

**NAVASSA REGULAR COUNCIL MEETING**

February 18, 2010

7:30 P.M.

**MEMBERS PRESENT**

Mayor Pro Tem Michael Ballard  
Councilman Antonio Burgess

Councilman Milton Burns  
Councilman Craig Suggs

**MEMBERS ABSENT**

Mayor Eulis Willis

Councilman Jerry Merrick

**STAFF PRESENT**

Claudia Bray, Town Administrator  
Travis Barnes, Planner

Charlena Alston, Town Clerk  
Al Beatty, Zoning Administrator

**CITIZENS & VISITORS PRESENT**

Councilman Suggs led the prayer and Mayor Pro Tem Ballard called the meeting to order.

**APPROVAL OF MINUTES**

UPON A MOTION BY COUNCILMAN SUGGS AND SECONDED BY COUNCILMAN BURNS THE MINUTES FROM THE DECEMBER MEETING WAS ACCEPT AND ADOPTED WITH THE NECESSARY CORRECTIONS. ALL VOTED IN FAVOR.

**VENDORS/VISITOR WITH TOWN BUSINESS**

Town Planner introduced Lynn Harder a graduate from UNCW working on a CAP Stone project. She did the Paddle Trail Presentation. The vision of the North Brunswick Blue Way is to enhance recreational, economic and educational opportunities that also will serve to cultivate a regional identity and a sense of community associated with the river.

**CONSENT AGENDA**

COUNCILMAN BURNS MADE A MOTION SECONDED BY COUNCILMAN SUGGS TO ACCEPT AND ADOPT THE MOSQUITO CONTROL RESOLUTION. ALL VOTED IN FAVOR. **(RESOLUTION 2010-01 LOCATED IN THE RESOLUTION BOOK IS HEREBY INCORPORATED INTO THE MINUTES OF THIS MEETING).**

COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURNS TO ACCEPT AND ADOPT THE GREEN CHALLENGE RESOLUTION. ALL VOTED IN FAVOR. **(RESOLUTION 2010-02 LOCATED IN THE RESOLUTION BOOK IS HEREBY INCORPORATED INTO THE MINUTES OF THIS MEETING).**

## **PLANNING BOARD REPORT**

Town Planner gave the following report:

1. The Planning Board has voted to recommend the Town Council approve the revised Planning Board Bylaws and requests that council review the bylaws at their retreat or at their earliest convenience. Staff has forwarded a copy of the bylaws to the council for review.
2. The Planning Board has voted to recommend that the Town Council review the options available for Navassa to administer code enforcement in order to abate public nuisances within the town. The Planning Board requests that the council review the board's recommendations at the council retreat and provide further direction for the board and staff.
3. The Planning Board also voted to recommend that the Town Council approve of a list of text amendments to the adopted 1999 CAMA Land Use Plan and the draft 2008 CAMA Land Use Plan. The proposed language to be changed as well as the board's and staff's justification will be forwarded to the council for review. The Planning Board requests that the Town Council set the date of March 18<sup>th</sup> for a public hearing on this request. Staff has notified the Coastal Resource Commission and others.
4. The next scheduled Planning Board meeting is Wednesday, March 10<sup>th</sup> at 7:30pm.

The Town Planner introduces Beth Sheppard the planning intern who will be helping with various projects.

**COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURNS TO OPEN THE PUBLIC HEARING FOR REZONING OF Z2010-001 PARCEL NUMBER 030000901 AND 0300009. ALL VOTED IN FAVOR.**

- The Planner gave a brief about the parcel on Canal Drive being rezone from HI to R20.
- Frank Willis asks how many homes are located on site now.
- The Planner stated that if the parcel was rezone a maximum of two more homes could be added.

**COUNCILMAN BURNS MADE A MOTION SECONDED BY COUNCILMAN SUGGS TO CLOSE THE PUBLIC HEARING FOR REZONING OF Z2010-001. ALL VOTED IN FAVOR.**

**COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURNS TO REZONE PARCEL NUMBERS 030000901 AND 0300009 FROM HI TO R20. ALL VOTED IN FAVOR.**

**COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURNS TO OPEN THE PUBLIC HEARING FOR QUASI-JUDICIAL HEARING ON CONDITIONAL USE PERMIT FOR PART TIME AUTO REPAIR SHOP. ALL VOTED IN FAVOR.**

Brian Drake and Travis Barnes were sworn in by Mayor Pro Tem Ballard.

- The Planner presented the following exhibits and testimony.
  - Exhibit 1—the complete application
  - Exhibit 2—a letter from Mr. Drake regarding his plans.
  - Exhibit 3—a map
  - Exhibit 4—a site plan (Conditional Use Permit 2009-001)
  - Exhibit 5—a letter from the adjacent property owners in support
  - Exhibit 6—written protocol for oil spills
- The Planning Board made the recommendation that council approve with conditions. Double wall oil container in exhibit 7 he has given specs and pictures of how he will be doing that. Barnes spoke with the fire chief he stated it should not be an issue as far as a fire hazard because it is a fire hydrant on the property which would elevate any concerns for a fire. The last exhibit is the actually recommendations by the Planning Board as well as their conditions that they imposed.
- Brian Drake gave the following testimony:

Basically the planner explain the whole thing, it's a Conditional Use Permit Application To do part time maintenance, tune-ups, brake jobs, flushing and oil changes. There are Conditions on the hours 7am to 6pm with a limit of 3 vehicles on the property at all times.

Any old tires and parts will be stored in storage building and car port so it will not be visible.
- Councilman Ballard asks Mr. Drake to address with the public where the site is located.
- Mr. Drake stated the location is 9591 Old Mill Road next to the store.
- Councilman Ballard asks is there any other adjacent property owners here?
- The Planner read the Planning Board Conditions.
  1. Hours 6am to 7 pm.
  2. Repair Shop limit to 3 vehicles on the property at one time.
  3. Storage of vehicles fluid—safety storage with double wall tank with capacity not to exceed 120 gallons that is specifically design to store such combustible material.
  4. The fluid tank is periodically pump by a proper license or certified company that is capable of removing the fluids safety and properly disposing of them.
  5. All parts or inventory must be stored within the car port or the detached garage he has. If he has any excess parts he can build a back yard fence. A regular fence with neighborhood character to help shield from the road and from any other neighborhoods.
  6. A proven means of protecting the property from any leaking automobiles that are park and waiting. That is address in his written policy.
- Brian Drake explain that he has a 3x5 containment pan that would go underneath the vehicle that would come in for a leak until he could get to the vehicle in the shop and clean it and properly fix it. If it spills there I can use oil dry then P&W Oil will dispose of it for me.
- The Planner stated that is all the conditions.
- Councilman Burns ask how he will be penalized if none of the conditions were followed.
- The Planner replied if they get a complaint we would go to the property and he will have to prove to us that he his inhering to it.
- Councilman Burns ask how many complaints have to receive before action is taken.

- The Planner replied any complaint will be a violation of his Conditional Use Permit and would come back to Council.
- Councilman Ballard remarked any type of spills he will be responsible for the clean up. He will monitor and make sure that everything is done correctly.
- The Planner stated let me back track not any complaint only substantial complaints that we find evidence for will be violations of the Conditional Use Permit.
- Councilman Suggs ask do we have a letter from the adjacent property owners that they signed off on.
- The Planner answers yes, its right here if you want to take a look at it. One is right here and the other on the following page.
- Councilman Burns remarked to keep from prolonging the meeting when do you need actions on this case.
- Town Planner state he applied several months ago and awaiting to bring before council. It's in your hand to make a decision.
- Councilman Ballard remarked that the recommendations of the Planning Board were to approve.
- The Planner stated he has attended several planning board meetings and he has talk with him at length.
- Councilman Burns stated since planning board made recommendations I will be in favor with going by what they recommend.
- Councilman Suggs stated it seems that we have two different hours of operation. Exhibit 5 says limit to 8am to 6pm and on the Conditional Use Permit Application it has from 6am to 7pm.
- The Planner replied that Mr. Drake drafted the letter and it would be up to the pleasure of the council to set the time right now. The planning board recommend 6am to 7pm that is what we were looking for with our code enforcement.
- Councilman Ballard remarked so that will put him in line with the code enforcement.
- Councilman Burgess asks will there be concrete floors inside the shop.
- Mr. Drake replied yes.
- The planner stated if you look at the site plan its separate from the home with a separate driveway.

COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURNS TO CLOSE THE QUASI-JUDICIAL PUBLIC HEARING. ALL VOTED IN FAVOR.

COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURGESS TO APPROVE THE CONDITIONAL USE PERMIT FOR PART TIME AUTO REPAIR SHOP. ALL VOTED IN FAVOR.

### **OLD BUSINESS**

The Administrator updated the board that she received 4 Community Center RFP and did the rating with McDavid Associates scoring the highest. She recommend to the board to hire McDavid Associates for Administration Services for the CDBG Recovery Funds.

COUNCILMAN BURNS MADE A MOTION SECONDED BY COUNCILMAN SUGGS TO ACCEPT THE RECOMMENDATION FROM THE ADMINISTRATOR TO HIRE MCDAVID ASSOCIATEDS. ALL VOTED IN FAVOR.

The Administrator reported that she request 3 quotes for the paving of Victoria Lane as to date Shalimar Construction is the only bid received but by the end of the week the other bids will be in. Also, stated she would have quotes for the asphalt speed bumps as requested and the maintenance fee regarding repairing street pot holes.

Councilman Ballard request that the administrator get quotes for the paving of Ridge Road as well.

### **NEW BUSINESS**

COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURNS TO AMEND THE AGENDA FOR EXECUTIVE SESSION FOR PERSONEL FOLLOWING THE CITIZENS TO BE HEARD. ALL VOTED FAVOR.

Town Administrator updated the board that Gregory Westfield has been working with citizens on Beluah Lane about dedicating the street to the town so it can be placed on the Powell bill map.

COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURGESS TO ACCEPT BEULAH LANE AS TOWN STREET. ALL VOTED IN FAVOR.

The Planner updated the board about Safe Built and directed council to the information in their packages. Councilman Burns request that this item be discussed at the council retreat.

### **COUNCIL MEMBER'S REPORTS**

Councilman Ballard informs the board that he spoke with Anthony Law from DOT about doing a survey in the town to look at the drainage problem. He reported that they are currently working on the Cedar Hill Road drainage problem. Also, made contact with Marty Cook from the Board of Commissioners regarding the work the contractors did putting in the sewer lines which cause some of the problem with the drainage.

Councilman Burns express concern about having the ditches on Old Mill Road clean out and the pot holes on Magnolia Drive repaired.

Councilman Suggs ask that the public continue to be patience with them regarding the speed bumps for the other streets and show caution near the potholes in the street until repair can be made.

### **CITIZENS**

Barbara Thomas request more police present on Main Street.

Bun Bethel asks has there been any Brown Field assessment for the property that has been rezone.

**EXECUTIVE SESSION**

COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURGESS TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONEL. ALL VOTED IN FAVOR.

COUNCIILMAN BURNS MADE A MOTION SECONDED BY COUNCILMAN SUGGS TO COME OUT OF EXECUTIVE SESSION. ALL VOTED IN FAVOR.

**UPCOMING EVENTS**

The Board retreat will be February 27<sup>th</sup>.

A fund raiser for Haiti victims will be February 27<sup>th</sup> at Applebee's in Leland.

Phoenix Park Advisory Committee will meet on March 11<sup>th</sup>.

**ADJOURN**

**COUNCILMAN SUGGS MADE A MOTION SECONDED BY COUNCILMAN BURNS TO ADJOURN THE MEETING. ALL VOTED IN FAVOR.**

Approval Date: March 18, 2010