

**TOWN OF WHITE LAKE
BOARD OF COMMISSIONERS
REGULAR MEETING
AGENDA COMMUNIQUE
November 14, 2023
7:00 P.M.**

To: H. Goldston Womble, Jr., Mayor
Town Board of Commissioners

From: Pat Taylor, Town Clerk

Re: November 14, 2023 Agenda Items

- **OPENING & CALL TO ORDER:** 7:00 P.M.
- **INVOCATION:** Mayor H. Goldston Womble, Jr.
- **PLEDGE OF ALLEGIANCE**

AGENDA ITEMS:

1. Approve Consent Agenda Items

The Board is requested to approve the Agenda Consent items as presented. (**Agenda Items 1A through 1F**).

ACTION: Approve the agenda as presented (to include the Supplemental Agenda if one is provided).

A. Agenda Adoption

- The Board shall consider the proposed agenda as presented. Board members by majority vote, add, subtract, or revise the order of the items in the agenda. Once approved, the board should follow the agenda as decided upon.

B. Approval of minutes

- October 10, 2023 Regular Meeting minutes, Closed Session minutes for October 10, 2023 and Closed Session minutes for August 8, 2023.

C. October Utility Release(s)

- October utility releases (**AGENDA ITEM #1.C**) (**\$2,947.28**) are submitted for the Board's consideration. All leak release requests have been approved by the Public Works Director.

D. October Tax Refund(s)

- Reductions, refunds, and releases of tax claims are matters to be decided by the Town's governing body. By NC Statute, tax refunds are not to be left to the discretion of the Tax Collector. Once a tax bill has been computed, it can only be released by specific authorization of the governing body [NC General Statute 105-380, 105-381(b), and 105-373(a)(3)]. All refunds have been approved by the Bladen County Tax Office and are in accordance with the guidelines of the General Statutes. April tax refund(s) (**\$248.59**) (**AGENDA ITEM #1. D**) are provided for the Board's consideration.

E. October Tax Release(s)

- Reductions, refunds, and releases of tax claims are matters to be decided by the Town's

governing body. By NC Statute, tax releases are not to be left to the discretion of the Tax Collector. Once a tax bill has been computed, it can only be released by specific authorization of the governing body [NC General Statute 105-380, 105-381(b), and 105-373(a) (3)]. October tax releases (**AGENDA ITEM #1. E**) (**\$89.23**) are presented for the Board’s consideration. All releases have been approved by the Bladen County Tax Administrator’s office.

F. 2021 General Records Schedule: Local Government Agencies

- The records retention and disposition schedules and retention periods governing the records series listed herein and hereby approved. This approval extends to and includes the following standards in the 2021 General Records Schedule: Local Government Agencies. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. (**AGENDA ITEM #1.G**)

2. PUBLIC HEARINGS

A. PUBLIC HEARING(S)

It is required that citizens desiring speak at tonight's public hearings must sign up prior to the 7:00 p.m. meeting start.

Apartment Concepts – Town of White Lake Zoning Map Amendment Request #RZ-2411

Apartment Concepts, LLC. submitted a Zoning Map Amendment request (**Agenda Item #2A.1**) to rezone property located at 1117 White Lake Dr. from R1 (Permanent Residential) and to R-2 (Recreational Residential).

In accordance with the provisions of NCGS 160A-384 and Article VIII, Section 8-4 of the White Lake Zoning Ordinance, the Town Clerk has certified (**Agenda Item #2A.2**) that the property owners of the property and the owners of the parcels of land abutting the property involved in the zoning map amendment were notified of this evening’s public hearing (**Agenda Item #2A.3**), certification that said hearing was advertised in the Bladen Journal on Friday, November 3, 2023 and Friday, November 10, 2023 (**Agenda Item #2A.4**), and the property was posted (**Item #2A.5**) with the information about this evening’s public hearing.

This public hearing’s format is legislative. The Board may broadly solicit public opinion, receive petitions, hear personal opinions or with board members, talk to the public about the issue before the hearing.

Those wishing to speak should have signed up prior to 7:00 P.M.

Mayor Womble may open the public hearing for comments at this time.

Should no one appear before the Board the public hearing may be declared closed at this time.

ACTION: The Board should follow the public hearing procedures on this matter.

Hearing Procedures:

- Open the hearing
- Solicit relevant public comments and information; and
- Close the hearing after
- Receiving or not any public comments. (*Note: The Board will consider this matter under the Ordinance section of this meeting’s agenda.*)

B. Apartment Concepts, LLC Special Use Permit #SUP-2411

Apartment Concepts, LLC has applied for a special use permit (**Agenda Item #2B.1**) to construct (4) Multi-Family Apartments (2-Story) at 1117 White Lake Dr. identified as Bladen County Tax Map #1352-1155-2411 (**Agenda Item #2B.2**).

Article 6.5 Special Use Permits, Section 6.5.1-6.5.3.14 of the Town of White Lake Zoning Ordinance (**Agenda Item #2B.3**) specifies the requirements of the review process for a special use request and requires that a public hearing be held before a special use permit can be approved by the Board of Commissioners.

The Town Clerk has certified (**Agenda Item #2B.4**) that the property owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request was sent notification of this evening's hearing, certified (**Agenda Item #2B.5**) that said hearing was advertised in the "Bladen Journal" on November 3, 2023 and November 10, 2023 and posted at the physical address (**Agenda Item #2B.6**).

In evidentiary hearings for quasi-judicial zoning decisions such as special use permits, the purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the ordinance. A board making a quasi-judicial decision must do two things. First it must determine the facts of the case. In this task, the board acts much like a jury in a court proceeding. Second, it must apply the standards in the ordinance to those facts. In this task the board acts much like a judge in applying the law (in this case the standards in the zoning ordinance) to a given set of facts.

Those wishing to speak should have signed up prior to 7:00 P.M.

Mayor Womble may open the public hearing for comments at this time.

Should no one appear before the Board the public hearing may be declared closed at this time.

ACTION: The Board should follow the public hearing procedures on this matter.

Hearing Procedures:

- a) Open the hearing.
- b) Solicit relevant public comments and information; and
- c) Close the hearing after
- d) Receiving or not any public comments. (*Note: The Board will consider this matter under the Ordinance section of this meeting's agenda.*)

C. Nationwide Realty Special Use Permit #SUP-4056

Nationwide Realty has applied for a special use permit (**Agenda Item #2C.1**) to construct a 10x45 Billboard in the RA (Residential Agricultural) Zone (**Agenda Item #2C.2**).

Article 6.5 Special Use Permits, Section 6.5.1-6.5.3.14 of the Town of White Lake Zoning Ordinance (**Agenda Item #2C.3**) specifies the requirements of the review process for a special use request and requires that a public hearing be held before a special use permit can be approved by the Board of Commissioners.

The Town Clerk has certified (**Agenda Item #2C.4**) that the property owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request was sent notification of this evening's hearing (**Agenda Item #2C.5**), certified that said hearing was advertised in the "Bladen Journal" on Friday, November 3, 2023 and Friday, November 10, 2023 and posted at the physical address (**Agenda Item #2C.6**).

In evidentiary hearings for quasi-judicial zoning decisions such as special use permits, the purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the ordinance. A board making a quasi-judicial decision must do two things. First it must determine the facts of the case. In this task, the board acts much like a jury in a court proceeding. Second, it must apply the standards in the ordinance to those facts. In this task the board acts much like a judge in applying the law (in this case the standards in the zoning ordinance) to a given set of facts.

Those wishing to speak should have signed up prior to 7:00 P.M.

Mayor Womble may open the public hearing for comments at this time.

Should no one appear before the Board the public hearing may be declared closed at this time.

ACTION: The Board should follow the public hearing procedures on this matter.

Hearing Procedures:

- a) Open the hearing.
- b) Solicit relevant public comments and information; and
- c) Close the hearing after receiving or not any public comments. *(Note: The Board will consider this matter under the administrative section of this meeting’s agenda.)*

3. ADMINISTRATIVE MATTERS

A. Project Update(s)

1. White Lake “Lake” Water Management Project Update

Dr. Diane Lauritsen, Ph. D., Limnoscience has provided her monthly report as information **(Agenda Item 3A.1)**. The updates will be posted on the Town’s website and the www.whitelakewatch.com website.

2. Water AIA Project Update

Sean Martin, Town Administrator will present the project update.

B. Approval/Disapproval of Apartment Concepts, LLC. Zoning Map Amendment #RZ2411 Ordinance #2024-03 Amending the Official Town of White Lake Zoning Map

The White Lake Planning Board reviewed Zoning Map Amendment request #RZ2411 at their October 19, 2023 meeting to rezone property located at 1117 White Lake Dr. identified as PIN#1352-1155-2411 from Permanent Residential (R1) to Recreational Residential (R2). The Planning Board found the map amendment request to be in accordance with the provisions of North Carolina General Statute 160A-383 that it is consistent with the goals and objectives of the 2020-2040 Town of White Lake Land Use Plan and is in the public interest at this time. It was also determined that in reference to the Land Use “SWOT’s analysis vision 2020 statement, the Town encourages development that builds on the existing character of the lake and strengthens the quality of life in White Lake while improving landscaping, establishing parks and walkways and preservation of the environmentally sensitive areas. The Planning Board’s Statement of Zoning Consistency with Adopted Plans **(Agenda Item #3B.1)** is provided as information.

When deliberating the presented amendment, Article VIII, Section 8-5 through Section 8-7 of the Zoning Ordinance outlines the Board’s actions including voting requirements if a protest in accordance with North Carolina General Statute 160A-385 is received. As of this writing, the Town Clerk has certified **(Agenda Item #3B.2)** that no protest petition was received on this matter.

The Board is reminded that State Statute requires that a statement be adopted describing whether its action is consistent with an adopted comprehensive Land Use Plan and explain why the Board

considers the action taken to be reasonable and in the public interest. The goals and policies of the Land Use Plan is to encourage development that will protect and preserve the natural beauty of the lake, improve the quality of life, increase public recreation opportunities, and improve the development process. The Board is asked to review Zoning Map Amendment #RZ2411, Apartment Concepts, LLC. and should be reminded that in considering a proposed amendment, all ranges of potential uses (**Agenda Item #3B.3**) should be considered. Pending the Board’s decision on the rezoning request submitted by HDJ Properties, LLC., Zoning Map Amendment #RZ2411, Ordinance #2024-03 amending the official Town of White Lake Zoning Map (**Agenda Item #3B.4**) is provided for the Board’s consideration.

ACTION: Approve **OR** disapprove zoning map amendment request #RZ2411 from permanent Residential (R1) to Recreational Residential (R2) by using one of the following statements when making a motion:

MOTIONS TO APPROVE

- The Board has reviewed these documents and found the proposed map amendment is **consistent** with the objectives, goals, and policies in the adopted Town of White Lake 2020-2040 Land Use Plan; **and the map amendment is reasonable and is in the public interest at this time.**

OR

- The Board has reviewed these documents and found the following map amendment **inconsistent** with the objectives, goals, and policies in the adopted Land use Plan; **HOWEVER, the map amendment IS reasonable and in the public interest at this time.**

MOTIONS TO DISAPPROVE

- The Board has reviewed these documents and found the following map amendment is **consistent** with the objectives, goals, and policies in the adopted Land Use Plan; **HOWEVER, the map amendment is NOT in the public interest at this time.**

OR

- The Board has reviewed these documents and found the following map amendment is **inconsistent** with the objectives, goals, and policies in the adopted Land Use Plan; **HOWEVER, the map amendment is NOT in the public interest at this time.**

C. Approval/Disapproval of Apartment Concepts, LLC. SPECIAL USE PERMIT #SUP2411

The White Lake Planning Board reviewed Special Use Permit request #SUP2411 at their October 19, 2023 meeting to request a Special Use Permit on property located at 1117 White Lake Dr. identified as PIN#1352-1155-2411. The Planning Board found the Special Use Permit request to be in accordance with the provisions of North Carolina General Statute 160A-383 that it is consistent with the goals and objectives of the 2020-2040 Town of White Lake Land Use Plan and is in the public interest at this time. It was also determined that in reference to the Land Use “SWOT’s analysis vision 2020 statement, the Town encourages development that builds on the existing character of the lake and strengthens the quality of life in White Lake while improving landscaping, establishing parks and walkways and preservation of the environmentally sensitive areas. The Planning Board’s Statement of Zoning Consistency with Adopted Plans (**Agenda Item #3C.1**) is provided as information.

When deliberating the presented amendment, Article VIII, Section 8-5 through Section 8-7 of the Zoning Ordinance outlines the Board’s actions including voting requirements if a protest in

accordance with North Carolina General Statute 160A-385 is received. As of this writing, the Town Clerk has certified (**Agenda Item #3C.2**) that no protest petition was received on this matter.

The Board is reminded that State Statute requires that a statement be adopted describing whether its action is consistent with an adopted comprehensive Land Use Plan and explain why the Board considers the action taken to be reasonable and in the public interest. The goals and policies of the Land Use Plan is to encourage development that will protect and preserve the natural beauty of the lake, improve the quality of life, increase public recreation opportunities, and improve the development process. The Board is asked to review Special Use Permit #SUP2411, Apartment Concepts, LLC. and should be reminded that in considering a special use permit, all ranges of potential uses (**Agenda Item #3C.3**) should be considered. Pending the Board's decision on the special use request submitted by Apartment Concepts, LLC Special Use Permit #SUP2411 (**Agenda Item #3C.4**) is provided for the Board's consideration.

ACTION: Approve **OR** disapprove zoning map amendment request #SUP2411 in the RA-Residential Agricultural Zoning District by using one of the following statements when making a motion:

MOTIONS TO APPROVE

- The Board has reviewed these documents and found the proposed Special Use Permit is **consistent** with the objectives, goals, and policies in the adopted Town of White Lake 2020-2040 Land Use Plan; **and the Special Use Permit is reasonable and is in the public interest at this time.**

OR

- The Board has reviewed these documents and found the following Special Use Permit **inconsistent** with the objectives, goals, and policies in the adopted Land use Plan; **HOWEVER, the Special Use Permit is reasonable and in the public interest at this time.**

MOTIONS TO DISAPPROVE

- The Board has reviewed these documents and found the following Special Use Permit is **consistent** with the objectives, goals, and policies in the adopted Land Use Plan; **HOWEVER, the Special Use Permit is NOT in the public interest at this time.**

OR

- The Board has reviewed these documents and found the following Special Use Permit is **inconsistent** with the objectives, goals, and policies in the adopted Land Use Plan; **HOWEVER, the Special Use Permit NOT in the public interest at this time.**

D. Approval/Disapproval of Nationwide Realty Billboard Sign #SUP4056

The White Lake Planning Board reviewed Special Use Permit request #SUP4056 at their October 19, 2023 meeting to review the Special Use Permit located across Hwy. 701 and Hwy. 53 Intersection identified as PIN#1342-0027-7679, Zoning for this property is R2-Residential Agricultural. The Planning Board found the Special Use Permit request to be in accordance with the provisions of North Carolina General Statute 160A-383 that it is consistent with the goals and objectives of the 2020-2040 Town of White Lake Land Use Plan and is in the public interest at this time. It was also determined that in reference to the Land Use "SWOT's analysis vision 2020 statement, the Town encourages development that builds on the existing character of the lake and strengthens the quality of life in White Lake while improving landscaping, establishing parks and

walkways and preservation of the environmentally sensitive areas. The Planning Board's Statement of Zoning Consistency with Adopted Plans (**Agenda Item #3D.1**) is provided as information.

When deliberating the presented amendment, Article VIII, Section 8-5 through Section 8-7 of the Zoning Ordinance outlines the Board's actions including voting requirements if a protest in accordance with North Carolina General Statute 160A-385 is received. As of this writing, the Town Clerk has certified (**Agenda Item #3D.2**) that no protest petition was received on this matter.

The Board is reminded that State Statute requires that a statement be adopted describing whether its action is consistent with an adopted comprehensive Land Use Plan and explain why the Board considers the action taken to be reasonable and in the public interest. The goals and policies of the Land Use Plan is to encourage development that will protect and preserve the natural beauty of the lake, improve the quality of life, increase public recreation opportunities, and improve the development process. The Board is asked to review the Special Use Permit SUP4056, Nationwide Realty and should be reminded that in considering a proposed amendment, all ranges of potential uses (**Agenda Item #3D.3**) should be considered. Pending the Board's decision on the Special Use Permit request submitted by Nationwide Realty #SUP4056 is provided for the Board's consideration.

ACTION: Approve **OR** disapprove zoning map amendment request #SUP4056 RA-Residential Agricultural by using one of the following statements when making a motion:

MOTIONS TO APPROVE

- The Board has reviewed these documents and found the proposed Special Use Permit is **consistent** with the objectives, goals, and policies in the adopted Town of White Lake 2020-2040 Land Use Plan; **and the map amendment is reasonable and is in the public interest at this time.**

OR

- The Board has reviewed these documents and found the following Special Use Permit **inconsistent** with the objectives, goals, and policies in the adopted Land use Plan; **HOWEVER, the map amendment IS reasonable and in the public interest at this time.**

MOTIONS TO DISAPPROVE

- The Board has reviewed these documents and found the following Special Use Permit is **consistent** with the objectives, goals, and policies in the adopted Land Use Plan; **HOWEVER, the map amendment is NOT in the public interest at this time.**

OR

- The Board has reviewed these documents and found the following Special Use Permit is **inconsistent** with the objectives, goals, and policies in the adopted Land Use Plan; **HOWEVER, the map amendment is NOT in the public interest at this time.**

E. Town Vehicle Use Agreement Policy

1. This policy aims to establish procedures regarding the assignment of Town vehicles, use of Town vehicles, and business use of private vehicles. This applies to all Town employees unless otherwise noted within the policy. This policy is also prepared according to the Federal Tax Act of 1985 and North Carolina G.S. 14-247, which establish procedures regarding reporting of income and withholding of taxes.

ACTION: Adopt Town Vehicle Agreement Policy as presented.

4. ORDINANCE(s)

ORDINANCE #2024-02 Regulating Bulk Sales of Water - the White Lake Town Board of Commissioners acknowledges the bulk sales of water shall be allowed by permit only. The permit must be obtained from the Town of White Lake Town Hall and shall be issued at a cost of \$5.00 per permit. **(AGENDA ITEM#4A)**

ACTION: Approve Ordinance #2024-02 as presented.

ORDINANCE #2024-03 An ordinance amending the zoning text of the Town of White Lake's Zoning Ordinance. A request to change the zoning from R1 Permanent Residential to R2 Recreational Residential on parcel #1352-1155-2411 **(AGENDA ITEM#4B)**

ACTION: Approve Ordinance #2024-03 as presented.

5. RESOLUTION(s)

RESOLUTION #2024-07 Declaring a 1999 Chevrolet Suburban 1500 AWD Model: K10906 Vin: 1GNFK16R1XJ419633 as surplus property and authorizing the electronic auction of surplus personal property. **(AGENDA ITEM#5)**

ACTION: Approve Resolution #2024-07 as presented.

6. OTHER COMMISSIONERS BUSINESS/PREVIOUS AGENDA ITEMS**A. Departmental Briefings/Reports**

- The following departmental reports are provided as information. This policy establishes procedures regarding the assignment of Town vehicles, use of Town vehicles, and business use of private vehicles. This applies to all Town employees unless otherwise noted within the policy. This policy is also prepared according to the Federal Tax Act of 1985 and North Carolina G.S. 14-247, which establish procedures regarding reporting of income and withholding of taxes.
- Town Administrator's Report **(AGENDA #6A.1)**
- Tax Collector's Report **(AGENDA ITEM #6A.2)**
- Post Office Report **(AGENDA ITEM #6A.3)**
- Police Department Report **(AGENDA ITEM #6A.4)**
- Police Department Fuel Report **(AGENDA ITEM #6A.5)**
- Fire Department Fuel Report **(AGENDA ITEM #6A.6)**
- Public Works Department Fuel Report **(AGENDA ITEM #6A.7)**

7. Thanksgiving Holiday Schedule

The Municipal Complex and Post Office will be closed Thursday, November 23, 2023 and Friday, November 24, 2023 for the Thanksgiving Holiday. The Public Works Department will have an on-call person available in case of a water/sewer emergency.

OPEN FORUM: Three (3) minutes per citizen. Should state name and address.

MEETING ADJOURNED