

**Town of Surf City
Regular Council Meeting Minutes
January 2, 2013**

Mayor Guy called the regular monthly meeting of the Surf City Town Council to order at 7:00 p.m. Councilman Fowler gave the invocation, and Councilman Curley led the Pledge of Allegiance. Also present for the meeting were Councilwoman Albury, Mayor Pro Tem Medlin and Councilman Helms, Town Manager Michael Moore, Attorney Charles Lanier, Finance Director Jane Kirk, and Town Clerk Patricia Arnold.

APPROVAL OF MINUTES

Minutes of the December 4, 2012 Regular Meeting were recommended for approval by Town Attorney Charles Lanier. Motion was made by Councilwoman Albury and seconded by Councilman Helms to approve as presented and was carried unanimously.

PUBLIC HEARING

Mayor Guy recessed the regular council meeting at 7:04 P.M. to open the public hearing for comment on rezoning and a PUD Planning Unit Development site plan of 22.79 acres located on Mill Creek Rd. and is owned by Summer Ducks LLC.

Town Planner Rademacher stated that the applicants are seeking a rezoning from R-15 to PUD for the purposes of building a single family home subdivision. The tract is approximately 22.79 acres in size and is located off of Mill Creek Rd on the mainland. The surrounding land uses are vacant land and residential homes and are zoned PD by Pender County which allows for a higher density of single family homes and commercial uses.

The developers are proposing a residential subdivision on this site with 59 residential units.

The 59 single-family home lots exceed the 7500 square feet in size as required in the low density portion of the PUD ordinance. The overall density of this project will not exceed the density allowed on the 22.79 acres in the R-15 district.

Water and sewer plans have been designed in accordance with the ordinance and have been reviewed by Jimmy Holland, the Town's Engineer. These lines will be stubbed out to adjoining properties for future connectivity and will connect to lines that are currently being designed to run up Highway 50 and down Mill Creek Road. The subdivision will require a single pump station to be maintained by the Town.

The proposed road system meets the requirements of the ordinances and will consist of public streets with sidewalks and street trees. The fire department has reviewed the streets and the roundabouts and is comfortable in the design and their ability to maneuver emergency vehicles. Please note that Summer Ducks Dr. and Pond View Dr. have temporary cul de sacs until road connections are made to adjoining properties. The road connection to Mill Creek Rd is currently under review by NCDOT.

Stormwater will be maintained through a state approved stormwater system that will utilize a large existing pond on site as well three other infiltration/wetlands systems located throughout the subdivision.

A mix of wetlands, ponds and open common areas are being proposed to meet of the open space requirements. A total of 5.9 acres is being set aside for open space which well exceeds the requirements of the ordinance.

The Planning Board recommends the rezoning of this property for PUD. A rezoning is consistent with all adopted Surf City plans as well as being consistent with the surrounding land uses.

The Planning Board also recommends approval of the PUD subdivision based on the following required criteria:

- 1) The proposed PUD will not adversely affect the orderly development of Surf City, as embodied in the zoning ordinance and in any land use plan adopted by the Town.
- 2) The proposed PUD will not adversely affect the health and safety of the residents or workers in the area and will not be detrimental to the natural environment, or to the use or development of adjacent properties or the general neighborhood.
- 3) The proposed PUD will accomplish the objectives and meet the standards and performance criteria as outlined in the ordinance.

NCDOT is comfortable with the design that has been sent forward. The developer will need to obtain a driveway permit. Mill Creek Road does not warrant any improvements to the site as the traffic.

Councilman Helms asked if the water will be looped so we don't have dead end hydrants.

Planner Rademacher stated that at this time it will be one continuous line so as things come on line can be added because of its location.

Councilman Fowler asked if the pump state land will be deeded to the Town.

Planner Rademacher stated yes that it was standard practice.

Amanda Cooper, 244 Mill Creek Road, stated that there is already problem with traffic on that road. She has a 7 year old and it is difficult for her to cross the road to visit her cousins.

Nancy Cooper, PO Box 2, Willard, NC 28478, 235 Mill Creek Rd., stated that there has been 7 generations on that property. She stated that she was not told about the meeting. This property was to be kept within their family. Those ponds are fish ponds and we are supposed to be able to get to them.

Planner Rademacher stated that was brought up by the developer. On the plans there is an 11' easement on the property leads to ponds

Nancy Cooper there is 3 ponds

Town Attorney Lanier it depends on what's on record.

Town Clerk Arnold letters were sent to adjoining property owners that were listed by Pender County taxes. She read names from Certified Mail Receipts.

Planner Rademacher stated that it was posted on the property and put in the newspaper.

Nancy Cooper stated that grandfather's last words were to "keep it in the family"

Amanda Cooper stated that she has goats and chickens and the town will not take her land.

Paul Byrd, 455 Kirk Circle, is part owner of the property to the right, 3 ponds, big pond and small pond easement and life time rights, easements down center part of that property; they are not to be used for storm retention.

Planner Rademacher one pond will

Nancy Cooper life time rights, can we put a fence around pond

Charles Lanier stated that you don't own property you just right to use it. What the town does tonight will not affect your easement.

Jimmy Edens, 10171 US Hwy 17, Wilmington, NC 28411, what are you going to do with about traffic

Planner Rademacher stated that the town does not own Mill Creek Road that it is a state road. The Developer has to submit to NCDOT engineers for permits. According to their review there is not enough traffic to warrant to widen or improvements.

The only thing we can talk about is this one track of land, not yours. Do what you would like on your own land.

Jimmy Edens but all those homes will be in the middle of it.

Amanda Cooper what is going to happen to when there are more houses and then hunting?

Nancy Cooper is there a way we can look at what is planned

Planner Rademacher gave Mrs. Cooper a map to keep.

Public Hearing was closed at 7:13 P.M.

Councilman Fowler made a motion to approve the rezoning and the PUD Planning Unit Development site plan of 22.79 acres located on Mill Creek Rd. owned by Summer Ducks LLC. Councilman Helms seconded motion. Motion carried unanimously. Copy of Ordinance is attached to these minutes.

SURPLUS OF PROPERTY

The Police Department requests that the following equipment be deem surplus:

1. 2003 Ford 2FAFP71W23X140631
2. 2007 Ford 2FAFP71W27Z101317
3. 2007 Ford 2FAFP71W27X101318
4. 2007 Ford 2FAFP71W47X101321
5. 2007 Ford 2FAFP71W67X101319

The streets department requests that the following equipment be deem surplus:

6. 1998 Ford 1FTZF18W8WNA84455

Mayor Pro Tem Medlin made a motion to approve the six vehicle being surplused. Councilman Helms seconded motion. Motion carried unanimously.

2013 MARLOWE SERVICE CONTACT

This would be the seventh year we have worked with Marlowe & Company. Marlowe's staffs work closely with our Topsail Island Shoreline Protection Commission. They assist us with our efforts to assure timely project management and sufficient federal funding for the initial construction and periodic beach nourishment of federal shore protection projects located on Topsail Island.

Marlowe & Company bill us \$5,000 per month for services performed pursuant to the agreement and such fees not to exceed \$60,000 in the aggregate during the Term of the agreement. The \$60,000 is shared equally between North Topsail Beach, Topsail Beach, and Surf City. Each Town pays \$20,000 each.

This agreement must be approved by the Three Island Elected Boards before signed and returned to Marlowe & Company.

Mayor Pro Tem Medlin made a motion to approve the 2013 Marlowe Service Contact contingent upon approval from the North Topsail Board and the Topsail Beach Board. Councilman Fowler seconded motion. Motion carried unanimously.

PUBLIC FORUM

No comments.

COUNCIL FORUM

Councilman Curley wished everyone a Happy New Year and thanked everyone for coming and stated he looked forward to the coming year.

Mayor Pro Tem Medlin wished everyone a Happy New Year.

Councilwoman Albury wished everyone a great New Year.

Councilman Fowler wished everyone a Happy New year.

Councilman Helms hoped everyone had a great Christmas and will have a great New Year.

Mayor Guy wished everyone a Happy New Year and Good Health.

MANAGER REPORT

- Thanked everyone for the thoughts and prayers for his wife during her accident.
- Topsail Beach inlet dredging request. Topsail Beach asked for \$75,000. Surf City wants to be good neighbors; the inlets are import to us all. Surf City agreed to pay \$25,000, but in the end Topsail Beach did not need the money because they received funding.
- The Town of Surf City did great during Hurricane Sandy but had a no name nor'easter storm that took 5'-15' of our dunes and they are sliding down. Our sand push is going to cost us \$104,000 just for one push and if we have another storm in February or March we main have to do another sand push.

Want to remain good neighbors but don't see \$75,000 consider \$37,500.

Councilman Helms made a motion to approve providing \$37,500 to be distributed upon completion. Councilman Curley seconded motion. Motion carried unanimously.

- Resolution – Requesting State Legislation to Clarify Municipal Authority on the State's Ocean Beaches. It was the consensus of Council to have the Town Attorney to look over this and report back at the February Council meeting.
- Resolution – Opposing Legislation that provides for the forced taking of Municipal Water Systems. It was the consensus of Council to have the Town Attorney to look over this and report back at the February Council meeting.

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TOWN ATTORNEY REPORT

No report at this time.

ADJOURNMENT

There being no further business Mayor Guy adjourned the meeting at 7:49 p.m. upon the motion by Councilman Fowler and seconded by Councilman Helms. The Council unanimously approved motion.

Patricia E. Arnold, Town Clerk

A. D. (Zander) Guy, Jr., Mayor