



TOWN COUNCIL MINUTES

PUBLIC HEARING

February 16, 2016

The Kure Beach Town Council held a Public Hearing on Tuesday, February 16, 2016 at 6:00 p.m. for the purpose of receiving public comments on the draft proposal to amend Chapter 19 Zoning, Article VI Signs, Section 373 Exceptions, subsection (7) for political signs. Notice of the public hearing was posted at Town Hall and on the town's website January 25, 2016, and was published in the Island Gazette on February 3 and 10, 2016. The Town Attorney was present and there was a quorum of council members.

COUNCIL MEMBERS PRESENT

Mayor Emilie Swearingen
Mayor Pro Tem (MPT) Craig Bloszinsky
Commissioner David Heglar
Commissioner Joseph Whitley
Commissioner Jim Dugan

STAFF PRESENT

Building Inspector – John Batson
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER

Mayor Swearingen called the public hearing to order and asked the Planning and Zoning (P&Z) Commission Chairman, John Ellen, to give background on the proposed ordinance amendment.

Mr. Ellen said that the ordinance was requested by the previous mayor during the October 2015 council meeting because he didn't agree with the placement of his opponent's election signs along Dow Road. He stated that the former mayor's opponent had been told by the Department of Transportation (DOT) that she could put her signs along that road. Mr. Ellen explained that the current ordinance states it applies to signs within the town, not the Extraterritorial Jurisdiction (ETJ); so the commission added it into the proposed amendment.

PUBLIC COMMENTS

1. Randy Gilliland, 133 S. 6th Avenue

Mr. Gilliland said he's interested in the ordinance because of the issue of freedom of speech. He said that the NC General Assembly has legislation specific to this issue which is bipartisan and comprehensive, and he suggested it would be good for the town to incorporate its wording into the local ordinances. He cited Senate Bill 315, An Act to Permit Campaign Signs in Highway Rights-of-Way with Reasonable Time, Place and Manner Restrictions. He pointed out that Paragraph F allows for municipalities to prohibit or regulate in its ordinances the placement of political signs on rights-of-way of streets located within the corporate limits that are maintained by the municipality. He said the 17-day period in the proposed amendment is a bit arbitrary and pointed out that the senate bill stipulates 30 days. He also said he didn't see a penalty mentioned if someone leaves their



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sign up beyond the allowed period of time. He said that defining what a “political sign” is can be very difficult and suggested naming it a “campaign sign,” as noted in the state law.

2. Joan and Richard Van Ham, 233 Seawatch Way

Mayor Swearingen read an email that Mr. and Mrs. Van Ham sent to the Town Clerk which states they are in favor of restricting the time that political signs should be allowed to stay posted.

3. Mary Beth Whitten, 422 Settlers Lane

Ms. Whitten asked Council how they can regulate Dow Road when that is government property and how does that give them the right to make a decision for the ETJ.

Public sign-up sheet is herein incorporated as part of these minutes.

CLOSING OF PUBLIC HEARING

As no one else indicated their intent to speak, Mayor Swearingen closed the hearing at 6:15 p.m.

DISCUSSION AND CONSIDERATION

Commissioner Heglar stated that Paragraph F in the state statute gives council the authority to regulate the placement of signs which is what the town’s current statute does, and if council doesn’t do anything, it is still regulated and leaves the current ordinance in effect.

Mayor Swearingen said that she talked to DOT and they regulate Highway 421, Dow Road and K Avenue, and they also told her that Sunny Point, the adjacent property owners on Dow Road, hasn’t opposed allowing signs along the road. She said the town doesn’t maintain Highway 421 or Dow Road. She read the proposed ordinance amendment out loud and said it allows candidates to put signs in the ETJ near the tree line, but it forbids any resident from putting a sign in their yard for more than 17 days.

Commissioner Heglar said he is a Libertarian and thinks people should be able to put whatever they want, whenever they want, on their private property; but his issue is with public property. He said the public property within Kure Beach should be regulated. He commented that one can tell the difference between Kure Beach and Carolina Beach when driving along Dow Road during election time from the absence of signs on Dow Road when you cross into Kure Beach, and he’s glad of it. He said the ordinance shouldn’t include anything about privately-owned properties.

Town Attorney Canoutas reminded council that the town maintains the cleanliness of Dow Road. He proposed keeping the first sentence, eliminating the second sentence, changing 5 days to 10 days in the third sentence and eliminating the last sentence in the proposed amendment. He said the reason he would eliminate the last sentence is because the election board can take care of their own laws; council isn’t here to enforce those. He said that the property along Dow Road belongs to the

PUBLIC HEARING

PUBLIC HEARING SIGN-UP SHEET

DATE OF PUBLIC HEARING

Feb 16, 2016 @ 6:00pm

NAME

ADDRESS

Barry Gubbins

133 S 6th Av KB

Maribel Whittor

422 Solters Lane KB

Joan + Richard Van Ham

Email read before public (see attach)



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government and there is a statute in place that says the state must oblige any zoning laws that are passed by the municipality.

Commissioner Heglar stated that council needs to give P&Z guidance to only regulate the size of a sign on private property and, for public property along the roads, to conform to the state's statute that allows political signs to remain up for 30 days. He also recommended not allowing signs on any public property owned by the town.

COUNCIL CONSENSUS – Council agreed that forbidding political signs on town-owned public property should be put in the ordinance amendment.

Mayor Swearingen recommended keeping the last sentence of the ordinance because, if Council is going to stipulate no political signs on publicly-owned property, it should allow regulation of the polling place signs near the Town Hall voting precinct.

MOTION – Commissioner Heglar moved to send the proposed ordinance amendment to Chapter 19 Zoning, Article VI Signs, Section 373 Exceptions, subsection (7) for political signs back to Planning and Zoning, and to work with the town attorney to craft the proposed wording as directed by council, as follows: keep the first sentence, eliminate the second sentence, change five days to ten days in the third sentence, don't allow any signage on publicly-owned property except at the polling place which is stipulated and needs to be kept in the last sentence of the proposed ordinance.

SECOND – MPT Bloszinsky

VOTE – Unanimous

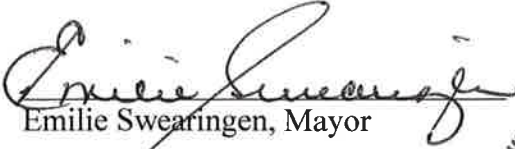
ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn.

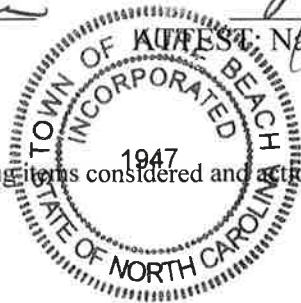
SECOND – Commissioner Dugan

VOTE – Unanimous

The meeting adjourned at 6:40 p.m.


Emilie Swearingen, Mayor


Nancy Hewitt, Deputy Town Clerk



NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting.