



TOWN OF CAROLINA BEACH

1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428

PLANNING & ZONING COMMISSION MINUTES

December 8, 2011

7:00 P.M.

ITEM #1 Call to Order & Roll Call 7:00 pm

Commissioner Greg Reynolds called the meeting to order.

Commissioners Present:

Greg Reynolds
Brett Keeler
Tom Bridges
Ked Cottrell
Leann Pierce

Commissioners Absent:

Sarah Efird
Jessica Keenan

Staff Present: Ed Parvin, Planning Director; Kaysie Pralle, Secretary

Harbor Commission Members Present:

Kurt Bartley
Tom Scuzo
Shane Snow
Rick Knott
Fred Grady
Randy Simon

Members Absent:

Rick Rogge
Caleb Batson

ITEM #2 Approval of the Minutes 7:05pm

MOTION

Commissioner Pierce made the motion to approve the October 13th minutes as amended. Commissioner Keeler seconds the motion. **Motion passed unanimously (6-0).**

ITEM #3 Staff Report on Recent Council Meeting(s) 7:05pm

Mr. Parvin provides a brief presentation on Town Council's motions and votes at the most recent Town Council Meeting.

- Johnny Murphy's second floor deck had a condition added for a splash guard was permitted
- Re-zoning of the First Baptist Church was approved
 - Vice Chairman Keeler would like to discuss a zoning overlay map for the business districts.
- Acceptance of Island Palms subdivision utilities taken over by the town
- Town Council agreed the new council should hold a joint meeting with the Planning and Zoning Commission.

ITEM #4 Public Discussion 7:06pm

Jerry Johnson – 907 Canal Drive

Mr. Johnson presented the commission with the following questions:

Is there a time limit on the study for the mooring field to see if it has been successful?

If it is not successful, will it be removed?

There are no fees listed for the pump out facility. Will this change?

Where or what is the definition of a floating home and junk, as mentioned in the proposed amendment?

Kurt Bartley noted we didn't set it up to make money. It was done to bring business to the area.

Tom Scuorzo responded that there is nothing in place to say if this is successful. The Council has the ability to determine whether it is working and/or successful.

ITEM #5

7:25 pm

Amendment to the Town Code: Repeal Chapter 6 titled "Harbor and Marina" and adopt new regulations that incorporate: (1) the jurisdictional authority granted to Carolina Beach by the general assembly, and (2) regulations concerning the municipal mooring field that is currently under construction.

ED PARVIN PRESENTS HIS MEMO

SUMMARY OF THE REQUEST

Prior to the creation of the Harbor Management Plan which was completed in 2007 it was well known that most nautical publications and many transients had written off Carolina Beach as a good place to stop on the Intracoastal Waterway. Not only was it written off but the regulations governing the harbor area were outdated and the authority of the Town to enforce the regulations was questionable.

Utilizing a foundation in existing state law, new state legislation, experiences of locals and the best management practices as researched in other jurisdictions across the country, the Town Attorney and Harbor Commission have created a new harbor ordinance to regulate the waters of Myrtle Grove Sound. This memo gives a background of events that led up to the need for this ordinance followed by a detailed explanation of the regulations that have been instilled in the ordinance to ensure our harbor area is managed successfully.

CREATING A NEW PLAN FOR THE MYRTLE GROVE SOUND AREA IN CAROLINA BEACH

Through the Harbor Commission and Town Council's leadership the Town of Carolina Beach hopes to create a vibrant, user friendly harbor that is safe and clean. As supported by several Town Land Use Plans of the past the Town Council decided to fund the creation of a Harbor Management Plan (HMP) which was completed in January of 2007. The plan lays out the existing conditions of Myrtle Grove Sound and gives recommendation on how to implement improvements that will help increase water quality, waterway safety, recreational opportunities and public access opportunities. A Harbor Commission was developed to oversee the implementation of the HMP. The Harbor Commission continues to be very active in addressing the issues discussed in the HMP. Their website can be viewed at www.myrtlegrovesound.com. Today the efforts to increase accessibility of Carolina Beach by water have begun to gain the attention from many of the nautical publications that had once said Carolina Beach was worth passing by without stopping.

Some of the continuing efforts in Carolina Beach include: (1) increasing water quality by installing filtration systems at stormwater outfalls; (2) adding more public docking opportunities; and (3) installation of a public mooring field. To accommodate the changes that continue to occur, the Town needs to update our ordinances dealing with Myrtle Grove Sound and the Town Marina. The new ordinance will make our regulations consistent with state and federal laws as well as support the work the community has done to create cleaner and more accessible waters within Carolina Beach's town limits.

To ensure Carolina Beach has adequate authority to regulate the waters within the Town's jurisdiction, the Harbor Commission and Town Attorney have successfully overseen the adoption of new state legislation that gives us concurrent jurisdiction with the state. This means Carolina Beach law enforcement personnel will have

the same enforcement abilities on the waters as do other state entities (i.e. Division of Coastal Management, Marine Fisheries, NC Wildlife, etc.).

The draft ordinance is divided up into several sections which include:

1. Authority and Powers

In **SESSION LAW 2010-73** as shown in attachment #3, the Town of Carolina Beach has been granted authority to enforce regulations on the waters within Myrtle Grove Sound located in the town limits. This section clarifies Carolina Beach's authority to adopt and enforce this chapter of the Town Code.

2. Goals of this chapter and duties of the harbormaster. This section lays out the our goal to have a managed harbor area to maximize its potential while limiting any detriments. The question remaining for this section is: Should the Harbor Commission remain a standing committee or disappear and have another committee review regulation changes in future (i.e. Planning and Zoning Commission)?

3. Definitions

The definitions are given to clarify the intent of using certain words within the ordinance.

4. Regulations on the entire Shoreline area

The chapter references the "shoreline area" which is essentially all areas of Myrtle Grove Sound in Carolina Beach's jurisdiction. This section lays out general regulations that apply to all users of the shoreline area.

5. Day Docks

These regulations apply to the dayboater docks recently established on the SW corner of the Town Marina. The regulations were adopted at the time the docks were completed and have been simplified where there were redundancies in the Town Code. For example, the previous regulations state that no alcohol consumption shall be allowed. This was removed as the Town Code already addresses public drinking under Chapter 10.

6. Leased boat slips

This section lays out the requirements for the head and charter boats located at the Town Marina.

7. Mooring field

Although not yet constructed all permitting and design work has been completed for the mooring field. Prior to implementation of the new facility these rules need to be put in place to regulate the operation of the moorings. The ordinance addresses: how moorings are reserved; fees; restrictions within the mooring area; method of securing to a mooring; and indemnification.

8. Violations

Violations of all provisions are listed as civil penalties which cannot exceed \$500.00 per day.

Recommendation

Repeal the existing Harbor Ordinance and adopt:

Ordinance # 12- which establishes regulations for the shoreline areas to include the town marina and mooring field.

DISCUSSION

Mr. Parvin would like additional input from P&Z and the Harbor Commission to submit to Council.

Chairman Reynolds questioned what was being done about water quality, what will be done about enforcing the wake zone and about the legality of swimming in the harbor.

Randy Simon answered saying they did sampling and found there was a problem. A grant was obtained for \$285,000 that has not been implemented yet to assist in best management practices for the water quality. Stormwater runoff is the number one pollutant in the harbor, but the water quality is not a big problem. Tom Scuorzo noted a broken sewer line was found during the study, but that has been corrected.

Chairman Reynolds questioned if there would be patrols in the wake zone.

Mr. Parvin responded saying the town now has the authority to send out our boats to monitor wake violations. Kurt The town boat will be seen much more often than last year due to not having to load and transport the boat to the docks every time.

Vice Chairman Keller questioned refueling vessels in Sec. 6-10, 10.

Kurt Bartley answered that the companies purchase their refueling permit, but are not required to purchase a permit from the town.

Vice Chairman Keeler – The website for the Harbor Commission is great, but he suggests making the accessibility on the town’s website easier. He also questioned if the town will see less federal and/or state patrol if the town will be patrolling the waterway more often.

Kurt Bartley responded he hopes that will not be the case and compares it to the NC Highway Patrol.

Vice Chairman Keeler questioned if patrolling the waterway increases the towns liability?

Kurt Bartley believes the authority granted by the state will make Carolina Beach more secure in reference to litigation.

Vice Chairman Keeler questioned the price per tie in.

Mr. Parvin responded the Council will discuss this further, but it is expected to be between \$10 and \$20.

Tom Scuorzo noted the most important part of a mooring field is the accessibility to land.

Rick Knott said they wanted to get Carolina Beach on the map. We will be the first mooring field in the state of North Carolina.

Vice Chairman Keeler questioned the additional uses for the field.

Mr. Parvin noted any additional uses would have to come before Council for special permission.

Vice Chairman Keeler questioned what is the timeframe?

Mr. Parvin noted there are currently two moorings out in the harbor. There is a grant that expires in March and the goal is to get another placed sometime in January.

Rick Knott questioned if this new town council could stop this?

Mr. Parvin responded that they could, but there is a lot of money invested and grant funds that would need to be repaid.

Chairman Reynolds questioned if the fees would be per night or per tie up.

Mr. Parvin noted this would be determined by Council.

Dan Wilcox thanked the commission and committee for their efforts. He noted that nobody appreciates what the committees do more than he does. The decisions being made are quality of life and future vision decisions that are being made.

MOTION TO ADJOURN

8:23 pm

Vice Chairman Keeler made the motion to repeal Chapter 6 titled “Harbor and Marina” and adopt the new regulations as presented that incorporate: (1) the jurisdictional authority granted to Carolina Beach by the general assembly, and (2) regulations concerning the municipal mooring field that is currently under construction, and to include in the new language any input on the consistency of the ordinance with state law as obtained from the attorneys from the state or town. Commissioner Bridges seconds the motion. **Motion passed unanimously (5-0).**

Mr. Parvin stated that staff was working with Don Eggert from the Cape Fear Council of Governments to give training to the Planning and Zoning Commission at their February 2012 meeting. Mr. Parvin requested the Planning and Zoning Commission contact him over the next few weeks to discuss anything they would like to

see on Mr. Egrets training plan. Right how he was looking to go over state laws and local laws concerning a planning board.

MOTION TO ADJOURN

8:30 pm

Vice Chairman Keeler made the motion to adjourn. Commissioner Cottrell seconded the motion. **Motion passed unanimously (6-0).**