is not on state right-of-way. Wes MacLeod states he believes it has been done away with in the new UDO, but noted that the ordinances are conflicting. Wes MacLeod further noted that technically, in such situation where there is conflicting ordinances, the more stringent ordinance takes precedence. Wes MacLeod will research further to see if there is a legal way that the city can implement and effectively enforce temporary off-site signage. Jeremy Sexton suggested implementing a size and time limit on the signage and Wes MacLeod said that is a possibility.

Jeremy Sexton suggested the Planning Board wait on voting and Bill Clark stated that more time is needed to review Article 10.

Wes MacLeod stated he will be looking further into temporary signs, yard sale signs and event signs.

Wes MacLeod discussed that Appendix A: Definitions, will be given to the Planning Board for review in October and stated he expects to have a full, clean copy of the UDO in November or December. Bill Clark asked Wes MacLeod if he believes that means they will be able to give it to the Board of Commissioners for vote and public comment in February and Wes MacLeod stated yes.

NEW BUSINESS:

1. Distribute Article 11: Flood Damage Prevention Ordinance

Wes MacLeod distributed Draft Article 11: Flood Damage Prevention Ordinance, and explained this is the state's model code and therefore, only 1 minor change has been made.

2. Distribute Article 12: Non-Conforming Situations

Wes MacLeod stated Article 12 has been retitled "Non-Conformities" and explained that this article helps

address vacant lots that are substandard and provides new provisions for setbacks and non-conforming site features.

Bill Clark asked Wes MacLeod if Article 14 is now Article 12 and Wes MacLeod stated yes. Wes MacLeod further noted film guidelines are recommended to be moved to general code.

The members agreed Article 10 will be put back on next month's agenda.

Bill Clark asked if they have a current TRC representative for the 3rd quarter, based upon last month's agenda, and Maggie DellaBadia stated that the agenda incorrectly noted that and needs to be revised.

A motion was made by Jeremy Sexton and seconded by Nancy Crawford to elect Gene Fioravante as TRC representative for the remaining 3rd quarter.

Motion carried 5-0

NEXT MEETING AGENDA ITEMS:

1. **Article 10: Signage**
2. **Article 11: Flood Damage Prevention Ordinance**
3. **Article 12: Non-conformities**

A motion was made by Bill Sraver and seconded by Jeremy Sexton to adjourn the meeting at 7:59 p.m.

Motion carried 5-0

Respectfully submitted by,

Nicole Morgan, Administrative Assistant