



**Town of Navassa
Planning Board Minutes
January 13, 2010
7:30 PM**

IN ATTENDENCE:

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

Staff: Travis Barnes, Town Planner.

Other Attendees: Julie Becker on behalf of Brian Drake, and Brian Drake

Call to Order – Al Beatty called the meeting to order at 7:40 PM.

Approval of Minutes – Ms. Graham made a motion to approve the minutes from the November meeting. Mr. McMillan seconded the motion to approve the minutes and the vote passed unanimously. Mr. Beatty stated that there was not a quorum at the December meeting so there are no minutes to approve for December.

OLD BUSINESS:

- 1. Conditional Use Application (CUP-2009-001)**- Mr. Beatty stated that Brian Drake has submitted a complete CUP application and that the board discussed the proposed part-time automobile shop at the November meeting and nothing has been changed to the application. Mr. Beatty stated that the Board developed some conditions to be placed on the CUP application and that the applicant has seen these conditions and had agreed to meet them. Mr. Beatty asked the board if anyone had any questions regarding this CUP application. **Ms. Graham made a motion to recommend that the Town Council approve the CUP-2009-001 application for Brian Drake. Mr. Ballard seconded the motion and the motion was approved unanimously.** Mr. Beatty then discussed with the board the findings that the Zoning Ordinance requires the board to write and asked Ms. Graham to sign the findings along with him. The findings were placed in the application file and will be forwarded to the Town Council. Mr. Barnes informed Mr. Drake that the next step in the process will be for the Planning Board to forward their recommendation to the Town Council and to request that they set a date for a public hearing to review the CUP application at the following Town Council meeting. Mr. Barnes went on to state that he would take care of the publishing requirements for advertising the public hearing once council sets a date. Mr. Barnes stated that most likely the council will set a date to review the CUP to coincide with the February 18th Town Council meeting. Mr. Barnes stated that the Town Council will ask Mr. Drake questions of their own so the applicant should be in attendance and be prepared to discuss any questions asked of him. Mr. Barnes stated that he would like the applicant to elaborate more on the cleanup policies that the applicant submitted in order to provide more details. Mr. Barnes stated that he would provide the applicant with written notification of when the date for the public hearing is to be held.
- 2. Review Draft Planning Board Bylaws**- Mr. Beatty stated that at the November meeting the planning board reviewed a draft of the proposed planning board bylaws and discussed the draft in detail. Mr. Beatty stated that staff was asked to write up a final version of the draft and that this final version is included in the board's information packet. Mr. Beatty then read the main portions of the draft bylaws to the board including the appointment of members, terms of office, duties, meeting times and attendance. Ms. Graham stated that she had remembered a discussion about getting rid of the language that required a planning board member to be appointed from each of the Town's three districts. Mr. Beatty stated that there has been some discussion from a few of the council members about getting rid of the existing district boundaries, but that they have not

formally done so yet, so we need to keep that language in the bylaws and everyone agreed. Mr. Ballard stated that he wanted some clarification regarding the Town Council's ability to remove board members from their positions on the board. Mr. Barnes and Mr. Beatty explained that the draft language would require the council to have a just cause to remove a board member from the planning board and that cause would have to be decided by a vote of the majority of the council and not one council member. Mr. Beatty stated that the Town Council has a retreat coming up at the end of the month and he would like the Planning Board to make a recommendation on these bylaws to the council. **Ms. Graham made a motion that the Planning Board recommends that the Town Council approve the draft Planning Board Bylaws. Mr. McMillan seconded the motion and it passed unanimously.**

3. **Noise/Nuisance Ordinance-** Mr. Beatty stated that the Planning Board has been working on establishing the ability to better address nuisances within the town through code enforcement. Mr. Beatty stated that the board asked staff to prepare a list of the options the town has for pursuing code enforcement and to present these options to the planning board. Mr. Beatty stated that the options that staff has identified can be found in the information packet and that there are basically three main options we have come up with. *(1.) Enter inter-local agreement with Brunswick County code enforcement department; (2.) Navassa adopts their own noise & nuisance ordinance and hire a full-time code enforcement officer; (3.) Navassa hires a part-time code enforcement officer, sharing his/her duty as part-time police officer.* The other pending option is to do nothing. The first option would be to pursue an interlocal agreement with Brunswick County to allow Brunswick County's Code Enforcement Department to enforce their nuisance ordinances within Navassa's municipal limits. Mr. Beatty then read the pros and cons the staff identified for this option. Mr. Beatty stated that he is concerned that if we get Brunswick County to enforce their codes here in Navassa that it might be too harsh on the community and that he would prefer to ease into enforcing nuisance ordinances as the town transitions from being rural to more urbanized. Mr. Beatty stated that if the town selected to let Brunswick County enforce nuisance ordinances then a disadvantage would be that there would be potentially less opportunity for Navassa to work with its citizens to mitigate abatement issues. Mr. McMillan asked if other towns use Brunswick County code enforcement.

Mr. Barnes stated that some of the other towns have an interlocal agreement with the county, but that the main issue besides costs of administering a code enforcement program is that if we go with the county we will have to use all of their existing nuisance codes which include: the minimum housing code; the nuisance motor vehicle code; the ordinance regulating abandoned, junked, and nuisance motor vehicles; and portions of the Brunswick county solid waste management ordinance. Whereas if Navassa elected to write their own nuisance codes the town would have the ability to make them less stringent than what the county currently has so that we could provide more time for land owners to clean up their property or smaller fines for noncompliance, etc. Mr. Barnes stated that he has talked with Ted Adams who is the Brunswick County Code Enforcement Administrator and that he has stated that the county would be willing to work with Navassa and that they can help ease the transition for people at first, but that once nuisances were identified or reported around town they would pursue them according to the county codes.

Ms. Graham stated that pursuing this option would require the town to pay an annual fee to the county for administering code enforcement and she wanted to know what that fee would be. Mr. Barnes stated that according to Ted Adams the exact amount of the fee would have to be determined with the Brunswick County Attorney and would be based on the amount of work they estimated would have to be done in Navassa. The fee would cover the cost of equipment used to

abate nuisances and the man hours the county would utilize. Mr. Barnes said that there is not a flat rate that each town has to pay the county and that it differs from one town to another because each town is a different size and has other differing factors that affect the cost. Mr. Barnes stated that this fee would be considerably less than what it would cost the town to hire a code enforcement officer and that he believed it would be \$10,000 or less because the county would also be keeping any fines that they charged citizens for non-compliance. Mr. Barnes said that Ted Adams had stated that if the town wanted to pursue an agreement with the county that he would be willing to come and speak to the town council and the planning board about the cost of the program and all other details.

Ms. Graham asked that if the town did decide to enter into an agreement with the county, how long would they be locked into the agreement. Mr. Barnes stated that he is not an attorney, but that it is his understanding that once the town council chooses to end the interlocal agreement they can do so with a resolution at any given time. However, Mr. Barnes said that he would assume that there would be some issue with any ongoing cases and that open cases would remain open until they were resolved by the county.

Mr. McMillan asked whether we should even pursue nuisance ordinances at all? Mr. McMillan stated that there are some people in the town that will not be able to pay fines to clean up their property or they might not be able to physically do so. Mr. Beatty stated that is one reason that he would prefer not to go with the county because if we had our own code enforcement the town would be better able to take those situations under consideration. Mr. Barnes stated that we could make any ordinances that we write be designed to be more lenient than the county ordinances, such as giving a property owner 60 days to clean up their property rather than 30, but that once we have an ordinance in place, by law we are required to enforce those ordinances the same for everyone. Mr. Barnes stated that the main reasons that we have been looking at enacting some form of code enforcement is to improve Navassa's overall appearance, to eliminate neighborhood blight and environmental nuisances, protecting property and property values, and to increase the desirability for positive economic development and community pride.

Mr. Beatty stated that due to the number of complaints that council members have received about trash around town and other nuisances, the planning board has been directed to look into code enforcement and that is why we are doing so. Mr. Beatty stated that he told the council that he would have some information to give to them on this topic so that they could review it at their retreat at the end of the month. Mr. Barnes stated that before council would make a formal decision on code enforcement he would recommend to them that they hold a series of public meetings in order to hear what opinions the public has regarding these issues and to help determine the best way forward. Mr. Barnes stated that it might be that council will decide that they do not want to pursue this right now but that the planning board was asked to look into it. Mr. Barnes stated that the reason the Planning Board stopped drafting a noise/nuisance ordinance was due to the fact that we started to include items in the ordinance that would require a considerable amount of time to enforce. Mr. Barnes stated that if the town adopted a noise and nuisance ordinance, then we would be required to enforce all complaints or violations that were issued and that currently the town does not have the staff to handle this additional workload. Because of the significant amount of work that would be required to develop a code enforcement department within the town, the Planning Board started to evaluate the town's options for administering code enforcement.

The Planning Board then discussed the second option of hiring a full-time or part-time code enforcement officer. The second option would be to hire our own code enforcement officer and

that would require the town to pay for a new salary, office equipment, and proper training. Mr. Beatty stated if council hired our own code enforcement officer then they would be responsible for enforcing whatever nuisance ordinances the town adopted, but the issue would be if this employee would have enough work to require a full 40 hour week or a part-time position. Mr. Barnes stated that he thought it would be more difficult to find an individual that would be properly qualified to do code enforcement and that would only be seeking a part time position.

Mr. Beatty stated that he prefers to recommend the third option which would be to hire a new police officer that would be qualified to handle code enforcement as part of their job duties. Mr. Beatty stated that the benefit of this position is that the town is getting another police officer and that even while the employee would be pursuing code enforcement they could still have the power to fight crime and back up the other officers. Mr. Barnes stated that we would need to consider how the new position would fit within the organizational structure of the police department. Mr. Barnes stated that he has talked with Chief Taylor, Detective Graham, and the other officers about this and they had indicated that it would be good to have an officer to be able to hold regular office hours at the police department in order to have better interaction with the public and to handle other administrative tasks. The new police/code officer would then be able to go investigate code enforcement complaints as well as provide backup to the patrolling officer if needed. Mr. Barnes stated that he thought that this option was a good alternative if the board did not think going with Brunswick County would work.

Mr. Beatty asked the board if they had questions or comments. Ms. Graham asked, if the town pursued option two would the code enforcement officer be part-time or full-time? Mr. Barnes stated that it could be either a part-time or full-time position but that he thought that it would be difficult to find someone worth hiring that would only interested in a part-time position. Ms. Graham stated that with option three it would be important to remember that the new position would be part-time police and part-time code enforcement so there would have to be some supervision to make sure that the code-enforcement was being completed. Mr. Barnes stated that he had asked the police department to give him a complete job description for what the part-time police officer would be doing for the department so that he could add the code enforcement responsibilities to it, but that they have not yet done so. Mr. Barnes stated that the police department did give him a basic job description for the normal police officer, but that he would prefer to specify the job duties of the part time position in a way that would fit the department's needs. Mr. Barnes stated that there have been some situations where member of the public have come to the police department to get a report or with questions and that the staff has to get in touch with the officer on duty and get them to stop patrolling and to come to the town hall, which can take some time and is not an ideal situation. Mr. Barnes stated that he envisions the new position being more of a 9-5 officer that would be at the reception desk handling the phones, members of the public that come to the office, and help with other administrative tasks for the police department, and if a police call came in the position could respond with backup to the patrolling officer and if a code enforcement complaint came in, then they could go handle that for a couple of hours.

Mr. Beatty asked if there was any other questions or comments or if the board was ready to make a motion. **Mr. Ballard made a motion that the Planning Board recommend that the Town Council pursue option 3 for code enforcement administration which is the option of hiring a part-time police office/part-time code enforcement officer. Ms. Graham seconded the motion and it passed unanimously.**

4. **CAMA Town Use Plan / Proposed text amendment** – Town planner states that he spoke with Mike Christenbury (Division of Coastal Management) about Navassa’s draft 2008 CAMA Land Use Plan and how it would not be certified with by the CRC due to a number of problems including using data from 2000 even though it is now 2010. Mr. Barnes stated that the draft has not been reviewed by the CRC and that we need to make revisions to the draft before we submit it for approval.

Mr. Barnes stated that the 1999 CAMA Land Use Plan and the draft 2008 CAMA LUP both have policies that are opposed to the development of upland marinas and that the current concept plan for the River Bend PUD has a proposed public upland marina as part of the development (Marina issue with 1999 CAMA LUP on page 59 and on page 87 of DRAFT 2008 CAMA LUP). Mr. Christenbury also said that CRC prefers upland marina developments over other types of marina construction. Mr. Barnes stated that Navassa could pursue text amendments to the CAMA plans in order to change the language to allow upland marina development as part of a Planned Unit Development. By allowing the marinas only to be built as part of a PUD the Town Council could still exert a lot of control over where and how marinas could be developed. Mr. Barnes explained the process needed to pursue a text amendment to the CAMA Plans and state that even if Town Council approves the amendments they will still have to be approved by the CRC. Mr. Beatty says there was a great deal of discussion over the language for the ‘99 land use plan when there was not a current zoning ordinance or land use plan in place. The reason for this addition in the ‘99 plan was to protect the integrity of the town from private marina development. Now the change would allow the development of an upland marina if it were open to the public and part of a PUD. Mr. Barnes explains that this marina could be made into a public space, potentially creating a commercial corridor. Town council will need to approve this change in the new CAMA Land Use Plan. Also Mr. Barnes explains that the Coastal Resource Commission will also have to be notified of the new text amendments and would need to approve. Additionally there will have to be an advertisement and announcement of a public hearing for such projects. Mr. Beatty stated that the proposed language was approved by Mike Christenbury and that he is in favor of it. Mr. McMillan asked where the marina would potentially go. Mr. Barnes stated off of Royster Road, potentially. Ms. Graham read out loud the Planning Board’s motion worksheet stating the consistency between the text amendments and the town’s other adopted plans. **Ms. Graham made a motion to recommend that the Town Council approve the proposed text amendments to the 1999 CAMA Land Use Plan and the draft 2008 CAMA Land Use Plan. Mr. McMillan seconded the motion and it passed unanimously.**

5. **Rezoning Application Z-2010-001:** Planning Board consideration of rezoning 2.03 acres located at 98 and 99 Canal Drive (Parcel ID# 0300000901 and 030000009) from HI to R-20. See attached map. Mr. Barnes stated that the property owners have been living in this area for many generations and they would like to place an additional mobile home on the property, but they cannot currently do so because of the HI zoning. Mr. Beatty recommended that both of the acre parcels be rezoned to R-20. He explains to the planning board that these residents want to be able to develop their property despite the surrounding industrial sites and that when the new Zoning Map was adopted last year, the town should have considered these property owners situations. Mr. Barnes stated that this property is surrounded by the old creosote property, which is a brownfield but that the homeowners do have a town water supply and are not on well water. Mr. Barnes stated that ideally we would not want to encourage residential development in a HI zoned area, but that the property owners have been informed that the neighboring property owners could open a new plant as a permitted use and that they might be exposed to loud noise and other issues. Mr. Beatty stated that he felt that the family should be able to place another home on their property and it is not like a large subdivision will be developed on this land. **Ms. Diane Graham reads the**

description and motions to approve with a second by Walter Ballard and the motion passed unanimously.

NEW BUSINESS:

1. Currently staff has had two new applications, 1 was approved for Walter Ballard to construct a perimeter fence around his property located at 9740 Magnolia Drive & 1 for Curtis Skipper to construct a new single-family home at the newly created address of 9980 Southerland Circle. This home was originally going to be built on Cedar Hill Road but the lot was unsuitable.

STAFF REPORT:

1. Travis Barnes announced the hiring of a new Planning/Sustainability Intern, a graduate student from UNCW. He mentions the intention of having an ongoing intern program to work on projects such as the paddle trail and tree preservation ordinances and improving our storm water education projects.
2. Staff announced that Jason Walker approached him. He is a company representative offering permitting and inspections so that the Town of Navassa could receive a 10% portion of revenue for permitting that we currently give to Brunswick County. Barnes is going to research this idea further before presenting to the board.

CHAIR'S REPORT:

1. Next Planning Board meeting will be Wednesday, February 10th at 7:30 PM.

MEMBER COMMENTS

PUBLIC COMMENT

ADJOURNMENT motioned by Diane Graham at 9:00 pm

Minutes prepared by Travis Barnes & Beth Sheppard, January 26, 2010.