



TOWN OF RICHLANDS
Town Board Meeting
November 14, 2017
6:00 PM
AGENDA

I. Meeting Called to Order by Mayor McKinley Smith

II. Pledge of Allegiance

III. Invocation

IV. Adoption of the Agenda

V. Adoption of the Minutes

1. October 2017 Meeting Minutes

VI. Public Hearings

1. Voluntary Satellite Annexation Request

VII. Old Business

VIII. New Business

1. Schedule Public Hearings
2. Ordinance 2017-03 (Voluntary Satellite Annexation)
3. Budget Amendment 2017-01

IX. Administrator Notes and Updates

1. Administrator Notes and Updates

X. Police Report

1. October 2017 Police Report

XI. Public Comment

XII. Board Member Concerns

XIII. Personnel

XIV. Closed Session

XV. Adjourn



TOWN OF RICHLANDS

Regular Board Meeting

Agenda Item V. - 1.
October 2017 Meeting Minutes

Description:

Review:

Attached are the minutes for the October 10, 2017 Regular Meeting of the Richlands Board of Aldermen.

Action Needed:

Adopt the Minutes.

ATTACHMENTS:

Description

❏ October 2017 Meeting Minutes

TOWN OF RICHLANDS
NORTH CAROLINA

Office of the
Town Clerk
(910) 324-3301
(910) 324-2324 fax
townclerk@richlandscnc.gov

Mailing Address:
P.O. Box 245
Richlands, N.C. 28574



The Richlands Board of Aldermen met in regular session on Tuesday, October 10, 2017, at 6:00 pm in the board room at the Richlands Town Hall. Present for the meeting were:

Mayor McKinley D. Smith, Sr.
Alderman Kent Painter

Alderman Tom Brown
Alderman Michael Carpenter

Also present were:

Gregg Whitehead, Town Administrator
Chief Ron Lindig, Police Department
Keith Fountain, Town Attorney

Doreen Putney, Town Clerk
Johnathan Jarman, Public Works Director

Absent: Alderman Paul Conner and Alderman Kandy Koonce

There was one citizen present.

I. MEETING CALLED TO ORDER:

Mayor McKinley Smith called the meeting to order at 6:00 pm.

II. PLEDGE OF ALLEGIANCE: Alderman Kent Painter

III. INVOCATION: Mayor McKinley Smith

IV. ADOPTION OF AGENDA:

Gregg Whitehead, Town Administrator, presented the agenda to the Board.

A **motion** was made by Alderman Tom Brown, seconded by Alderman Michael Carpenter to adopt the agenda as written. The motion was unanimously carried.

V. APPROVAL OF MINUTES (September 12, 2017):

A **motion** was made by Alderman Kent Painter, seconded by Alderman Tom Brown to approve the regular board meeting minutes of September 12, 2017. The motion was unanimously carried.

VI. PUBLIC HEARINGS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS:

1. Resolution 2017-04 Schedule Public Hearing for Annexation Petition:

Mr. Whitehead provided the Board with the certificate of sufficiency for a voluntary annexation petition for the proposed NFCU site on the corner of Hwy 258 and Koonce Fork Road next to the McDonald's restaurant. Mr. Whitehead stated that the next step in the process to annex this property is for the Board to adopt Resolution 2017-04 scheduling a public hearing for November 14, 2017 at 6:00 pm during the next regular Board of Aldermen meeting. After the public hearing is held the Board may then adopt an ordinance annexing the petitioned property.

After a brief discussion, a **motion** was made by Alderman Tom Brown, seconded by Alderman Kent Painter to approve Resolution 2017-04 scheduling a public hearing for questions of annexation for November 14, 2017 at 6:00 pm. The motion was unanimously carried.

2. Town Hall HVAC Repair:

Mr Whitehead reported that the HVAC system above the administration side of the Town Hall building is approximately 15 years old. This unit has a internal leak and stops working every couple of weeks which has caused considerable expense to the town. The Public Works Committee has recommended replacement of the unit as soon as possible. Mr. Whitehead stated that the town has a maintenance contract with Humphrey Heating and Air that services all of the town's HVAC units and they have provided an estimate for replacement of the unit at \$7,600.00.

After a brief discussion, a **motion** was made by Alderman Tom Brown, seconded by Alderman Kent Painter to have Humphrey Heating/AC replace the HVAC unit for the administration side of town hall. The motion was unanimously carried.

3. Street Repair Bids:

Mr. Whitehead reported that Mr. Jarman acquired three quotes for the needed repairs to several town maintained streets. The proposed work will address pot holes and damaged pavement on several streets in town (Trenton, E Foy, Onslow, Sylvester, Annie, Lucile Britt Winstead, Fay & Henrian). Mr. Whitehead stated that the lowest bid received was \$23,600. Our Powell Bill funds would be used to cover the costs. Mr. Whitehead stated that he also requested in the bids to have Onslow Street widened to assist with school traffic.

After a brief discussion, a **motion** was made by Alderman Kent Painter, seconded by Alderman Michael Carpenter to proceed with the bid received from Jacksonville Paving Co. The motion was unanimously carried.

IX. ADMINISTRATOR NOTES AND UPDATES:

The Town Administrator, Gregg Whitehead, presented a copy of notes and updates to the Board which is incorporated by reference and hereby made part of these minutes. Mr. Whitehead also reported on the following:

- Mr. Jarman spoke with Rivers and Associates Engineering regarding the drainage problem in Sylvester Heights. The engineering firm will look at the issue and provide us with a possible solution.
- Spoke with Architect, Beth Walker, requesting her to look at the issues at the community building and provide us with an idea as how to proceed with the needed repairs to the roof and front porch area.
- Mr. Whitehead will be out of the office at the ICMA Conference from October 19, 2017 thru the 25th.
- Reminded everyone to vote on November 07, 2017.

X. POLICE REPORT:

Chief Ron Lindig presented the Police Activity Log for the month of September, 2017, which is incorporated by reference and hereby made part of these minutes. Chief Lindig also reported on the following:

- The Homecoming parade went well last Friday. Thanked the Public Works Department for their assistance with traffic.
- Currently have three officers attending Leadership class at Coastal Carolina Community College.

XI. PUBLIC COMMENT: None

XII. BOARD MEMBER CONCERNS:

Mayor McKinley Smith recognized Mr. Aaron Tollefsrud's attendance. Mr. Tollefsrud is campaigning for the elected position of Alderman at the November 7th election.

XIII. PERSONNEL: None

XIV. CLOSED SESSION: None

XV. ADJOURN:

With no further business, a **motion** was made by Alderman Tom Brown, seconded by Alderman Michael Carpenter to adjourn the meeting a 6:16 pm. The motion was unanimously carried.

Respectfully Submitted,

Attest:
Doreen Putney, Town Clerk

Mayor McKinley D. Smith, Sr.



TOWN OF RICHLANDS
Regular Board Meeting
Agenda Item VI. - 1.
Voluntary Satellite Annexation Request

Description:

Public Hearing for Voluntary Satellite Annexation Request.

Review:

The Board needs to hold a public hearing in order to hear public comment concerning a certified petition requesting the voluntary annexation of certain non-contiguous property. The property in question is all of a 1.38 acre tract located at 113 Koonce Fork Road (Tax Map # 44-47.14). The tract is the site of a proposed Navy Federal Credit Union.

Action Needed:

Hold the public hearing.

ATTACHMENTS:

Description

▣ NFCU Annexation Map

TITLE DESCRIPTION:

Being all of Lot 3, containing 1.38 acres as shown on that certain plat entitled "Final Plat Book—Revised for Lat Purser & Associates, Inc." Owner: Eugene A. & Lillie W. Taylor, Richlands Township, Onslow County, NC, prepared by Lanier Surveying Company dated 4-19-11, Rev. 6-1-11, said plat recorded in Map Book 62, page 120, Onslow County registry.

CERTIFICATION:

I, _____, TOWN CLERK OF THE TOWN OF RICHLANDS, NORTH CAROLINA, HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 20____, THE BOARD OF ALDERMEN APPROVED THIS PLAT FOR ANNEXATION AND RECORDING.

DATE

TOWN CLERK

(SEAL)

ZONING INFORMATION:

ZONED: C-2 COMMERCIAL PER TOWN OF RICHLANDS, NC ZONING USE VERIFICATION LETTER DATED JAN. 3, 2017

SETBACK LINE:
HIGHWAY/FRONT: 25'
SIDE: 10'
REAR: 20'
SIDE LINE ABUTTING RESIDENTIAL=15'

MAXIMUM BUILDING HEIGHT:

LEGEND:

POB
○ IPS
○ IPF
R/W
POINT OF BEGINNING
IRON PIN SET (5/8" REBAR)
IRON PIN FOUND
RIGHT-OF-WAY

SURVEYOR'S NOTES:

1) ZONING PROVIDED BY THE APPROPRIATE GOVERNMENTAL AGENCY: TO BE USED FOR INFORMATIONAL PURPOSES ONLY.

2) THE WORDS "CERTIFY", "CERTIFIES" OR "CERTIFICATION" AS USED HEREIN ARE UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR, BASED UPON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AS SUCH, DO NOT CONSTITUTE A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.

3) I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1: 10,000 AS SHOWN HEREON AND THAT THE AREA WAS DETERMINED BY DMD METHOD.

CURRENT OWNER OF RECORD:

POPKIN BROTHERS ENTERPRISES INC
625 NEW BRIDGE ST.
JACKSONVILLE, NC 28540

SITE ADDRESS:

1134 RICHLANDS HIGHWAY
RICHLANDS, NC

POSSIBLE PROJECTIONS:

NONE OBSERVED

LAND AREA:

60,115 SQ.FT.
1.380 ACRES

BASIS OF BEARINGS:

BEARINGS BASED ON GPS "RTK" OBSERVATION OF NCGS MONUMENTS
"STATE," "PACKAGE" AND "RICHLANDS"
NAD 83 (2007)
COMBINED SCALE FACTOR: 0.999891435



FREELAND & ASSOCIATES, INC.
323 WEST STONE AVE.
GREENVILLE S.C. 29609
TEL. (864) 271-4924 FAX: (864) 233-0315
EMAIL: info@freeland-associates.com

DRAWN:	JD	PARTY CHIEF:	CB	CHECKED:	MVA
REF. PLAT BOOK:	62-120				
REF. DEED BOOK:	3950-173				
TAX MAP :	44-47.14 (PARCEL ID# 153406)				
DATE OF SURVEY:	2-16-17				
DATE DRAWN:	6-29-17				
DRAWING NO:	68024-ANNEXATION				
DATE OF LAST REVISION:					
0' 30' 60' 90'					
SCALE: 1" = 30'					

THIS DRAWING REPRESENTS A COMPLETED SURVEY AND PLAT WITH THE EXCEPTION OF CLIENT'S FINAL REVIEW

PLS. SEE L. 2836
NO: L2836
COA: C-0478

STATE OF NORTH CAROLINA
ONSLOW COUNTY

ANNEXATION PLAT
FOR
NFCU

NORTH CAROLINA CERTIFICATE:

I, JAMES R. FREELAND, CERTIFY THAT THE SURVEY WAS COMPLETED ON FEBRUARY 16, 2017; THAT A GLOBAL POSITIONING SYSTEM (GPS) SURVEY WAS PERFORMED TO ESTABLISH THE HORIZONTAL AND VERTICAL CONTROL FOR THE PROJECT; THAT THE (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2; STANDARDS FOR GEODETIC NETWORKS AT THE CLASS "A" ACCURACY CLASSIFICATION (95% CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

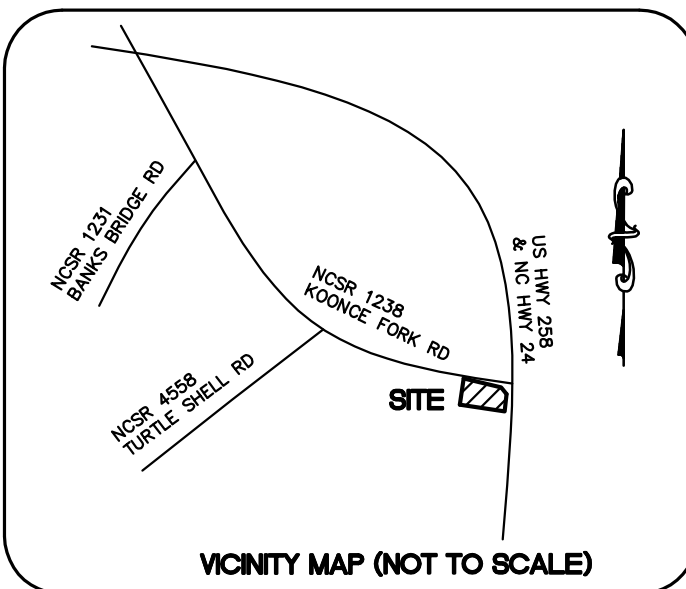
POSITIONAL ACCURACY: 0.05 FEET TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC DATE(S) OF SURVEY: FEBRUARY 16, 2017 DATUM/EPOCH: HORIZONTAL (NAD83); VERTICAL (NAVD 88) GEOD MODEL: GEOID 1999 UNITS: US SURVEY FOOT PUBLISHED/FIXED CONTROL MONUMENTS USED: NCGS "STATE" AND NCGS "RICHLANDS"

AND THAT THIS MAP MEETS THE REQUIREMENTS OF "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1600).

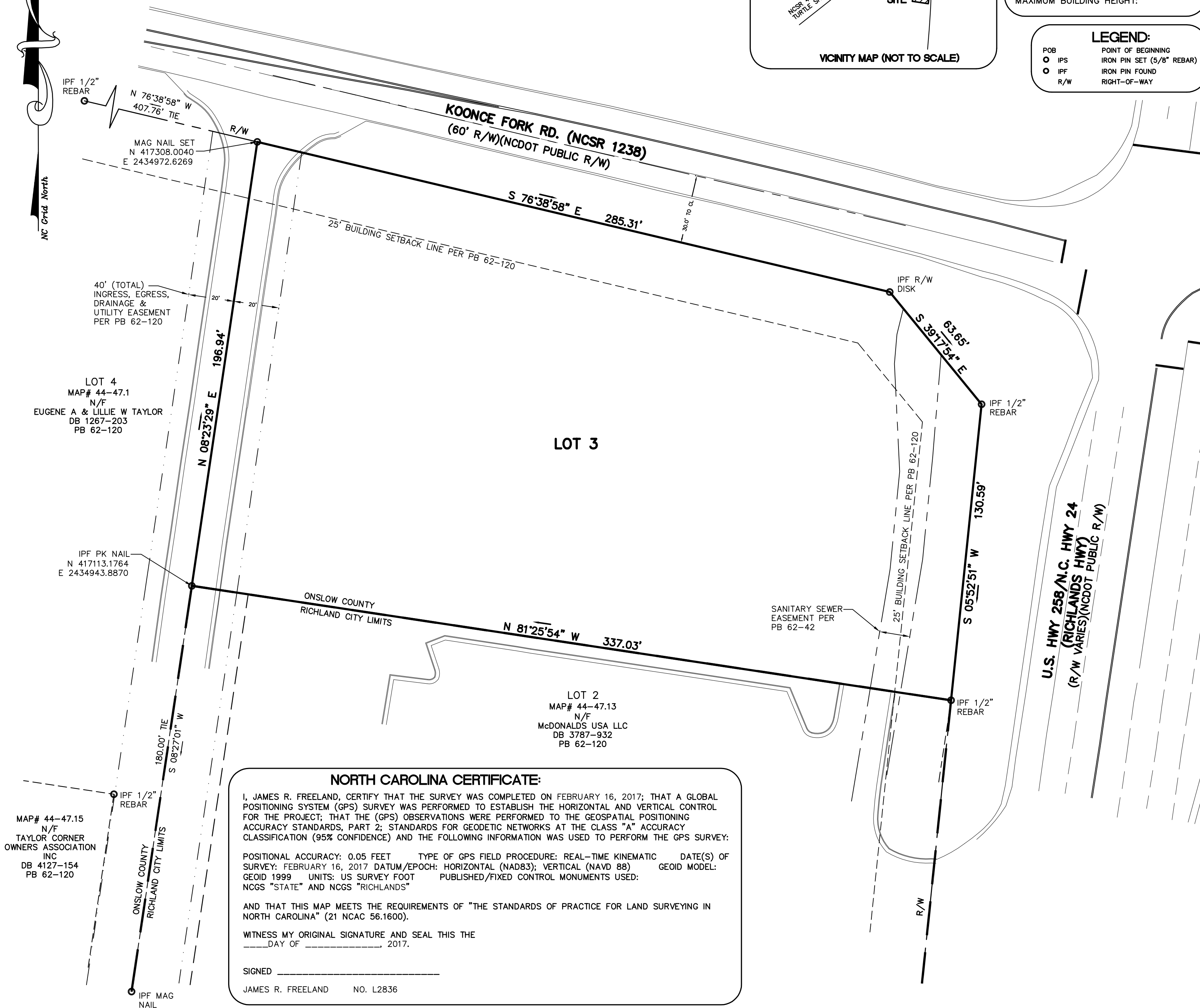
WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE _____ DAY OF _____, 2017.

SIGNED _____

JAMES R. FREELAND NO. L2836



VICINITY MAP (NOT TO SCALE)





TOWN OF RICHLANDS
Regular Board Meeting
Agenda Item VIII. - 1.
Schedule Public Hearings

Description:

Schedule Public Hearings (Zoning Text Amendments)

Review:

The Board needs to schedule two public hearings in order to hear public comment concerning two proposed zoning text amendments. One text amendment concerns the permissible location and various changes to the regulations concerning telecommunication towers (cell towers). The second text amendment addresses the length of time that is permissible the time between message changes on electronically illuminated signs.

Action Needed:

Schedule the public hearings.

ATTACHMENTS:

Description

- ▣ Telecommunication Tower Text Amendments (proposed)
- ▣ Illuminated Signs Text Amendment (2017)

STATEMENT FOR WHY THE PROPOSED TEXT AMENDMENTS ARE IN THE PUBLIC INTEREST

The proposed text amendments are in the public interest because they will allow for the provision of wireless telecommunications service to the citizens of Richlands, a service which has become a public necessity. Wireless telecommunications service will aid the citizens of Richlands in contacting 911 from mobile devices in emergencies. In addition, a growing number of Americans live in wireless-only households. According to the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, as of late 2016, the majority of American homes have only wireless phones.¹ More than 70% of all adults between the ages of 25-34 and of adults renting homes live in wireless-only households.² Thus, wireless telecommunications service has become a necessity to the majority of Americans to communicate in emergencies and on a day-to-day basis.

Currently, the Ordinance only allows wireless telecommunication towers in the A-5, I-1 and I-2 zoning districts. However, according to the Town of Richlands Zoning Map, there are no properties within the town zoned A-5, I-1, or I-2. Therefore, telecommunication towers cannot currently be constructed within the Town of Richlands' jurisdiction. The proposed text amendment will permit telecommunication towers in the C-3 zoning district by zoning permit approved by the Zoning Administrator, allowing for the provision of wireless telecommunications service in the Town.

The text amendments will also be in the public interest because they will provide internal consistency between the Table of Permitted Uses and the Telecommunication Towers requirements section (153.119). Currently, the Table of Permitted Uses does not match the Telecommunication Towers section regarding the zoning districts in which towers are permitted and whether towers require conditional or special uses in certain districts. The proposed text amendments will align the Table of Permitted Uses with the Telecommunication Towers section on both points. This will clarify the telecommunication tower standards for landowners and for the Town to enforce the Ordinance.

Finally, the text amendments will be in the public interest because they will align the Telecommunication Tower standards in Section 1543.119 with North Carolina General Statute Section 160A-400.52, specifically regarding an applicant's burden to prove an inability to collocate on existing structures.

¹ Stephen J. Blumberg, Ph.D., U.S. Department of Health and Hum. Services, Center for Disease Control and Prevention, Nat'l Center for Health Stat., *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2016* (2017), <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201705.pdf>.

² *Id.*

Proposed Text Amendments for Telecommunication Towers

Cellco Partnership d/b/a Verizon Wireless respectfully requests the following text amendments to the Town of Richlands, North Carolina Code of Ordinances (the "Ordinance"):

1. Section 153.080 - Table of Permitted Uses

(A) Amend the Table of Permitted Uses to:

- (1) Permit wireless communication towers in the C-3 zoning district with a zoning permit issued by the Zoning Administrator; and
- (2) Permit wireless communication towers in the I-1 and I-2 districts by conditional use permit that with approval by the Board of Aldermen, to create internal consistency with the text of Section 153.119(A) - Telecommunications Towers.

<i>Table of Permitted Uses</i>																
	<i>District</i>															
	<i>Residential</i>								<i>Commercial</i>					<i>Industrial</i>		
<i>Use</i>	<i>A-5</i>	<i>R-20</i>	<i>R-15</i>	<i>R-10</i>	<i>RM-10</i>	<i>R-8</i>	<i>RM-8</i>	<i>R-6</i>	<i>RM-6</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-4</i>	<i>C-5</i>	<i>I-1</i>	<i>I-2</i>
Wireless Communication Towers	C											P			C	C

2. Section 153.119 - Telecommunication Towers

(A) *Where allowed.* Telecommunications towers, when located on privately-owned property, are permitted by ~~special~~ conditional use permit in A-5, I-1 and I-2 Districts. Telecommunications towers are permitted by zoning permit in the C-3 District. Such tower antenna, when located Collocation of telecommunication equipment on existing facilities and structures, is permitted are allowed by zoning permit.

(B) *Submission requirements.* An application for a special use permits and zoning permits for a telecommunications tower and facilities shall include:

- (1) The names, addresses and telephone numbers of the owner and lessee of the parcel of land upon which the tower is proposed to be situated. If the applicant is not the owner of the parcel of land upon which the tower is

proposed to be situated, the written consent of the owner shall be evidenced in the application.

- (2) ~~A statement documenting the need for and purpose of the proposed tower. The town reserves the right to verify the validity of the statement by third party certification.~~
- (3) The legal description, property tax parcel identification number and address of the parcel of land upon which the tower is proposed to be situated.
- (4) Inability to Collocate. The applicant must provide evidence of an inability to collocate on existing towers or usable antenna support structures within the applicant's search ring. The applicant's search ring is the area in which the telecommunication facility must be located in order for the applicant's equipment to function as intended. The applicant must submit the following information in support of its assertion of an inability to collocate:
 - (a) A map of the applicant's search ring;
 - (b) The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within ~~a one mile radius~~ the applicant's search ring of the proposed new tower site, including town owned property;
 - (c) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunications facilities on existing towers (government or privately-owned) with sufficient capacity for applicant's equipment or usable (having sufficient capacity for applicant's equipment) antenna support structures within the applicant's search ring; and
 - (d) Written technical evidence from an engineer(s) that the proposed tower or telecommunication facilities cannot be installed or collocated on another tower or usable antenna support structure located within the applicant's search ring.
- (5) A description of the design plan proposed by the applicant. The applicant must identify the utilization of the most recent technological design as part of the design plan. ~~The applicant must demonstrate the need for a tower and why design alternatives cannot be utilized to accomplish the provision of the applicant's telecommunications services.~~

- (6) ~~An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunications facilities on existing government-owned towers or usable antenna support structures located within a one-mile radius of the proposed tower site.~~
- (7) ~~An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures within a one-mile radius of the proposed tower site.~~
- (8)(7) ~~Written technical evidence from an engineer(s) that the proposed tower or telecommunications facilities cannot be installed or collocated on another tower or usable antenna support structure located within a one-mile radius of the proposed tower site.~~
- (9)(8) A written statement from an engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by surrounding properties.
- (10)(9) Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in division (E) below.
- (11)(10) Written, technical evidence from a qualified individual engineer(s) reasonably acceptable to the fire chief and the Zoning Administrator that the proposed site of the tower or telecommunications facilities does not pose an undue risk of explosion, fire or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.
- (12)(11) In order to assist the reviewing authority town staff and the Board of Adjustment in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent streets.
- (13)(12) The Telecommunications Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the Board of Adjustment reviewing authority to condition or deny any permit for telecommunications facilities on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. Applicants shall be required to submit information on the proposed power density of their

proposed telecommunications facilities and demonstrate how this meets FCC standards.

(14)(13) The Zoning Administrator may require an applicant to supplement any information that the Zoning Administrator considers inadequate or that the applicant has failed to supply. The Zoning Administrator may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this division (B).

(C) *Height.* Towers shall be permitted to a height of 250 feet in accordance with division (P) below, criteria for site plan development modifications. Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than 20 feet over the top of the tower structure itself. Tower height shall be measured from the existing, undisturbed grade.

(D) *Setbacks.*

(1) All towers must have a minimum setback distance of 30 feet from all property lines. ~~up to 100 feet in height shall be set back on all sides a distance equal to the underlying building setback requirement in the applicable zoning district.~~ Towers in excess of 100 feet in height shall be set back one additional foot per each foot of tower height in excess of 100 feet.

(2) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.

(3) Setback requirements may be modified for telecommunication facilities requiring a special use permit, as provided in division (P)(2)(a) below, when placement of a tower in a location, which will reduce the visual impact, can be accomplished. For example, adjacent to trees which may visually hide the tower.

(4) Setback requirements may be modified for telecommunication facilities requiring a zoning permit by the Zoning Administrator upon the applicant's submission of an engineer's fall zone letter certifying that the tower will not cross adjacent property lines or any public right-of-way in the event of tower failure.

(E) *Structural requirements.*

(1) No new tower shall be built, constructed or erected unless the tower is capable of supporting at least three operating telecommunications facilities comparable in weight, size and surface area to the telecommunications

facilities installed by the applicant on the tower within six months of the completion of the tower construction.

- (2) All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the State Building Code and any other standards outlined in this chapter.

(F) *Separation requirements.* For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially-zoned lands shall be measured from the base of a tower to the closest point of residentially-zoned property. The minimum tower separation distances from residentially-zoned land and from other towers shall be calculated and applied irrespective of town jurisdictional boundaries.

- (1) Towers in excess of 200 feet in height shall be separated from all residentially-zoned lands by a minimum of 200 feet or 200% of the height of the proposed tower, whichever is greater.

- (2) Towers less than 200 feet in height shall be separated from all residentially-zoned lands by 200 feet.

- (3) Proposed towers must meet the following minimum separation requirements from existing tower or towers which have received zoning approval ~~a special use permit~~, but are not yet constructed at the time a special use permit or zoning permit is granted pursuant to this section.

- (a) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of 750 feet.

- (b) Self-supporting lattice or guyed tower structures shall be separated from all other self-supporting or guyed towers by a minimum of 1,500 feet.

- (c) Self-supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of 750 feet.

(G) *Illumination.* Towers shall not be artificially lighted, except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is 300% of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.

(H) *Exterior finish.* Towers not requiring FAA painting or marking shall have an exterior finish, which enhances compatibility with, adjacent land uses, as approved by the Zoning Administrator for a permitted use or the Board of Aldermen for a conditional use. ~~Board of Adjustment.~~

(I) *Landscaping.* All landscaping on a parcel of land containing towers, antenna support structures or telecommunications facilities shall be in accordance with §§ 153.285 through 153.290 of this chapter. The Board of Adjustment may require landscaping in excess of the requirements of §§ 153.285 through 153.290 of this chapter in order to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing.

(J) *Access/parking.* A parcel of land upon which a tower is located must provide access to at least one maintained vehicular parking space on site.

(K) *Design.*

(1) All towers which must be approved as a special use shall be of stealth design or reasonably similar (i.e., designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles and trees). The term stealth does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole tower designs.

(2) All towers in the C-3 zoning district must be of monopole design.

(L) *Telecommunication facilities on antenna support structures.* Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure at least 50 feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the Zoning Administrator, establish the following at the time plans are submitted for a building permit:

(1) That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than 20 feet;

(2) That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, if such facilities are appropriately screened from view through

the use of panels, walls, fences or other screening techniques approved by the Board of Adjustment. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the primary roof but, which do not protrude more than 18 inches from the side of such an antenna support structure.

(M) *Modification of towers.* A tower existing prior to the effective date of this amendment may continue in existence as a non-conforming structure. Such non-conforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this section, except for divisions (F) above and (N) and (O) below; provided:

- (1) The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower;
- (2) An application for a zoning permit is made to the Zoning Administrator who shall have the authority to issue a zoning permit without further approval. The grant of a zoning permit pursuant to this division (M) allowing the modification or demolition and rebuild of an existing non-conforming tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming;
- (3) The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this section; and
- (4) Except as provided in this division (M), a non-conforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than 180 days. This section shall not be interpreted to legalize any structure or use existing at the time the amendment authorizing this section is adopted which structure or use is in violation of the town's land use ordinance prior to enactment of the amendment authorizing this section.

(N) *Certifications and inspections.*

- (1) All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the State Building Code and all other construction standards set forth by town, federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to division (B) above and every five years thereafter. For existing monopole towers, certification shall be submitted within 60 days of the effective date of this section and then every five years

thereafter. For new lattice or guyed towers, such certification shall be submitted with an application pursuant to division (B) above and every two years thereafter. The tower owner may be required by the Zoning Administrator to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

(2) The town or its agents shall have authority to enter on the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by town, federal and state law.

(3) The town reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner.

(O) Maintenance.

(1) Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(2) Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the national electric safety code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

(3) All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person.

(4) All maintenance or construction of towers, telecommunications facilities or antenna support structures shall be performed by insured certified or licensed maintenance and construction personnel.

(5) All towers shall maintain compliance with current RF emission standards of the FCC.

(6) In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the Zoning Administrator if its intent to discontinue use and the date when the use shall be discontinued.

(P) *Criteria for site plan development modifications.* Notwithstanding the tower requirements provided in this section, a modification to the requirements may be approved by the Zoning Administrator for a permitted use, or the Board of Aldermen for a conditional use, ~~Board of Adjustment as a special use~~ in accordance with the following.

(1) In addition to the requirement for a tower application, the application for modification shall include the following:

- (a) A description of how the plan addresses any adverse impact that might occur as a result of approving the modification;
- (b) A description of off-site or on-site factors which mitigate any adverse impacts that might occur as a result of the modification;
- (c) A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties;
- (d) For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for collocation, and the result of such attempts. Documentation of undertaking these actions shall be provided by the applicant; and
- (e) The Zoning Administrator may require the application to be reviewed by an independent engineer under contract to the town to determine the basis for the modification requested. The cost of review by the town's Engineer shall be reimbursed to the town by the applicant.

(2) The Zoning Administrator for a permitted use, or the Board of Aldermen for a conditional use, ~~Board of Adjustment~~ shall consider the application for modification based on the following criteria:

- (a) That the tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties;
- (b) Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification; and

- (c) In addition, the Zoning Administrator for a permitted use, or the Board of Aldermen for a conditional use, ~~Board of Adjustment~~ may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed tower and mitigate any adverse impacts which arise in connection with the approval of the modification.
- (3) In addition to the requirements of division (P)(1) above, in the following cases, the applicant must also demonstrate, with written evidence, the following:
- (a) In the case of a requested modification to the setback requirements, division (D) above that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the person is to locate the tower at another site which is closer in proximity to a residentially-zoned land;
 - (b) In the case of a request for modification to the separation requirements from other towers of division (F) above, separation requirements that the proposed site is zoned for industrial use and the proposed site is at least double the minimum standard for separation from residentially zoned lands as provided for in division (F) above;
 - (c) In the case of a request for modification of the separation requirements from residentially-zoned land of division (F) above, if the person provides written technical evidence from an engineer(s) that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system and if the person is willing to create approved landscaping and other buffers to screen the tower from being visible to residentially-zoned property; and
 - (d) In the case of a request for modification of the height limit for towers and telecommunications facilities or to the minimum height requirements for antenna support structures, that the modification is necessary to:
 - 1. Facilitate collocation of telecommunications facilities in order to avoid construction of a new tower; or
 - 2. To meet the coverage requirements, capacity requirements or both of the applicant's wireless communications system, which requirements must be documented with written,

technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than such minimum height shall be approved.

(Q) Abandonment.

- (1) If any tower shall cease to be used for a period of 365 consecutive days, the Zoning Administrator shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the Zoning Administrator that such site has been abandoned. The owner shall have 30 days from receipt of said notice to show, by a preponderance of the evidence, that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the Zoning Administrator shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within 75 days, dismantle and remove the tower.
- (2) To secure the obligation set forth in this section, the applicant (and/or owner) shall post a bond in an amount to be determined by the Zoning Administrator based on the anticipated cost of removal of the tower.

STATE OF NORTH CAROLINA
TOWN OF RICHLANDS

ORDINANCE
2017-05

Ordinance Amending Official Richlands Zoning Regulations

Introduced:

Adopted:

WHEREAS, the Town of Richlands (hereinafter Town), recognizes some inconsistent language in the certain sections of Chapter 153 ZONING of the Richlands Code of Ordinances, specifically those sections pertaining to electronically illuminated signs; and

WHEREAS, the proposed Text Amendments have been reviewed and deemed appropriate by the Richlands Planning Board; and

WHEREAS, the Richlands Board of Aldermen has posted the required notice and a public hearing for the proposed Text Amendments was held on _____; and

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. That the Richlands Board of Aldermen amends Title XV, Section 153.191, paragraph (E), subsection (2) of the Richlands Code of Ordinances by replacing the phrase “15 minutes” with the phrase “ 8 seconds” in the second sentence.

SECTION 2. All existing ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall be effective immediately upon its adoption.

Adopted at a Regular Board Meeting on _____.

McKinley Smith, Mayor

ATTEST:

Approved as to form:

Doreen Putney, Town Clerk

Town Attorney



TOWN OF RICHLANDS

Regular Board Meeting

Agenda Item VIII. - 2.

Ordinance 2017-03 (Voluntary Satellite Annexation)

Description:

Ordinance 2017-03 (Voluntary Satellite Annexation).

Review:

Now that the appropriate public hearing has been held, the Board may deliberate and adopt the attached ordinance to formally annex the property in question. The effective date of the annexation can be the day of adoption or up to six months from the date of the adoption. As with any annexation, a debt payment agreement with the Richlands Volunteer Fire Department will need to be approved by the Local Government Commission.

Action Needed:

Adopt the ordinance as desired.

ATTACHMENTS:

Description

- ▣ Ordinance 2017-03 (Voluntary Satellite Annexation)

STATE OF NORTH CAROLINA
TOWN OF RICHLANDS

ORDINANCE
2017-03

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF RICHLANDS, NORTH CAROLINA**

Introduced: November 14, 2017
Adopted: _____, 2017

WHEREAS, the Board of Aldermen has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Richlands Town Hall at 6:00 PM on November 14, 2017, after due notice by publication on November 2, 2017; and

WHEREAS, the Board of Aldermen finds that the area described therein meets the standards of G.S. 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The Town is exempt from the requirement that the area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town by virtue of an act of the General Assembly; and

WHEREAS, the Board of Aldermen further finds that the petition has been signed by all owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Aldermen further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Richlands, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Richlands as of December 14, 2017:

Being all of Lot 3, containing 1.38 acres as shown on that certain plat entitled "Final Plat Book-Revised for Lat Purser & Associates, Inc." Owner: Eugene A. & Lillie W. Taylor, Richlands Township, Onslow County, NC, prepared by Lanier Surveying Company dated 4-19-11, Rev. 6-1-11, said plat recorded in Map Book 62, page 120, Onslow County registry, being more particularly described as follows:

Beginning at an iron pin located on the western right-of-way of US Hwy 258, NC Hwy 24 (Richlands Hwy), and being the common corner of McDonalds USA, LLC, said iron pin located on the existing Richland City Limits; thence leaving said right-of-way along said existing city limits, N 81-25-54 W for 337.03 feet to a PK Nail; thence leaving said existing city limits, N 08-23-29 E for 196.94 feet to a Mag Nail located on the southern right-of-way of Koonce Fork Road; thence along said right-of-way, S 76-38-58 E for 285.31 feet to a right-of-way disk; thence S 39-17-54 E for 63.65 feet to an iron pin; thence along the western right-of-way of US Hwy 258, NC Hwy 24, S 05-52-51 W for 130.59 feet to the Point of Beginning. Said tract contains 1.380 acres (60,115 sq. ft.), more or less.

Section 2. Upon and after December 14, 2017, the above described property and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Richlands and shall be entitled to the same privileges and benefits as other parts of the Town of Richlands. Said territory shall be subject to municipal taxes according to G.S. 160A-58.0.

Section 3. The Mayor of the Town of Richlands shall cause to be recorded in the office of the Register of Deeds of Onslow County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Onslow County Board of Elections, as required by G.S. 163-288.1.

Adopted this _____ day of _____, 2017.

Mayor McKinley Smith

APPROVED AS TO FORM:

Town Attorney

ATTEST:

Clerk

North Carolina
Onslow County



TOWN OF RICHLANDS
Regular Board Meeting
Agenda Item VIII. - 3.
Budget Amendment 2017-01

Description:

Budget Amendment 2017-01 (HVAC Repair).

Review:

The attached budget amendment is required in order to properly account for the funds used for the recent purchase and installation of a HVAC unit at town hall.

Action Needed:

Approve the budget amendment.

ATTACHMENTS:

Description

▣ Budget Amendment 2017-01

BUDGET AMENDMENT # 1
FY 17/18 _ November 14, 2017
BUILDINGS

[illegible]

Approved: _____
Entered: _____



TOWN OF RICHLANDS

Regular Board Meeting

Agenda Item IX. - 1.

Administrator Notes and Updates

Description:

- The next regularly scheduled meeting of Revive Downtown Richlands is Wednesday, December 6, 6:30 PM at town hall.
- The Town of Richlands has been invited by the U.S. Census Bureau to participate in the 2020 Census Local Update of Census Addresses Operation (LUCA) in order to provide a more accurate census for the town. We participated in the 2010 Census LUCA Program.
- The Organizational Meeting of the Board of Aldermen will be held on Tuesday, December 12, 2017 at which time the newly elected Board will be sworn into office.
- RDR will be hosting a Resolution Run 5K on January 6, 2018.

Review:

Action Needed:



TOWN OF RICHLANDS
Regular Board Meeting
Agenda Item X. - 1.
October 2017 Police Report

Description:

Attached is the Police Activity Log for October 2017.

Review:

Action Needed:

Receive the Police Report.

ATTACHMENTS:

Description

❏ October 2017 Police Activity Log

Activity Log Event Summary (Cumulative Totals)

Richlands Police Department

(10/01/2017 - 10/31/2017)

<No Event Type Specified>	1	911 Hang-Up	3
Accident	11	Administration Run	54
Alarm Activation	10	Animal Complaint	5
Arrest	16	Assault	2
Assist EMS	12	Assist Highway Patrol	1
Assist Motorist	2	Assist Other Department	2
Assist Other RPD Officer	109	Background Investigations	3
Bank Deposit Escort	31	Breathalyzer Examinations	4
Business Check	4,354	Call for Service	652
Careless & Reckless	4	Child abuse	2
Citation	217	Cite & Release	4
Civil Problem	1	Communicating A Threat	1
Counterfeit Money/Documents	1	County Assist	2
Death	1	Disorderly Conduct	2
Domestic	1	Drivers License Check Point	2
DWI	1	DWLR	17
Expired State Inspection	4	Expired Tags	30
Fictitious Tags	3	Financial Card Fraud	1
Financial Card Theft	1	Fingerprinting	8
Fire Calls	1	Follow up Investigation	34
Follow up on Ordinance Violations	20	Foot Patrol	3
Found Property/Safe Keeping	2	FTO Training	8
Funeral Escort	6	Grass Violations	4
Headlights/Taillights/License Plate Lights Out	54	Incident Report	17
Juvenile Problems	2	Larceny	2
Left door Knockers for Ordinance Violations	1	Letters sent on Ordinance Violation	8
License Pick-Up	7	Mandatory In-Service Training	1
Mileage	1	Miscellaneous Citations	3
Narcotic Incident	1	Neighborhood Dispute	2
No Insurance	5	Noise Complaint	1
NOL	17	Obtaining Property By False Pretense	1
Open Container	1	Open Door/Windows	19
Operational Reports	22	Ordinance Violation	3

Activity Log Event Summary (Cumulative Totals)

Richlands Police Department

(10/01/2017 - 10/31/2017)

Other Registration Violations	3	Patrol Zone 1	80
Patrol Zone 2	84	Patrol Zone 3	82
Patrol Zone 4	82	Patrol Zone 5	84
Patrol Zone 6	88	Possession of Drug Paraphernalia	2
Possession of Marijuana	2	Property Damage	3
Request Assistance	12	Residence Check	2
Resist, Obstruct/Delay Officer	1	Revoked License Plate	10
Safe Movement Violation	1	Seatbelt	11
Special Assignment/Meeting	25	Speeding	143
Standby	1	Stoplight/Sign	43
Supplement to report	14	Suspicious Person	7
Suspicious Vehicle	1	Tag Lights	38
Town Cut Grass	8	Traffic Control	285
Traffic Education	158	Transport to Jail	2
Unlock Car	9	Vehicle Check After Shift	103
Vehicle Check Before Shift	99	Vehicle Plate/Tag Pick-up	3
Vehicle Searches	2	Vehicle Stop	346
Verbal Warnings	167	Warrant	4
Welfare Check	1	Window Tint Violation	2

Total Number Of Events: 7,829