

## TOWN OF CAROLINA SHORES

### Planning Board

### Meeting Minutes

June 25, 2018

3:00 p.m.

At 3:04 p.m., Chairperson Mark Brown called the June 25, 2018 Planning Board Meeting to order. The Pledge of Allegiance was recited and there was a moment of silence. The following members attended: Greg Hapner, Kathryn Powell, Ruth Ann Campbell-Grothe and Alternate Member Pamela Faria. Also, present: Jon Mendenhall, Town Administrator and Nicole Hewett, Town Clerk.

Absent: Member Daniel O'Reilly was absent until 3:55 p.m. and sat as part of the audience.  
Commissioner Joseph J. Przywara, Liaison.

Alternates in Public Attendance: Normand Neligon

#### **Approval of Minutes:**

ALTERNATE MEMBER FARIA MADE A MOTION TO APPROVE THE PLANNING BOARD MEETING MINUTES OF MAY 16, 2018. MEMBER HAPNER SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

#### **Administrative Reports:**

Farm at Brunswick - Mr. Mendenhall said there is no new activity in The Farm at Brunswick. Mr. Mendenhall said they are working on Phases that are under construction there. Mr. Mendenhall said the Board of Commissioners did approve the final plat and it has been recorded for Phases 13 and 14.

Calabash Lakes - Mr. Mendenhall said construction is continuing in Phase 4 and Phase 5. Mr. Mendenhall said they are doing a lot of work there and it is moving very rapidly.

Lighthouse Cove - Mr. Mendenhall said at Lighthouse Cove Phase 2 which is Landmark at Lighthouse Cove, they are doing some topography work now and site survey work in support of getting their engineer plans put together for the project. Mr. Mendenhall said they went ahead and contracted out for the topography work to be done before timbering the trees. Mr. Mendenhall said at the last meeting of the Board of Commissioners, the Board undertook the purchase contract of a parcel of land beside Lighthouse Cove on Thomasboro Road to be purchased for a park. Mr. Mendenhall said this is a two-acre parcel and it will be the East Park. Mr. Mendenhall said the closing should be sometime in the month of August. Mr. Mendenhall said that is one of three parks that are being worked on. Mr. Mendenhall said the concert venue or what we are calling the Town Green Park has been completed and we had a concert here the other day. Mr. Mendenhall said for those that attended, we had a wonderful time and we had about 67 people here at our first concert. Mr. Mendenhall said we had a smaller, more intimate gathering with good friends. Mr. Mendenhall said very good concessions and the weather was nice. Mr. Mendenhall said the third park is going to be in the vicinity of Calabash Road and we are in an agreement potentially with a partner there to acquire some land at probably very little or no cost to build a park. Mr. Mendenhall said you can recall that this park expansion is due to Landmark at Lighthouse as part of their Development Agreement for them to build two parks for the Town. Mr. Mendenhall said we are trying to get to that point with them.

Village at Calabash - Mr. Mendenhall said there is not a lot to report on at the Village at Calabash. Mr. Mendenhall said there are some units coming in and everything seems to be quiet. Mr. Mendenhall said

there is an issue that you probably read about in the paper about Pork Chop the pot belly pig. Mr. Mendenhall said he will come back to that in a moment as he would like this Board to briefly weigh in and get thoughts, ideas and suggestions at the request of the Mayor and the Board of Commissioners. Mr. Mendenhall said he doesn't want to get into a large debate. Mr. Mendenhall said we will come back to this after our other business.

Carolina Shores Neighborhood – Mr. Mendenhall said we don't have a lot to report there. Mr. Mendenhall said all is quiet and things are going very well it seems.

Beacon Townes – Mr. Mendenhall said Beacon Townes is completely built out.

Medical Park – Mr. Mendenhall said we have no new inquiries at the Medical Park.

Other Inquiries – Mr. Mendenhall said we do have inquiries on both Calabash Road for economic development and Shingletree that are immediately occurring in those areas.

Ordinance 81.06 Swine Prohibited – Mr. Mendenhall said the Code is laid out in nine titles and the Planning Board has Title 9 – Chapter 91. Mr. Mendenhall said the Planning Board does not have General Offenses. Mr. Mendenhall said Chapter 8: Animals is an entire section on animals. Mr. Mendenhall read the following: “§81.06 Swine Prohibited. It shall be unlawful for any person to raise, keep or maintain any swine within the Town.” Mr. Mendenhall said if you want to look up the definition of swine in the Webster's Dictionary, swine means pig. Mr. Mendenhall said the date that was approved was on October 9, 2014. Mr. Mendenhall said prior to October 9, 2014, there wasn't any prohibition against swine. Chairperson Brown asked when they acquired Pork Chop and Mr. Mendenhall said that is in the case file. Mr. Mendenhall said at one time they were trying to grandfather Pork Chop because there is another pot belly pig that existed prior to October 9, 2014.

Mr. Walter Goodenough, 905 Palmer Drive - Mr. Goodenough said they owned the pig for however long they owned the animal. Mr. Goodenough said they moved into The Village in February 2015, which is technically a violation and he is going to stick to it a violation of the Town's Code of Ordinances. Mr. Goodenough said it is also a violation of our Master Declaration. Member Campbell-Grothe said this is a pet pig named Pork Chop and Mr. Goodenough said it is a 150-pound pig. Chairperson Brown said he doesn't think that it is the size of the pig but what if someone else comes into the Town and has another type of animal and want the Ordinance changed. Chairperson Brown said how does the Town look if you change one and not the other; we're okay with your pig but we are not okay with your animal. Chairperson Brown said that he agrees with Walter that it's in the Ordinance and if we change it, we just open up a can of worms. Mr. Goodenough said at the last meeting, they also mentioned that the Planning Board, the Mayor or whoever would take this upon themselves to do this, that you could possibly make it so that people could have as many as two of these animals. Mr. Goodenough said it wouldn't be just for theirs, it would be the whole Town, I'm going to get this, I'm going to get that. Mr. Goodenough said it also says hooved animals, if he is not mistaken. Mr. Mendenhall said no, it just says swine. Chairperson Brown said which a pot belly pig is a swine correct. Member Powell asked when they moved in. Mr. Goodenough said they bought the property and moved in February 2015 and the Code was approved in October of 2014. Member Campbell-Grothe said the Ordinance was already approved before they bought the house. Member Powell asked could they claim they bought the house before the Ordinance was approved and Mr. Goodenough said no. Mr. Goodenough said he thinks he recalls that the pig is 5 or 6 years old. Member Campbell-Grothe asked if they could request to get rid of the pig. Chairperson Brown said yes or they would have to move but that is extreme. Chairperson Brown said he has seen on Nextdoor.com and on signs to save Pork Chop and Member Campbell-Grothe said she has too. Member Campbell-Grothe said so it has already been here over three and a half years already and Chairperson Brown said correct. Mr. Goodenough said he found out about it about a year and a half ago. Mr. Goodenough said he is on the Violations Board at

The Village and he mentioned it to the Code Compliance Officer of the Town back then that we have one of those animals in the community. Mr. Goodenough said he didn't really give it to her to chase after but she did know about it about a year and a half ago. Mr. Goodenough said we recently found out that there was somebody else with one also. Mr. Goodenough said that made two. Mr. Goodenough said the reason we found out was because somebody was wanting to bring in a fighting cock. Mr. Goodenough said they found out about it because there was a piece of paper through the mail that said they had to go down and pick-up this fighting cock. Mr. Goodenough said so that is when they decided to put a blurb in The Village Newsletter about the Master of Declaration and what it states as far as farm animals and stuff like that. Mr. Goodenough said they immediately came down to the POA office and said is this in reference to me. Mr. Goodenough told them that if they have a pig, then it is. Mr. Goodenough said it is in violation and for them to deal with it accordingly because he was not stopping with this. Mr. Goodenough said he would go to the Town and do whatever he had to do. Chairperson Brown said so it is in violation of the POA and Mr. Goodenough said absolutely. Chairperson Brown said and it is a violation of the Town. Member Hapner said if the Town changes the Ordinance, does the POA still take precedence and Mr. Goodenough said yeah but we would have a bigger fight being a small community. Mr. Goodenough said our Master of Declaration is not worded the same as what the Town's Ordinance is worded. Mr. Goodenough said it basically says you can't have farm animals. Mr. Goodenough said it does say in the first sentence other than your usual cat and dog and everything else will be considered a farm animal. Chairperson Brown asked what the feeling is about a lot of the residents in The Village. Mr. Goodenough said they have friends. Member Campbell-Grothe asked if it was an indoor or outdoor pig. Mr. Goodenough said as far as he knows, it is an inside pig but it does go outside. Mr. Goodenough said it is a 150-160 pound animal and they take it and walk it around at Sunset Beach. Mr. Goodenough said you can't walk a dog there but you can walk a pig there and he doesn't understand that. Chairperson Brown said if the Town decided to change this, then it would have to be changed in the UDO and Mr. Mendenhall said well this is General Offenses but yes. Mr. Mendenhall said it would just go in front of the Board of Commissioners and there would be no public hearing or anything. Mr. Mendenhall said the Planning Board would not formally weigh in. Member Faria asked if the POA has formally addressed the matter. Mr. Goodenough said the POA has addressed the matter. Mr. Goodenough said the Town should come first because the Town has a stronger Ordinance and wording than what we have at the POA. Mr. Goodenough said it would take us a lot of time and a lot of money to fight this and for one person out of 4,000 that would be ridiculous. Member Faria said she understands that and appreciates that. Member Faria said she still finds that a little backwards. Member Faria said it seems to her that the POA should have voiced an opinion. Mr. Goodenough said we did voice an opinion and that is how it ended up over here. Mr. Mendenhall said we did a site visit and a verbal warning to let them know what the Ordinance was and they complained about that. Mr. Mendenhall said then they indicated that they moved in prior to October 9, 2014. Mr. Mendenhall said it was brought to our attention by a third party that date was incorrect. Mr. Mendenhall said so we went back out and did a site visit and gave them another verbal warning and follow-up. Mr. Mendenhall said our procedures are very forgiving, we give a lot of time on compliance, with voluntary compliance; we give a lot of time. Mr. Mendenhall said they complained to the elected officials that it was not fair at which time they were invited to come to a meeting and talk about it before we proceeded any further. Mr. Goodenough said they had two weeks in the beginning of May, which brought it to May 22, 2018 that the animal be gone. Mr. Mendenhall said that is when it got to the elected officials to see if something could be worked out. Mr. Mendenhall said we have stopped enforcement until the Board of Commissioners decide what they want to do with it. Mr. Mendenhall said there is no sense enforcing something to have the Ordinance change in the middle of enforcement proceedings. Chairperson Brown said according to their POA, they are not allowed to have that. Chairperson Brown said it is no different than you have to keep your yard mowed, keep your weeds down or stuff like that. Chairperson Brown said that stuff is enforced also. Mr. Goodenough said The Village is the fastest growing community within the Town of Carolina Shores and one of the biggest and fastest growing one in the County. Mr. Goodenough said they are putting up their houses for sale at 9:00 in the morning and they are selling by 4:00 in the afternoon. Mr. Goodenough said they are up to \$140,000.00 -

\$175,000.00 per home. Mr. Goodenough said if you keep the community a certain way, people come in and they want to come in and they will buy the houses. Mr. Goodenough said it's the only way to keep your property nice and keep your homes up, he doesn't know what to tell you. Chairperson Brown said he doesn't want to dwell on this. Chairperson Brown said we have an Ordinance in effect and the POA says the same thing. Chairperson Brown said his opinion is that the Board should stick to their guns and do what we're supposed to do because it will open up a whole can of worms. Member Campbell-Grothe said they should enforce the regulation.

William Hanley, 182 Lighthouse Cove Loop – Mr. Hanley asked how long the pig has been there. Mr. Hanley said it's the past the fact and nothing has been done. Mr. Mendenhall said we don't go around looking for violations. Member Powell said the fact of the matter is, we do have the Ordinance. Member Powell said she is very sorry because she is sure they are very attached to it. Member Powell said its probably a lovely animal and she understands that pigs are very clean. Member Powell said but that doesn't mean that she wants a pig living next to her. Member Powell said the rules are the rules and she doesn't see any reason that this would be extenuating circumstance to change it. Chairperson Brown said what he is taking is that it is the consensus of this Board that the Ordinance remain intact. Alternate Member Neligon asked if a waiver could be issued instead of changing the entire Ordinance and Mr. Mendenhall said no, it's a criminal ordinance. Mr. Mendenhall explained the civil and criminal penalty and reviewed Chapter 10 Section 10.08. Mr. Mendenhall said you have to build a case file because that is the evidence should you have to go to court. Chairperson Brown said he believes the Board of Commissioners was just asking for their opinion and he believes they gave it. Mr. Mendenhall thanked the Board for their input and time.

### **New Business:**

Review of Flood Damage Prevention Ordinance and Flood Maps – Mr. Mendenhall said the State is requesting that you have a new model ordinance which has been before you for review and comment. Mr. Mendenhall said this is a text amendment so there are two separate actions that are required here today. Mr. Mendenhall said first is a recommendation to the Board of Commissioners on the adoption of the ordinance and the second is the actual adoption of the maps. Mr. Mendenhall said we took the model ordinance that was provided and added substantial teeth and structure enforcing that ordinance to allow for enrollment in what is called the Community Rating System. Mr. Mendenhall said CRS is a voluntary enrollment program through the International Standards Organization to allow for flood insurance rate reductions. Mr. Mendenhall said there are percentages based on tiers. Mr. Mendenhall said the better you are in what you are doing, the more services you provide, the more comprehensive the service is, the lower your rate. Mr. Mendenhall said a high number is not a good number. Mr. Mendenhall said you want a low number and you are rated 1- 9. Mr. Mendenhall said you start at 9 and then you do things to get better and better and lower your number. Mr. Mendenhall said right now 1 is not an achievable number in this part of North Carolina because of the regulations of the NC Building Code. Mr. Mendenhall said it is not up to the National Standard Building Code under certain zones. Mr. Mendenhall said probably a 5 or 6 mid-tier is achievable given the restrictions that are in place, so we took the model ordinance that the State provided and added a lot of teeth to that ordinance. Mr. Mendenhall said if you go through it, it has flood development standards and increased standards that have been added to increase the score of the CRS. Mr. Mendenhall said we have added local drainage protection standards. Mr. Mendenhall reviewed Section 91.270 General Provisions. Mr. Mendenhall said we have talked about all of this at numerous meetings, letters sent, emails, legal ads placed in the newspaper and signs placed out. Mr. Mendenhall reviewed the maps that will be adopted by the Town. Mr. Mendenhall reviewed 91.256 (K)(L)(M) and (N) and 91.257 with the Planning Board. Mr. Mendenhall reviewed Section 91.258. Mr. Mendenhall discussed compensatory storage. Mr. Mendenhall said you will probably see more flood benches in the future. Mr. Mendenhall reviewed Section 91.245(C). Mr. Mendenhall reviewed Section 91.258. There was discussion on what the Real Estate Agents disclose when it comes to flooding.

CHAIRPERSON BROWN MADE A MOTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT THEY ACCEPT THE FLOOD DAMAGE PREVENTION ORDINANCE. MEMBER HAPNER SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

CHAIRPERSON BROWN MADE A MOTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS TO ACCEPT THE NEW FLOODPLAIN MAPS. ALTERNATE MEMBER FARIA SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Alternate Member Faria said she read the Ordinance. Alternate Member Faria said just a point of inquiry, it would have been helpful to her if what she was looking at tracked the changes. Alternate Member Faria said for instance if it was the former document that had underscored the additions and crossed through the deletions. Alternate Member Faria said that is what she is accustomed to and it helps her with what has changed, a frame of reference. Member Faria said because when she looked at this, she didn't know what had changed. Member Faria asked if it were possible to do that. Mr. Mendenhall said on this one, we took the model and added to it so we gutted the entire section and added to the model. Mr. Mendenhall said that is a fair comment that we can do for the future. Member Faria said if you could put page numbers on things that would help too. Mr. Mendenhall said sure. Member Faria said thank you and thank you for your patience.

**Public Comment:**

William Hanley, 182 Lighthouse Cove Loop – Mr. Hanley said he is not an advocate for domesticated swine. Mr. Hanley said he is more concerned with the fact that nothing was done and PETA has lots of money. Mr. Hanley said he doesn't want to be stuck fighting an international organization like PETA over this pig. Mr. Hanley said he totally supports an Ordinance on animals but he doesn't want to spend money on lawyers fighting PETA. Mr. Hanley said he also thinks you guys would come out looking good, it would be a win-win. Mr. Hanley said there are a lot of people and PETA will make sure they come out. Mr. Hanley said they will try to make this a regional issue. Mr. Hanley said there is a solution. Chairperson Brown said it is not up to the Planning Board to make that decision, it is up to the Board of Commissioners. Chairperson Brown said we just gave our opinion. Mr. Hanley asked whose decision is it and Chairperson Brown said the Board of Commissioners. Chairperson Brown said we don't even vote on anything like that. Mr. Hanley said that's okay, that is fine. Chairperson Brown said the Commissioners just wanted our opinion and what we thought and we gave it. Chairperson Brown said that's where it ends with us. Chairperson Brown said you know Jon quoted the ordinance and he was reading all this stuff on Nextdoor.com. and there were people against it. Chairperson Brown said he got on there and quoted the ordinance. Chairperson Brown said he did not say that he was for or against it because he didn't want to get into that on social media. Mr. Hanley said so there's no ordinance. Alternate Member Neligon said there are two pigs. Alternate Member Neligon said one pig was there before they passed the ordinance and that one is grandfathered and the second one came after the ordinance was passed. Mr. Hanley said oaky but he just doesn't want to fight PETA. Mr. Hanley said he doesn't know them by their names. Mr. Goodenough said by the way, the signs are a violation too and Chairperson Brown said he thought about that too.

Walter Goodenough, 905 Palmer Drive – Mr. Goodenough asked how Lighthouse Cove falls as far as the floodplain goes, are they part of that. Mr. Goodenough said most of the communities with the exception of his are built on slabs. Mr. Goodenough said we are above grade as far as floodplains go. Mr. Goodenough said is that taken into consideration, that we are three feet above. Alternate Member Neligon said they probably want to see about 2 feet above ground level. Chairperson Brown asked what they are in The Village and Mr. Goodenough said 2 ½-3 feet above and 42 feet above sea level. Mr.

Goodenough said some aren't as they were built in the 80's. Mr. Goodenough said they may be 1 foot – 1 ½ feet. Mr. Mendenhall said to answer the question, Lighthouse Cove and The Village is not.

**Adjourn:**

MEMBER RUTH ANN CAMPBELL-GROTHE MADE A MOTION TO ADJOURN THE JUNE 25, 2018 PLANNING BOARD MEETING AT 4:18. MEMBER POWELL SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

---

Chairperson

Submitted by:  
Nicole Hewett, Town Clerk