

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
June 11, 2018

Commissioners Chambers
David R. Sandifer Administration Bldg.
County Government Center
Old U.S 17 East

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Ron Medlin
Troy Price
Randy Ward

MEMBERS ABSENT

Tom Simmons
William Bittenbender

STAFF PRESENT

Kirstie Dixon, Director
Helen Bunch, Zoning Admin.
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Michael Slate, Code Admin. Director
John Shirk
Billy Scott
Charles Strickland
Wayne Smith
Ron Greger

Terry Pope, State Port Pilot
Karen Wagley
Steve Lynn
Maryann Schmitt
Reece Hudson
Gil Batton

I. CALL TO ORDER.

The Chair called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham said a prayer. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Tom Simmons and Mr. William Bittenbender were absent.

IV. CONSIDERATION OF MINUTES OF THE 14-May-18 MEETING.

Mr. Leary made a motion to approve the minutes as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

Mr. Billy Scott addressed the Board. Mr. Scott expressed concern with stormwater runoff during rainstorms and septic tanks being under water in the Sunset Harbor area. He stated that there are stormwater drainage issues because the ditches have been filled. Mr. Scott also expressed concern with mosquito infestation as a result of the stormwater drainage issues in the area. Mr. Scott said Cross Street SE (SR 1907) and Swain Street SE (SR 1230) are particular areas of concern with standing water after a rainstorm. The Chair stated that this request is outside the Planning Board's purview, but he informed Mr. Scott his concerns will be addressed by the appropriate department. Ms. Dixon interjected that staff will forward Mr. Scott's concerns to Brigit Flora, County Stormwater Engineer. Mr. Scott said he has made contact with the State regarding this situation, but no resolution has been reached. Ms. Dixon said staff will provide his contact information to Ms. Flora and she will contact Mr. Scott about his concerns.

Mr. Steve Lynn addressed the Board. Mr. Lynn said they are getting ready to build a family life center at Sunset and they have similar concerns that Mr. Scott previously stated. Mr. Lynn said they are working with East Coast Engineering to prepare a stormwater plan, but existing stormwater issues in the area need to be addressed. Mr. Lynn said they have spoken to Brunswick County about the drainage ditches in Sunset Harbor, but there has not been a drainage plan implemented for this area. Ms. Dixon asked Mr. Lynn to provide his contact information to staff so his name can be forwarded to Ms. Flora.

Mr. Charles Strickland addressed the Board. Mr. Strickland said he plans to construct a home in the Sunset Harbor area, but he was concerned with the stormwater drainage issues in the area. The Chair asked staff to gather his contact information and forward it to Ms. Flora for her to determine the best course of action.

Ms. Maryanne Schmitt addressed the Board. Ms. Schmitt said she has left messages at the Brunswick County Code Administration office regarding floodplain questions, but her phone calls have not been returned.

Mr. Wayne Smith addressed the Board. Mr. Smith said he owns property near the intersection of Thomasboro Road SW (SR 1165), Ocean Highway W (US 17) and Pea Landing Road NW (SR 1304) and the Federal Emergency Management Agency (FEMA) has the elevation of his property at 34.1', but the centerline of the northbound lane of US 17 (Ocean Hwy W) elevation is 33.5'. Mr. Smith felt that FEMA's elevation is incorrect, but he has to disprove FEMA's determination. He stated that he has to hire a professional engineer to dispute FEMA's determination, which will be very costly. Mr. Smith further stated that the County requires a 2' freeboard, which is an additional burden to the property owner. Mr. Smith suggested that the County eliminate the 2' freeboard requirement from the base flood elevation.

VII. PUBLIC HEARINGS.

A. Proposed Unified Development Ordinance Text Amendment Related to Revisions to the Flood Damage Prevention Ordinance.

Mr. Michael Slate, Director of Code Administration and Floodplain Administrator, addressed the Board. Mr. Slate apologized to Ms. Maryann Schmitt about his office not returning her phone call. He stated that they have had turnover in Code Administration and the Floodplain Administrator's position is vacant, but Mr. John Shirk has been filling-in answering floodplain questions and calls. Mr. Slate discussed a PowerPoint presentation (attached) explaining that the revisions to the Brunswick County Flood Damage Prevention Ordinance and flood maps have to be adopted and submitted to FEMA prior to 28-Aug-18 so the citizens of Brunswick County will be able to purchase flood insurance and the County will be able to apply for federal grants/loans in flood hazard areas. He further stated that residences in flood hazard areas with flood related damages will not be eligible for federal disaster assistance if the proposed revisions to the Flood Damage Prevention Ordinance and flood maps are not adopted.

Mr. Dunham asked Mr. Slate if these changes only apply to the unincorporated areas of the County? Mr. Slate said the proposed changes include the Towns of Bolivia, Belville, Northwest, St. James and Varnamtown. He said the County recently contracted with the Town of Shallotte to enforce their flood ordinance. Ms. Easley asked Mr. Slate if the towns will have a separate flood damage prevention ordinance? Mr. Slate replied, yes.

Ms. Karen Wagley, Floodplain Consultant, addressed the Board. Ms. Wagley stated that the time has passed for appeals and protest of the flood maps that will be effective 28-Aug-18. She stated that there was a 90 day period for appeals when the County received the preliminary flood maps in March 2015. She further stated that the appeals that were received during that 90 day period have been resolved by FEMA and Code Administration is requesting that the proposed flood maps and revisions to the flood damage prevention ordinance be forward to the Board of Commissioners for approval. The Chair asked what recourse a citizen has moving forward? Ms. Wagley said a citizen can submit a letter of map change to FEMA, which can occur at any time with the appropriate documentation.

Mr. Slate made himself, Ms. Wagley and Mr. Shirk available for any questions regarding the flood maps and flood elevations.

Ms. Easley asked about Section 7.1.5 (H), Standards for Coastal A Zones (Zone CAZ) LiMWA (LIMIT OF MODERATE WAVE ACTION) addressing all structures rather than non-residential structures. Mr. Shirk said it is only pertaining to non-residential structures and assured the Board that the first paragraph of this section will be changed to reflect such.

Mr. Leary made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Reece Hudson addressed the Board. Mr. Hudson expressed concern about the reasons why these revisions have to be adopted. He felt that this has occurred to appease the insurance company(ies). Mr. Hudson was also concerned with the citizens being made aware of the proposed changes 3 years after-the-fact.

Mr. Ron Greger addressed the Board. Mr. Greger expressed concern with the adoption of the proposed flood maps and the public's uncertainty of the changes. He wanted to know, specifically, where the changes with regards to existing and proposed flood elevations have been made. He was also concerned with existing stormwater issues in Sunset Harbor. Mr. Greger asked if citizens will have an opportunity to look at the proposed flood maps prior to the adoption of the flood maps? Mr. Leary said the flood maps are available for review on the County's website and Mr. Shirk provided the audience with the web address and offered to show interested parties the location online after the meeting adjourns. Ms. Wagley added that the flood maps have been on the County's website for review since the initial maps were received from FEMA in March 2015. She further stated that a citizen can type in their physical address and view the current flood map as well as the preliminary flood map of that property to determine whether or not the property is in a flood zone. She encouraged citizens to contact John Shirk @ 910-253-2046 with any questions they may have regarding the preliminary flood maps and/or existing flood maps. The Chair asked if there has been any communication with the public regarding this matter other than the County's website? Ms. Wagley said there are mandated procedures such as placing advertisements in the local newspaper and holding public meetings. Ms. Wagley further stated that FEMA has been reviewing appeals submitted in 2015 from the unincorporated and incorporated areas of Brunswick County and all issues had to be resolved before the proposed flood maps could be submitted by FEMA for approval to the County.

Ms. Gil Batton addressed the Board. Ms. Batton said FEMA notified her several times last year about her property being in a low risk flood hazard area. She asked if other citizens have been notified if there are changes to their property? Ms. Wagley said the County does not have a list of individual properties that are moving from a flood hazard area to a low risk flood hazard area or vice versa.

Mr. Wayne Smith addressed the Board. Mr. Smith asked the Board, if a landowner spends money to hire a professional engineer to prove their flood elevation is incorrect, will the County reimburse the landowner monies spent? Attorney Bryan Batton replied, no. Ms. Easley interjected that the County does not provide that data. Mr. Smith felt that the County should be held accountable if the County recommends approval to the proposed flood maps to FEMA.

With no further comments, Ms. Easley made a motion to close the Public Hearing and the motion was unanimously carried.

Attorney Batton reminded the Board that they are only making a recommendation on the flood damage prevention ordinance at this time and the recommendation for the flood maps will be discussed under a separate public hearing process.

Mr. Leary made a motion to recommend to the Board of Commissioners to approve the revisions to the Brunswick County Flood Damage Prevention Ordinance with a noted correction to Section 7.1.5(H) to say non-residential structures in the first paragraph rather than ~~structures~~ and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be recommended to the Board of Commissioners for

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is consistent with the Comprehensive Plan (CAMA Land Use Plan).

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons:

The proposed zoning amendment updates the current flood damage prevention ordinance as required by FEMA. As a result, the County can continue participating in the National Flood Insurance Program, which allows citizens to purchase flood insurance, grants/loans can be applied for in flood hazard areas and residences in flood hazard areas with flood related damages will be eligible for federal disaster assistance.

B. Proposed Flood Maps Approved by FEMA.

Mr. Michael Slate said Code Administration is requesting the proposed flood maps approved by FEMA be recommended for approval to the Board of Commissioners.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

With no further comments, Mr. Leary made a motion to close the Public Hearing and the motion was unanimously carried.

Ms. Easley made a motion to recommend to the Board of Commissioners to approve the Proposed Flood Maps approved by FEMA and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be recommended to the Board of Commissioners for

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is consistent with the CAMA Land Use Plan as the proposed flood maps are an update to the existing 2006 flood maps.

- The Planning Board further finds that the proposed amendment is reasonable and in the public interest for the following reasons:

FEMA conducts scientific studies and review analysis to make recommendations for flood maps to protect the public safety and minimize property damage. The amendment will also allow the County to participate in the National Flood Insurance Program.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Zoning Case Z-761 was approved to R-6000 (High Density Residential) at the Board of Commissioners' 21-May-18 meeting. Ms. Dixon said the Board of Commissioners also approved a text amendment related to fire codes at their 21-May-18 meeting.

IX. ADJOURNMENT.

With no further business, Ms. Easley made a motion to adjourn and the motion was unanimously carried.