

TOWN OF CAPE CARTERET
PLANNING BOARD MINUTES
October 1, 2019
6:00 P.M.

I. **Call to Order**

The Planning Board meeting was called to order at 6:00 P.M. in the Debbie E. Stanley Board of Commissioners Room.

Members Present: Chair John Ritchie, Member Paxon Holz, Alternate Kathleen Kelley, Member David Figowy, Member Will Baker, Member Dennis Cox, Alternate Bruce Gay, and Alternate Fred Josey were in attendance. Member Kevin Daffron had an excused absence. Mr. Zachary Steffey, Heather Leffingwell, Commissioner Mike King, Commissioner Charlie Evans, and Mayor Dave Fowler were in attendance.

Alternate Fred Josey will be a voting member tonight.

Moment of Silence for resident, Brian Bailey

Mayor Fowler

*Last term as Mayor of the Town

*Represented Cape Carteret for the last 16 years in some capacity, 8 years as Mayor, 6 years as commissioner, and 2 years as a county commissioner.

*Thank you all of you for what you do.

*Town is in good shape.

*He will not be leaving the Cape Carteret area, just changing tracks.

*He will continue in government politics at the state district or county level in the future.

*Please let him know if he can help in any way in the next 6 weeks.

Chair John Ritchie thanked Mayor Fowler for his service.

II. **Approval of June 2019 Minutes**

Mr. Fred Josey motioned to approve the June 2019 minutes.

Mr. Dennis Cox seconded. Motion passed unanimously.

III. **New Business**

a. **Discussion of UDO Proposals**

Mr. Steffey

*Stated that we currently do not have an UDO. He is glad we are taking steps in that direction.

*We received proposals from the following companies: Holland Consulting Planners, Eastern Carolina Council and Stewart.

*Wanted to give the planning board an opportunity for submit questions for the interviews.

*He doesn't the exact time frame but wanted to have the planning board represented in the process.

Questions/Concerns/Comments from board members:

Mr. Fred Josey

1. Do we have to go with the lowest bidder? Mr. Steffey stated No, this can be based on qualification. We will look into the best value. No federal or state use funds available for this process. On the land use processing side if there are CAMA funds that become available that might determine us to choose the lowest bid.
2. Will there be a board set up to help with the selection? Yes, maybe 2 members of the planning board and 2 members of the BOC.
3. Existing UDO's that we could look at as a reference of their work? Ms. Paxon stated she brought Cedar Point's over to look over this evening. Mr. Steffey stated that the ECC did that UDO.
4. Mr. Josey would like a copy of the RFP.

Mr. Bruce Gay

1. Concerned about the wide discrepancies in the quotes.

Dr. Figowy

1. Also concerned about the different prices. Is there no standardization among the companies? Mr. Steffey stated that we would leave that up to the firm because that is their area of expertise. Chair Ritchie asked if all 3 companies received the same proposal? Mr. Steffey said yes. He has heard of all 3 companies & good things about each one. He stated we would get a good value with whomever we went with.

Ms. Paxon Holz

1. Do we want to reach out to Bob Corley? He stated in a BOC meeting that he would be interested in helping with this process.
2. She also would like to see the RFP.
3. She hopes the BOC won't rush into a decision
4. We should ask former customers for reviews or references

5. She hopes they won't regurgitate our existing ordinances.
6. She borrowed Cedar Point's new UDO for the evening if anyone is interested in looking at it.

Mr. Will Baker

1. He would also be interested in getting references from other customers.

Mr. Zach Steffey asked for a couple of planning board members to be involved in the process. Chair John Ritchie selected Ms. Paxon Holz and Mr. Fred Josey with Dr. David Figowy as an alternate. Ms. Paxon Holz stated she will consider it but is not accepting at this time.

An electronic copy of the RFP will be sent to all planning board members so they can review it.

IV. Old Business

a. Harbor Point Subdivision

Discussion: Please see the 17 items of concerns and answers & WCWC letter below.

Paxon Holz:

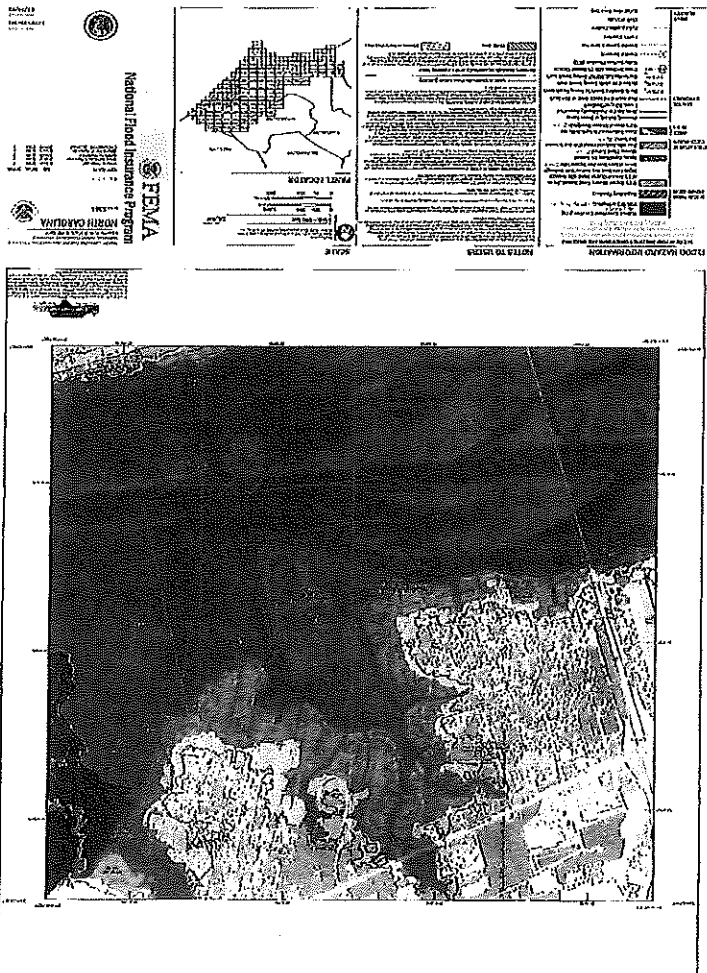
1. This was approved as a sketch plat.
2. New flood maps have not been approved yet.
3. Please see attached letter from Lisa Smith-Peri
4. Please see attached letter from Lisa Smith-Peri (WCWC)
5. Zoned incorrectly and it is not her concern. Residence on all eight lots? This is undetermined.
6. Please see note on Mr. King's Review Items
7. Please see note on Mr. King's Review Items
8. Please see note on Mr. King's Review items
9. Please see note on Mr. King's Review Items
10. Please see note on Mr. King's Review Items.
11. Please see note. Waiting on the Health Dept.
12. Please see note. Waiting on the Health Dept.
13. Ms. Holz has not looked into this yet.
14. This is a preliminary plat.

15. People want a see through not a buffer. In reference to the multi-family, if the town wants to correct the mistake on the map that is fine. She is happy to cooperate.
16. She agrees.
17. Please see note.

Harbor Point Preliminary Plat Review Items

1. Initial review should be a sketch plat per 154.061. This subdivision has many complex issues with regard to zoning, floodplain, septic, and easements that must be resolved before a preliminary plat can be approved.
2. Flood plain in development area not properly noted (VE12, VE11, AE11, AE10, and AE9). Also need to show flood zone intervals on plat per 154.064 (B) (2). All houses must be elevated to between 11ft and 14 ft. *Are designations still pending*
3. Water main to be sized to 6 inches is required per 154.048 (B). The 2 inch existing is likely inadequate to serve multiple new homes and the B&B. *not possible*
4. Fire hydrant required per 154 (B) (2). Nearest hydrant is approximately 1150 feet from lot 1 and located at Easy St. and Edgewater. This is critical as there may be additional multi-family residences on the plat in addition to the Harbor Light Bed and Breakfast. *"*
5. Zoning is R10M and should include the entire 5.68 acre parcel. The town zoning map shows a portion of the tract as R10. This is likely just a zoning map printing error but should be corrected. How many of the lots will be multifamily and how many will be single family? Will there be a residence on all eight (8) lots or will some lots be used exclusively for septic fields. *Not my mistake if to correct contact correct go slow not yet determined*
6. Lot 1 shows no building envelope. Is a residence planned for this lot? *Perhaps Harbor Light business with purchase - not yet determined*
7. Lot 6 currently has a water facility permit for an 8 slip boat docks. Is this project part of the subdivision? Building envelope appears too small for anything but a trailer and the front yard has a parking lot which is part of the boat dock project. It does not appear there is adequate land suitable for septic with the CAMA setback and proposed parking area. *not yet determined*
8. Is the adjacent unimproved boat ramp boat ramp part of the subdivision? *not at this time*
9. Are there plans to modify currently recorded restrictive covenants for this subdivision? *No*
10. Major CAMA and Storm water permits currently exist for the entire parcel based on the boat dock project. The proposed 8 lot subdivision development will require extensive modifications of these permits. *No it won't*

11. Are previously issued Health department permits for septic shown on lots 1, 2 and 17 to be used in this development. *No. relying on new laws*
12. A sewer supply easement indicates that septic will be pumped from one lot to another and across the street. What is the septic plan for the complete subdivision? *Waiting for health dept.*
13. The parcel number on the plat (pin # 5384116651590 does not match the GIS recording of the property (pin # 5384116651930000)
14. Electrical, water and sewer lines are to be shown per 154.064 (5)(6)
15. Buffers between multi-family and single family are required if there are multifamily units in the subdivision per 154.041 (B).
16. Setbacks in R-10M and R-10 are substantially different and should be considered when planning development.
17. If live Oak drive is to be dedicated as a public street it must be brought up to town standards. *Will not be dedicated as public.*



Re: Live Oak Drive - Floodplain issues

From: Lisa Smith-Perri (lisa.smithperri@wcwc.biz)
To: paxonh_nc@hotmail.com
Cc: paxonhoffice@gmail.com; marianne burleson@wcwc.biz
Date: Saturday, June 15, 2019, 4:24 PM EDT

I did remember your outreach schedule and I think that is phenomenal. I would love to get involved with an endeavor such as that!

Yes, you are correct. Very simply, USDA Rural Development approved water lines based on the properties already developed at the time of construction. Because FEMA would ultimately be involved in the event of a catastrophic event - and because Rural Development and FEMA are both similar "governmental - financial pots", Rural Development cannot promote development where a similar funding source may be involved in making repairs.

Thus, the Board was required to adopt the Floodplain Development Policy years ago in order to meet loan requirements.

For the purpose of water quality, we would not install a 6 inch water main all the way to the waterfront anyway. As it is, the existing 2-inch will easily handle any new construction. However, because of the location, it might be a challenge to connect services without relocating the line because of the asphalt. We will focus on that when you return.

Have a wonderful week!

Lisa D. Smith-Perri, GM/ED
West Carteret Water Corporation
4102 Highway 24
Newport, North Carolina 28570
(252) 393-1515 Ext 20
(252) 241-0116 Mobile
(252) 394-1540 Fax

www.wcwc.biz

From: paxonholz <paxonh_nc@hotmail.com>
Sent: Saturday, June 15, 2019 9:06:15 AM
To: Lisa Smith-Perri
Cc: paxonhoffice@gmail.com; Marianne Burleson
Subject: Re: Live Oak Drive - Floodplain Issues

Thank you, Ms Lisa,

I find it so typical that you would be thinking of my request AFTER MIDNIGHT, as you are so devoted to the West Carteret Water Corporation, and the good of all the members. I am so grateful that I am able to enjoy reliable potable water, thanks to the efforts of you, your staff, and the directors of the corporation, over these many years, since a few decided to make this possible for the many who now drink from your wells.

As I recall, and as you reminded me, the terms of the WCWC loan forbidd further development of major water mains in areas such as the one at the southern end of Live Oak Drive. It has never been about a reluctance to install 6" water main for me, and you will recall that I put some in, plus a hydrant, at my expense, on Gemini Drive in the Star Hill area, and the Star Hill corporation extended the main and installed a hydrant further to serve four additional lots beyond my subdivision. I feel sure it was a well-meaning decision on the part of the USDA Rural Development folks, but it is a shame, in my opinion, that it inadvertently may hamper fire protection for some future structures. I appreciate the opportunity to meet with you and discuss this further.

Tomorrow morning, Sunday, June 16, 2019, at the crack of dawn, I am leaving with a work crew of approximately 60 other members of our church to go to Appalachia to work on houses. If all goes as planned and hoped, we will be returning on Saturday, June 22, 2019. So I will not be able to speak with you next week, but I will call and arrange a time at your convenience the following week.

The Town of Cape Carteret ends municipal maintenance at 307 Live Oak Drive (renamed from Holly Lane, as shown on the recorded maps, since there were two "Holly Lanes" in Cape Carteret.) so if you obtain an easement on the private street, or on the private property, perhaps the water line may be left where it is, and no further expense need be incurred. We can talk about that.

Again, thank you for pondering this issue. I will look forward to discussing it with you in the future. As always, I remain thankful for West Carteret Water Corporation, and for you.

Yours, truly,
Paxon McLean Holz
(Mrs. William H. Holz)

Sent from Outlook

From: Lisa Smith-Perri <lisa.smithperri@wccwc.biz>
Sent: Saturday, June 15, 2019 12:06 AM
To: paxon holz
Cc: Paxon McLean Holz; Marianne Burleson
Subject: Live Oak Drive - Floodplain Issues

Ms. Paxon:

I was thinking about your possible project tonight and your inquiry regarding the installation of a hydrant near the end of Live Oak Drive. This has been requested in the past and I wanted to offer the attachments as a reminder of our board's commitment to not over develop water lines within the floodplain. Our Floodplain Development Policy was a requirement of our USDA Rural Development and one that our board will not be able to waive, especially on the heels of one of the worst storms that our area has faced.

In your situation, your property is within the 1%/100-year floodplain, as indicated by blue on the attachment. Actually, it is fortunate that USDA RD approved a 2-inch line in this area in 1988, which was placed on-line in 1991 because that will allow a water source for future homes. However, this would still prevent upsizing the existing 2-inch. A few years ago while initiating a meter upgrade, we realized that the water main was carried too far onto private commercial property. Plans were developed to eventually relocate it to the main street.

WCWC remains a potable water supply. We are not a fire prevention system, but we work closely with all fire departments because we want our members to share the benefits of hydrants, which we use for flushing purposes. To increase the water line size to accommodate hydrant(s) in this area would mean to upsize not only the water main at the far end of Live Oak Drive, but the entire 300 block. For the purpose of fire protection, there is a hydrant at the end of the 200 block that can be used by the fire department for filling tankers. In addition, it is not at all unreasonable for departments to string hose long distances in the unfortunate event of a fire emergency. It might be worth asking the local fire department if that would be an option. Please note as well that I called that an option, not meaning their most optimal desire.

If you wish to speak with me directly about your plans for development, I am going to be in the office during the next few weeks, but out July 1-4. Please email or call and I'll be happy to set time aside to chat with you.

Lisa D. Smith-Perri, GM/Exec Dir
West Carteret Water Corporation
4102 Hwy 24, Newport, NC 28570
(252) 393-1515 - Ext 20
(252) 241-0116 - Mobile
lisa.smithperri@wccwc.biz - Email
wccwc.biz - Website

If you have received this email in error, please delete the original and notify us immediately by return email or telephone at (252) 393-1515. Please be further advised that if you received this email in error, you are not authorized to disseminate it any further or disclose its contents to anyone. We thank you in advance for your cooperation.

West Carteret Water Corporation Floodplain Development Policy

On August 11, 1992, West Carteret Water Corporation's Board of Directors adopted the following resolution:

West Carteret Water Corporation hereby agrees not to install new water services in the areas located within 100-year floodplains (as identified on the latest Federal Emergency Management Agency maps for the service area), which will serve any new development not substantially under construction as of June 1, 1992.

A floodplain is any area susceptible to inundation by floodwaters from any source. The 100-year flood (or base flood as it is also referred to) refers to a flood having a one-percent chance of being equaled or exceeded in magnitude in any given year. (Contrary to popular belief, it is not a flood occurring once every 100 years.) The 100-year floodplain is the area adjoining a river, stream, or watercourse covered by water in the event of a 100 year flood. Since floodplains can be mapped, the boundary of the 100-year flood is commonly used in floodplain mitigation programs to identify areas where the risk of flooding is significant.

As a public water utility in a coastal area, we recognize that even with the high risk of total loss or damage, residential homes and commercial buildings continue to be permitted and built in coastal high hazard areas. The aesthetics of living on waterfront property, marketability of coastal homes, continued availability of federal flood insurance, and monetary benefits for communities and townships are incentives for land owners to apply for permits to develop coastal properties. It is for these same reasons that governing agencies approve development. Unfortunately, the result means greater environmental impacts when coastal storms inevitably occur. As such, West Carteret Water Corporation does not promote development in the 100-year floodplain.

However, because West Carteret Water Corporation realizes that development will likely continue as a result of approval by other agencies, each request to extend water service to areas identified as 100-year floodplain properties will be considered once a project has received all necessary approvals, beginning with the Carteret County Planning Department. These approvals will serve as evidence of reclassification of the floodplain.

Even though developmental projects will be reviewed and considered for water main installation by the developer, such construction must be engineered to reduce monetary loss and public health threats resulting from possible storm damage to public water facilities. Therefore, in addition to the construction standards outlined in West Carteret Water Corporation's Developers' Guide, the following should be used as a guide to those proposing development in the 100-year floodplain:

1. No development will be issued a final Notice to Proceed until all applicable approvals have been received by permitting agencies. In addition to the Carteret County Planning Department, such approvals may or may not include Carteret County Emergency Management, NC Division of Coastal Management (CAMM), NC Department of Transportation, NC DENR Land Quality and Water Quality, and so forth.
2. In as much as documentation may be required for the county to proceed with the approval process, WCCWC will confirm that the project is being considered under the guidelines of this policy. Developers may proceed with water line extension plans at their expense and risk.
3. System construction should be designed to avoid or minimize potential harm to floodplains or their flood storage potential.
4. Where deemed necessary and at the discretion of the water company, ductile iron piping may be required in extremely vulnerable areas. In areas where ductile iron is required, taps must be installed in the construction process.

5. A RPZ, Reduced Pressure Zone (backflow prevention device) shall be required at all primary tap locations, such as the entrance of a subdivision, to reduce possible health threats in the event of damage as the result of storm conditions.
6. The developer shall agree to not interconnect with surrounding properties that are also within the 100-year floodplain. Tie-ins to surrounding properties will be made at the discretion of the water company and shall conform to the same guidelines.
7. Engineered projects should minimize the destruction of property, and attempt to reduce possible post-storm disaster expenses and recovery costs. Meaning, subdivision development should take into consideration the location of water mains and efforts should be made to minimize the amount of water main infrastructure required in the 100-year floodplain to serve the proposed lots.
8. Bulk Metering:
 - a. Initial Installation-If the water company does not agree to accept a project due to floodplain issues that cannot be resolved in the development stage and to the satisfaction of the water company's engineer, the developer may have the option of providing water service at a bulk metering point.
 - i. This service will be installed as specified by WCWC.
 - ii. The responsibility of water main maintenance, repair and tapping for individual services past the bulk meter will be the responsibility of the developer, Home Owners' Association and/or private contractor.
 - iii. The RPZ device will be installed either by the water company or by an approved contractor for the developer and at the developer's expense. This RPZ will be tested yearly by a certified tester. The cost to maintenance, repair and test this device will be billed to the account holder effective the date the expense was incurred.
 - b. Conversion-During a post-storm disaster, the water company will rebuild the company's damaged infrastructure, but may elect to install a bulk metering point at the closest transmission line, as described in 8a above. Thus, the water main past the bulk meter point would no longer be the responsibility of the water company. Any future damage would then be the responsibility of the Homeowners' Association and/or any private contractor.
9. A signed copy of this policy will be executed by the developer.

West Carteret Water Corporation Board of Directors adopted this policy on May 3, 2008.

No further discussion.

Mr. Fred Josey made a motion to send a favorable recommendation of the areas of concern with the Harbor Pointe Subdivision back to the Board of Commissioners. Dr. David Figowy seconded.

Ms. Paxon Holz recused herself from the vote. Motion passed unanimously.

V. Public Comment

VI. Town Manager's Corner

*Fall Festival. Oct 19th 12-5.

*Hocus Pocus Movie. Oct 25th. 6:30 p.m.

*Trunk or Treat by CCBC before Hocus Pocus.

*Christmas in the Cape. December 7th. House Decorating Contest also in December.

*Gateway is planning a Jingle Glow Run for December too. Old Cape Carteret area.

*Resident is planning a kids' triathlon for June 2020. Star Hill area.

*Yard debris p/u is currently going on in-house. Hope to have it completed by the end of next week.

Mr. Josey asked about the pond in front of CCBC. Mr. Steffey stated that NCDOT had taken it over. They have more resources to handle it. Chair Ritchie asked if they will present their plans before the planning board. Mr. Steffey stated they will probably just proceed with it.

Ms. Holz asked about the 24 X 58 project. Mr. Steffey stated it was still in the conceptual stage. He had met with NCDOT and expressed our concerns. We should wait until they come back with modifications before reaching back out to them. We also gave them feedback about putting a new bridge halfway down the island.

Commissioner King asked about the status of the NCDOT turn lanes project? Mr. Steffey stated it was still moving forward for next fall.

Mr. Steffey stated he had been talking with ONWASA about different possibilities. There is a company called Withers and Ravenel. They can do a capacity study from start to finish. They can do current and future. There is some funding over there for

that and it is a program from USDA that will be little to no cost to the town. It will be a study of where we are now and where we will be in 20 years so we can give ONWASA some accurate info.

VII. Info Sharing

*Mr. Fred Josey stated the traffic on HWY 24 has doubled in the last several months.

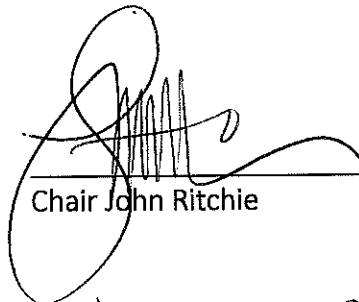
*Ms. Paxon Holz stated she has appreciation and approval for the military banner project.

*Ms. Paxon Holz stated that Whiskey Bravo is open for breakfast and lunch. They are also open for dinner Tuesday, Thursday, Friday and Saturday. The public is welcome.

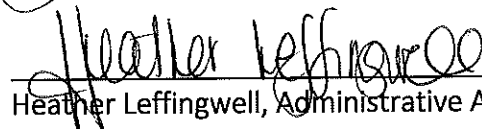
VIII. Adjournment

Mr. Fred Josey motioned to adjourn the meeting at 7:24 p.m.

Ms. Paxon Holz seconded. Motion carried unanimously.



Chair John Ritchie



Heather Leffingwell, Administrative Assistant