

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, August 7, 2017
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations
 - Theresa Armendarez, Director of Beach Food Pantry
 - Carol Riffin, Water Sampling and Remediation
5. Public Comment
6. Consent Agenda
 - a.) Approval of July 10, 2017 Council Minutes
 - b.) Amendment to Solid Waste, Sect. 34-3(b) Placement and Maintenance of Receptacles
 - c.) Floodwater Pumping Discharge Plan
 - d.) Website Redesign with GovOffice Web Solutions
 - e.) Acceptance of Donation from Joe Lamb Jr. Realty
7. Items Removed from Consent Agenda
8. Public Hearings:
 - a.) 42-515.-Outdoor Lighting; Division 3, Signs, Table V. Permitted Sign Characteristics by Zoning District: Proposed text amendment would change internally illuminated sign requirements to allow translucent backgrounds.
 - b.) 42-1. Definitions: Proposed amendment would add language to the definition of *Lot Coverage* to allow for a lot coverage bonus for the use of permeable paving materials.
9. Planning:
 - a.) Schedule Public Hearing: Subdivision Variance, 4100 block of Lindbergh Avenue: Proposed subdivision variance proposal would allow applicant to return the lot layout to the original configuration, versus the current nonconforming lot layout.
10. Reports/General Comments from Town Manager
11. Reports/General Comments from Town Attorney
12. Reports/General Comments from Town Council
13. Public Comment
14. Adjourn

COUNCILMEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman Ervin Bateman, Councilwoman Lynne McClean and Councilman Jeff Pruitt

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STAFF MEMBERS PRESENT:

Town Clerk Lynn Morris, Attorney Casey Varnell, Finance Officer Liliana Noble, Management Assistant Melody Clopton, Town Planner Rob Testerman, Police Chief Joel Johnson, and Public Works Director Willie Midgett

1. CALL TO ORDER

Mayor Perry called this meeting to order at 6 p.m.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence, the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Mayor Perry announced the applicant for 8 (b) has withdrawn his request.

MPT Garriss made a motion, seconded by Councilman Bateman, to approve the agenda as amended. The vote was unanimous, 5-0.

4. PRESENTATIONS

a.) Theresa Armendarez, Director of Beach Food Pantry. Ms. Armendarez thanked town staff for their help during the building permit process for the pantry expansion and to the many volunteers who helped build the addition. She reviewed several of the events and money raisers that are held during the year such as the Holiday Chefs Challenge held in December. Also, the pantry has started partnering with Food for Thought to help feed school children during the summer months.

b.) Carol Riggin, Water Sampling and Remediation. Following Ms. Riggin's presentation she requested council consider adopting a resolution requesting the North Carolina Department of Environmental Quality provide water sampling and remediation in Kitty Hawk. Following several questions and answers, council did not take any action on the resolution.

5. PUBLIC COMMENT

There were no comments.

6. CONSENT AGENDA

a.) Approval of July 10, 2017 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

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b.) An Ordinance Amending Ch. 34, Solid Waste, Section 34-3(b) Placement and Maintenance of Receptacles. This amendment will remove the struck through words: "Receptacles located in the BR-1, Br-2, Br-3, BC-1, BC-2, BH-1 and BH-2 zones shall be moved out of the street right-of-way and placed under or beside the residence or primary building on the property by sunset following each collection by the owner or occupant of the property" ~~or by an appropriate town employee.~~ *(An approval of the consent agenda will approve this amendment.)* **(Ordinance No. 17-08)**

c.) Floodwater Pumping Discharge Plan. This plan, prepared by Albemarle & Associates, was prepared for the town in accordance with the October 14, 2016 Floodwater Pumping Discharge Guidance prepared by NC DWR. *(An approval of the consent agenda will approve this plan.)*

d.) Website Redesign with GovOffice Web Solutions. This proposal with GovOffice will provide an updated website along with other upgrades in the amount of \$9,700. *(An approval of the consent agenda will approve this proposal.)*

e.) Acceptance of Donation from Joe Lamb Jr. Realty. The donated amount is \$100 and the police chief would like for the funds to be allocated for future purchases of AED's (automated external defibrillator). *(An approval of the consent agenda will accept the donation and the request for use of the funds.)*

7. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the consent agenda.

8. PUBLIC HEARING

a.) 42-515.-Outdoor Lighting; Division 3, Signs, Table V. Permitted Sign Characteristics by Zoning District: Proposed text amendment would change internally illuminated sign requirements to allow translucent backgrounds.

MPT Garriss made a motion, seconded by Councilwoman McClean, to go into public hearing. The vote was unanimous, 5-0.

Planner Testerman reviewed the following staff report with council.

Proposal

42-515(h)6.a Internally illuminated wall or freestanding signs that utilize fluorescent tubes as a light source shall be designed and constructed such that tubes are spaced at least 12 inches on center, and mounted at least 3.5 inches from the translucent sign surface. Internal illumination may be permitted provided the sign surface ~~has an~~ **is translucent or a combination of translucent and opaque background** and the light from illumination is only visible through ~~letters, numbers or symbols~~ translucent areas on the sign surface.

Table V. Note a:

Internal illumination may be permitted provided the sign surface ~~has an~~ **is translucent or a combination of translucent and opaque background** and the light from illumination is only visible through ~~letters, numbers or symbols~~ translucent areas on the sign surface.

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Background

Kitty Hawk's zoning ordinance currently allows sign to be internally illuminated, provided that the sign surface has an opaque background, and that light is visible only through letters, numbers or symbols on the sign surface. On May 11, 2017 staff reviewed all existing business signs within Kitty Hawk and counted over 40 signs that do not comply with this requirement. Some of these signs were installed without the Town's knowledge and without a sign permit review. However, many of these signs have existing permits, and have been permitted over a span of many years.

For reasons unknown, this particular requirement does not seem as though it has been consistently enforced over the years. The proposed text amendment would allow for the 40+ nonconforming signs to be compliant with the zoning ordinance, additionally, it would align the ordinance with what the general practice of sign permit review appears to have been. It should be noted that staff has not received any complaints regarding the appearance of the existing, nonconforming, translucent signs.

It is staffs opinion that the text amendment allowing these translucent signs to become compliant is preferable to the alternative, which is notifying these 40+ businesses that their signs, many of which were permitted as they currently exist, are in fact zoning violations, and must be corrected.

Consistency with Land Use Plan

The following policies and objectives relevant to this application are stated in the CAMA Land Use Plan:

OBJECTIVE #4A: Enforce and amend as necessary, the Town zoning ordinance and provisions regulating signs.

OBJECTIVE #5A: Enforce and amend as necessary, the Town zoning ordinance and provisions regulating signs.

POLICY #5A: Kitty Hawk will continue to adopt, enforce and amend as necessary ordinances and procedures (including the sign ordinance) to regulate and improve community appearance.

Planning Board Recommendation

At its June 15, 2017 meeting, the Planning Board unanimously recommended approval of the proposed text amendment.

There were no speakers during the hearing.

Councilman Bateman made a motion to return to regular session. Councilwoman McClean seconded the motion and it passed unanimously, 5-0.

Following discussion, **Councilman Pruitt made a motion to adopt the proposed text amendment to amend section 42-515(h)6.a. and Division 3, Table V, allowing translucent backgrounds on internally illuminated signs. Town Council finds that the proposed text amendment is consistent with the adopted CAMA Land Use Plan and finds this amendment to be in the public interest. Councilwoman McClean seconded the motion and it passed unanimously, 5-0. (Ordinance 17-09)**

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8. (b) *(Withdrawn by the applicant)* 42-1. Definitions: Proposed amendment would add language to the definition of *Lot Coverage* to allow for a lot coverage bonus for the use of permeable paving materials.

9. PLANNING

a.) Schedule Public Hearing: Subdivision Variance, 4100 block of Lindbergh Avenue: Proposed subdivision variance proposal would allow applicant to return the lot layout to the original configuration, versus the current nonconforming lot layout.

MPT Garriss made a motion, seconded by Councilwoman McClean, to schedule a public hearing on September 5, 2017 to consider the proposed subdivision variance for the two Beach Haven properties in the 4100 block of Lindbergh Avenue. The vote was unanimous, 5-0.

10. TOWN MANAGER

Mayor Perry informed everyone that the manager is out of town on vacation.

11. TOWN ATTORNEY

There were no comments.

12. TOWN COUNCIL

Councilman Garriss thanked the police and public works department for helping warn motorists of large puddles on roadways during rainy weather events.

Councilman Bateman said he observed during the earlier presentation some years there were no problems with water quality. Mother Nature has provided, unfortunately through hurricanes and such, the ability to help cleanse the waters.

Mayor Perry offered he wonders what the government is expected to do.

Councilman Pruitt said while making a living on the water he notices it constantly changes. The water can be totally different day to day depending on wind shifts or a heavy rain. He feels fortunate there is a good flushing system and understand something needs to be done if there is seepage out of a pipe into the water.

13. PUBLIC COMMENT

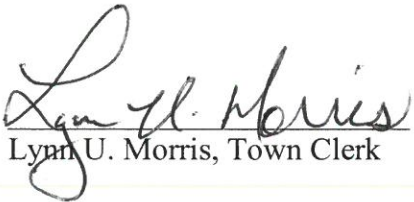
There were no public comments.

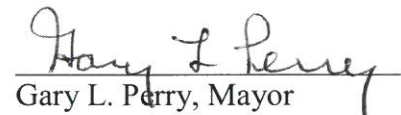
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14. ADJOURN

MPT Garriss made a motion, seconded by Councilwoman McClean, to adjourn. The vote was unanimous, 5-0. Time was 6:46 p.m.

These minutes were approved at the September 5, 2017 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor