

SHALLOTTE BOARD OF ALDERMEN

REGULAR MEETING

October 4, 2022

5:15 P.M.

The Shallotte Board of Aldermen met for a regular meeting on October 4, 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 Jimmy Bellamy seconded by Gene Vasile to open the meeting. Motion carried 5 yes 0 no.

II. **INVOCATION & PLEDGE**

Mayor Eccard 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:

VII. Consent Agenda

4. Resolution 22-15: Acceptance of Deed of Dedication of White Mill Road

Motion carried 5 yes 0 no.

V. **PUBLIC COMMENTS**

- Rev. Dr. Susan Kennedy of 1171 Fletcher Hewett Road, Shallotte, feels her neighbor on Copas Road is causing light pollution and religious discrimination by erecting a 40x15 ft. lighted cross that is on from dawn to dusk. She submitted various photographs, showing the light intrusion into her

bedroom window as well as views of the river. Mayor Eccard responded that he would have a conversation with the individual regarding the complaints.

- Joseph Pasculli of Woodsong Village stated he had an issue with how much leeway developers seem to have. His concerns included building projects' time frames being drawn out and negatively affecting existing residents' property value. He requested the Board to look into what could be done to bring these projects to completion.

VI. DEPARTMENT REPORTS

1. Police

- Implemented Video Magistrate System
- Police Department is now fully staffed.

2. Fire

3. Planning

A. Ordinance 22-13

A motion was made by Gene Vasile seconded by Carson Durham to approve Ordinance 22-13 Nonresidential Maintenance Code, and adopt Code of Ordinance Update. Motion carried 5 yes 0 no.

4. Public Utilities

A. Village Point Estates Sewer

Staff has been made aware of an odor issue of uncertain origin at Village Point Estates. Town engineer has suggested an alternative to the pressure flow coming into the manhole before Village Point lift station.

- Public Works Supervisor, Dan Formyduval explained avenues that have been investigated including checking all rain buckets that seal manholes, walking along easements where sewer lines exist, and inspecting all cleanouts. Odor control systems have also been implemented.
- David Moore, a resident of Village Point Estates, spoke on the matter, stating that he feels confined to his home, unable to enjoy being outdoors when the odor is present. He is asking the Town to do more to remedy the issue.

A motion was made by Carson Durham seconded by Gene Vasile to approve beginning project process which is estimated at \$100,000. Motion carried 5 yes 0 no.

5. Finance

- Motor Vehicle Distribution of \$24,000 was received.

6. Media & Events

7. Administration

8. Mayors Monthly Activities

VII. CONSENT AGENDA

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

1. September 6, 2022 Regular Meeting Minutes
2. Budget Adjustments
 - BA-22-23-3 (Merger & Regionalization Feasibility – WithersRavenel \$50,000)
 - BA-22-23-4 (Police Department Donations - \$500)
3. Deed of Dedication: White Mill Road
4. Resolution 22-15: Acceptance of Deed of Dedication of White Mill Road

Motion carried 5 yes 0 no.

VIII. PUBLIC HEARING (1)

ANNEXATION AND REZONING PETITION (ANX 22-12): PIDs 1980000136, 1980000135, 1980000131 along Copas Rd.

Coleman Parks (on behalf of Mr. Leroy Mintz, Jr.) has submitted a petition to annex and rezone 39.53 acres located along Copas Rd. (Parcel ID # 1980000136, 1980000135, & 1980000131). The property is currently zoned RA-15 and has been requested to rezone to Planned Unit Development. The property in question is immediately adjacent to the Brierwood subdivision and across from Rivers Edge Subdivision. The property is currently vacant.

1. A motion was made by Carson Durham 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 of the proposed development which consists of 57 single family lots with a maximum density of 1.5 units/acre. If approved, preliminary subdivision plans would have to come before the Board for approval.
 - David Capitano, 86 Country Club Drive, has concerns about the potential stormwater pond that is going to be built in his backyard. He is requesting the pond be built before any significant construction begins, and that it conforms to specifications.
 - Maury Paslick, 331 River Village Square, has concerns with stormwater and increased traffic along Copas.
 - David Henclewski, 46 Country Club Drive, stated the front of his house is basically a river following bad weather. He believes with this construction that there's going to be even more water runoff. He feels a less dense plan would also be better for the natural habitat.
 - Ken Nelson, 341 River Village Square, had questions regarding the proposed sidewalk on Copas Rd. and concerns if the twenty-five year storm drain is appropriate for climate change and storm intensity. Robert Waring explained the sidewalk would be internal to the development, and may be used as a future connection, and the twenty-five year storm drain was a specific recommendation of the Town Engineer.
 - Paul Lombardi, 94 Country Club Drive, questioned if signatures would be required of property owners along the area of the 20-foot drainage swale. Robert Waring explained that the easement and swale would be totally contained to the project property.
 - Michael Parks, Developer, also spoke about the project, addressing concerns expressed by the public and Aldermen's questions.
3. A motion was made by Carson Durham seconded by Larry Harrelson to close the Public Hearing.

Motion carried 5 yes 0 no.

4. Board Comments/Questions

5. A motion was made by Carson Durham seconded by Larry Harrelson to approve Ordinance 22-12, annexing property along Copas Road (PIDs 1980000136, 1980000135, 1980000131). 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 Gene Vasile to approve the Board of Aldermen Zoning Amendment Statement of Consistency with the following conditions:

- 1) Plans incorporate a 20-foot drainage easement along the rear property line and a vegetated swale be constructed to the Town engineer's specs.
- 2) The subsequent stormwater permits be designed to show that runoff from all built upon area for the 25-year storm event will be retained on-site and then be released over a period of 3-5 days.
- 3) Plans show the Copas Road sidewalk location.

7. A motion was made by Jimmy Bellamy seconded by Carson Durham to approve rezoning PIDs 1980000136, 1980000135, 1980000131 to Planned Unit Development (PUD). Motion carried 5 yes 0 no.

IX. PUBLIC HEARING (2)

ANNEXATION AND REZONING PETITION (ANX 22-10): 431 TRYON ROAD – PID 1970001924

Holmes Construction & Excavation, LLC. has submitted a petition to annex and rezone 15.98 acres located along Tryon Road (PID 1970001924). The property is currently zoned RA-15 & RAM-15 and has requested to rezone to R-10/PRD Overlay.

1. A motion was made by Jimmy Bellamy seconded by Carson Durham 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 of the proposed development which consists of 35 single family lots with a maximum density of 5.25 units/acre. If approved, preliminary subdivision plans would have to come before the Board for approval.

- Marsha Grissett, 484 Plain Field Ln., had questions about annexations, Tryon Road being turned over to DOT, and proposed sidewalks. Robert Waring explained the layout of the 5' sidewalks and that Tryon Road is currently maintained by DOT. It was also explained that annexations were voluntary, and would not be forced on neighboring properties.
- Selena Johnson, 659 Tryon Road, had concerns and questions regarding traffic, projected timeframe, and pricing of homes.
- H.L. Holmes, Developer, also spoke about the project, addressing concerns expressed by the public.
- Michael Norton submitted pictures illustrating existing and proposed roads. It is the request of the developer that the Town accept the new roads (shown in blue on illustration) due to closing date.

3. A motion was made by Gene Vasile seconded by Carson Durham to close the Public Hearing. Motion carried 5 yes 0 no.

4. Board Comments/Questions
5. A motion was made by Carson Durham seconded by Larry Harrelson to approve Ordinance 22-10, annexing property along Tryon Road (PID 1970001924). 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 Gene Vasile seconded by Carson Durham to approve the Board of Aldermen Zoning Amendment Statement of Consistency with the following conditions:
 - 1) New road sections will be dedicated to the Town of Shallotte for maintenance.Motion carried 5 yes 0 no.
7. A motion was made by Carson Durham seconded by Gene Vasile to approve rezoning PID 1970001924 to R-10/PRD Overlay. Motion carried 5 yes 0 no.

X. PUBLIC HEARING (3)

ANNEXATION AND REZONING PETITION (22-11): 755 VILLAGE POINT ROAD – PID 21300040

Mr. Christopher Moshoures has submitted a petition to annex and rezone 0.40 acres located at 755 Village Point Road (PID 21300040). The property is currently zoned B-2 and is requested to rezone Highway Business (HB).

1. A motion was made by Larry Harrelson seconded by Jimmy Bellamy to open the Public Hearing. Motion carried 5 yes 0 no.
2. Public Comments/Questions
3. A motion was made by Jimmy Bellamy seconded by Gene Vasile to close the Public Hearing.
4. Board Comments/Questions
5. A motion was made by Gene Vasile seconded by Jimmy Bellamy to approve Ordinance 22-11, annexing property at 755 Village Point Road (PID 21300040). 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 Carson Durham seconded by Gene Vasile to approve the Board of Aldermen Zoning Amendment Statement of Consistency. Motion carried 5 yes 0 no.
7. A motion was made to approve rezoning property at 755 Village Point Road (PID 21300040) to Highway Business (HB). Motion carried 5 yes 0 no.

XI. PUBLIC HEARING (4)

ZONING MAP AMENDMENT (REZ 22-28): INTERSECTION OF ARNOLD ST. AND NORTHSIDE DR. – PID 1820000104

Venture Engineering, Inc., on behalf of Mr. Roman Perez, has submitted a petition to rezone property located at Tract A, Arnold Street, PID 1820000104. The property is currently zoned RM-10 and is requested to rezone to MF-14.

1. A motion was made by Carson Durham seconded by Gene Vasile to open the Public Hearing. Motion carried 5 yes 0 no.
2. Public Comments/Questions
3. A motion was made by Jimmy Bellamy seconded by Gene Vasile to close the Public Hearing.
4. Board Comments/Questions
5. Mayor Eccard read aloud the Board of Aldermen Zoning Amendment Statement of Consistency. A motion was made by Gene Vasile seconded by Carson Durham to approve the Board of Aldermen Zoning Amendment Statement of Consistency. Motion carried 5 yes 0 no.
6. A motion was made by Carson Durham seconded by Gene Vasile to approve rezoning property along Arnold Street, Tract A to MF-14. (PID 1820000104). Motion carried 5 yes 0 no.

XII. DISCUSSION ITEMS

- XIII. CLOSED SESSION** - Pursuant to G.S. 143-318.11(a)(5), a motion was made by Jimmy Bellamy seconded by Carson Durham to go into closed session at 8:31 to instruct staff on acquisition of real property located at 4709 Main Street, Shallotte, NC 28470. Owners are Edward and Carolyn Sweatt. A motion was made by Jimmy Bellamy seconded by Carson Durham to resume regular session at 8:37 p.m. Motion carried 5 yes 0 no.

A motion was made by Carson Durham seconded by Gene Vasile to instruct Town Manager, Mimi Gaither, to continue discussion with property owner and negotiate price up to a maximum of \$205,000. Motion carried 5 yes 0 no.

XIV. ADJOURN

A motion was made by Larry Harrelson seconded by Jimmy Bellamy to adjourn the meeting at 8:39 p.m. Motion carried 5 yes 0 no.

Respectfully submitted,

Natalie Goins
Town Clerk