

**Town of Cape Carteret  
Planning Board Minutes  
October 1, 2012**

**I. Meeting was called to order at 7:29 PM**

- Members Present: Kathleen Kelley, Dennis Cox, John Ritchie, Paxon Holz, Alternate Bruce Gay, Alternate Fred Josey; Larry Herman excused absence, Bruce Gay installed as voting member for this meeting; Alternate Andy Smith absent
- Zoning Officer: Brandon Hawks
- Attorney: Michael Curtis
- Attendees: Cliff Ray, Ray Development; Michael Castellano

**II. Approval of Prior Meeting Minutes**

- Member Holz clarified the intent of her statements concerning the private road between Lowe's Hardware and Lowes Foods and the proposed development by Real-O Pharmacy. She stated that she would be willing to consider dedicated the road to the Town, but at no cost to the trust for any improvements. Officer Hawks made a correction under the Handy Mart CSP review to replace Hwy 58 with Taylor Notion road at the location where curbing was added. **Motion by Member Gay to Approve July 2013 meeting minutes with corrections, Second by Member Holz. Vote yes 5, no 0.**

**III. Inspections Corner**

1. Multi-use Path – Officer Hawks reported that the multi-use path had been on hold for several weeks due to a conflict with the cross slope of the path in relation to the two driveways located at the properties owned by Prestige Land Surveying and Ethel Shackelford. The driveways will have to be removed and raised so the cross slope meets ADA regulations. The work is scheduled to be completed by 10/11/13, and final completion of all pay apps and closeout documents are due November 30<sup>th</sup>, 2013.
2. 2013 Legislation on Quasi-Judicial Decision Making and Boards of Adjustment – Officer Hawks presented a packet detailing changes to state law on Boards of Adjustment procedures and issued a homework assignment to the Planning Board members requesting that all members compare the list of changes in the packet to the Town's ordinances to see if the Town needs to make amendments to be compliant with new state law. Officer Hawks also requested members to review the Town ordinances to look for conflicts in which the ordinances have created hardships on multiple property owners. Item is to be revisited in November.

**IV. Old Business**

1. Chair Ritchie added under old business the issue of flags and signage. He stated that after a conversation with Officer Hawks, he wanted to present an idea to form a local business association for the Town. He recommended that business owners should form the association in order to present their concerns to the Town Board of Commissioners concerning changes they may want see about the Town's sign ordinance. He made the suggestion to the Mayor and wanted to share with the Planning Board. Member Kelley brought up discussion of electronic signs. The conversation shifted to the possibility of having a community sign for local business and event advertising. Member Holz expressed interest in adding discussion on community signs to the November agenda.

**V. New Business**

1. Ordinance conflicts
  - i. Subdivisions/Lots on private roads – Officer Hawks opened the discussion stating that after receiving Swain's/Real-O's proposal to subdivide the property behind Lowes Foods and researching whether subdivisions are allowed on private roads, that there is conflict in the ordinances. He directed the members to

ordinance sections 154.036 Design of Lots and Streets and section 154.047 Streets where the creation of public and private access roads are permitted. He then directed the members to section 154.044 Lots where it states that lots shall front or abut a public street. It appears that private roads can be created, but lots cannot front or abut a private road. He asked if the Board would like to amend the ordinance to allow lots on private roads. He gave the example of Cape Point subdivision where the subdivision was created and approved with private roads. Member Holz questioned if Cape Point had dedicated their roads to the Town as public. Officer Hawks responded that the community had opened discussions with the Town Board of Commissioners, but had not performed the dedication. Attorney Curtis confirmed that statement and stated that it requires the owner of the road to issue a letter to the Town that they would like to dedicate a street and that would begin the process. Member Holz commented that she feels that there is a place in Cape Carteret for private streets and she feels the Town should not discriminate against landowners who own property on private streets by telling them they cannot have lots on private streets. It is her stance that the Town should amend the ordinance to allow lots on private streets. Alternate Josey brought attention to other areas of the ordinance where private streets are not mentioned. Officer Hawks recommended that the issue be tabled until next month to allow study of the ordinance to be sure that all parts of the subdivision ordinance are amended to allow private roads and subdivisions and lots on private roads. Member Kelley asked about who would be responsible for maintenance and upkeep of the private roads. Officer Hawks stated that there are typically community associations with restrictive covenants to handle the upkeep of the road.

- ii.** Residential signs for sale/lease – Officer Hawks stated that there is a conflict in the square footage allowed for residential for sale/lease sign section of the ordinances. He referenced section 153.04 allowed a max size of 4 square feet. He also referenced section 153.07 where a max size of 12 square feet is permitted, thus creating a conflict. Officer Hawks asked which sign the Board wants to permit, and also brought attention to an issue of allowing larger signage for larger undivided parcels. Officer Hawks recommended allowing signs of 4 square feet for lots up to 1 acre, and signs up to 32 square feet for lots larger than 1 acre. Member Cox and Kelley asked about adding a maintenance clause. Officer Hawks stated that the ordinance already contains a section covering maintenance of signs. Alternate Josey stated that he thought most of the lots are less than  $\frac{3}{4}$  acre. Signs for lots of  $\frac{3}{4}$  acre can be a max of 6 square feet and lots greater than  $\frac{3}{4}$  acre will be allowed 32 square feet. Officer Hawks asked about a motion to send the amendment to the Board of Commissioners for approval. Chair Ritchie stated that since the amendments would need to go to public hearing that the issue would be tabled until next month when the Planning Board discusses multiple changes and one motion and hearing could be scheduled for all amendments at one time.
- iii.** Trash container size – Officer Hawks stated that the ordinance section 50.17 limits the size of trash cans to 25 gallons, but the average size of containers is approximately 33 – 35 gallons. Member Holz shared that she had a previous issue with the trash collectors where the size of the trash and recycling containers were discussed. Officer Hawks requested that the issue be table until November to give him time to speak to the Town Clerk and review the contract with Waste Management to find out the size container permitted by the contract.

**VI. Information Sharing**

1. Carteret Recreation just purchased the property south of MacDaddy's.
2. The Mayor shared a draft of the survey generated by the economic development committee for the Planning Board to review.
3. Alternate Josey was happy to report that he and other members of the Board were not affected by the Federal Government shutdown.
4. Chair Ritchie mentioned that he would be approaching the Board of Commissioners at the next meeting about discontinuing mutual aid to the surrounding towns. He feels that when the Town's police officers respond to calls to neighboring towns it leaves the Cape Carteret tax payers vulnerable. Alternate Josey recommends only participate in a mutual aid agreement with towns that also have a police department.

**Motion by Member Gay to adjourn, Second by Member Kelley. Vote yes 5, no 0.  
Meeting Adjourned 8:30 pm**

Brandon Hawks