

**TOWN OF CAPE CARTERET
BOARD OF COMMISSIONERS
VIRTUAL REGULAR MEETING
February 8, 2021 | 6:00 P.M.**

1. Meeting Called to Order

Meeting was called to order at 6:09 p.m.

Mayor Baker was present in the Debbie E. Stanley Room. Commissioner Miller (5:52 p.m.), Commissioner Nalitz (5:56 p.m.), Commissioner Martin (5:57 p.m.), Commissioner King (6:04 p.m.), and Commissioner Waters (6:08 p.m.), were present electronically through GotoMeeting. Staff present were Mr. Zach Steffey, Ms. Heather Leffingwell (electronically), Ms. Sandy Favreau (electronically), and Chief McKinney. Attorney Brett DeSelms attended electronically.

2. Pledge of Allegiance | Invocation | Moment of Silence

Mayor Baker led the Pledge of Allegiance.

Invocation was led by Commissioner Jeff Waters.

3. Adoption of the Agenda

Commissioner Miller made a motion to adopt the agenda. The motion was seconded by Commissioner Martin. Motion carried 5-0.

4. Consent Agenda

Commissioner Martin made a motion to approve the 1.11.2021 meeting minutes as written. The motion was seconded by Commissioner Nalitz. Motion carried 5-0.

5. Public Comment

▪None

6. Staff Updates

Mr. Zach Steffey:

- Dredging Update
- Fall Paving Project—started paving on Dolphin today.
- COVID-19 Update
- Pettiford Creek Kayak Launch Area--Welcome sign is up
- Check out the February edition of Connect Cape Carteret

Chief McKinney:

- January PD stats are up on Facebook.
- New 4-way stops are up in Bayshore.
- 2021 PD calendars are available. Please contact the office if you would like one.

Public Works:

- No Update

7. Selection of Contractor for the Public Works Building & Budget Amendment 2020.2021.5

Commissioner Martin made a motion to approve the proposed budget amendment and to authorize the Town Manager in consultation with the Town Attorney to enter into a contract with Superior Metal Structures, LLC and to proceed with the purchase, delivery, and construction/installation of the new Public Works building. The motion was seconded by Commissioner Nalitz.

Discussion:

Commissioner King felt that this is not the type of building that public works needed. He is in favor of a 3-sided closed building.

Mayor Baker stated that we need to look ahead. The four-sided building with doors can be closed and locked. Equipment would be secure.

Commissioner Martin was happy with the choice of Superior Metal Buildings. He felt the current building is too cluttered and can be used as a repair shop once the new building arrives.

Commissioner Martin had several questions for Mr. Steffey.

1. What about concrete aprons? Is this something Alex could install? Mr. Steffey stated he felt confident that Alex could install the aprons on the current and new building.
2. Are the 12-foot doors high enough for the knuckleboom truck? Yes
3. Has Mr. Steffey considered a potential lean-to to be added to the new building? Yes
4. What is the time frame for the installation? Mr. Steffey said that lead time is a couple of weeks. The companies that submitted quotes were notified that the installation had to be complete by June 1 for this fiscal year.

Commissioner Miller asked where the new metal building would be located? Mr. Steffey pulled up the site plan for the new building. The new building will be located to the south-southwest side of the existing public works building.

Motion carried 4-1. Commissioner King was the dissenting vote.

8. Selection of Firm for the UDO Establishment Project & Budget Amendment 2020.2021.8

Commissioner King made a motion to approve the proposed budget amendment, and to authorize the Town Manager in consultation with the Town Attorney to enter into a contract with Summit Design & Engineering Services. The motion was seconded by Commissioner Martin.

Discussion:

Commissioner King asked if the planning board and town staff would have input in the UDO process or do we get a finished product that we need to carefully monitor to make sure they haven't left anything out? **Mr. Steffey** stated that yes, there would be a lot of stakeholder involvement. It would be up to the BOC but typically, either the planning board is tasked as the steering committee for it or a separate steering committee is established that includes the members of the planning board, a member or two of the Board of Commissioners, staff and other community members. The steering committee is an essential part of the UDO process. The final document will reflect the interest and priorities of the Town. Citizens, staff, and town officials will have heavy involvement in UDO and Land Use process.

Commissioner King asked if someone handed you a new UDO, how do you know that everything is in there that was in the old one? How do we know something hasn't changed? To change an ordinance, it takes this Board to act on it. I would assume the process is clear enough that we would make sure it is right and consistent with our existing ordinances before we adopted it. Is that essentially accurate? **Mr. Steffey** stated there will be ample opportunity for the Board to be informed and involved in the process. I'd expect as we progress that the firm will be providing periodic updates. I know they will be to staff. Through the weekly update and everything else, we can provide those updates as we reach these milestones. There will be some things that probably do change, but that is kind of the idea, that there are some things that are outdated that will need to be tweaked. Everyone will be kept in the loop and informed on what those changes are as we progress through the project. **Commissioner King** asked what things would be changed? **Mr. Steffey** said there are different approaches on how we look at some of the processes, for instance with the conditional use permit in 160D, the conditional use permit process goes away. It is a special use permit process now so the language that pertains to that. There are different processes that communities use in terms of whether they are using a special use process or commercial site plan process. All those things can be worked out in the UDO Establishment project. There will definitely be some dialogue around those processes and how we approach those things.

Commissioner Martin asked if the steering committee was open to all citizens or would the BOC vote on the citizens to participate? **Mr. Steffey** stated typically if you have a steering committee you will have citizens that are appointed to serve on the committee. But often times there are workshops that take place where the general public and community can come in and give feedback. That is especially true in the Land Use Planning process. There will probably be citizens that are selected to be on the committee, but there will also be ample opportunities for community workshops to discuss the changes and ideas that are being presented in the UDO. We already have one citizen that has expressed interest in serving on the steering committee.

Commissioner Martin stated he would like to see all neighborhoods in Cape Carteret are represented.

Commissioner King asked if this was not to change the ordinances, but it will be a reorganization of the entire municipal process that includes the reorganizing of the ordinances? Is that what this does? **Mr. Steffey** stated it will be a combination of reorganization, parallel references will be taken out, statutory out-of-date items will be removed, etc.

Mayor Baker stated we have to meet the new 160D requirements.

Commissioner Waters asked if this firm was the best price or the better one to go with?

Mr. Steffey stated it was a tough choice for the committee to recommend a firm, but the decision was based off of the best value and best interview.

Motion carried 5-0.

9. Selection of Firm for CAMA Land Use Update & Budget Amendment 2020.2021.9

Commissioner King made a motion to table.

Motion died due to the lack of a second.

Commissioner Martin made a motion to approve the proposed budget amendment, and to authorize the Town Manager in consultation with the Town Attorney to enter into a contract with Summit Design & Engineering Services. The motion was seconded by Commissioner Miller.

Discussion:

Commissioner Nalitz stated the new planning board will have a time to review the existing plan. **Commissioner King** stated that \$40,000 is a lot of money. He would like to have the new planning board to have 2-3 meetings first, so they are familiar with the plan before we select a firm.

Commissioner Miller stated the last update was in 2007 and it is recommended that we update it every 2-3 years. Is the \$40,000 cost because it has been 14 years? **Mr. Steffey** stated this should be a living document that is continuously updated. It should have been updated no later than 2017. This document lays out the future of the Town. **Commissioner Miller** asked if we should expect this cost every 2-3 years? **Mr. Steffey** stated he did not expect to have an expense like this every 2-3 years. **Commissioner King** stated he didn't see not many substantive changes that needed to be made.

Motion carried 4-1. Commissioner King was the dissenting vote.

10. Culverts Budget Amendment 2020.2021.6

Commissioner Martin made a motion to approve the proposed Budget Amendment and to authorize the Town Manager to proceed with replacing or repairing damaged or failing culverts throughout the Town of Cape Carteret. The motion was seconded by Commissioner Miller.

Discussion:

Commissioner Martin asked if this is approved, how long before the project could be started? **Mr. Steffey** stated it would be started in the next couple of weeks.

Commissioner Martin stated this project is long overdue and this is a great chance to use the funds for something meaningful.

Commissioner King asked if there was a priority list?

- Mr. Steffey:**
1. Neptune Court-culvert and boxes there-working with John Freshwater on this area.
 2. Park in Bayshore Park. Issues with dipping and settling in that area.
 3. One under Bayshore Drive—possibly crushed.

Commissioner King stated that down in Bayshore the ditches are sunk in and the culverts under the driveways are half-closed. It is the Town's responsibility because it is in the ROW.

Commissioner Martin said that WCFD had offered to blow out the driveway culverts. **Mr. Steffey** stated he would reach out to Chief Hunter to see if they could help us out with that.

Motion carried 5-0.

11. Asphalt Roller & Tilt Trailer & Budget Amendment 2020.2021.7

Discussion:

Commissioner King stated that the weight looked light. He asked if the trailer would be able to hold the weight of this roller? **Mr. Steffey** stated that yes, they had checked into that and the specs of the trailer to the companies that provided quotes.

Commissioner Martin asked if the delivery fee was for them to deliver to us or the delivery fee that was assessed to them when it was delivered? **Mr. Steffey** stated that the delivery fee was for them to deliver the roller to the Town.

Commissioner Martin made a motion to authorize the Town Manager to proceed with the purchase of the asphalt roller and tilt trailer and to approve the proposed budget amendment. The motion was seconded by Commissioner Miller.

Additional Discussion:

Commissioner Miller stated that he supported this purchase, but this should have been brought up in the last budget cycle, so we aren't having to do a budget amendment.

Mr. Steffey agreed that this normally would have been discussed in the budget process and not popping up in the middle of the year. He said that there had been a learning curve with public works repairing the potholes in Town. Prior to receiving the asphalt hotbox from Emerald Isle, public works was using mud and cold patch in the potholes. Since receiving that hotbox it has been determined that the tamper doesn't provide a smooth enough effect. The roller should take care of this issue and last a long time.

Commissioner King asked where is this roller being delivered from? **Mr. Steffey** stated he was unsure where the distribution center was located. **Mr. Steffey** was having the roller delivered from a safety standpoint. He doesn't want the roller damaged or someone getting hurt.

Motion carried 5-0.

12. Consideration of a Text Amendment to Planning Board Ordinance

Commissioner King made a motion to approve the proposed amendment to the Planning Board Ordinances. The motion was seconded by Commissioner Nalitz.

Discussion:

Commissioner King said he had technical question about the text amendment change. **Mr. Steffey** stated that the struck through parts are being deleted and that the underlined parts are being added to the text amendment. There might be a little confusion because Mr. Steffey and Attorney DeSelms were editing at the same time.

Motion carried 5-0.

13. Appointment of Planning Board Members

There are 5 seats on the planning board. The 5th seat is currently held by Member Susan Hall. Her term expires in May 2023. Seats one (1) through four (4) are available. Seats one (1) through three (3) are three-year seats that will expire in February 2024 and seat four (4) is a 2-year term that will expire in May 2023.

Mayor Baker stated he will ask each commissioner to give their four choices. After the voting is complete, we will throw the 4 names into a hat to determine the length of terms. **Commissioner Martin** asked that Mayor Baker please ask for the Commissioners' votes in alphabetical order to eliminate any possible controversy.

Vote #1:

Commissioner King

Williamson
McInerney
Fitzpatrick
Whalen

Commissioner Martin

Watts
Williamson
Holz
Jenks

Commissioner Miller

Fitzpatrick
Williamson
Kelley
Wax

Commissioner Nalitz

Jenks
Stanicic
Watts
Wax

Commissioner Waters

Whalen
Williamson
McInerney
Watts

Commissioner King said he had a comment about the process. He suggested to take the two top voter getters from the first vote and then revote on the applicants that received 2 votes. **Commissioner Martin and Commissioner Miller** agreed with that statement. **Mayor Baker** stated we have a consensus.

Members from Vote #1: Bruce Williamson (4 votes) and Cameron Watts (3 votes)

Vote #2

Commissioner Waters

Whalen
McInerney

Commissioner Nalitz

Wax
Jenks

Commissioner Miller

Wax
Fitzpatrick

Commissioner Martin

Wax
Jenks

Commissioner King

Fitzpatrick
McInerney

Member from Vote #2: Sarah Wax (3 votes)

Vote #3:

Commissioner Martin—Chuck Jenks

Commissioner Miller—Neil Fitzpatrick

Commissioner Nalitz—Chuck Jenks

Commissioner Waters—Neil Fitzpatrick

Commissioner King—Neil Fitzpatrick

Member from Vote #3: Neil Fitzpatrick (3 votes)

Mayor Baker stated all length of terms will be decided by drawing the 4 members names out of hat. First three names will receive 3-year terms, 4th name will receive a 2-year term.

Mr. Cameron Watts, Mrs. Sarah Wax, and Mr. Neil Fitzpatrick were appointed to 3-year terms. Their terms will expire in February 2024.

Mr. Bruce Williamson was appointed to seat four (4) for a two-year term. His term will expire in May 2023.

| Name: | Votes: | Vote #2 | Vote #3 | Term |
|------------------|---------|---------|---------|-----------------|
| Don Whalen | 4,1 | 1, | | |
| Silvio Stanisc | 2 | | | |
| Cameron Watts | 1,3,4 | – | – | Three-year term |
| Bruce Williamson | 1,2,2,2 | – | – | Two-year term |
| Paxon Holz | 3, | | | |

| | | | | |
|------------------|-----|-------|-------|-----------------|
| Pat Mcinerny | 2,3 | 2,2 | | |
| Kathleen Kelly | 3 | | | |
| Chuck Jenks | 4,1 | 2,2 | 1,1 | |
| Sarah Wax | 4,4 | 1,1,1 | - | Three-year term |
| Neil Fitzpatrick | 3,1 | 2,1 | 1,1,1 | Three-year term |

14. Consideration of Text Amendment to Board of Adjustment Ordinance

Commissioner King made a motion to approve the proposed amendment to the Board of Adjustment Ordinances. The motion was seconded by Commissioner Miller.

Discussion:

Commissioner King stated that the Board of Adjustment does not meet very often. Sometimes only one or twice a year. He suggested that the new Board have an organizational meeting to meet everyone on the team and select a Chair.

Motion carried 5-0.

15. Appointment of Board of Adjustment Members

Mayor Baker suggested, if there were no objections, to appoint all four (4) applicants as regular members. If we need another seat filled, we can put a notice back out to see if any of the other planning board applicants were interested in being considered for the Board of Adjustment.

Commissioner King stated we can table it and reach back out to the other planning board applicants that weren't chosen to see if they are interested in serving on the Board of Adjustment. Or if we want to go ahead and get 4 seated now and only have to choose one next month that is fine too. He is good with either way.

Mayor Baker called for a consensus.

Commissioner Nalitz stated to pick these four and consider any other applicants next month.

Commissioner Martin stated he wants to seat these four. We may have an issue where they would need to meet. Their current terms expired over a year ago.

Commissioner Miller stated he wanted to seat these four and that we need to be actively looking to recruit a 5th member. You don't want to be meeting with 4 members in case of a tie.

Commissioner Waters stated we should seat the 4 applicants and see if any of the existing planning board applicants would like to serve on the Board of Adjustment.

Vote to appoint the 4 applicants: Mrs. Wanda Fowler, Mrs. Melinda Brooks, Mr. Nishan Barnhill, and Dr. Patrick Daigle as regular members to the Board of Adjustment.

Commissioner Martin—yes

Commissioner King—yes

Commissioner Nalitz—yes

Commissioner Miller—yes

Commissioner Waters—yes

Mrs. Wanda Fowler, Mrs. Melinda Brooks, Mr. Nishan Barnhill, and Dr. Patrick Daigle were appointed to a term of 3 years. The statute requires a 3-year term for those seats.

16. Discussion of Sutton Drive Flooding Issue

Mr. Steffey asked for direction from the Board based on the email response received on December 18, 2020 from Star Hill Golf Course. **Commissioner Martin** asked what is a quick fix that we can do as a Town to help eliminate this issue? The worst thing we can do is nothing. **Mr. Steffey** stated the quickest and easiest solution is for the golf course to put in a swale to fix the issue per the engineer's design. **Mr. Steffey** said if the golf course is not willing to do that, then the Town could consider an easement across the golf course and we could put the swale in and work out some agreement. **Mr. Steffey** stated he would not recommend taking control of the pipe on the golf course. It needs to remain the responsibility of the golf course. **Mr. Steffey** stated historic imagery shows that in that area there was a swale that ran across the golf course there back in the 80's and 90's and at some point, they piped that swale. If a swale was put in it like what was there before that would probably address any future issues.

Commissioner Martin:

1. Is this the Town's responsibility? **Mr. Steffey** stated he wasn't sure we had a legal responsibility, but does the Town have an ethical responsibility to assist the property owners? He would defer that decision to the BOC and Attorney Brett DeSelms. **Mr. Steffey** stated the Town had made a great effort during the flooding. We installed pumps, cut a temporary swale, and worked with John Freshwater to get an engineer's design.

2. Have you reached out to the golf course? **Mr. Steffey** stated after the meeting in November, we sent them John Freshwater's design for the swale. The golf course

responded to that email on 12.18.2020. The email sounded like the golf course was putting it back to the Town for action.

3. Can we have a delegation of the Mayor, Town Manager, and one commissioner to sit down with the golf course and see if we can work this issue out? **Mayor Baker** stated that we can try, but the issue is the golf course is adamant about wanting us to be in the water policing business over the water to air heat pumps.

Commissioner King said he had done the calculations on the heat pumps and they are not an issue. It is so minor that makes no difference. The water coming from Sutton Drive and the houses over on the southside is flowing to the golf course. Originally that was a ditch that carried it over to the other side. If you can get the water from where it is on the southside of the golf course to the first drop-in box on north side, it will flow to Pettiford Creek like a river. There is that much elevation there. The golf course bears the major responsibility.

Mr. Steffey showed the video from when the berm was pulled back and the temporary swale that was cut in by the Town on the golf course during last year's flooding.

Mr. Steffey showed the GIS topography maps from the 1970's and 1980's and the original swale was still in place at that time. The present-day GIS was pulled up and there was additional discussion.

Mr. Steffey was tasked by the BOC to email the golf course in an effort to achieve a mutually agreeable solution to remedy of the flooding issues along Sutton Drive.

17. Commissioner Reports

Commissioner Martin—

- Lost a great Marine, Leon Spinks. He had the pleasure of serving with him.
- Thank you to the former planning board members, John Ritchie, Fred Josey, David Figowy, Kevin Daffron, Paxon Holz, Kathleen Kelley & Bruce Gay.

Commissioner King—

- Commended the County Health System. He got his COVID-19 shot and was in and out in 30 minutes.

Commissioner Nalitz

- No report.

Commissioner Miller—

- Thank you to the Town staff.

Commissioner Waters—

- Thank you to the previous planning board members.
- It is refreshing to see people coming out to be a part of the Town.

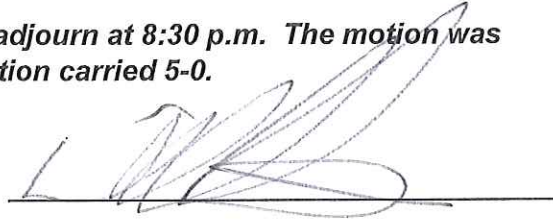
Mayor Baker—

- Thank you to the former planning board members.
- Great to see the turnout of people interested in serving this Town.
- Attended the ILA meeting. It was amazing to see the amount of development getting ready to happen around here.
- Thank you to staff.
- Thank you to the Board. Great job this evening.

18. Adjournment

18. Adjournment

Commissioner Martin made a motion to adjourn at 8:30 p.m. The motion was seconded by Commissioner Waters. Motion carried 5-0.



William Baker
Mayor



Heather Leffingwell
Town Clerk