



**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council – Work Session**  
**Thursday, March 19, 2015 – 2:00 p.m.**



A regularly scheduled work session of the Atlantic Beach Town Council was held Thursday, March 19, 2015 at 2:00 p.m. in the Council Meeting Room, 125 West Fort Macon Road, Atlantic Beach, North Carolina.

**Members Present:** Mayor A. B. Cooper, III; Mayor Pro Tem Danny Navey; Councilmembers: Harry Archer, Eddie Briley, and John Rivers

**Members Absent:** Councilmember Ann Batt

**Others Present:** David Walker, Town Manager; Katrina Tyer, Town Clerk; Attorney Nelson Taylor; Donna Turner, Inspections Director; Justin Bourbeau, Inspector; Adam Snyder, Fire Chief; Michael Simpson, Deputy Fire Chief; Jessica Fiester, Planning Director; Hope Carmichael, Attorney for PepperTree; James Badia, Regional Director of Ops. For PepperTree

### **CALL TO ORDER**

Mayor Cooper called the meeting to order at 2:00 p.m.

Councilmember Rivers made a motion *to excuse* Councilmember Batt from today's meeting due to a medical appointment. Seconded by Mayor Pro Tem Navey. Vote was unanimous, 4-0. Motion carried.

Attorney Derek Taylor is at the Municipal Attorney Conference in Chapel Hill, his father Nelson Taylor is present.

Councilmember Archer made a motion *to approve* the agenda as presented. Seconded by Councilmember Rivers. Vote was unanimous, 4-0. Motion carried.

#### **1. PepperTree Appeal Hearing on Order of Condemnation:**

Attorney Carmichael presented PepperTree's appeal. She has been retained by PepperTree Owners Association. She referenced her letter of March 11. The association is working with the owners. She would like to report back to Council on or before August 1, at that time she will be able to report more on their solutions.

Peppertree had an engineering firm look at buildings 1-9, and agree that the best economic decision is to demolish the buildings. They are still looking into the condition of buildings 10-14, but they are not occupied.

The power has been turned off and furnishings removed in buildings 1-9. The stairwells have been boarded up on all buildings. The power is still on in buildings 10-14 because they are still furnished.

Mayor Cooper asked her to review the process they have been through to notify the homeowners. In December, a letter was mailed via regular mail, giving the owners three options: walk away and deed property back to the homeowners association, trade weeks (apprx. 500 people have chosen this option), or hold on and see what happens (8 people chose this option). They still have not received a response from over 700.

Attorney Carmichael answered questions from Council on finances, long-term plans, safety and security issues for buildings 1-14.

She wants to be clear that the association is not the owner of the property so she does not contend that the owners were properly served with the Inspector's Order. The HOA is not the proper owner, but yes, they received notice of the Order.

Peppertree requested to be allowed to use the pool located at buildings 1-9. Nothing about the pool itself has been declared unsafe.

Mayor Cooper reviewed safety recommendations the Council wants implemented if a continuance is granted. Attorney Carmichael addressed the requests.

The fire department does not have an issue with the 6foot fence, it will not affect their fire fighting.

It was the consensus of Council for the following:

1. Peppertree will return to Council on May 14, with a comprehensive plan on how and when buildings 1-9 will be demolished and all debris removed from the site and a plan regarding the demolition or repair of the decks on buildings 10-14.
2. On or before May 14, 2015, the Peppertree shall cause the following safety precautions and measures to be accomplished:
  - a) A 6' high safety fence shall be installed around the base of buildings 1-9, with the intent to prevent people using the pool access to these buildings. There shall be no occupancy of these buildings.
  - b) The first story stairwell steps, including treads and stringers, of all buildings at issue shall be removed and shall not be replaced on buildings 1-9, but may be replaced on buildings 10-14 after steps have been taken to the satisfaction of the Director of Inspections to remove the decks or repair them and to prevent access to the locations from which the decks were removed. There shall be no occupancy of buildings 10-14 until the Council allows.
  - c) Peppertree shall make its best efforts to have the Town of Atlantic Beach included as a named insured on its liability policy or policies. Thereafter, the Association shall provide the Town of Atlantic Beach with a copy of the policy or policies.

Councilmember Briley called for a motion *to uphold and affirm* the Building Inspector's Orders with the above modifications. Seconded by Councilmember Archer. Vote was unanimous, 4-0. Motion carried.

#### **Mayor/Council Comments and Advisory to Staff**

Councilmember Briley addressed the issue of police officers wearing body cameras. Mr. Walker stated he and Chief Harvey are working on this issue regarding use, public records law, storage of records, etc. for the upcoming budget.

Mayor Cooper addressed the recent resignation of Larry Burke from the Planning Board. He reviewed the board application process they discussed at the retreat and asked Council how they would like to proceed. It was the consensus of Council to select from the applications on file. He will contact each applicant and confirm they are still willing to serve.

Mayor Pro Tem Navey addressed some questions he had regarding the upcoming public hearing on the signage amendment.

There being no further action taken or business before Council the meeting stood adjourned. The time was 4:09 p.m.

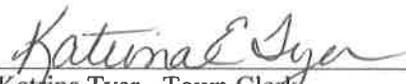
These minutes were approved at the April 27, 2015 meeting of the Atlantic Beach Town Council.



TOWN OF ATLANTIC BEACH

  
A. B. Cooper, III - Mayor

ATTEST:

  
Katrina Tyer - Town Clerk