



Town of Navassa
Planning Board Minutes
February 11, 2009
7:30 PM

IN ATTENDANCE:

Planning Board Members: Walter Ballard, Al Beatty, Charlie Graham, Diane Graham, Robert McMillan, Melvin Walker

Staff: Claudia Bray, Town Administrator.

Other Attendees: Michael Otelsberg, Ella Beatty, Willa Bessent, Mildred Beatty, Herbert Willis, Abdul R. Hill, Richard Watson, Dorsey Jones, Jr., Ernest McIntyre, Willie Hall, Sr., Pete Devita.

Call to Order – Al Beatty called the meeting to order at 7:36 PM.

Approval of Minutes – Mr. Ballard made a motion to approve minutes from December 15th. Second by Mrs. Graham. Motion carried unanimously.

OLD BUSINESS:

1. *Review of Last Meeting* – Mr. Beatty summarized the last Planning Board meeting.
2. *Vicious Dog Ordinance* – Staff informed the planning board about a dog in the neighborhood that has posed a threat to the community. The Town has received several complaints. Friday the dog would not allow students to get off bus. Several attempts have been made to capture the dog with no success. Public Works and Police Department have working together to capture dog. Staff requests that the planning board put some emphasis on developing the ordinance. Mr. Walker informed everyone that there is an ordinance in place to address the issue. Mr. Beatty requested that Mr. Walker get the information and give it to the Police Department. Mr. Walker said that he would.
3. *Public Safety Ordinance* – Mr. Beatty informed everyone that Robert McMillan is assigned to research and develop an ordinance. He summarized that hunters were discharging weapons on the side of the road within city limits and was concern for the citizens' safety. Most of the offenders were not citizens from Navassa. Mr. McMillan said he will present his findings to the planning board in April. Based on his research so far, you can not discharge within the city limits and you have to be so many feet from a person home.
4. *Residential Care Services* – was recommended to Council with no conditions. It was approved by Council on 12/31/08.
5. *2009 meeting schedule was adopted for the planning board.*
6. *Mr. Walker requested staff to research quasi-judicial hearing notification requirements.*

NEW BUSINESS:

1. **Conditional Use Permit Notification Requirements:** Once we have a conditional use permit hearing it is known as a quasi-judicial hearing. It is not a public hearing. The staff provided information from the General Statutes and professors in the area what constitutes notification and who can say what at a quasi-judicial hearing. Any quasi-judicial hearings all witness must be sworn in and should have relevant input. Individual are offered an opportunity to present testimony. A quasi-judicial is a formalized means of gathering relevant evidence not an opportunity for citizens to speak their mind as is the case with the public hearing on legislative matter. When you have a quasi-judicial hearing, you have to have relevant information that affects that particular property. If the Town has a public hearing all citizens will have an opportunity to stand up without putting their hands on the bible and say what they want to say. Walker stated, to formulate a decision the Board can only take in consideration what the evident submitted by the adjoining property owners. The neighboring

property owners will be notified however it is not an explicit requirement. There is no guidance on which property owner. It could be one adjacent or those within a certain distance. There are many ordinances that specify notification requirements but ours do not at present. However, any notification requirement contain in the ordinance are binding. Will leave it to the board to decide if they want to change the process or leave it the way it is. Walker stated, the present application for conditional use it says specifically connecting land owners. If we change it, we have to determine what we are changing it to. We can't do lesser than what the General Statutes require but we can do greater. The board doesn't have to answer tonight.

- 2. Cypress Landing Preliminary Plat (SUB-2008-008):** Six conditions were given for approval of the preliminary plat. Planning Board reviewed plat. The conditions that were given: (1) to provide accessible street names. The street names were provided. (2) To realign lots to the right angle, lot 54 & 55. Michael Otelsberg stated the lots were changed to a more rectangular shape. Other lots were corrected as founded. Average size of lots is 12,000 in a R10 zoning district. (3) Improve the access to the adjacent property to the East. Former staff recommended Tall Pine Drive be reconfigured from a Cul de sac to a road to be used as a future (thoroughfare) road to the East. Thereby future property buyers should be aware of this connection. (4) Receive State permits including Stormwater, sedimentation and erosion control. That is part of the permitting process. (5) Designate community open space as public recreation area. Pete Devita stated we want to make sure when we say public recreation that we will still maintain ownership of it. We will give the Town, state, or county the opportunity to join with us provided we get permits. That will be an avenue for the citizens to go boating. Devita stated yes. Grants are being review and the economy is still a factor. (6) Proposed road rights away and pavements are acceptable. Otelsberg and Devita stated, yes. We have many acres of dedicated land for bird sanctuary. We have 70 acres but a lot of it is wetlands so there will be a lot of open space. Mr. McMillan questioned if the boat ramp was the Town from a previous decision. Mr. Otelsberg stated, no. The plan is to make it available to everybody and not just the members that live in the subdivision. Mr. Walker motion that we accept Cypress Landing with all the changes that been made. Mr. McMillan second. Passed unanimously.
- 3. Staff Report:** I don't know if you are aware but we have lost our planner to Shallotte and we are in the process of looking for a new planner. Bray stated, we have interviewed three candidates on Tuesday and the other two will be interview on Thursday. Once the interviews are complete the panel will go through and evaluate who is the best candidate. Once that is done, I will take recommendation to Council and Council will give me approval to hire or go back and interview again. Walker stated if you know anyone who qualifies as a planner, we need them. Development summary and Moratorium and UDO update was given. Planning Board continue to encourage citizens participation in the UDO update.
- 4. Members Comments:** Mr. Walker stated that the planning board is a legal side of doing things. We have a zoning ordinance that we have to march by. We only give recommendations to Council. We cannot make any laws. The developer gives his plans to the planner for review, than it goings to the planning board for further review. The board makes sure his application is in accordance to the books. Once it goes to Council it is out of the planning board's hands. Unless, Council sends it back to the planning board. We allow public input. He encourages public participation at meeting. Mr. Ballard stated what he said he hope that you charge it to head and not his heart because he is with you 100%. Mr. Graham stated that he Thank God to be back and thanked everyone for their prayers and visitation for him and his family. He hopes to get back to business.
- 5. Public Comment:** There was a discussion about public hearing vs. conditional use hearing vs. rezoning. Mr. Dorsey stated concerns were expressed about the mechanisms used for public notifications and the accuracy. The process needs to be looked at when it comes to Quasi and public hearing. It was a pleasure to hear the announcement about the meeting on Connect CTY. Mr. Walker stated that the board has to follow the General Statutes and the zoning ordinance. He explained the conditional use application process. He expressed the fairness in the process and towards the developer to avoid potential lawsuits. Ms. Beatty requested a copy of what was placed in the newspaper. Mr. Walker stated that the information in the file is public knowledge. Ms. Beatty expressed a concern that the planning board and town council did not receive the proper information to make an informed decision about the level IV group home. She also expressed that all individuals was not properly notified about the conditional use hearing. There were discussions about where the letters were sent and the addresses that were used. Public was informed that the staff use the addresses that is listed on the tax records with Brunswick County. McMillan expressed that no one came and express that it was wrong. Therefore, he felt that it was ok. Mr. Walker asked for an avenue to do things better. Ms. Beatty stated why as a neighbor or friends the citizens in the area could not be notified. She understands the books but you can also go beyond what is on the books as a person. She feels that what is on the books is inadequate.

Mr. Walker ask the citizens to research and find out how other municipalities i.e. Leland and Belville handle conditional use application and the Town will match it or do better. He also informed the citizens that once an application is submitted the clock starts ticking. The planning board has so many days to process the application. If time expires then the application is deemed approved and goes to the Town Council. Mr. Dorsey asked is there any ordinance governing recreational entities such as swimming pools? Mr. Beatty stated not that he know of but that is some of the things the UDO will address. Mr. Walker asked was it for a personal home or commercial? Mr. Dorsey said personal home. Mr. Walker stated that will go with the building inspector. You will get a compliance form approved and permit to put in plumbing and everything. Mr. Willis stated he did not see a sign on the property. His uncle received the letter but not in time to make the meeting.

Mr. Beatty summarized that from what he hear there was a failure in communication. He cannot change what happened but it is evident that the system did not work. It is broken and need to be fixed. That's why he uses Connect CTY to announce the meeting. He will have staff look into the announcement about the meeting tonight. A lot of the issues are not a town planning but the town council. He allowed it to be addressed because one the planning board members is a town council representative. Ms. Beatty announced that the concerned citizens meeting will be Saturday, February 14th - 6:00 p.m. at the IB Station to address issues and concern they have. Media coverage will be there. Mr. Walker applauds what the citizens are doing and like to get the feedback from it. What he need for them to do is to have committees here to get things done. Get a budget together and bring it to the board. Mr. Dorsey stated it is very hard to do when you don't have direct support from your representative. We haven't had a representative to encourage inclusion. Expertise to do a job is important. There is a need to reach out to the people.

Meeting Adjourn.