



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, March 4, 2020 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (P&Z) held its regular meeting on Wednesday, March 4, 2020. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Member Bill Moore
Member David Garceau
Member Kenneth Richardson
Member Tony Garibay

P&Z MEMBERS ABSENT

STAFF PRESENT

Mandy Sanders, Town Clerk
Beth Chase, Deputy Town Clerk
John Batson, Building Inspector

CALL TO ORDER

Chairman Galbraith called the meeting to order at 6:30 pm.

APPROVAL OF AGENDA

MOTION- Member Richardson made a motion to amend the agenda to add discussion of proposed sign ordinance and discussion of underground utilities under new business and adopt as amended

SECOND- Member Garibay

VOTE-Unanimous

APPROVAL OF MEETING MINUTES:

- February 11, 2020 Regular Meeting

MOTION – Member Moore made a motion to approve the meeting minutes for February 11, 2020

SECOND – Member Richardson

VOTE- Unanimous

PUBLIC COMMENTS

Alicia Debaro stated she is a Kure Beach resident and lives at 108 Alabama Ave. She came to speak to PZC as she saw light pollution was on the agenda for tonight. Her neighbor behind her last summer changed out the front lights on their porches. The lights go on at dusk and stay on till dawn and shine through her windows. She has reached out to the neighbors and asked them to consider installing motion detector lights and offered to install a ring doorbell at her cost. She has had to install room darkening shades and can't use her own property due to the lights.



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OLD BUSINESS

1. Graffiti Ordinance

Chairman Galbraith stated:

- The Commission received a graffiti ordinance from him earlier today
- Kure Beach doesn't currently have a graffiti problem, but this is a proactive approach
- He has done research on other small towns in NC
- One NC Town had no issue for years until overnight one vacant building had damage to the property with no way to deal with this practical issue
- Graffiti is the number one act of vandalism in the United States and has a huge impact on property values
- He drafted a very simple ordinance that includes all the main issues the Town needs to address
- Research shows the ordinance needs to identify that the person who does the graffiti is the offender and responsibility of mitigation for the property owner

Member Garibay commented he is struggling what the definition of graffiti is and another person may have a different opinion. He wants to make sure someone can't challenge the Town's definition of graffiti.

Building Inspector Batson stated the Town has had one graffiti incident in Town.

Attorney Eldridge commented he needs more time to review the graffiti ordinance as he had only received a copy today. Attorney Eldridge inquired whether graffiti regulation will be a criminal or a civil code enforcement matter. If it is to be a code enforcement approach, then applicable provisions are needed for civil citations, penalties, etc. If it is criminal in nature, then the Town cannot dictate what the courts must do and any criminal penalties collected by the Town end up being school board property.

MOTION- Chairman Galbraith made a motion to table graffiti ordinance to the April agenda

SECOND- Member Garibay

VOTE- Unanimous

2. Legislative update and recommendations

- Proposed text amendments to Chapter 11 Buildings and Building Regulations
- Proposed text amendments to Chapter 14 Subdivision Regulations

Attorney Eldridge stated the legislative update consists of two parts. Part one which became effective last July and part two which becomes effective in January 2021 which consolidates and codifies in a new Chapter 160D most of the City and County Planning and Land Development statutes. Tonight, PZC will have finished the part one changes. He has requested Deputy Town Clerk



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Chase to remove Legislative update and recommendations for the next few months as he reviews part two.

MOTION- Member Gareacu made a motion to recommend to the Town Council the proposed text amendment to Chapter 11 Buildings and Building Regulations and the proposed text amendment to Chapter 14 Subdivision Regulations

SECOND- Member Garibay

VOTE- Unanimous

3. Light Pollution ordinance and Dark Sky regulations

Member Garceau stated:

- As previously mentioned, he has looked at various codes from around the country
- There are significant grants available to help Towns accomplish this goal
- Purpose for the light pollution ordinance is to set standards to promote health, safety and welfare for the Town by establishing maximum intensities of lightening and controlling glare
- The light pollution ordinance will include a list of definitions related to lighting Attorney Eldridge will need to review any proposed regulations
- Some examples would be it defines glare, outdoor lighting, and recreation lighting
- Discussion for the Commission is how does the Town transition into this ordinance and how does the Town handle violations

Member Garibay stated this is a light trespass issue as the lighting shouldn't be going past the property line. The commission needs to look at the light ordinance the same way the Town looks at a noise ordinance.

Attorney Eldridge stated the Town can actually measure the light or use the reasonable person approach.

MOTION- Member Richardson made a motion to table light pollution to the April meeting

SECOND- Member Garibay

VOTE- Unanimous

4. Prohibited Uses

Member Richardson commented he started a prohibited use list for the Commission to expand on.

Chairman Galbraith stated Deputy Town Clerk Chase will be sending out a list through Google docs for the commission to add additional items.

MOTION- Member Gareacu made a motion to table prohibited uses to the April agenda

SECOND- Member Moore

VOTE- Unanimous



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NEW BUSINESS

1. Political Sign Ordinance

Attorney Eldridge stated while section 15.40.040.G exempts some signs from the regulations, it prohibits political signs within the town right-of-way and within 50 feet of polling places 24 hours prior to an election. The section also, by implication, prohibits political signs from being erected on private property during any other times except what is set forth in the section: 30 days before early voting begins until 10 days after the election. Additionally, the code defines “temporary” signs, but does not “political” signs leaving that term open to being broadly construed. In contrast with the town’s current 30/10 limit tied to elections, the school of government recommends a 90-day durational period not tied to a particular event. Attorney Eldridge recommends text amendment to sec. 15.40.040.G which replace “political” with “temporary;” expands the durational period for temporary signs on private property to not less than 90 nor more than 180 days; and *not* tie the durational period of temporary signage on private property to an event.

CONSENSUS- The Commission agrees the durational period for temporary signs should be 90 days and directs Attorney Eldridge to draft text amendments based on his recommendations and to bring those proposed amendments forward at the April meeting.

MOTION- Chairman Galbraith made a motion to table this item to the April meeting under old business with a recommendation for Town Council

SECOND- Member Richardson

VOTE- Unanimous

2. Underground Utilities

Member Richardson stated he would like formal permission from the Town Council to gather information for the Town regarding underground utilities. He has already done research of other Towns that have received grant money to put the utilities underground.

Chairman Galbraith commented he will bring it forward to Town Council to receive approval for PZC to do research if grants are available for underground utilities.

MEMBER ITEMS



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ADJOURNMENT

MOTION- Member Richardson made a motion to adjourn the meeting at 7:43 p.m.

SECOND- Member Moore

VOTE- Unanimous

ATTEST: Mandy Sanders
Mandy Sanders, Town Clerk

Craig Galbraith
Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.