



Agenda

Town Council Meeting – February 12, 2026

Business Meeting

CALL TO ORDER

Mayor

BUSINESS MEETING AGENDA

- A. Discussion of [Cell Tower Proposal](#)
Presented by Matthew McKirahan
- B. [Nuisance Ordinance](#) Discussion
Presented by Michael Malecek
- C. [N. Loop and River Access Project Update](#)
Presented by Matthew McKirahan
- D. Potential Future Agenda items

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STAFF REPORT

Town Council, Thursday, February 12, 2026

Title: Discussion on Communication Tower Proposal

Speaker: Matthew McKirahan

Approved by: Matthew McKirahan – Town Manager

Background

In December 2025, the Town of Mills River received a preliminary inquiry regarding a potential cell tower on Town property. The company, Integrisite, works on behalf of carriers to identify suitable locations for new towers. The Mills River/Fletcher area was identified as a potential location to aid in boosting cell signal and service.

On February 6, 2026, the Town received a proposal from Vogue Towers, a communication tower company working with Integrisite and communication carriers.

Key takeaways:

- Objectives of tower:
 - Improved wireless connectivity in and around Mills River
 - Highest level of emergency response from EMS and law enforcement
 - Additional revenue to landlord
- Tower Site details:
 - Lease Area: Approximately 60' x 60'
 - Tower Location: Open to discussion
- Tower Type: Self Support Tower
- Tower Height: Approximately 180' with final height to be determined by carrier propagation
- Compound: 8' fenced and secured

Revenue Options:

1. Lease Option
 - a. Payment: \$500
 - b. Monthly Rent: \$750
 - c. Annual Escalation: 1.5%
 - d. Term: 5-year with 7/5-year renewals
 - e. Total: \$46,870.40 for first 5-year term (questions remain on terms for renewals, including lease escalation)
2. Easement Option
 - a. Payment: \$500
 - b. Easement 80 years
 - c. One-Time Payment: \$135,000
 - d. Total: \$135,500

Discussion

At present, open land exists on the Town's park expansion property. The Town Manager requests guidance on interest in pursuing this opportunity as it will impact the scope of work for the park expansion property. If Council is open to furthering the discussion, the Town Manager will work with representatives from Integrisite and Vogue Towers on next steps, which will include an in-person meeting and follow-up discussions regarding the proposal.

2030 Strategic Plan Goals Alignment

Encourage and cultivate thoughtful use of land

Recommendation

None. For discussion.

Attachments

1. Vogue Tower Proposal



Cell Tower Proposal

Town of Mills River

February 3, 2026

Vogue Towers is pleased to present the following information for a proposed wireless communication tower to be located on the property in Mills River, North Carolina. Cell towers allow wireless networks to better serve the public and continue to ensure the highest level of safety for residents within a community. The following represents information and financial benefits.

1. Objectives
 - Improved wireless connectivity in and around Mills River
 - Highest level of emergency response from EMS and law enforcement
 - Additional revenue to landlord

2. Tower Site
 - Lease Area: Approximately 60' x 60'
 - Tower Type: Self Support Tower
 - Tower Height: Approximately 180' with final height to be determined by carrier propagation
 - Compound: 8' fenced and secured

3. Revenue

| | |
|---|-------------------------------|
| Option 1 / Lease: | Option 2 / Easement: |
| - Option Payment: \$500 | - Option Payment: \$500 |
| - Monthly Rent: \$750 | - Easement: 80 years |
| - Annual Escalation 1.5% | - One-Time Payment: \$135,000 |
| - Term: 5- year initial term with 7 / 5-year renewals | |

Vogue Towers shall comply fully with all applicable building and safety codes and zoning ordinances in the construction, maintenance, operation and use of its installation and related appurtenances.

STAFF REPORT

Town Council, Thursday, February 12, 2026

Title: **Nuisance Ordinance Discussion**

Speakers: Michael Malecek, Planning Director

Background

In September 2025, Town Council informally discussed the nuisance ordinance. On October 2, Council unanimously requested the Planning Board review the Town's current nuisance ordinance for potential updates and changes. The Planning Board conducted an in-depth review of the nuisance ordinance at the October 7, November 4, and December 2, 2025 meetings and provided guidance to staff on recommended changes.

At the December 11, 2025 Town Council meeting, Council directed staff to bring the nuisance ordinance item forward on the January 8, 2026 business meeting agenda, where Council had high-level discussions on nuisance enforcement.

Discussion

As a result of the January 8, 2026 business meeting discussion, the direction was for Council to send the Town Manager recommended changes and thoughts on the current nuisance ordinance. Staff also provided similar recommendations to the Town Manager.

Following is an overview of the proposed changes to the ordinance and general feedback:

- Nuisance ordinance should focus on public health and safety, including conditions that could have potential harm on immediate neighbors, with less focus on unsightly property conditions / aesthetics.
- Establish different standards for residential and commercial properties for the outdoor storage of items and junked vehicles related to an on-site business.
- Continue to allow anonymous complaints, with more clarity about public record requests. Have methods to address abuse of anonymous complaint system for unfounded complaints.
- Establish clearer standards for junked vehicles being allowed on residential properties with requirements for screening.
- Establish a maximum, total fine amount of \$3,000.
- Start regular code enforcement training of Town Council members after elections.
- Possibly establish minimum housing standards that mirror Henderson County's.
- Establish exemptions from certain nuisances during declared states of emergency and natural disasters.

Recommendation

None. For informational and discussion purposes. Staff need more specific direction and guidance from Council on how to move forward with the nuisance ordinance update.

Attachments

- A. Nuisance Ordinance

CHAPTER 152: NUISANCES

General Provisions

- 152.01 Purpose and objectives
- 152.02 Jurisdiction and exception
- 152.03 Definitions
- 152.04 Prohibitions
- 152.05 Outdoor storage

Noise Control

- 152.21 Establishment of noise ordinance
- 152.22 Prohibited noises
- 152.23 Exceptions
- 152.24 Permits for amplified sound
- 152.25 Noise complaints
- 152.26 Warnings and violations

Administration

- 152.91 Administration and enforcement
- 152.92 Investigation and response to public nuisance
- 152.93 Vehicle restoration permit
- 152.94 Appeals

- 152.99 Violations, penalties, costs, and reimbursements

GENERAL PROVISIONS

§ 152.01 PURPOSE AND OBJECTIVES.

(A) *Purpose.* This Chapter is enacted to protect the health, safety, and general welfare of the people of the Town of Mills River pursuant to powers granted under G.S. 160A-175, G.S. 160A-193, G.S. 160A-303, G.S. 160A-303.1, G.S. 160A-303.2; the Mills River Town Code ; subsequent recodifications and/or amendments; and other applicable ordinances as may be adopted in the future.

(B) *Objectives.* The principal objectives of this chapter are:

- (1) To prevent injury and illness to occupants of property and the public and to remove public nuisances .
- (2) To provide town wide standards for the abatement of public nuisances , including but not limited to noise, solid waste, junked motor vehicles and abandoned manufactured homes .
- (3) To establish responsibility of involved parties and assure that people are not unnecessarily exposed to dangers of public nuisances .
- (4) To ensure proper actions may be taken to abate public nuisances .

(Ord. 2019-02, passed 10-12-2019; Am. Ord. 2021-10, passed 5-13-2021)

§ 152.02 JURISDICTION AND EXCEPTION.

(A) *Jurisdiction.* This chapter shall apply to all the land within the corporate limits of the Town of Mills River.

(B) *Exception.* This chapter shall not regulate property being actively used as a bona fide farm which is any tract of land used for dairying, the raising of agricultural products, forest products, livestock or poultry, or any other use defined as **AGRICULTURE** in § 154.007 of the Town Code and including facilities for the sale of such products from the premises where produced.

(Ord. 2019-02, passed 10-12-2019)

§ 152.03 DEFINITIONS.

The following terms are defined for purposes of this chapter:

ABANDONED MANUFACTURED HOME. A manufactured home that has not had legal power or was not properly connected to a permitted septic/sewer system and water supply in the most recent six months , not to be interpreted to include a manufactured home stored or parked in accordance with a valid zoning permit.

ABATEMENT. The proper removal, repair, and/or containment of substances or materials hazardous to humans and/or the environment. Abatement is part of remediation .

AMPLIFIED SOUND. Using or operating a loudspeaker or other sound amplification device for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property.

BUILDING. Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons , animals or chattels. Two buildings connected by a common roof shall be considered as one building, provided that the width of the connecting roof shall be at least 20% of the principal building width, but in no case less than six feet in width. The connection of two buildings by means of an open porch, breeze way or passageway without a roof, or with a roof less than six feet in width, shall not be deemed to make them one building.

DISTURBING NOISE. Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area. In determining whether a noise is unreasonably loud and disturbing, the following factors incident to such noise are to be considered: whether the noise has been enhanced in volume or range by any type of electronic or mechanical means.

JUNK. Any discarded, abandoned, or scrapped copper, brass, metal, rope, rags, batteries, appliances, paper or rubber; discarded, dismantled, abandoned, or wrecked automobiles or other vehicles or parts thereof; dismantled or abandoned mobile/manufactured homes or RV's or travel trailers or parts thereof; discarded, dismantled or wrecked motorized or non-motorized equipment or parts thereof; discarded or scrapped iron, steel or other scrapped ferrous material; or any other materials, items or equipment similar to those listed herein.

JUNKED MOTOR VEHICLE. A motor vehicle that does not display a current license plate or vehicle registration and is partially dismantled or wrecked, cannot be self-propelled or moved in the manner it was originally intended to move, or is more than five years old and appears to be worth less than \$500 as provided by the municipality, or a junked motor vehicle as defined in G.S. 160A-303.2.

MANUFACTURED HOME. A single-family residential dwelling built in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as amended. For purposes of this chapter, however, the term also includes mobile homes.

OCCUPANT. Any person who occupies real property, whether with or without any right, title or interest in the property , and any person in possession or charge of such property , in the event the owner resides or is located elsewhere.

OWNER. Any person , persons , organization, or corporation that owns, in whole or in part, the land, structure, or other property or is the purchaser of the property under contract for deed.

PERSONAL PROPERTY. All property other than that defined in the definitions of **PROPERTY** and **REAL PROPERTY, REAL ESTATE AND LAND** of this section that is subject to ownership.

PLANNING/ZONING DEPARTMENT. The town department responsible for enforcing this chapter.

PROPERTY. Publicly or privately owned real property including parcels of land, buildings , or structures.

PROPERTY AGENT. A person authorized by a property owner to act in transacting business matters or in managing the affairs of the subject property .

PUBLIC NUISANCE. Any activity or use of property or personal property or failure to act that adversely affects the public and shall include, but is not limited to, any condition which poses an immediate and direct hazard to human health if left unheeded due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals, or other means of transmission or infections.

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary and mobile living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on and drawn by another vehicle. The units do not satisfy the dimensional requirements of a manufactured home .

REMEDIATION. The action of stopping or reversing conditions, uses, substances or materials hazardous to humans and/or the environment or otherwise creating a nuisance.

UNREASONABLY LOUD NOISE. A level of noise that is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

VEHICLE RESTORATION PERMIT. A permit that allows persons to actively restore an unlicensed and unregistered vehicle.

(Ord. 2019-02, passed 10-12-2019; Am. Ord. 2021-10, passed 5-13-2021)

§ 152.04 PROHIBITIONS.

The creation or maintenance of a public nuisance is prohibited. Without limiting the generality of the foregoing, the

following are hereby expressly declared to be public nuisances :

(A) Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.

(B) An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.

(C) Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed, insect and rodent proof container designed or reasonably adapted for such purpose.

(D) Accumulation of carcass(es) of animals, birds, or fish by failing to bury, store, or otherwise dispose of in a sanitary manner within 24 hours after death.

(E) Significant outdoor storage of solid waste including but not limited to: decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing materials, scrap metal, pallets, fuel storage containers, tools, tires and wheels, furnaces, home appliances, furniture, plumbing fixtures, construction materials, amusement park devices, metal, pipes, rubber, glass bottles, machinery, wood, brick, cement block, all-terrain vehicles, toys, bicycles, junk or any other substances in which flies, mosquitoes, other disease-carrying insects, rodents or other vermin can harbor.

(F) Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.

(G) Any junked motor vehicles without a current vehicle restoration permit and/or any abandoned manufactured home as defined.

(H) Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.

(I) Breeding grounds which support mosquito larvae and mosquitoes capable of carrying diseases, or any other disease-causing microorganism.

(J) Use of a recreational vehicle as a primary residence without permitted electric, water, and sewerage connections.

(K) Recreational vehicles used to store solid waste.

(Ord. 2019-02, passed 10-12-2019)

§ 152.05 OUTDOOR STORAGE.

Outdoor storage by commercial and industrial uses shall be limited to items that are designed and intended for permanent outdoor usage, storage, and/or sale. Outdoor storage areas in business and industrial zones shall conform to a minimum of one-half the minimum front building setback and not block or obstruct parking spaces or any line of sight for a public road.

(Ord. 2019-02, passed 10-12-2019)

NOISE CONTROL

§ 152.21 ESTABLISHMENT OF NOISE ORDINANCE.

This subchapter shall be known as the "Noise Ordinance for the Town of Mills River."

(Ord. 2021-10, passed 5-13-2021)

§ 152.22 PROHIBITED NOISES.

(A) Disturbing noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

(B) Unreasonably loud noise, which is a level of noise that is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(1) In determining whether a noise is unreasonably loud and disturbing, the following factors incident to such noise are to be considered:

- (a) Time of day;
- (b) Proximity to residential structures;
- (c) Whether the noise is recurrent, intermittent, or constant;
- (d) The volume and intensity;
- (e) Whether the noise has been enhanced in volume or range by any type of mechanical means;
- (f) The nature and zoning of the area;
- (g) Whether the noise is related to the normal operation of a business or other labor activity, or is the result of some

use for individual purposes;

(h) Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(C) The playing of any radio, phonograph or other musical instrument in such a manner or with such volume, particularly during the hours between 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 10:00 p.m. and 7:00 a.m. Friday and Saturday, so as to annoy or disturb the quiet, comfort or repose of any persons in any dwelling, hotel or other type of residence.

(D) Using or operating a loudspeaker or other sound amplification device or system for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 9:00 p.m. and 7:00 a.m. the following day on Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. the following day on Friday and Saturday is hereby prohibited.

(Ord. 2021-10, passed 5-13-2021)

§ 152.23 EXCEPTIONS.

(A) The following are exempt from the provisions of this subchapter:

(1) Any noise resulting from activities of a temporary duration permitted by law, and for which a license or permit therefor has been granted by the Town in accordance with the Mills River Town Code. Regulations of noises emitting from operations under permit shall be according to the conditions and limits stated on the permit.

(2) Unamplified sound at street fairs, parades, or other special events permitted by the Town.

(3) Amplified sound emanating from religious institutions.

(B) This chapter shall not regulate property being actively used as a bona fide farm which is any tract of land used for dairying, the raising of agricultural products, forest products, livestock or poultry, or any other use defined as **AGRICULTURE** in § 154.007 of the Town Code and including facilities for the sale of such products from the premises where produced.

(Ord. 2021-10, passed 5-13-2021)

§ 152.24 PERMITS FOR AMPLIFIED SOUND.

(A) Before a person or group of persons may produce or cause to be produced amplified sound, as defined in § 152.03, a permit must be secured from the Town of Mills River.

(B) Any person or group or persons desiring a permit shall apply as provided herein and shall provide the minimum requirements listed below:

(1) Property address;

(2) Business name;

(3) Property owner name and signature;

(4) Responsible party (general manager, site manager, or similar);

(5) Contact information for all parties.

(C) All applications shall be submitted to the Town of Mills River prior to producing amplified sound. Failure to comply with this requirement shall be grounds for denying the permit.

(D) Permit holders shall agree to cooperate with the Henderson County Sheriff's Department and the Town of Mills River in enforcing the noise ordinance by having signers of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting in enforcing the noise control ordinance. Failure of the permittee or designees to be present or to assist the Henderson County Sheriff's Department and the Town of Mills River in compliance of this subchapter will result in revocation of said permit.

(Ord. 2021-10, passed 5-13-2021)

§ 152.25 NOISE COMPLAINTS.

(A) Any person having reasonable grounds for believing any provision of this subchapter is being violated may make a report thereof to the Henderson County Sheriff's Department or the Town of Mills River, which shall investigate the alleged violation. If any such investigation reveals a violation, the investigating deputy or code enforcement officer has the authority to cause a written complaint to be made and may issue a citation for a civil penalty, and may obtain other enforcement measure as allowed in this chapter.

(B) It shall be unlawful for any person to file a false report or to provide false information to any enforcement official involving any investigation of any reported violation of this subchapter. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(C) It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with law enforcement in order to intimidate or harass any member of such department or any animal owner, or to otherwise hinder or interfere with any function of the department of animal control. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(Ord. 2021-10, passed 5-13-2021)

§ 152.26 WARNINGS AND VIOLATIONS.

(A) Any producer of prohibited noise as defined in this subchapter that has been determined to be non-cooperative pursuant to this subchapter shall be subject to enhanced civil penalties.

(B) Violations shall result in the following:

- (1) Upon a first violation, enforcing authority shall issue a warning.
- (2) A second violation shall result in a fine not more than \$500.
- (3) A third violation shall result in a fine not more than \$1,000.
- (4) Subsequent and continued violations will result in a penalty of \$1,000 per day of noncompliance.

(Ord. 2021-10, passed 5-13-2021)

ADMINISTRATION

§ 152.91 ADMINISTRATION AND ENFORCEMENT.

Where there is a violation of any provision of this chapter, the town, in its discretion, may require any appropriate action as described in this chapter.

(A) *Town ordinances.* Except where otherwise specified, this chapter is subject to all provisions of the Mills River Town Code. The Town Manager or his/her designee (Department) shall be responsible for administration and enforcement of this chapter.

(B) *Declaration as a public nuisance.*

(1) It shall be the duty of the Planning/Zoning Department acting by and through its authorized delegate to determine whether or not a public nuisance exists. The Department shall act by and through complaints only.

(2) For purposes of emergency response and notification to applicable authorities and posting for the public, the Planning/Zoning Department may determine that a structure, property, or portion of a property constitutes an immediate environmental health nuisance pursuant to Chapter 130A and the North Carolina General Statutes and North Carolina Administrative Code. In the event the Department makes this determination the nuisance will be referred to the Henderson County Department of Public Health for administration and abatement.

(C) *Modifications to or dismissal of the public nuisance declaration.*

(1) The Planning/Zoning Department may modify conditions of the declaration or dismiss the declaration of a public nuisance.

(2) Such modifications or dismissal shall occur only after the Planning/Zoning Department has confirmed that the violation no longer exists or if there has been substantial and continuing improvement towards abating the nuisance.

(3) The Planning/Zoning Department will base its criteria for determining levels of nuisance on the best health and safety information available at the time of the declaration and cannot be held liable for future discoveries.

(4) For good cause shown, the owner or occupant may request authorization from the Planning/Zoning Department for an extension of time to complete abatement activities. An extension may be granted if the extension does not increase the risk to public or safety and is deemed appropriate. Extensions may not be granted unless the owner or occupant shows substantial improvement toward abating the nuisance and shall be for a period of no longer than 30 days. Additional extensions shall be at the discretion of the Planning/Zoning Department and shall only be considered if there has been substantial and continuing improvement towards abating the nuisance.

(D) *Access to premises and records.* The owner or occupant shall, upon the request of the Town and after proper identification, permit access to all parts of the site or structure where a nuisance has been declared as often as necessary, and at any reasonable time for the purposes of inspection, remediation and abatement, and shall exhibit and allow copying of any and all records necessary to ascertain compliance with this chapter. If the occupant will not permit entry upon the property, the Planning/Zoning Department shall complete the requirements of an administrative search warrant in order to inspect the complaint.

(E) *Interference.* No person shall in any way interfere with or hinder the Planning/Zoning Department in the performance of duties, or refuse access to gather information necessary to ascertain compliance with this chapter.

(Ord. 2019-02, passed 10-12-2019; Am. Ord. 2021-10, passed 5-13-2021)

§ 152.92 INVESTIGATION AND RESPONSE TO PUBLIC NUISANCE.

(A) *Owner notification.* Upon declaration of a public nuisance, the Planning/Zoning Department shall give written notice of its determination and orders to abate the nuisance to the owner, occupant and property agent, if applicable. A recipient of any such notice must take all action required within the time period stated in the notice. This notice shall be served in person, by regular mail, or by an officer authorized to serve a warrant and contain the following:

- (1) Property location by street address, parcel identification number, or other property description.
- (2) Information identifying the nature of the public nuisance at the property.
- (3) A summary of the owner's and occupant's responsibilities under this chapter.
- (4) Specific orders for abatement or remediation of the public nuisance.
- (5) A date for completion of the abatement not to exceed 30 days following the receipt of the notice unless a shorter time is required due to the Planning/Zoning Department's further determination that the immediate abatement is necessary to protect public and safety. In such cases, the reason for a shortened abatement period shall be specified.
- (6) Information regarding a right of appeal as provided in §152.94 of this chapter and that, unless the threat to public is abated or removed in accordance with the terms of the notice, the Planning/Zoning Department will have the public nuisance abated or removed at the expense of the owner under the provisions of this chapter and/or other applicable state or local law.

(B) *Unknown or absent property owner.* In the event the owner of the property is unknown or absent and has no known representative upon whom the notice can be served, the Planning/Zoning Department shall post a written or printed notice on the property stating that, unless the threat to the public is abated or removed within 30 days of the date of posting, the Planning/Zoning Department will have the public nuisance abated or removed at the expense of the owner under the provisions of this chapter and/or other applicable state or local law.

(C) *Public notification.* The Planning/Zoning Department shall provide information in writing about the public nuisance declaration and potential hazard(s) to the following persons as applicable and appropriate:

- (1) Child Protective Services Division of the Henderson County Department of Social Services in situations of potential child maltreatment or endangerment.
- (2) Adult Protective Services Division of the Henderson County Department of Social Services in situations of potential vulnerable adult maltreatment or endangerment.
- (3) Neighbors in close proximity likely to be affected by the conditions found at the site.
- (4) Local law enforcement officers.
- (5) Henderson County Environmental (Public) Health.
- (6) Other state and local authorities that may have public or environmental protection responsibilities.

(D) *Warning sign.* The Planning/Zoning Department shall post a warning sign when deemed necessary to further protect the public and safety. The warning sign shall be posted on the entrance(s) of the structure or property and contain information sufficient to alert visitors or returning occupants to the site that it may be dangerous to enter, that entry is prohibited unless authorized by the Planning/Zoning Department or law enforcement department posting the sign. Any person other than the Planning/Zoning Department or designated agent that removes a warning sign shall be in violation of this chapter.

(E) *Abating public nuisance.* If the owner, property agent or occupant fails or neglects to comply with the requirements in the notice provided under division (A) of this section, then the Planning/Zoning Department shall abate or remediate the public nuisance described in the notice. The town will recoup such costs as necessary to abate the public nuisance as provided in § 152.99 of this chapter.

(F) *Vacating the public nuisance order.* Upon verification and acceptable proof of proper abatement, remediation, repair, or removal at the site, the Planning/Zoning Department shall issue written notice to those persons served notice under division (A) of this section that the public nuisance order is vacated. Notice shall also be provided, as applicable and appropriate, to those persons provided information under division (C) of this section.

(Ord. 2019-02, passed 10-12-2019; Am. Ord. 2021-10, passed 5-13-2021)

§ 152.93 VEHICLE RESTORATION PERMIT.

(A) Persons storing any motor vehicle for more than 30 days outside a fully enclosed permanent structure for the purpose of restoration shall obtain a vehicle restoration permit from the Planning/Zoning Department. The permit shall be placed in the vehicle in a location viewable from outside the vehicle.

(B) This permit shall allow for one restoration vehicle and up to one parts vehicle that must be compatible with the vehicle being restored.

(C) The permit allows for outdoor storage of the vehicle(s) for a period of up to six months.

(D) A maximum of two six-month extensions may be granted upon request, provided substantial progress can be proven in the restoration of the vehicle at each extension interval. Progress will be measured by receipts for the purchase of parts or

services or visible reconstruction or deconstruction.

(E) At no time shall the vehicle become a public health nuisance by collecting water to breed mosquitoes, losing fluid to contaminate the soil or becoming a harborage for vermin.

(F) If restoration work is not complete upon the permit expiration date, the vehicle shall be removed or placed inside a fully enclosed building as required by this chapter.

(Ord. 2019-02, passed 10-12-2019; Am. Ord. 2021-10, passed 5-13-2021)

§ 152.94 APPEALS.

(A) *Right of appeal.* When a public nuisance is declared, an owner of the affected property may appeal the declaration, including an order for abatement or remediation, by filing a written request with the Mills River Zoning Board of Adjustment.

(B) *Hearing.* If any owner makes a written request to the Zoning Board of Adjustment for an evidentiary hearing, such hearing shall be held in accordance to procedures as described in §§ 154.175 through 154.179 of the Town Code.

(1) *Schedule.* The evidentiary hearing shall be held at the next available meeting that satisfies public notice requirements after the request for a hearing was received.

(2) *Witnesses and evidence.* All parties shall have full opportunity to respond to and present evidence and witnesses.

(3) *Standard of proof.* The appellant shall have the burden of proving its position by clear and convincing evidence.

(4) *Rules of evidence.* Hearings shall be informal and the rules of evidence as applied in the courts shall not apply. Irrelevant, immaterial, and repetitious evidence shall be excluded.

(C) *Record of hearing.* The hearing shall be recorded, and the minutes of the meeting shall be approved by the Zoning Board of Adjustment at their next scheduled meeting.

(D) *Notice of decision.* The decision of the Zoning Board of Adjustment shall be issued in writing within ten calendar days following the hearing. Unless otherwise provided by law, the decision of the Zoning Board of Adjustment shall constitute the final decision.

(E) *Further appellate rights.* Any party aggrieved by a final decision is entitled to judicial review of the decision. A petition for a writ of certiorari by the party must be filed with the Court of Appeals not more than 30 calendar days after notice of the final decision has been issued from the Zoning Board of Adjustment.

(Ord. 2019-02, passed 10-12-2019; Am. Ord. 2021-03, passed 3-25-2021; Am. Ord. 2021-10, passed 5-13-2021)

§ 152.99 VIOLATIONS, PENALTIES, COSTS, AND REIMBURSEMENTS.

(A) *Civil penalties.* Unless otherwise specified in this chapter, any person who is an owner or occupant of property and who violates this chapter, or permits a nuisance to exist on the property under his/her control, or fails to take action to abate the existence of the violation(s) within the time specified in the notice described in § 152.92 above, when ordered or notified to do so by the Planning/Zoning Department, shall be subject to a civil penalty of \$50. Each day's violation shall be treated as a separate offense.

(B) *Civil action.* In the event of a violation of this ordinance or any order entered for abatement of a nuisance, the town may take appropriate action to enforce this chapter, including application for injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations. The town may recover all costs and expenditures expensed towards remedying the violation, including administrative time and attorneys' fees.

(C) *Criminal violation.* A violation of this ordinance is a Class 3 misdemeanor pursuant to G.S. § 14-4.

(D) If required to remove, abate or remediate a public nuisance, the town shall make every reasonable effort to recover costs incurred in removal, abatement or remediation in a civil action. The cost of enforcement action under this chapter may be assessed and charged against the real property on which the public nuisance was located. The town shall extend the cost as assessed and charged against said real property. Nothing herein precludes or limits the town from seeking recovery of costs through other methods allowed by Federal or state law.

(E) *Subrogation rights.* Nothing in this chapter is intended to limit the subrogation rights of any party and the owner occupants. The town shall maintain the right to recover costs, referenced in this section, from persons contributing to the damage.

(F) *Revocation of development approvals.* In addition to initiation of enforcement actions, town issued permits may be revoked by notifying the holder in writing stating the reason for the revocation. The Town shall follow the same permit review and approval process required for issuance of the permit, including any required notice or hearing, in the review and approval of any revocation of that permit. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable element of this chapter; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state law or local ordinance may also be revoked. The revocation of a permit by a staff member may be appealed pursuant to G.S. § 160D-405.

STAFF REPORT

Town Council, Thursday, February 12, 2026

Title: N. Loop and River Access Project Update

Speaker: Matthew McKirahan

Background

In September 2025, the remnants of Hurricane Helene impacted Town of Mills River property. The North Loop and Mills River access areas on Town property received extensive damage, including the depositing of sand, silt, and mud, and the destruction of built amenities.

In December 2025, Town Council directed staff to implement the reimbursement strategy for North Loop and Mills River access repairs due to extended timelines for FEMA scoping and approval processes. The Town coordinated with TRC Engineering, the Town’s engineering firm for FEMA-related damages, to scope the repair project. Town Council directed staff to prioritize reopening river access by late Spring/early Summer.

Discussion

Town staff wish to provide Council with an update on the North Loop and Mills River access project. Staff will present the draft scope submitted by TRC Engineering as well as provide an update on project timelines. After discussion, Town Staff will move forward with the bid advertisement phase of the project.

2030 Strategic Plan Goals Alignment

None.

Recommendation

None. For discussion.