

**Surf City Planning Board**  
**Regular Meeting**  
**February 13, 2020 5:30 PM**  
Welcome Center  
102 N. Shore Drive

**Members Present:**

Larry Bartholomew, Chairman  
Steven Pasquantonio, Vice-Chairman  
Randy Cox  
Renee Rhodes  
Jimmy Campbell  
Gary Cavanaugh  
David Ward  
Derek Arthur

**Council Liaison:** Teresa Batts

**Town Staff:**

Kyle Breuer, Town Manager  
Amy Kimes, Planner  
Steve Padgett, Building Inspector  
Daniel Boonbumrung, Code Enforcement Officer  
David Price, Collections & Distribution Supervisor  
Jeff Johnson, Police Captain

**A. Call to Order – Chairman Bartholomew**

**Recognized New Staff:** Alternate Derek Arthur  
Planner, Amy Kimes  
Community Development Admin Assistant, Shelia Cox  
Town Manager, Kyle Breuer

**B. Approval of Minutes – Dec. 12, 2019**

Motion by Randy Cox and seconded by Renee Rhodes. The motion carried unanimously.

**C. Consideration of Text Amendment**

**A. Appx. A. §6.19 Sign containing light emitting diode (LEDs)**

**Action Requested**

Discuss and recommend changes to existing Code of Ordinance Appx. A.S6.19 Sign containing light emitting diode (LEDs)

**Recommendation**

Planner Amy Kimes reviewed drafted recommendations for consideration, the Town's existing ordinance and 19 comparable municipal ordinances/policies for LED signage.

Discussion developed and Jimmy Campbell questioned what was wrong with Town's existing ordinance. Mrs. Kimes shared it discriminated against particular businesses and noted the Reed vs. Gilbert case.

Mrs. Kimes mentioned number three (3) for recommendations should state 32 square feet instead of 30 square feet.

Chairman Bartholomew followed that the existing sign ordinance not regarding LED signs states that revolving signs are prohibited. Mrs. Kimes confirmed.

Mr. Campbell asked Mo Afify if currently he was not allowed to place signage at his business. Mr. Afify responded he could place a stationary plastic sign with a logo. He added he is only requesting a 4' x 9' sign that could illuminate a message for business purposes.

Mrs. Kimes highlighted the proposed recommendation was not limiting words vs. pictures.

David Ward asked if businesses would be allowed to have photographs on LED signs. Mrs. Kimes referenced Watkins exhibit as an example that could be allowable. Mr. Afify added that anything on a computer could be uploaded to a LED sign. Chairman Bartholomew annotated that the maximum 32 sq. ft. would not be in addition to the normal sq. ft. regulations. Mrs. Kimes confirmed that the picture would be a portion of the sign and could not encompass the entire sign. Building Inspector Padgett added the sign would be similar to the sign at the Alston W. Burke Center at the Cape Fear Community College at 621 NC Hwy 210. It is the only one in the Town. Kimes added this was a G-1 zone.

Chairman Bartholomew asked if there was any regulation that could limit one LED sign per location regardless of lot size. He added the existing sign ordinance states you may have multiple free-standing signs based on linear footage. Mrs. Kimes stated every 50 linear footage of road frontage, a sign is allowed. She added the ordinance could state, may not exceed one free standing LED sign per business.

Renee Rhodes asked if the recommendation was for two colors only. Mrs. Kimes clarified that the exhibits were just the best depictions she researched and that would be a Planning Board decision.

Mr. Campbell asked if the Town had only received 3 requests for LED to date. Mrs. Kimes responded yes, since she started with the Town in November. Inspector Padgett added within the last year.

There was discussion about limiting LED colors to two colors only. Mr. Afify responded if multiple colors were used and left illuminated for a minute or two, it would not be intense. He added he is not advocating for flash/flashing or a rocket effect. He suggested that the ordinance prohibit rocket/flashing mode. Chairman Bartholomew commented scrolling was also another concern & Mr. Ward added that would also distract drivers. Kimes noted in the Board's packet, that the Carteret County Ordinance restricted these options/concerns.

Code Enforcement Officer Boonbumrung stated the Town could regulate the mechanics, however attempting to regulate the content would be unconstitutional. He questioned if limiting the amount of colors would be construed also as the content of the LED sign.

Mr. Cox and Mr. Ward stated they should allow pictures on LED signs.

Mr. Afify mentioned he would volunteer to post emergency alerts on his sign, on behalf of the Town.

The Board discussed how they should move forward. Steve Pasquantonio stated they would have to decide if they would prohibit or allow LED sign, then address allowable options.

**Mr. Pasquantonio made a motion to allow LED signs. Mr. Cox seconded the motion and it carried by a vote of (7-1). Mr. Campbell was opposed.**

Chairman Bartholomew recommended the Board now discuss and set specifications. Mr. Ward suggested requiring more than 8 seconds change frequencies. Mr. Pasquantonio stated he would prefer a change display of only every 12 to 24 hours. Chairman Bartholomew is in favor of 30 seconds change frequencies and Mr. Ward concurred.

Mr. Campbell asked Mrs. Kimes if she asked any of the other jurisdictions why they were opposed to LED's. Mrs. Kimes stated she had not and would research that item for the board. Mr. Campbell stated the Board appreciated the research Mrs. Kimes had provided for them.

Mr. Cox suggested that Mrs. Kimes write up specifications from comments made at the meeting tonight.

Teresa Batts questioned if a potential owner of a LED sign could rent space. Mrs. Kimes stated that is called off-site advertising and is not allowable in Town limits.

**Mr. Cox made a motion to table specifications for LED recommendations, and direct staff to gather more information from discussion and concerns that occurred during the meeting. Gary Cavanaugh seconded the motion and it carried unanimously. Vote (8-0).**

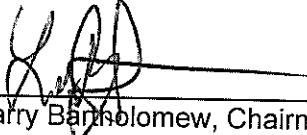
Mrs. Kimes asked if the Board was in approval of 32 sq. ft. size, and 1 sign per development. The Board confirmed. Kimes added she would gather more information on 5000 nits and provide the requested research to the Board within the next week or two.

Mr. Padgett reported that Burrito Shak had applied for a building permit. GoGas has almost completed construction. Watkins Floor Covering should be completed within a month. Fifty Surf Shop is under construction. Conducted construction meetings with Surf City Luxury Apts. which will consist of seven buildings.

Mr. Ward requested a zoning map be displayed during the next meeting. Mr. Campbell added even a TV screen would ad with pictures/presentations. Mrs. Kimes responded that Jason Lingle, IT, was ordering her a laptop for meeting presentations. She confirmed a zoning map would be available for the next meeting.

## ADJOURNMENT

**Mr. Cox made a motion to adjourn which was seconded by Gary Cavanaugh. The meeting was adjourned by unanimous vote at 6:21 p.m. Vote (8-0).**

  
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Larry Bartholomew, Chairman

Respectfully Submitted,

  
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Shelia Cox, Community Development