

Amended Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, January 4, 2024.

Call to Order/Roll Call

Chairwoman Hallman called the meeting to order at 3:30 pm.

Voting Members Present: A. Hallman, K. Jones, M. Jones, S. Harrington, M. Pollard, F. Gammon (for S. Hensley), J. Palillo, and H. Whittaker

Voting Members Absent: J. Kluttz

Non-Voting Members Present: Commissioner Bergman, B. Richards, T. Barron, and E. Sloop.

Non-Voting Members Absent: None

Motion: M. Pollard made a Motion to Amend the January agenda and add Item 5A under Other Business to include discussion related to blight and safe streets. J. Palillo seconded the motion.

Vote: The motion passed unanimously (8-0).

Approval of Minutes

Item 2A. Consider approval of the December 7, 2023, Regular Meeting Minutes

Motion: J. Palillo made a Motion to Approve the December 7, 2023, regular meeting minutes as amended. K. Jones seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments

None

Action Agenda

4A. Consider a recommendation on petition #TA24-01, a request by the Huntersville Planning Department for a text amendment to Article 3.3.2(2)(d), 3.3.2-A(e), 3.3.2B(e), 3.3.3-A(e), 3.3.3(2)(d), and Article 8.17(3)(e) to bring the text into compliance with HB 600.

P. Patterson, Planner I reviewed the proposed text amendment.

The Board had discussion related to the terminology of pre-existing and stormwater mitigation requirements.

Motion: F. Gammon made a motion to recommend Approval of TA24-01, a request by Huntersville Planning Department for a text amendment. M. Jones seconded the motion.

Vote: The motion passed unanimously (8-0).

4B. Consider a recommendation on petition #TA24-02, a request by the Huntersville Planning Department for a text amendment to Article 10, Section 10.10.9, 10.12, and 10.14.3 to clarify the Town's role in permitting, the placement, and removal of campaign signs.

P. Patterson, Planner I reviewed the proposed text amendment.

M. Jones provided background for the Board that this was something that he pointed out during the election cycle as he received a notice that he had placed a sign in the wrong place. He questioned where the authority came from and identified that the Zoning Ordinance was out of compliance and sent Brian Richards and Anthony Roberts an email to notify them.

M. Jones commented that in his opinion the proposed amendment creates two standards based on the road being either Town maintained, or State maintained, which creates a complexity for enforcement. He shared the importance of getting this right as he has firsthand knowledge of a party that relied on the Town's ordinance to remove legally placed signs, thereby committing a criminal offense, so he highlighted the importance of getting this right so that people do not create criminal liability for themselves.

M. Jones stated that he wanted to point out that if the Town comes up with one standard it would be less confusing and the simplest way would be to match the State statute to apply to all roads in Town that way when staff gets a call about an illegally placed sign, they are not having to ask if it is a state or town road. He asked rhetorically if a candidate should walk around with a map to identify if it is a state or town road and what permissions are required prior to placing their signs. It may instead be simpler to have one standard because from a practical standpoint most people do not read the ordinances unless they are cited. He stated that he provided all Board members with a copy of the N.C.G.S. 136-32-B,C,D, and F relative to this discussion.

Concern was expressed that the Zoning Ordinance was not in compliance with the State Statute and that there were people relying on the Zoning Ordinance to enforce the removal of signs which could make the person compliant in a criminal act. The question was posed as to whether we want two standards and for people to be liable for correctly identifying the road to know if they are compliant when placing their campaign signs versus creating one standard. Legal staff replied that the language is being updated to remove the Town's enforcement of campaign signs on any NCDOT maintained right-of-way and noted that the proposed language is in favor of being slightly broader with the only difference being that the Town permits any owner to grant permission including a vacant lot, whereas NCDOT requires permission to be from an owner of a residence, business, or religious institution.

A. Hallman asked staff to confirm if the zoning ordinance stating that a 16 square foot, 6-foot-high sign with permission of the owner is restricted to the person campaigning. H. Whittaker confirmed that the confusion is if the reference is to the owner of the sign or the owner of the property. Staff confirmed that it is any private owner whose land the sign is being placed on

and suggested that the language be updated to private property owners. This was agreeable to the Board.

M. Jones commented that he is concerned that there will still be two distinct standards which creates complexity and possible confusion. For one you have to get permission from everyone and for the other you have to get limited permission. Do we want to keep it simple or create complexity? Legal staff responded that the recommendation is to use the broader application to allow signs to be placed on vacant land but to still require the private landowner's approval given it is their property. M. Jones responded that it is still two different standards and asked if we want to make it complex or simple.

F. Gammon commented that staff may want to consider providing candidates with a method to identify which road is maintained by whom in order to be in compliance. Staff confirmed that the Powell Bill map is always available online which provides that information and direction can be communicated to the candidates.

J. Palillo commented that roads within the town limits should be subject to one set of rules, the only difference is the maintenance. Staff responded that the maintenance and enforcement on state-maintained roads include campaign signs and confirmed that there are laws related to the removal of campaign signs.

F. Gammon reviewed how right-of-way is treated and how each municipality is permitted to create their own rules meaning county candidates must determine how to be in compliance for each municipality. Legal staff confirmed that for right-of-way the property owner must grant permission under the current and proposed language.

H. Whittaker asked how this is enforced. Staff confirmed that they call the owner of the sign and typically the candidate complies. If they do not come in compliance, then Code Enforcement would remove the sign and notify the candidate.

M. Jones commented that a reference to the State statutes should be placed so that people do not read the Zoning Ordinance only and think they can go pull signs because the road is in the town so it must be a Town road and they cross that line to committing a criminal act because they do not go and read the N.C.G.S.136-32.B so that someone reading this knows that they need to go read in two places. In his opinion it is either go with one simple standard that applies to all roads or modify the proposed amendment and note what is allowable in state right-of-way so that it is clear, and people do not have to go to two sources to identify what they can and cannot do. Staff responded that private citizens do not enforce the ordinances, they are enforced by Code Enforcement officers who would know which road is which and what is allowed. M. Jones stated that he understood and revisited the example given of the party in his neighborhood that took it upon himself based on reviewing the Town's ordinances to remove all of the candidates signs that were fronting HOA property because he thought he had the authority to do it reviewing this Ordinance. When you review the State Statute it clearly states that illegally removing signs is a class 3 misdemeanor so would a reasonable person reading our

ordinance understand that there is another option under State Statute and would they go down the same path and potentially expose themselves to criminal liability. Staff responded that we cannot regulate personal actions, we are each liable for knowing and abiding by the laws of the land. M. Jones responded that since he is addressing this we should either note it to go look at the state statutes or state roads so that people are going to take the time to go look at all of the information because most people do not fully review the information.

A. Hallman identified a Zoning Ordinance article that references State Statues and asked if we could not do the same thing. Staff stated that they would look into that.

Commissioner Bergman recommended that a public service announcement would be beneficial during campaign season posted on social media and the website to educate both candidates and the general public. She then asked M. Jones if that would help. M. Jones commented that it would help but it would be more beneficial to have a state statute reference in the ordinances.

Motion: M. Jones made a motion to Approve TA24-02 with an amendment to add a reference in Article 9.D to NCGS 136.32b, c, d and f so that anyone reading this ordinance will know that there is another standard for state-maintained roads. S. Harrington seconded the motion.

Vote: The motion passed (7-1) with H. Whittaker abstaining.

Other Business

5A. Discussion on blight and safe streets.

M. Pollard stated that he has made observations when you walk around town and see dead-end streets with a barrier and signage in commercial and residential areas with sidewalks that dead-end. The sidewalks do not have a curb cut for pedestrians to safely exit the sidewalk and cross the street. These street stubs in residential developments deprive residents of unobstructed sidewalks even when there is not likely going to be adjacent development. Examples provided included Holbrook in a new community where the barrier is a sewer pipe, OrthoCarolina has a stub at the first right preventing pedestrians in need of ortho care from being able to walk freely to their medical services. He then shared that, sidewalks should either have a curb cut or a continuous sidewalk should be installed for all future development.

The Board had general agreement that a curb cut requirement to safely cross the street would be beneficial. Staff responded that the Engineering Standards has included that requirement since 2018.

M. Pollard requested that staff provide at the next meeting and provide additional insight on how in the future we will achieve compliance with complete streets particularly as it relates to street stubs.

M. Pollard commented on properties that have been burned out and are still standing which have a potential economic impact on our Town. He proposed that the Board may want to consider an ordinance related to blight to address possible future conflicts as the Town grows.

Secondly, there is also an area where neighbors are being deprived of their own right to look out their window. Requiring a specific mitigation schedule may be something to consider. Chairwoman Hallman commented that the answer to that question may be no, there is not something more that this Board needs to do but perhaps Staff could share with the Board why that is at the next meeting. M. Pollard agreed more of an insight from staff would be beneficial and it would be great to reconcile if there are any statutory differences based on the discussion from the December 2023 meeting on the same topic.

Motion: M. Pollard made a motion to add to the agenda for our subsequent meeting that staff provide an overview of current ordinances regulating stubs within the city and to make sure that as projects are approved moving forward that there is a complete street component that enables residents to have full access to safely crossroads and use sidewalks. J. Palillo seconded the motion.

F. Gammon requested an amendment to the motion that a discussion be added to see if the ordinances should be updated to review connectivity sections which the stubs fall into, that may need to be looked at as well.

Amended Motion: M. Pollard made an amended motion to add to the agenda for our subsequent meeting that staff provide an overview of current ordinances regulating stubs within the city and to make sure that as projects are approved moving forward that there is a complete street component that enables residents to have full access to safely cross roads and use sidewalks, and identify if there is a need to update the connectivity portions of the ordinance. J. Palillo seconded the motion.


Vote: The motion passed unanimously (8-0).

Adjourn

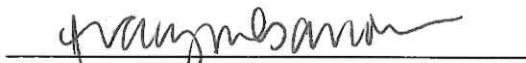
Motion: H. Whittaker made a Motion to Adjourn. M. Pollard seconded the motion.

Vote: The motion passed unanimously (8-0).

Approved this 2nd day of May 2024.



Chair or Vice Chair



Board Secretary

