

**Town of Swansboro
Board of Commissioners
April 11, 2022, Regular Meeting**

In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner Pat Turner, Commissioner Harry PJ Pugliese, Commissioner Larry Philpott, Mayor Pro Tem Tursi, and Commissioner Jeffrey Conaway.

Call to Order/Opening Prayer/Pledge of Allegiance

The meeting was called to order at 5:30 pm. Mayor Davis led the Pledge of Allegiance.

Public Comment

Fred Schatner of 148 Smallwood Road in Hubert commented on the proposed temporary sign amendments stating that the ordinance should have been left as it was in 2005. He felt that businesses with outparcel type locations should not be penalized and be allowed to place signs on other properties as off premise signage. Additionally, election signs are placed on other properties as off premised signage and those are allowed every election, which he felt was not fair.

Jonathan McDaniel of 114 Elm Street shared that he had applied for appointment to the Historic Preservation Commission.

Junior Freeman 108 Ridge Cove Lane commented on the proposed temporary sign amendment stating that the board should consider moving away from the 45 day per year requirement and signs on vehicles should not be regulated.

Adoption of Agenda

On a motion by Commissioner Philpott, seconded by Mayor Pro Tem Tursi, with unanimous approval, the agenda was amended to remove Temporary Signs & Political Signs for consideration at a future meeting.

Public Hearing

Sign Amortization

Mayor Davis recused himself from discussion due to the possibility of being affected as a business owner in town. Mayor Pro Tem Tursi assumed leading the meeting.

Planner Ansell provided a detailed overview on the items as follows:

The Board of Commissioners discussed the freestanding sign amortization process at their July 27, 2020, regular meeting, and instructed staff to present an amendment to the

Planning Board for consideration for the removal of the amortization requirement under Section 152.274 of the Unified Development Ordinance (UDO) and to clarify under what conditions nonconforming signs would have to be replaced.

Due to the in-person meeting limitations imposed during the COVID-19 pandemic, the Board of Commissioners postponed further discussion on the topic until those limitations were lifted.

- Planning Board Recommendation

The Planning Board reviewed the proposed amendment at their November 16, 2020, special meeting and voted unanimously to recommend approval of the proposal with the exception of the proposed changes to Section 152.274, which contains the amortization requirements.

- Gateway Initiative

The Town began the “Gateway to Swansboro” initiative in 2009 which identified the NC Highway 24 corridor as the most significant initial image of the community for visitors and potential business investors. The Town has worked to implement the ideas and recommendations of the Gateway to Swansboro Report to shape development in a way that will enhance the appearance of our community and attract high quality investments to build our commercial economy.

Signage was identified through the Gateway process as a high priority area of concern, specifically with regard to non-conforming signs. In order to provide corrective action, the Town requested the removal or replacement of those signs which had been found to be non-conforming.

- Timeline of Notifications/History of Actions

- The UDO was officially adopted by the Board of Commissioners on March 15, 2005. Article 16, Signs, required that nonconforming freestanding signs in any zoning district be removed within ten (10) years after the adoption of the ordinance, therefore nonconforming signs were to be removed by March 15, 2015.
- The Town began taking inventory of existing nonconforming freestanding signs in January 2011.
- Section 16-10 of the UDO at that time stated that if the sign area was not greater than 125% of the area allowed or if the height not greater than 5 feet of the height allowed, the sign was exempt from amortization.

- Initial notifications to property owners were sent in March and April of 2011 of the amortization requirement and the March 15, 2015, compliance deadline. All notices were sent via regular mail to the address on file through the Onslow County Tax Office, accessible from the Onslow County GIS portal.
- In May of 2013, as a result of the adoption of the Gateway to Swansboro Report, the UDO was modified to allow monument-style signs, but still allowed pole and pylon-style freestanding signs.
- Notices were sent out to the property owners again in February of 2014, September of 2014 and December of 2014 in advance of the March 15, 2015, amortization deadline.
- In 2014, based on a recommendation of the 2009 Gateway to Swansboro Report, the welcome sign located at the Eye Care Center was removed, and the Town installed two new signs at each entrance along NC Highway 24. Civic organizations were contacted to solicit their participation in displaying their signs on the new structures. In order to ensure consistency, the Town ordered the signs and there was a fee collected from the organizations to cover the cost.
- An amendment to the UDO was approved by the Board on January 10, 2017, to prohibit all freestanding signs which were not monument style-signs. Monument Signs are defined by the ordinance as “a freestanding sign having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick”. This amendment effectively rendered all existing freestanding signs, which were not by definition monument signs, non-conforming. Some of the signs identified as non-conforming in 2011 had been brought into compliance or replaced at this time. In consultation with the Town Attorney, the amortization provision is enduring, therefore, any remaining or newly created nonconforming freestanding signs would be required to be brought into compliance by January 10, 2027.
- On January 13, 2020, Staff requested direction from the Board to either proceed with sign amortization or to amend the Unified Development Ordinance to refine the provisions for nonconforming signs. At that time, the Board directed Staff to send letters to non-conforming sign owners that compliance was required by 2027, however those with violations resulting from the 2005 UDO adoption should be sent notices to remove the non-conforming signs immediately.

- On March 11, 2020, Staff sent a Notice of Violation and Order for Removal for the non-conforming freestanding sign(s) which remained in violation to be removed by June 15, 2020. A second Notice of Sign Amortization was sent to all other sign owners that their signs were to be brought into compliance or removed by January 10, 2027.
- 2017 Amendment Omissions
Since the March notifications, Staff discovered several references to freestanding signs which were not removed from the UDO as a part of the 2017 ordinance amendment and that are now inconsistent with the prohibition.

It also appears that the only sign previously addressed in the Historic District was the freestanding sign at First Citizen's Bank, however, it was found to be exempt at that time per Section 16-10 of the UDO.

The prohibited signs language of the UDO contains the qualifier that "the following types of signs are prohibited in all districts", which further complicates the 2017 amendment because signs are subject to Staff Review in the Historic District, and freestanding signs are allowed under the Historic District Design Guidelines. Staff feels it is unreasonable to enforce the requirement for monument-style signs in the Historic District due to the higher density and smaller lot sizes that cannot accommodate monument-style signs, so as a part of this amendment, freestanding signs would remain permitted in the Historic District.

Staff has also pulled permit records for all sign permits issued since the January 10, 2017, amendment. Per the Town Attorney, any new signs which were permitted, but did not meet the sign ordinance requirements, are not required to be brought into compliance through the amortization process because a Town development approval (permit) was issued, therefore vested rights exist.

In response in an inquiry from the Board, Planner Ansell stated that she recommended removal of the amortization due to the number of amendments made resulting in numerous non-conformities, made it hard to keep up with. If a sign was damaged beyond 50% or the use of the business changed then the sign would have to be brought into compliance.

The public hearing was opened at 5:52 pm. Those who spoke were:

Joey Green/807 W. Corbett Avenue – as the owner of the Market Square Shopping Center shared that he had spent \$35,000 to bring his signage into compliance, then became non-conforming again in 2017. His property has several businesses in it, and they all need street front signage to be located. He requested that he be grandfathered for the life of his sign.

Keith Walsh\503 Shipyard Court – as owner of the Corner Stone Square Shopping center he feels that the sign situation is never right and is revisiting too many times. Amortization should not be an issue and questioned what would be next. He stated that his future intent would be to ensure those board members who vote for this are not re-elected next election, in addition to legal avenues available to him. Signage should be his right considering he purchased a permit for the sign and now being told it was no good.

Al Whitney – owner of Community Lumber shared that he loves the rich history of the town and requested that the board allow businesses to have their own personality and keep what they have had for many years.

John Davis\403 Glancy Street – owner of Dairy Queen, Swansboro Automotive and Ice Hut shared that he had brought his signs into compliance with the 2005 amendment and spend money to do so. Many businesses work hard to adhere to the regulations and comply, but it is frustrating how things keep getting changed. He pointed out that the Davis Auto sign on Highway 24 was the oldest sign on that road and removing it would be removing town history. He urged the board to consider the proposed amendment which would include removal of amortization.

Junior Freeman\108 Ridge Cove Ln – owner of Swansboro Plaza shared that he had also spent money on the shopping center sign which has many businesses. Signs are how businesses' market and they have to capitalize on that option. Monument style signs are not a good fit for locations/properties with several businesses and urged the board to support removal of the amortization.

Laurent Meilleur\220 River Reach Drive shared that as a Planning Board member and prior commissioner there were many meetings and discussions on this item. Main comment made by business owners was that they did not want to be regulated and they never provided any suggestions or alternatives to consider. Signs are generally written off as a deduction so it's fair for the Town to draw some line and amortize signs to allow new ordinances to take hold.

Don Whalen – owner of Swansboro Music and Pawn thought that he was grandfathered in for his sign. Signs are an investment that he made for his business. 2 years ago, a turn lane and sidewalk were installed on the front of his property by the state and town, and the sidewalk butts right up to his sign. If the sign has to remove the sidewalk will be damaged. He also shared that he agrees with the 50% rule, property change and if lost is vacant for sign to made conforming but existing signs should be left as it is, and has been for 20 years now.

Fred Schatner\ 148 Smallwood Road – shared that other areas are not having discussion on signs and sign types because they want businesses to come to their municipality. Having these types of regulations deters businesses from coming to Swansboro.

The public hearing was closed at 6:14 pm.

On a motion by Commissioner Pugliese, seconded by Commissioner Philpott Ordinance 2022-O6 amending the Unified Development Ordinance to remove the sign amortization requirements and clarify the allowances for freestanding signs was approved unanimously.

Business Non-Consent

Future Agenda Items

Future agenda items were shared for visibility and comment. In addition, an opportunity was provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

Mayor Davis requested the board to consider recognition of an area student that had been accepted into the Naval Academy. The Boards policy for recognition did not specify academics, so a review of the policy was to be schedule for discussion at the May 9th regular meeting.

Commissioner Philpott requested that discussion about established a Town Appearance Commission be scheduled for the May 9th regular meeting.

Public Comment

There were not comments offered.

Manager's Comments

Manager Webb had so further comments, only to remind the board that the Town offices would be closed on Friday April 15th for Easter.

Board Comments

Commissioner Philpott thanked Planner Ansell for her work with the Sign Amortization and asked to the public to keep in mind that the Board is trying to follow other directions as given through plans such as the Gateway Plan.

Commissioner Pugliese shared that while attending the Town booth at the Swansboro Chamber Business expo many people told him they were very happy with the new sidewalks and were exited for more, and happy with the one-way traffic patter downtown.

Adjournment

On a motion by Commissioner Philpott, seconded by Commissioner Conaway the meeting adjourned at 6:46 pm.

Regular Meeting April 11, 2022



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1. Please turn cell phones to “off” or “vibrate”.

2. The Board offers the public three opportunities to speak during the meeting:

A comment period is offered at the beginning and end of the meeting. Please note that a separate opportunity is provided for those items requiring a public hearing.

Public Hearing(s) – There are ____ public hearings scheduled for this meeting.

3. Under the ZOOM Meeting Platform, individuals wishing to make comments should “raise their hand” 🖐️ from their computer. At the appropriate time, Major Davis will acknowledge those with comments.

2

PUBLIC COMMENT

Citizen opportunity to address the Board for items listed on the agenda.

3

AGENDA AND CONSENT ITEMS

Action Needed: *Motion to Adopt the Agenda as prepared (or amended) and approval of the Consent Items*

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PUBLIC HEARING

Temporary Sign Allowance

At the February 10, 2020, joint workshop meeting of the Planning Board and Board of Commissioners, further direction on temporary sign allowances was provided. Key takeaways included:

- 1) Feather flags are undesirable;
- 2) The 45-day per year allowance for temporary business signs is preferred;
- 3) It is not desirable to allow temporary signs for businesses in shopping centers on undeveloped outparcels;
- 4) An allowance for temporary real estate signs (open house) is desirable;
- 5) The number of temporary signs allowed should be restricted;
- 6) There should be different allowances in the Historic District and these requirements should be vetted by the SHPC; and
- 7) The ordinance needs to be practical and enforceable.

Staff also discovered that there are some inconsistencies with the naming conventions used throughout the ordinance and in the zoning, districts shown in the table of permitted signs, so those issues are proposed to be corrected as well. There are also several references to sign types with no regulations, so those are proposed to be deleted. The requirements for political signs have been moved so as not to require a permit, and the regulations modified to be more consistent with the State law.

Recommended Action: 1) *Hold a Public Hearing;*
2) *Motion to approve, deny or table Ordinance 2022-04 and adopt a statement of consistency.*

Presenters: Jennifer Ansell- Planner

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PUBLIC HEARING

Political Sign Requirements

An amendment is proposed to clarify the allowances for political signs in order to:

- 1) Align the ordinance regulations with NC GS § 136-32, Regulation of signs;
- 2) Remove the requirement for a sign permit making enforcement more manageable;
- 3) Clarify the penalties for placement of signs which do not meet these criteria;
- 4) Clarify the types of signage allowed under this section; and
- 5) Clarify the size limitations for signage under this section.

Recommended Action: 1) *Hold a Public Hearing;*
2) *Motion to approve, deny or table Ordinance 2022-05 and adopt a statement of consistency.*

Presenters: Jennifer Ansell- Planner

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PUBLIC HEARING

Sign Amortization

The Board of Commissioners discussed the freestanding sign amortization process at their July 27, 2020, regular meeting, and instructed staff to present an amendment to the Planning Board for consideration for the removal of the amortization requirement under Section 152.274 of the Unified Development Ordinance (UDO) and to clarify under what conditions nonconforming signs would have to be replaced.

Recommended Action: 1) *Hold a Public Hearing;*
2) *Motion to approve, deny or table Ordinance 2022-06 and adopt a statement of consistency.*

Presenters: Jennifer Ansell- Planner

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NEW BUSINESS/NON-CONSENT

Future Agenda Items

Future agenda items are shared for visibility and comment. In addition, an opportunity is provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

Recommended Action: *Discuss and provide any guidance*

Presenter: Alissa Fender- Town Clerk

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PUBLIC COMMENT

Citizen opportunity to address the Board.

9

MANAGER'S COMMENTS

Paula Webb, Town Manager

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BOARD COMMENTS

Mayor John Davis
Mayor Pro Tem Frank Tursi
Commissioner Pat Turner
Commissioner Harry “PJ” Pugliese
Commissioner Larry Philpott
Commissioner Jeffrey Conaway

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ADJOURN

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