

**TOWN OF CAPE CARTERET**  
**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**12.12.2022 | 6:00 P.M.**

**1. Meeting Called to Order at 6:00 p.m.**

Mayor Baker, Commissioner Watts, Commissioner Miller, Mayor Pro Tem Waters, Commissioner Morgan, and Commissioner Martin were present in the Debbie E. Stanley Board Room. Staff present were Mr. Rush, Mr. Ryan Hutchinson, Ms. Sandy Favreau, Ms. Heather Leffingwell, Interim Chief Eschbach, Officer Bendetti, Detective Hochman, Officer Hayden, and Attorney Brett DeSelms. Chaplain Caldwell was also present.

**2. Pledge of Allegiance**

Mayor Baker led the Pledge of Allegiance.

**3. Invocation**

The Invocation was led by Chaplain Caldwell.

**4. Moment of Silence**

Mayor Baker requested a Moment of Silence for the Cape Carteret residents that have recently passed away: Theodore Leneski, Jewel Turner Brandon, Betty Guthrie Webb and James Bair.

**5. Conflict of Interest/Cell Phone Statement**

Mayor Baker reminded those present to please silence their cell phones during the meeting. Mayor Baker called for conflicts of interest from Board members to be brought up at this time. Hearing none, Mayor Baker called for a motion to adopt the agenda.

**6. Adoption of the Agenda**

***Commissioner Miller moved to adopt the agenda. The motion was seconded by Commissioner Watts. Motion carried 5-0.***

**7. Public Comment**

There were no public comments.

**8. Planning Board Report**

Mr. Frank Rush will brief the Board of the planning board comments when we get to the appropriate item on the agenda with the special uses.

**9. Introduction of Police Officer John Bendetti**

Officer John Bendetti: Good evening, I am John Bendetti. I recently graduated from the BLET course in Craven County in New Bern of June of this year. It took me a while to find a good job, but I finally landed this one that I love so much. I am currently a police officer. I love this Town; I love the smallness of it, the realness. You guys are definitely neighbors to neighbors, so I like that. It is like a family. I did eight years in the Army and four years in the Marine Corps. I was a military police officer in the Army and in artillery in the Marine Corps. I am married with no kids. I live in Maysville, so I drive a little ways. I am looking forward to serving the Town and I am here for whatever you need.

Mayor Baker thanked and welcomed Officer Bendetti.

**10. Resolution of Appreciation for NC Representative Pat McElraft**

Mayor Baker read the following Resolution.

Mayor Will Baker  
Commissioner Steve Martin  
Commissioner Cameron Watts  
Commissioner Charlie Morgan



Mayor Pro Tem Jeff Waters  
Commissioner Don Miller  
Interim Town Manager Frank Rush  
Town Attorney Brett DeSelms

**RESOLUTION OF APPRECIATION FOR NC REPRESENTATIVE PAT MCELRAFT**

**Whereas**, Pat McElraft has served the people of Carteret County and all of North Carolina as a dedicated and trusted public servant for 23 years, and

**Whereas**, her distinguished career includes service on the Emerald Isle Board of Commissioners, the Carteret County Board of Commissioners, and in the NC House of Representatives representing the 13<sup>th</sup> District, including Carteret and Jones counties, and

**Whereas**, her service in municipal, county, and State government provided her with a comprehensive understanding of and helpful perspective on the important issues affecting the people of North Carolina, and

**Whereas**, she was committed to addressing the issues that matter most to the people of Carteret County and coastal North Carolina, and worked tirelessly on behalf of our community, and

**Whereas**, her commitment, intelligence, understanding, tenacity, and compassion enabled her to serve her community in an exceptional manner, and enabled her to earn the respect of many and ascend to various leadership positions in the NC House of Representatives over her 8 terms in office, and

**Whereas**, she was always accessible to the local leaders in Carteret County, was always willing to help with our issues and concerns, built positive and productive relationships and was a trusted partner, and helped to move our local communities forward and prosper, and

**Whereas**, she was particularly helpful to the Town of Cape Carteret in recent years, helping to secure a beneficial traffic signal improvement and secure funding for the construction of the Cape Carteret Trail,

**Now, therefore, be it resolved** that the Cape Carteret Board of Commissioners expresses its sincere appreciation to retiring NC Representative Pat McElraft for her dedicated service to the people of Cape Carteret, Carteret County, and all of North Carolina. Our community is a much better place because of her service. The Town of Cape Carteret wishes her a happy, healthy, and fulfilling retirement!

Adopted this the 12 day of December, 2022.

ATTEST:

  
Heather Leffingwell, Town Clerk

  
Will Baker, Mayor

**Commissioner Miller moved to adopt the Resolution of Appreciation for NC Representative Pat McElraft. The motion was seconded by Mayor Pro Tem Waters. Motion carried 5-0.**

**11. Consent Agenda**

- a. Minutes – October 10, 2022 Regular Meeting
- b. Resolution Establishing 2023 Meeting Schedule
- c. Resolution Establishing 2023 Holiday Schedule
- d. Resolution Authorizing Service Agreement with Town of Bogue
- e. Resolution Authorizing Purchase of Police Body Worn Cameras
- f. Budget Amendment – General Fund (Police Body Worn Cameras)
- g. Budget Amendment – General Fund (Fall Festival Sponsorship)
- h. Resolution Declaring Surplus Police Vehicles
- i. Resolution Authorizing NCLM RMS Safety Grant Applications
- j. Resolution Scheduling Winter 2022 Vegetative Debris Collection Schedule

Commissioner Martin stated that he needed one clarification from Mr. Rush for public knowledge. The NCLM Safety Grant Application, the resolution you are asking for in the consent agenda, if it is approved you will come before the Board to discuss the purchase of the John Deere, correct? Mr. Frank Rush said that is correct. It is a grant application for \$2000. If we are awarded for that, we will come back to you with a resolution to accept the grant and then the eventual expenditure of the funds if the Board is so inclined. I am hoping that will be at the January meeting agenda, but it depends on the grant award cycle. Commissioner Martin thanked Mr. Rush.

Mayor Baker asked if there were any additional questions or concerns about the consent agenda. Hearing none, he called for a motion.

**Commissioner Martin moved to approve the items on the consent agenda. The motion was seconded by Commissioner Watts. Motion carried 5-0.**

Clerks Note: Consent agenda items are incorporated herein these minutes by reference and available for inspection in the Town Clerk's office.

**12. Resolution Accepting the June 30, 2022 Audited Financial Statements**

Mr. Lee Grissom said good evening. Can you hear me? Mayor Baker said yes. Mr. Lee Grissom stated okay, thanks for allowing me to present remotely this evening. I am here to present the June 30, 2022 audit. My name is Lee Grissom from the firm S. Preston Douglas and Associates. It was a good audit this year. This is our first-year auditing Cape Carteret. We had three auditor opinions. The first one is the financial statement audit opinion which we issued an unmodified, also referred to as a clean audit opinion; that is our highest-level assurance. The second one is a yellow book audit opinion where we were required to test internal controls. The third audit opinion was a state single audit which we were required to perform compliance field work surrounding the skiff grant that was \$500,000 of grant funds this fiscal year. In all cases though it was a good clean audit. In our professional opinion, you can rely on the financial statements from June

30<sup>th</sup>, 2022. We were able to issue the audit November 1<sup>st</sup>, so it was a month ahead of the December 1<sup>st</sup> deadline to the local government commission who approved the report. Overall, with the first year, we were very impressed with your finance officer, Sandy. She was extremely organized and sent us everything in a timely manner. We also thought from an internal control standpoint, although there is a smaller staff at the Town, you guys outsourced to a lady named Alicia; you get a good bang for your buck with the outsourced arrangement where she comes in at the end of the fiscal year and cleans up various items for the audit. That works really well. As far as an internal control standpoint, there are only two or three journal entries that we noted. That is a good indication that the books are in good shape and can be relied on throughout the year. It was not a mess from our standpoint. Anything below five journal entries for a small municipality is considered a good thing. Again, the finance officer, as well as Frank who came in later in the fiscal year, did a great job helping with the financial statements. It was 65 pages in total, so it is a big effort. Given it was our first-year auditing, the Town did a lot of work helping us with that report. There were no budget findings, so the Town did a terrific job staying within the budget, so no issues there. Before we get into the graphs, are there any questions?

No questions from the Board.

Mr. Lee Grissom: Town wide net position on June 30<sup>th</sup> 2022 was 4.2 million dollars. That was an increase of \$372,000. The general fund was well above the average for municipalities of this size. We will see that in a moment in the graphs. American Rescue Plan Act funds received were \$328,000. You are seeing a lot of municipalities receive that money this fiscal year. One unusual thing to note, if you follow all the previous audits, both the skiff funds and the American Rescue Act Funds—only the money that was spent was recognized as revenue. If you look at the governmental balance sheet, you will notice I think around \$680,000 of unearned revenue that when that money is spent, the skiff funds of \$500,000 and the American Rescue Act Funds of \$328,000, when all that money is spent it will be reported as revenue with the matching expenditures; so, you will notice that it is unusual to see that on the balance sheet. A couple of housekeeping items during this audit. We did not encounter any difficulties with management. There were no new accounting policies, we did not have any disagreements with management, and we did not consult with other auditors. A couple of notes before we get to the graphs. If you look at the financial statements, just be aware that there are a lot of estimates out there, particularly the statement of net position and the statement of activities. Pension liabilities, for example, \$248,000, these are actually determined numbers and there is a lot of estimates involved. Same with depreciation expense, there are some estimates there that depending on what useful life you use could change the answer. Also allowance for doubtful accounts, a lot of times can come up with different answers. The main thing we are trying to do is we look at the finances in the Town and make sure a consistent approach on these estimates is made from year to year, so they do not deviate. There were two findings to report. The first one, and this was in the yellow book auditor opinion, which is our internal control audit opinion, the first finding is segregation of duties. This one is because your finance director is basically a one-man show performing payroll, accounts payable, bank rec, basically doing way too many functions than what would be ideal. A lot of small municipalities have this finding and I anticipate going forward you will have this finding every year. The Town had a corrective action in plan in response to this finding and it is on page 62 if you want to mark it and take a look at it; page 62 in the audit. But again, the Town has limited personnel, so you really want to have a separate payroll person, separate

payables person, a different person to collect cash, separate person to perform the bank recs and really given the number of staff, there is not enough to separate the duties. The second finding noted, now this one is a little bit different; you will not see this finding going forward, here is a finding because your skiff funds which that was \$500,000 received during the fiscal year. It should have been set up in a separate fund and that was reported in the general fund. That is going to be corrected for the next fiscal year so you should not see that again. It is relatively minor overall. It was just an oversight and is easily corrected, but that is a finding we had to report. Overall, it was a good audit. Let us look at the graphs right now. You should have copies of the graphs. We have five graphs to go through. There is five fiscal years of information for each graph just to give you a little bit of historical perspective. The first one is analysis of fund balance governmental funds. As you can see, on June 30<sup>th</sup>, 2022, the far-right column, you are at 2.3 million and that is the highest in the last five fiscal years. This is mostly your general fund balance by fiscal year so if you look at 2018 you were all the way at 1.2 million. So, a nice steady increase over the last five fiscal years. Let us go to the second one. Now this one is total cash all funds by fiscal year. Again, all the way back to 2018 you were right at 1 million and now the Town on June 30, 2022, right under three million dollars. Now this one, that is the skiff funding and the ARPA funding that I pointed out earlier that depending on what the Town decides to do after June 30, 2022, is whether that cash will remain there. So that is a bit of an outlying thing. Let us go to page three. This is the number of months in reserve for general fund. This is your unassigned fund balance over your general fund expenditures. It is shown as a percentage typically. You are at 89%. A 100% would represent 12 months in reserve of unassigned fund balance in the general fund. You are above average where you need to be. The average municipality of this size is 63%. You are at 89% and the minimum is at 34%. You are in good shape here in the general fund fund balance. Next one. This is long-term debt by fiscal year. There is not a lot of debt in the last five fiscal years at the Town of Cape Carteret. This year was the biggest jump where you leased vehicles. On June 30, 2022, your total debt was \$95,000 and most of that is vehicle debt. Let us go to the fifth one, this is the last graph. This is property tax collection percentage by fiscal year. In the last five fiscal years it has been relatively flat. You are at 99.45%, so in good shape from a property tax reflection standpoint. Are there any questions about anything that I have gone over?

Mayor asked the Board if they had any questions for Mr. Grissom.

Mr. Rush stated that he wanted to take the opportunity to reiterate the comment from Mr. Grissom and publicly thank, especially, Ms. Sandy Favreau for her work managing the town's finances very diligently. I appreciate her efforts and the efforts of all the staff, but a lot of work goes into this so kudos to Sandy. He mentioned as I included in the written comments, the Town is very fortunate that we have a good sound financial position. Our challenge it to keep it that way and improve it going forward. We will certainly do everything we can to make that happen.

Mayor Baker thanked Mr. Grissom for his time and work. Mayor Baker thanked Ms. Favreau.

Mr. Rush said Mayor Baker if the Board is so inclined, I would ask you to consider the resolution included in the packet. Thank you.

***Mayor Pro Tem Waters moved to adopt the Resolution Accepting the June 30, 2022 Audited Financial Statement. The motion was seconded by Commissioner Miller. Motion carried 5-0.***

Clerks Note: Memo, Resolution, Audit, Graphs, and Report are incorporated herein these minutes by reference and available for inspection in the Town Clerk's office

**13. Ordinance Amending the Table of Permitted and Special Uses in the Unified Development Ordinance to Reduce the Number of Special Uses**

Mr. Frank Rush said thank you Mr. Mayor, Commissioners. I am just pulling up a copy of the zoning map on the screen just in case it is helpful as you think about this. You have an ordinance before you that is a little bit daunting when you look at it because it makes several changes to the Table of Permitted and Special Uses in our Unified Development Ordinance. Most of these changes involve eliminating uses that are currently delineated as special uses and making those permitted uses by right. This is something that I have worked with the planning board on over the last three or four months and have had many discussions with the planning board about this issue. As I have shared with the group in the past, our Unified Development Ordinance includes what I would consider an unusually high number of special uses. So, this was a deliberate effort to reduce the number of special uses and classify most everything as either a permitted use by right or if it is not listed with a "P" in this table then it is just not allowed in that particular zoning district. There are several reasons for that, one is that in that everything that we do at the Town we are trying to make things more simple and more straightforward, more easily understood by everyone; by the staff, by the governing body, by the planning board, by applicants, by our citizens, by others that are interested in the development issues that are going on in the Town. This is really viewed as an effort to make things simpler and more straightforward. It is really intended to provide more certainty both for any applicants or developers that might apply for new development in the Town; also, for our citizens so that they have a better idea of what to expect in a particular zone or a particular neighborhood in the Town. It is also rooted in, quite frankly, reducing the potential for conflict in the community in the future. In my experience the special use permit process while it can be helpful in certain instances, certain development applications in certain zones, it tends in my view to foster more conflict in the community. I am trying very deliberately to reduce the potential for conflict. I think the efforts I just mentioned to you to make it simpler, more straightforward, more predictable, more certain for people, hopefully will contribute to that and reduce the level of conflict. The other key thing about this and some of the frustration that came out in one of the earlier special use permit hearings is that the process that is used to judge a special use permit application is a quasi-judicial hearing. There are very strict requirements for how that hearing is conducted and what interaction the decision makers can have with the applicant or with members of the community. By switching to a permitted use by right, it reduces our reliance on the quasi-judicial process going forward and it really puts everything into more of either an administrative or a legislative process. Again, in my view, I think that fosters more transparency and more opportunities for communication between applicants and the decision-makers, between citizens and the decision-makers, that is a key piece of the recommendation that you have before you tonight. In a nutshell, after going through this entire table with the planning board members at several meetings, it essentially makes everything listed a permitted use. There is a list on page two of the memorandum in your packet that outlines those uses that would continue to be special uses. Generally speaking, the approach here was to take those uses that are

generally outdoor type uses or larger uses that are maybe more than likely to have an impact on nearby property owners; so, they are generally outdoor type things, larger things that might cause more concern in the community. For example, if the Board approves this ordinance tonight, dog training facilities in the B-20 and B-30 zones would still be a special use; driving ranges in the B-20 zone would still be a special use; family amusement and entertainment venues in the B-20 zone would still be a special use, i.e., MacDaddy's or something along those lines; furniture manufacturing and woodworking in the B-20 zone; go-kart tracks in the B-20 zone, manufactured or mobile home parks in the B-30 zone; pet daycare and boarding facilities in the B-20 zone; a planned residential developments in all the residential zones those are typically things like a planned unit development, a master plan community—unlikely we would have something like that, but potentially may be in the triangle area in the future, that would still be a special use permit; and then private outdoor recreational facilities. The basic approach that we took at a staff level and then communicated to the planning board, and I think they agreed with in making the recommendation is that if it is a use that is happening on the inside of the property, that is generally probably fine. We are not too concerned about what is happening inside because the impacts would generally be confined to the inside of that facility and we tried to focus on things that were more outdoor type uses, things that had a greater potential to cause problems. Those nine uses would be special uses in the future, everything else in that Table if it is listed with a "P" it is a permitted use. If is not listed, it is not allowed in that particular zoning district. That does not mean that these new developments will not be regulated and controlled, and efforts made to minimize the impacts on neighbors. There are a whole host of other regulations that the Town has in the Unified Development Ordinance. All of those things are still going to apply to any new development that occurs in Cape Carteret in the future. There is a list on page three in your packet. I will not go through the whole list, but everything from lot sizes to setbacks to building heights to parking space requirements, to stormwater requirements, anything that is permitted use still has to comply with all of those requirements. If we do a good job on the front end as your staff and as your planning board and ultimately the Board of Commissioners in coming up with the requirements that we think are appropriate in this community that should mitigate any impacts that come along with those permitted uses that are included here. If it is not listed on that Table of Permitted Uses, either the applicant needs to identify a zone where it is permitted or maybe they do not move forward with their plans, or they can request either a rezoning to the particular zone where that use is allowed, or they can request a text amendment basically asking the Planning Board and Board of Commissioners to put a "P" next to that particular use in that particular zone. That is a legislative process that allows for unlimited dialogue between the decision makers and the applicants. It also involves public hearings and posting notices and all those kinds of things too. There is a built-in process, I think, to provide the transparency and the public input that we all would be looking for in these situations. There is one other change that is included in this ordinance amendment. On page four there is a summary of that; it is Section 8.22 of the Ordinance. It is basically determining the status of unlisted uses. You may recall that the UDO currently includes a provision that says if the use is not listed that the applicant can apply for a special use permit for it. This basically removes that provision and essentially says what I just explained to you, that if the applicant applies for something that is not listed in there, either they cannot do it, or they can request a rezoning or a text amendment. If they happen to disagree with the staff's interpretation, we are generally going to try to find the closest match in the Table of Permitted and Special Uses, and if it is pretty close, we will make a judgement and we will say, yes, it is a permitted use or maybe that it is not, but if the applicant disagrees with the staff's

interpretation, the last resort is they can always go to the Board of Adjustment and they can appeal that interpretation by the staff. Hopefully we do not get to that too often. That is the process we would use going forward. We would not longer be considering something that is not listed as special use permit application. That is kind of the high-level changes. One of the things I think that is important for all of us to keep in mind, as you review this, is the context is important. You have to realize what we were starting with. We started with the Table of Permitted and Special Uses that you have on the books right now and that was adopted, I think, in the last year or two as part of that process. There may be other things that as you look at this Table of Permitted and Special Uses that you may say gosh, I do not know if I agree with that, or I do not know if I think that should be permitted or not permitted at all. There may also be some historical decisions that were made five years, ten years, twenty years ago that maybe do not quite match, your recollection does not quite match, and just know that we started with what is on the books right now. We focused on the special uses in whether or not we should change them to a permitted use or keep them as a special use. That was the task, that is what we focused on. There is a public hearing required and you need to conduct the public hearing. If the Board adopts this tonight it would go into effect tomorrow and we would start applying this to any future development applications that come to the Town. I am a firm believer that we should constantly be assessing the effectiveness of our ordinances; whether it is accomplishing enough of what we want to accomplish or maybe if it is overkill and we need to get rid of it. I expect we will continue to monitor how the Ordinance works and if appropriate take further ordinance amendments to the Planning Board and then ultimately the Board of Commissioners to consider in the future. I think this is a good step to achieve the goals outlined at the beginning and I appreciate your consideration tonight. The Planning Board voted 5-0 and it was discussed over three meetings.

**a. Public Hearing**

***Commissioner Miller moved to open the public hearing on the adoption of the Ordinance Amending the Table of Permitted and Special Uses in the Unified Development Ordinance to Reduce the Number of Special Uses. The motion was seconded by Mayor Pro Tem Waters. Motion carried 5-0.***

There were no public comments.

***Commissioner Miller moved to close the public hearing. The motion was seconded by Commissioner Watts. Motion carried 5-0.***

**b. Consideration of Resolution**

Mayor Baker stated the public hearings are very serious and if you did have something you wanted to talk about, we are a small town and I like to give that opportunity whether you are signed up or not.

Mayor Baker asked the Board if they had any questions for Mr. Rush.

Commissioner Watts said he had one question. I think you might have touched on this, but what is the next step? If we approve this as you have it written tonight what is the



next step for you with this? Mr. Frank Rush stated that was a great question. We would put it into action tomorrow. We will work with applicants as they come in. We could eventually come back to you in the future if there are things that we need to do a better job on, we will bring it to the Planning Board and then ultimately to the Board of Commissioners. There may be somethings that, maybe, are regulated too much. On a broader scale, one of my goals, I would like to take a shot, with the Planning Board, at simplifying the UDO. Hopefully make it a much thinner document. We will see how this works and adjust.

Mayor Baker asked the Board if there were any additional questions. Hearing none, he called for a motion.

Commissioner Watts said he would like to make a motion to adopt this, but he did have a couple of things that he would like to add. So, what I will do is I will make a motion to approve it as it was written with the exception of adding bumper boats and batting cages to special use because we already have go-karts, driving ranges and family amusement. I really do not understand the star with the "P" so I think we should move away from the star. I just do not understand what the intent was. It might go back, there might be something that makes more sense, but I just do not understand that. I would like to say tonight to have this Board to task the planning board to begin to look at the individual sections. This is a big deal. We are now taking something and now saying this is now permitted by right. There is no review, but for town staff. I would like to say that we are tasking the Planning Board with going through the individual sections. I think this is your intent anyway to go through the different zoning districts, this would be the columns, and really evaluating do these make sense. For example, one of the things was churches are in all zoning districts, but I think we have an ordinance that says they have to be five acres. That is just one example of it making sense. So, as it is written and include those three things. That is my motion on the floor.

Mayor Baker asked Commissioner Watts to please repeat his motion, but sort of condense that last part.

***Commissioner Watts said the motion as it is written and proposed but add or keeping bumper boats and batting cages as special use, removing the asterisk next to the "P", and then tasking the Planning Board to review these zoning districts in the columns.***

Mayor Baker asked if there is a second for that motion?

***Mayor Pro Tem Waters seconded the motion.***

Mayor Baker asked if there was any discussion.

Commissioner Martin stated that you kind of lost me there. I think your motions need to be separated. I think paying attention to what is in this agenda item is one part of your motion and then now you are adding something in your motion to direct the Planning Board—I think that should be at a later date, that is my thinking. I cannot support your motion as it is. Commissioner Watts asked if it was just for the planning board part? Commissioner Martin said yes, I think we are getting off base here, off topic, off the

actual agenda. Honestly since the Planning Board had so much input into this, I agree with you on those two items, since they have got so much invested in it maybe then it needs to go back to them to discuss those two items and then come back. Just my opinion. Commissioner Miller agreed with Commissioner Martin. Commissioner Martin said they have so much invested, I think Mr. Rush said three meetings involved in this resolution. Just to be fair, maybe they could add something, but I agree with you. Commissioner Watts stated so what you are saying is instead of approving it in the motion tonight, we would send that back to the Planning Board to see if they could go back through. Commissioner Martin said that and then your direction I think would probably be better coming from your commissioner reports and ask for that to be put on the agenda for next month. That is just my way of thinking. Just to kind of simplify things.

Mayor Baker asked Commissioner Watts if he would like to retract his initial motion. Commissioner Watts said yes. Commissioner Martin said not to interfere with you, but is it important that we adopt this tonight as is, Attorney DeSelms? Attorney DeSelms stated that it did not have to be adopted tonight. Commissioner Martin asked if we could table it and let them meet on those two issues at the next planning board meeting and then bring it back? Mayor Pro Tem Waters stated then we are just kicking the can down the road to get this thing implemented. Commissioner Martin stated he was just asking the proper procedure on it. Commissioner Martin said we can adopt this agenda and then send it back to the planning board for those two things. Mayor Baker said we can change anything we want. Commissioner Watts said I do not want to hinder progress, but I do want us all to agree so I am okay with—I do not know how I would. Commissioner Martin said we can make a motion to adopt this agenda and then in your comments you can ask for another motion for directing the planning board. You can make motions in your commissioner report. Commissioner Watts replied he will do that and modify his motion.

***Commissioner Watts moved to adopt the Ordinance Amending the Table of Permitted and Special Uses in the Unified Development Ordinance to Reduce the Number of Special Uses as written. The motion was seconded by Commissioner Martin. Motion carried 5-0.***

Mayor Baker stated this is a living breathing document and this is something that we will be working on forever. Commissioner Watts stated that they are minor things, so I am not going to hold it up. Commissioner Martin said to Commissioner Watts to just ask Mr. Rush to have the Planning Board meet on that.

Clerks Note: Memo, Ordinance Amendment, Town Zoning Map, and Public Hearing Notice as noted are incorporated herein these minutes by reference and available for inspection in the Town Clerk's office.

**14. Resolution Authorizing Engineering Services Contract with Dewberry Engineers, Inc. for Ardan Oaks Storm Water Improvements**

Mr. Rush stated he is putting up an image on the screen and there is also a copy in your agenda packet. What you have before you tonight is a resolution authorizing a contract with Dewberry Engineers, Inc. The total amount of the contract is \$43,700. As part of

that contract, they would complete design, permitting, bidding, and construction administrative services for storm water improvements in Ardan Oaks. It is generally confined to the area in yellow that is on the screen and also included in your packet. Essentially, I think you all are probably aware there has been some significant flooding over in the Ardan Oaks neighborhood nearing the entrance of that subdivision. They will be looking at those issues and determining appropriate solutions. Some of the things that we have talked about conceptually include some enlargements of some existing retention areas. More importantly I think you have got to identify some sort of outlet of the storm water in that area. There is a creek, that you can see on the image, that it actually straddles a couple of different parcels right here, that ultimately flows down. That may be an area that we look to ultimately discharge the storm water from this area. There is also an existing ditch on Taylor Notion Road along the bicycle path. Ultimately, we would come back to the Board with solutions. This is the second location that we would be tackling. As you know we have a design contract with the Sutton Drive area. I chose Dewberry because they have worked on the previous work in this area as part of the Town's previous Resilient Coastal Communities Program (RCCP) grant. They have got some familiarities with this area. I intentionally tried to assign different engineers to different locations so we could manage them appropriately. The amount of the contract is \$43,700. The funding for this is coming from the Capital Project Ordinance that you all approved earlier this summer. We have a grand total of about \$812,000 of storm water grant money. If you approve this tonight, I would expect that Dewberry would begin the design work sometime after the holidays and then bring a construction contract to the Board sometime in the spring or summer. I am really trying to move these things along. With that I am happy to answer any questions.

Commissioner Martin asked is the yellow ball is the affected area of the flooding and how accurate it was? Mr. Rush stated it was conceptual. Commissioner Martin stated he was glad at the pace Mr. Rush was moving forward to get some of these areas some help. Mayor Baker said if you look at the next to last picture in your packet that he has in that presentation, you will see that sort of is that area. I went down there right after it flooded, that is pretty darn accurate. The issue is that it is a bowl so that is going to be the challenge for the engineering firm trying to figure out where they can find an adequate egress without affecting adversely any other properties. I wish them well on that. Commissioner Martin said he had seen some fill being placed up there. Is that being done by the builder? Mr. Rush stated that there are two new homes under construction there. The builder did bring in some fill. We did also require some storm water features for those new homes. Commissioner Martin said that obviously that water has to go somewhere, you mentioned a creek. I do not know what that is going to entail, but we will wait and see. I guess you have to start somewhere. Mr. Rush stated we are going to take a hard look. We might have to acquire easements from property owners. Commissioner Martin said it sounds very complicated. Thank you.

Mayor Baker asked the Board if there were any other questions. Hearing none, he called for a motion.

***Commissioner Miller moved to adopt the Resolution Authorizing Engineering Services Contract with Dewberry, Inc. for Ardan Oaks Storm Water Improvements. The motion was seconded by Commissioner Watts. Motion carried 5-0.***

Clerks Note: Memo from Rush, Resolution, Aerial photo map of Ardan Oaks, Dewberry, Inc. proposal, and photos of previous flooding event as noted are incorporated herein these minutes by reference and available for inspection in the Town Clerk's office.

**15. Resolution Authorizing Engineering Services Contract with RK&K Engineering for Bogue Sound Drive Storm Water Improvements**

Mr. Rush stated this is very similar to the previous item. It is just the next location. As you know, this location has had significant storm water events also. It is really just a low spot. This contract is for \$48,538. I selected this firm because they had helped my predecessor with a grant application. Ultimately in this location, we might make some ditch improvements, we may need to acquire land. Similar time frame. Again, same funding source. In this particular situation, I think the Emergency Management Mitigation grant is a more appropriate funding source. This particular grant has a longer time frame. We have until December of 2023 to spend these funds. If you approve this contract, we will have approximately \$768,000 left for storm water. You identified 12 locations on the grant application. I tried to focus on these three because I think these are the ones that I have heard the most about in my short time here.

Commissioner Martin stated he forgot to ask this question with the last one. Are we required to get these easements from the property owners before the engineers start? Like for instance in Bayshore, Bogue Sound Drive, the property owners that you and I discussed about the ditch, do you have to obtain those easements before? Mr. Frank Rush said it really depends on the point of entry. If we are building something, we will need a temporary construction easement. I would expect that we may wind up getting easements. I honestly hope that we can secure easements because there are no easements currently on that ditch feature on Park Avenue. There is a L shaped feature here. My understanding is that is a really important feature. Commissioner Martin said I would just like to throw this out there, prior to you coming when Mr. Steffey was here, there were some conversations with the property owners in that ditch area and they all were willing to give the Town an easement. If that is something that you need to pursue on your own or whatever I am just telling you. They are excited about it. Mr. Frank Rush said that was good to hear. Commissioner Martin stated there were some conversations between Mr. Steffey and the property owners. Just thought I would pass that on to you. Mr. Frank Rush thanked Commissioner Martin.

Mayor Baker asked if there were any more questions. Hearing none, he called for a motion.

***Commissioner Martin moved to adopt the Resolution Authorizing Engineering Services Contract with RK&K Engineering for Bogue Sound Drive Storm Water Improvements. The motion was seconded by Commissioner Miller.  
Motion carried 5-0.***

Mayor Baker stated they will probably be doing some surveying right off the bat so they may see some people in the area. Commissioner Martin said he already told one person. I will make a pass through there tomorrow and tell people to be on the lookout.

Clerks Note: Memo from Rush, Resolution, Aerial photo map of Bogue Sound Drive area, RK&K Engineering proposal, and photos of previous flooding event as noted above are incorporated herein in these minutes by reference and are available for inspection in the Town Clerk's office.

**16. Ordinance Amending Chapter 74—Parking Schedules—Code of Ordinances to Prohibit Parking on the West Side of Manatee Street from the Intersection of Neptune Drive to a Point 225 Feet South**

Mr. Frank Rush explained the proposed ordinance would essentially establish a no parking zone on the west side of Manatee near Neptune. That is the area indicated in red on the graphic on the screen. This is an area where occasionally there are folks who are using the public boat launch facility on Manatee, and they have parked up in the right-of-way in that area. In that particular area, there are only two homes. We received a request from a nearby property owner. We currently have a no parking zone right across from the boat ramp. I thought this was a reasonable request. With that I would be happy to answer any questions.

Commissioner Martin asked if we are going to have to come back when they build a house on the vacant lot and do this all over again. Mayor Baker also had the same question.

Mayor Pro Tem Waters asked the Board if the police department or the town manager finds a parking issue on any one of the streets, can we not authorize the town manager to go ahead and take care of it, instead of it having to go before the Board?

Commissioner Martin agreed. Mayor Pro Tem Waters explained that he did not see a need that every time we need a parking sign that we all have to vote on it. Let us let the manager and the police department handle this. Commissioner Martin said he was fine with that. They used to have signs on that section. Mayor Pro Tem Waters said he did not see the need for it to keep coming back to the Board. Mr. Frank Rush stated the Board can certainly take that action. I can bring an ordinance back to the Board if that is your pleasure.

**Consensus from the Board to draft an ordinance.**

***Commissioner Watts moved to adopt the Ordinance Amending Chapter 74—Parking Schedules—Code of Ordinances to Prohibit Parking on the West Side of Manatee Street from the Intersection of Neptune Drive to a Point 225 Feet South. The motion was seconded by Mayor Pro Tem Waters. Motion carried 5-0.***

**17. Town Manager Report**

Mr. Frank Rush said there are seven pages of updates in the packet. I will hit the highlights.

- With the approval of the meeting schedule for next year, the meeting on Monday, January 30<sup>th</sup> is the kick-off of the budget process. That is an important discussion to me that all six of you are there for that. If something comes up, and you cannot make it, please let me know. It is a really crucial meeting from my perspective. I want to make sure we are including funding for things that are important to you for short and long term.

- I wanted to mention that there is a grant application that is called the North Carolina Recreational Trails Program. It is due on February 17<sup>th</sup>. My intent at this point is to submit an application for additional funding for the bicycle path for that last 1.1-mile segment and maybe consider some trailhead feature.
- I included a little explanation in there--You all had talked a couple of meetings ago about directing the staff to do some research on the cost on the additional bulkhead at the Ferry Landing Park. I have three quotes for that; all are greater than \$45,000, but less than \$75,000. There is no money included in the FY 22-23 budget for this work, but the Board could decide to appropriate General Fund balance to complete this work in the coming weeks if desired. The Board may also wish to consider this project in the context of all other budget items during the upcoming FY 23-24 budget process and may wish to discuss this project as part of the budget planning discussion on January 30.
- For the Police Chief, I have extended a conditional offer of employment to a highly qualified individual for the Police Chief position, and that person has accepted. We are in the process of conducting appropriate background checks on this individual, and assuming everything is acceptable I expect to announce the selection in the next couple of weeks. If we uncover anything concerning, I will adjust accordingly.
- The Building Inspector/Zoning and Codes Officer Position. The Town received a total of 4 applications for this new position, and I am still considering the qualifications of 2 different individuals for the position. I hope to gain greater clarity on the right fit for this position within the next week and will proceed accordingly.
- Parks and Recreation Trust Fund (PartF) Grant Program applications are due on May 1<sup>st</sup>. I am currently researching potential parcels that the Town may be able to acquire for future public boat launching access and may ultimately discuss a potential PARTF application with the Board for this purpose. PARTF typically awards up to \$500,000, and applications are due on May 1. I expect to include a discussion of this issue on the January 30 budget planning workshop agenda, and any future grant application would be considered by the Board in April.
- Happy to answer questions.

Commissioner Martin stated he would like Mr. Rush to place on the January agenda the discussion for accepting quotes on the bulkhead on Lejeune. My feeling is we will never be as financially stable as we are now so there is no use of kicking it down the road. Also, when we start discussing this grant application for a potential boat ramp, I think just remember if we accept grants then we have to open that facility up to anybody in the United States. Is that correct, Attorney DeSelms? Yes, there could be conditions, but it would depend on the grant.

Clerks Note: Town Manager Report, Monthly Cash Report, and Monthly Budget Report as noted above are incorporated herein these minutes by reference and available for inspection in the Town Clerk's Office.

## 18. Commissioner Reports

**Commissioner Watts:** First, I wanted to say that the Town did a great job with the Fall Festival. We have not seen each other since that. I was there, I was seeing everyone. My kids also really enjoyed the BMX bike performance. I thought that was pretty cool. Those guys did a great job. The food was fantastic, very healthy. I just wanted to say thanks to the Town for that.

You had it in your town manager reports—Thank you for the repair on St. Augustine. That has been an eyesore for four years now since Florence. We really appreciate that.

The last thing on my list is the planning board motion. What I really would like to do is I really would like to send the things I said, let me go back over that, back to the planning board for sort of an assessment. I am not going to say one way or the other way it should be or should not be, but I would like an assessment by the planning board to see if this is something that sort of jives with what they have already done. I think they have done a lot of good work. That motion would be to task the planning board to review the permitted sections. This would be all of the zoning districts by right to make sure all that stuff is kind of exactly how we need it to be in the Town because now that it is permitted by right there is no review process, so that is number one. I would like them to assess keeping the bumper boats and batting cages as special use. Also, removing the asterisk, I do not know maybe if that is too easy to do. One of the things that I thought of too was the whole trash thing. This might be a good time to put the trash in the, there is one spot in there, that is Architects Engineers Professionals, just maybe including something on the trash that if you are that type of business that you can use one of the smaller cans and not have some of the issues. I just think that might be a good place to make it sort of codified for everyone that has that type of business. You have my thoughts. I do think it is important for the planning board to review those things.

#### **Consensus from the Board to address Commissioner Watts requests.**

**Commissioner Miller:** I have nothing to report. I want to thank Mr. Rush and all the town staff for all of the work they have done this year. I think we have accomplished a lot as a Town this year. A lot of good projects moving forward. I see a lot of good things happening with the Town. I would just like to thank you for your hard work. I wish everyone a Merry Christmas and a happy and healthy new year.

**Mayor Pro Tem Waters:** I echo everything Commissioner Miller said. The staff has done a tremendous job. Thank you so much. 2022 had a few hills and mountains but that is all good. We are starting to see some things happen in Cape Carteret. It is starting to flourish, and I want to see this continue. I am excited about what we are able to do. I would love to know that what we have done in the financial end of the Town looks good, looks great. I think it is the best that it has ever been. I am looking forward to moving forward. Thank you and Merry Christmas everyone.

**Commissioner Morgan:** Merry Christmas. Y'all have a good new year.

**Commissioner Martin:** I want to thank staff for their hard work too; especially our finance officer, Sandy. To those that were serving in 2017, Don, this tells the story—3.9 months reserve in 2018. I bet it was not a month and a half in 2017. We were in dire

straits then. It is pretty nice to look at this and see what conservative fiscal responsibility does. Merry Christmas everybody. Stay safe.

**Mayor Baker:** I just have a couple of things. I just want to reiterate about the Fall Festival—I thought it was a great success. Staff did an amazing job on that. To be a small town and put something like that together, it is a lot of strain on our staff. I personally worked for a town and know what that is like. So, thank you again—I cannot thank staff enough. Thank you to Public Works too. You guys are doing an amazing job. I just cannot say but great things about that. I do want to mention there are a few things that have happened because we did miss November.

The Turkey Trot which happened on Thanksgiving Day and was put on by DeAnna and The Gym. That was an amazing success. There were almost 500 people that showed up for that. I had no idea that there were that many people that were willing to run on Thanksgiving morning. Every year it gets bigger and bigger. I am just amazed. DeAnna will be bringing a check to us soon. That is what that was about—raising money for the trail. She is a great business lady, a great business partner. We are lucky to have people like that in our Town that are willing to do such great things for our Town. So, kudos and thank you DeAnna at The Gym for that amazing event.

I just want to also mention that at the ILA meeting recently, so you might see something about that in the paper about us going ahead and okaying to purchase a new ambulance. We are looking at two to four years to get anything now that is special ordered like an ambulance or a firetruck. It is ridiculous how it is now. So, the idea was that we are going to go ahead and budget it and get the purchase done. We will not be paying it for several years but go ahead and get the order in so at least now in a few years when we do need it, we will at least have one on the way. Just like here, I always encourage people to go to these ILA meetings. That is your tax dollars. That is our fire and safety. You are part of that, be sure to pay attention to these things. Just like these board meetings, I always encourage people to come and be a part of it.

Also, I want to let you know that on July 3<sup>rd</sup>, I believe that is the day that was selected, that we are going to have another fireworks display. I cannot thank MacDaddy's and all the businesses enough that pitched in to make that happen. I think it will be another great successful event as well. A lot of great things are coming, and we are doing a great job. I just cannot say enough. Thank you to this Board. You guys take your time to come here and represent your Town. We may not agree on everything, but we are all here for the right reason— to do what we think is best for this Town. Thanks again to our staff and you too, Attorney DeSelms, you are doing an amazing job. Merry Christmas and Happy New Year.

**19. Closed Session Pursuant to NCGS 143-318.11(a)(5)—Potential Real Property Acquisition**

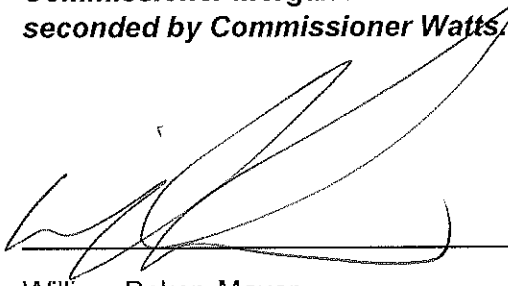
***Mayor Pro Tem Water moved to enter Closed Session pursuant to NCGS 143-318.11 (a)(5) at 7:10 p.m. The motion was seconded by Commissioner Watts. Motion carried 5-0.***

***Commissioner Morgan moved to return to open session at 8:04 p.m. The motion was seconded by Mayor Pro Tem Waters. Motion carried 5-0.***

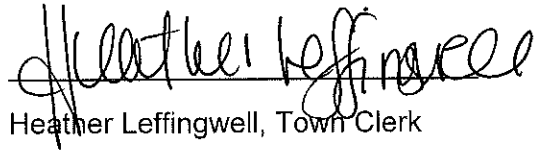


20. Adjournment

**Commissioner Morgan moved to adjourn the meeting at 8:07 p.m. The motion was seconded by Commissioner Watts. Motion carried 5-0.**

A handwritten signature in black ink, appearing to read 'William Baker', written over a horizontal line.

William Baker, Mayor

A handwritten signature in black ink, appearing to read 'Heather Leffingwell', written over a horizontal line.

Heather Leffingwell, Town Clerk