

SHALLOTTE BOARD OF ALDERMEN

REGULAR MEETING

November 1, 2022

5:15 P.M.

The Shallotte Board of Aldermen met for a regular meeting on November 1, 2022 at 5:15 p.m. in the meeting chambers located at 110 Cheers Street with Mayor Walt Eccard presiding.

Aldermen present: Larry Harrelson, Gene Vasile, Carson Durham, Jimmy Bellamy and Bobby Williamson.

Staff present: Mimi Gaither, Robert Waring, Natalie Goins, Isaac Norris, Paul Dunwell, Adam Stanley, Dan Formyduval and Attorney Laura Thompson.

I. **CALL TO ORDER**

Mayor Eccard called the meeting to order. A motion was made by Carson Durham seconded by Gene Vasile to open the meeting. Motion carried 5 yes 0 no.

II. **INVOCATION & PLEDGE**

Susan Usher from the Greater Ministerial Association gave the Invocation followed by the Board and audience reciting the Pledge of Allegiance.

III. **CONFLICT OF INTEREST**

Mayor Eccard asked if any member of the Board had a conflict of interest or the appearance of a conflict of interest with regard to any item on the agenda. None stated.

IV. **AGENDA AMENDMENTS & APPROVAL OF AGENDA**

A motion was made by Carson Durham seconded by Gene Vasile to make the following amendments and approve the amended agenda:

- 7. Administration
- B. Additional Scope of Services

Motion carried 5 yes 0 no.

V. **PRESENTATION OF WATER & REGIONALIZATION FEASIBILITY STUDY**

Megan Powell of WithersRavenel remotely gave an overview and presented findings from the feasibility study of a potential merger between the Town of Shallotte and Brunswick County Public Utilities. Two options were discussed: Option A, maintaining the status quo. Option B, merging with Brunswick County, transferring ownership of existing distribution system to the County and eliminating the need for the agreement with the County to provide water service to the Town.

Mayor Eccard expressed thanks to WithersRavenel for all the work that went into the study.

VI. PUBLIC COMMENTS

- Ada Rosebour of Mulberry Road questioned why there are no fire hydrants along that road. She was informed by staff that the Town of Shallotte does not have water service in that area. Therefore, she would need to contact Brunswick County about her concerns. She provided her email so that Town Manager, Mimi Gaither, may get the county's contact information to her.

VII. DEPARTMENT REPORTS

1. Police

Chief Adam Stanley spoke about the recent traffic accident involving Sgt. Baker and Officer Oliver, stating that they are both doing ok, and will be returning to light duty in time. Officer Oliver was given a referral for follow up care upon release from the hospital. Three doctors in the county refused the referral being it was a workers compensation case. Mayor Eccard expressed his disappointment in providers refusing to see an officer injured in the line of duty. Mayor Eccard feels it is disgraceful and that the county and the town need to be made aware that physicians seem to not be performing their duty.

2. Fire

3. Planning

There was discussion about Scott's Farm & Family's noncompliance with permitted number of U-Haul vehicles stored on the property. The vehicles were also to be on the back end of the lot and screened so as to not affect the appearance of Main Street. The Board was in agreement for staff to convey to the owner of their failure to comply and report back to the Board next month.

4. Public Utilities

A. Village Point Estates Street Survey

Public Works Supervisor, Dan Formyduval, reported on his survey of the street conditions in Village Point Estates. After discussion upon hearing the findings, it was the consensus of the Board not to accept the roads at this time, given the needed repairs. A letter will be sent to the owner, as well as resident Kate Inman.

5. Finance

Finance Director Isaac Norris stated that a \$500,000 State Capital & Infrastructure Fund (SCIF) grant had been received.

6. Media & Events

7. Administration

A. Funding Requests for non-profits

A motion was made by Carson Durham seconded by Gene Vasile to approve non-profit funding:

Brunswick Family Assistance (BFA) \$25,000

South Brunswick Interchurch Council (SBIC) \$2,500

Brunswick Homeless Coalition \$2,500

Motion carried 5 yes 0 no.

B. Additional Scope of Services

A motion was made by Larry Harrelson seconded by Carson Durham to approve the additional services for the Price Landing project by McGill Associates in the amount of \$25,020. Motion carried 5 yes 0 no.

8. Mayors Monthly Activities

A. Resolution 22-16 American Flood Coalition

A motion was made by Jimmy Bellamy seconded by Carson Durham to approve Resolution 22-16 providing for the Town of Shallotte to become a member of the American Flood Coalition. Motion carried 5 yes 0 no.

VIII. **CONSENT AGENDA**

A motion was made by Carson Durham seconded by Gene Vasile to approve the following consent agenda items:

1. October 4, 2022 Regular Meeting Minutes
2. Budget Adjustments
 - BA-22-23-5 (Planned Sweatt property purchase plus legal & survey fees: \$210,000.00)
 - BA-22-23-6 (Price Landing/Mulberry Park project: \$1,162,873.00)

Motion carried 5 yes 0 no.

IX. **PUBLIC HEARING (1)**

ANNEXATION AND REZONING PETITION: LDI COMMERCIAL, LLC. – FMJ TRACT (HWY 17 & EXPRESS DR.) PID 18100054

Theresa Mintz has submitted an Annexation Petition for property located along Hwy 17 & Express Dr. (Parcel ID # 18100054). The property owner has requested that the property be rezoned to PUD & HB.

1. A motion was made by Gene Vasile seconded by Jimmy Bellamy to open the Public Hearing. Motion carried 5 yes 0 no.
2. Public Comments/Questions
 - Planning Director Robert Waring gave an overview and power point presentation. The site is 125 acres, abuts Hwy 17, and would be accessed via Express Dr. The Town's Future Land Use Map identifies this area as Industrial. Approving the rezoning has the effect of updating the Future Land Use Map. The PUD master plan envisions 605 residential units divided into four phases; total density 5.8 units/acre.
 - Allison Engebretson, Paramounte Engineering, also gave a power point presentation.
 - Rynal Stephenson, Ramey Kemp Associates, spoke on the traffic impact analysis.

3. A motion was made by Jimmy Bellamy seconded by Carson Durham to close the Public Hearing. Motion carried 5 yes 0 no.
4. Board Comments/Questions.
 - Mayor Eccard asked about the projected time frame. Ms. Engebretson proposed Phase 1 would begin as soon as possible. She anticipated 2023 or 2024 before breaking ground, and that a project of this scale could take 5-10 years.
 - Alderman Vasile had concerns about congestion at Smith Ave. Ms. Engebretson stated that the TIA looked at both scenarios with the DOT interchange as well as without DOT moving forward.
 - Alderman Harrelson questioned future connectivity with the service road. Robert Waring stated that regardless of who develops that property that they understand this is a connection that needs to happen.
5. A motion was made by Carson Durham seconded by Gene Vasile to approve Ordinance 22-14, annexing property along Hwy 17 & Express Dr. (Parcel ID# 18100054). Motion carried 5 yes 0 no.
6. Mayor Eccard read aloud the Board of Aldermen Zoning Amendment Statement of Consistency. A motion was made by Larry Harrelson seconded by Carson Durham to approve the Board of Aldermen Zoning Amendment Statement of Consistency, finding that:

The size of the area to be rezoned, which is ±125 acres, is compatible with the proposed rezoning to both PUD & HB.

The area exceeds the minimum lot size and width in the proposed zoning district and development type.

All permitted uses in Article 10 Table of Permitted Uses of the Shallotte Unified Development Ordinance have been considered in this decision.

The potential uses are detailed in the required master plan.

The proposed rezoning to PUD & HB is compatible with the Town of Shallotte Land Use Plan. *The project is found to be partially compatible with the Future Land Use Plan and will be considered an update to the Future Land Use Map.*

The benefits of rezoning the tract to PUD & HB outweigh any detriments.

The Town will benefit from the road connections to the adjacent property owners as well as the additional tax base.

The relationship between the uses of the proposed zoning of PUD & HB and the surrounding area are either identical or compatible.

The project would serve as a transitional area between industrial uses and single family residential.

This new zoning promotes the public health, safety, and general welfare of the community.

The new zoning will promote public health, safety, and general welfare by providing residential & commercial zoning.

7. A motion was made by Carson Durham seconded by Gene Vasile to approve rezoning Parcel ID# 18100054 to PUD and HB. Motion carried 5 yes 0 no.

X. PUBLIC HEARING (2)

Quasi-judicial

SPECIAL USE PERMIT PARCEL ID # 23000050 (VILLAGE PT RD. SW.)

Morning Companies, LLC. has submitted a request for consideration of a Special Use Permit (SUP) so as to develop a Residential Cluster Development, located in the area of Village Point Rd. SW. Parcel ID # 23000050. The property is zoned Residential-10 (R-10) and such use is a special use within the R-10 zoning district.

1. A motion was made by Jimmy Bellamy seconded by Carson Durham to open the Public Hearing. Motion carried 5 yes 0 no.
2. Town Clerk, Natalie Goins, administered the Oath to those that wished to speak during the Public Hearing. Below is a record of those who were sworn in:
 - Robert Waring
 - Crystal Babson
 - Mike Nichols
 - William Calvert
 - Tim Clinkscales
 - James Luke
 - Gary Formisano
 - Maggie Bennington
3. Public Comments/Questions
 - Planning Director Robert Waring gave an overview and power point presentation. The property is a 44 acre tract along Village Point Road and is currently vacant. The proposed residential cluster development would consist of 84 single family lots.
 - Attorney Maggie Bennington, Lee Kaess PLLC, also gave a power point presentation. Ms. Bennington tendered Mr. Nichols, Ms. Babson, and Mr. Clinkscales as expert witnesses and entered documents into evidence.
 - Mike Nichols, Paramounte Engineering, stated there would be a 300 ft. transitional buffer. He explained the cluster development would allow for smaller lots, increasing land efficiency. Well over 17% will be open space, with 22 acres undeveloped.
 - Crystal Babson, Berkshire Hathaway HomeServices, emphasized the need for housing inventory in Shallotte.
 - William "Bill" Calvert of Village Point Road expressed his concerns regarding the ingress and egress being on a curve which he feels is going to lead to accidents.
 - Gary Formisano of Village Point Road is concerned about increased traffic and the danger of curves before and after proposed development.
 - Tim Clinkscales, Paramounte Engineering, addressed residents' concerns stating a turn lane was not warranted for this site and that DOT will have to approve permitting.
4. A motion was made by Jimmy Bellamy seconded by Carson Durham to close the Public Hearing. Motion carried 5 yes 0 no.
5. Board Comments/Questions
 - Alderman Durham had concerns about ingress and egress, line of sight and reaction time.
 - Alderman Bellamy asked about time frame. Mr. Clinkscales stated 2023 start construction, one phase.
6. Mayor Eccard read aloud the Specific Findings of Fact. The Board was in agreement that the proposed use would comply with the following standards:

That the use will not materially endanger the public health and safety.

The approval of a special use permit for the Residential Cluster Development will promote the public health, safety and general welfare of the community by providing single family residential homes in harmony with the area.

That the use will not substantially injure the value of adjoining or abutting property (or alternatively, that it be a public necessity).

The approval of the proposed development will enhance property values because it will provide convenient, compatible and efficient single family residential homes to the area. In addition, the proposed development is in harmony with the area in which is it located.

That the use will be in harmony with the area in which it is to be located.

The proposed development will establish a comfortable relationship between the natural landscape, the custom crafted homes, the sidewalks, the open space and other amenities. The project is designed to be a close-knit community where neighbors are drawn to the outdoor spaces and the Applicant is not aware of any evidence to suggest that the development will have any adverse effect on real estate values of neighboring properties. The proposed Residential Cluster Development is located in an area identified as Low Density Residential on the Future Land Use Map as well as currently being surrounded by residential zoning on all sides.

That the use will be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Aldermen.

The proposed development and special use permit are consistent with the Town's Land Use Plan. The Land Use Plan identifies the area as a low density residential area. The proposed project will have a gross density 2.13 units per acre/net density 1.88 units per acre (as reflected on the site plan, response to TRC comments and TIA report that were submitted into evidence) which is well below the target density of 3 dwelling units per acre set forth on the future land use map. The Land Use Plan also promotes the clustering of residences to promote the more efficient use of land and to preserve the natural characteristics of the land. The Residential Cluster Development will allow lot sizes not otherwise found in Shallotte zoning districts. This will allow product flexibility while fitting in with the anticipated future use of the property.

That the use will have adequate facilities to provide ingress and egress designed to minimize traffic congestion on public streets and also have adequate utilities, access roads, drainage, sanitation or other necessary infrastructure.

That the use meets all required conditions and specifications established by the Board of Aldermen.

A motion was made by Jimmy Bellamy seconded by Carson Durham to approve Special Use Permit so as to develop a Residential Cluster Development, located in the area of Village Point Rd. SW, Parcel ID# 23000050. The following special conditions are also imposed:

- 1) The project will be completed in one phase; and
- 2) Connect public roads D & G; and
- 3) Provide public road connection to the property along western property line; and
- 4) Ensure that restrictive covenants do not allow on-street parking; and
- 5) Comply with all driveway design requirements as detailed by NCDOT & Town staff; and
- 6) Provide appropriate easements for maintenance and access over all public infrastructure to include waste water lift station; and
- 7) Indicate with signage that stubbed roads will be used as future public road connections; and
- 8) Submit complete preliminary subdivision plans/application, stormwater plans/application for technical review and Planning Board approval for each phase; and
- 9) Prior to recording of the final plat, all public infrastructure shall be completed, inspected, and offered to the Town via deed of dedication; and
- 10) Preserve all heritage trees shown on survey whenever practical and replaced per Article 17 if removed; and

- 11) All required local, state, and federal permits shall be obtained and copies provided prior to final zoning approval; and
- 12) The property owner will complete preliminary subdivision plans within 12 months of SUP approval or petition the Board of Alderman for an extension, per Section 12-12 of the Shallotte UDO; and
- 13) The applicant shall sign the SUP findings.

Motion carried 5 yes 0 no. Mayor Eccard thanked everyone for their comments.

XI. **DISCUSSION ITEMS**

1. Water System Merger Update

The Board of Aldermen discussed the water system merger. Staff was updated on the information request from Brunswick County. The county has set a tentative date of April 1, 2023 to complete the water transfer. They are also requesting the Town to transfer ownership of the sewer system to the county. It was the consensus of the Board not to transfer the sewer system at this time.

2. Expiring Board Appointments

- ABC Board – January 2023
 1. Roy Mintz
- Fireman’s Relief Fund – January 2023
 1. Paul Dunwell
 2. David Moore
- Cape Fear Council of Governments (COG) – January 2023
 1. Carson Durham
- Shallotte Tourism Development Authority
 1. Brian McCall – January 2023
 2. Susan Freeman – January 2023
 3. Rhonda Shook – January 2023
 4. Vimal Patel – January 2023

3. Offer to Purchase Sweatt Property

A motion was made by Gene Vasile seconded by Carson Durham to approve Mayor signing the offer to purchase Sweatt property. Motion carried 5 yes 0 no.

XII. **ADJOURN**

A motion was made by Carson Durham seconded by Jimmy Bellamy to adjourn the meeting at 8:06 p.m. Motion carried 5 yes 0 no.

Respectfully submitted,

Natalie Goins
Town Clerk