



**Minutes
Town of Atlantic Beach
Town Council and Planning Board Joint Meeting
April 3, 2018**

Town Council Members Present

Mayor Trace Cooper
Mayor Pro Tem Richard Porter
Harry Archer
Rich Johnson
Danny Navey
Austin Waters

Town Council Members Absent

None

Staff Present

Michelle Shreve, Planner
Samantha Piner, Secretary
Arrington Moore, Management Assistant
David Walker, Town Manager

Planning Board Members Present

Neil Chamblee, Chair
Llewellyn Ramsey
Lynne Brown
Norm Livengood
Doug McCullough
Curt Winbourne

Planning Board Members Absent

Ann Batt

Others Present

Ron Cullipher, The Cullipher Group
Max Barbour, Developer
Mike Shutak, Carteret News Times

Samantha Piner administered Oaths of Office to Lynne Brown and Norman Livengood prior to the meeting.

CALL TO ORDER

Mayor Cooper called the meeting to order at 6:00pm.

APPROVAL OF AGENDA

Councilmember Archer made a motion *to approve* the agenda as prepared. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

EXCUSE ABSENT PLANNING BOARD MEMBER(S)

Winbourne made a motion *to excuse* Ann Batt from tonight's meeting. Seconded by McCullough. Vote was unanimous, 5-0. Motion carried.

APPROVAL OF MARCH 6, 2018 JOINT COUNCIL/PLANNING BOARD MINUTES

Councilmember Navey made a motion *to approve* the March 6, 2018 Joint Council and Planning Board minutes. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion was carried.

Mayor Cooper explained the purpose of tonight's meeting was to conduct a public hearing on the Concept Proposal for the Channel Bay project proposed at 402 Old Causeway Road.

MSP-18-03: CHANNEL BAY

Staff Presentation

Michelle presented the major site plan for a development of ten duplexes at 402 Old Causeway Road, called Channel Bay after the manufactured home park that currently exists at that location. The Concept Proposal is the first phase of the project with a site plan to include building elevations and footprints, lot lines, parking, and similar items. The second phase will review details for streets, sidewalks, recreation area, utilities. These will be reviewed for compliance by the Technical Review Committee (TRC), Planning Board, and Council before official approval by Council.

Application materials were submitted on February 12, after having conducted a pre-application conference with the developer's agent on January 26. Notices were mailed to all abutting property owners on February 15, and a sign

was posted on the site the next day. The mailed notices described the new UDO Major Site Plan procedure and upcoming meeting and public hearing dates. After the TRC tabled the issue on February 21, another letter was sent to discuss the new timeline, including the TRC meeting on March 14 and this Concept Proposal public hearing. These were sent to the original mailing list and the private property owners within Channel Bay Mobile Home Park. This site plan shows the location of the proposed duplexes, road, septic systems, open space and other site features.

The Fire Marshal notes that these buildings will have to be sprinklered, as they will qualify as commercial structures per the Building Code. There is a portion of the road that will have to be expanded in order to allow space for fire apparatus to access the hydrant. Hydrant location and street widths will be shown in detail on the phase two plan.

Mayor Cooper asked Michelle to clarify what features can be included in open space. Mayor Pro Tem Porter asked for clarification on the zoning district density requirements. Michelle noted what was allowed per the ordinance.

Councilmember Archer asked Michelle to provide details from the Developer's information meeting. She noted nine residents attended along with the developer. Residents inquired about the timeframe before site work begins and Michelle was able to answer any zoning questions.

Mayor Cooper explained the purpose for the public hearing at this point in the process is to get public input early.

Public Hearing

Councilmember Archer made a motion *to open* the public hearing for MSP-18-03: Channel Bay Development. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion was carried. The time was 6:27pm.

Angela Fowler, Wake Forest and 161 Channel Bay

She purchased her mobile home in July 2017 and immediately began upgrading and remodeling with the intention of this becoming her retirement home. She is very upset she invested retirement money and then found out about the possible development. She feels an alternative should be for owner to mandate renters to clean up homes and make them more appealing.

Amanda Bell, Rocky Mount and 159 Old Causeway Drive

She asked Council to consider some sort of regulation or timeline procedure if going to allow property to be snatched out from under people. This taints their view of Atlantic Beach. She feels money is more important to everyone and asked them to think about how it would feel if someone was to take money out of their retirement.

George Mitchell. Resident of 153 Channel Bay

He is concerned with stormwater and sediment runoff in the sound. He took his boat to the Pinnacle development last week to look at their sediment prevention. He was disappointed in their fencing and provided copies of photos for the record.

Kelly Mitchell, 153 Channel Bay

She purchased her home 20 years ago and is proud of the community and Atlantic Beach. The working class is what makes this beach. You should not need a lot of money to own a place and to love it.

Scott Campbell signed up but declined to speak.

Harold Herring, 165 Channel Bay

Channel Bay has been his and his wife's happy place since 1995. He knows the original land owner would never allow this to happen. During the last hurricane water was up to the tires on the van, this area floods during hurricanes and now they want duplexes. He is six months away from retirement and set to lose what he has. It is hard for them to get CAMA permits for dock repair or septic repair. They pump out their septic systems to keep them working properly. He is concerned with a stormwater plan and runoff with all of the proposed pavement.

LA Jeffords, 145 and 156 Channel Bay (Owns two units)

She is a full-time resident. She chose Channel Bay because she could afford a place for her and her mother. Her family had a trailer here in the 60s. It is disheartening to know they could be displaced. The residents take care of feral cats by spaying and neutering them. She is here year round spending money in this community, new owners will not be year round residents. Encouraged Council to adhere to the oaths they took. She asked Mr. Barbour if this project does not go thru to hold the current residents to standards. She does not feel the recent drainage work on Old Causeway Road will handle additional traffic.

Fred Dean signed up but declined to speak.

Renee Smith, 135 Channel Bay

She has had her place for 40 years. She had to demo the old place 10 years ago due to hurricane damage and feels what she went through with the Town to replace her home was unbelievable. They were denied three times for a septic permit and only allowed one bathroom and no washing machine. She was told at the public meeting Mr. Barbour already had a septic permit. She does not agree with this and does not think they have been told the truth. Please consider and save their place. This is like a back door dirty project.

Councilmember Archer clarified that the Town does not issue septic permits.

Tom Perry, 159 Channel Bay

He retired from the City of Rocky Mount as fireman and has looked at plats and maps his whole career. They are always very detailed and provide road and building specifics. If not done correctly, it is sent back for more information. He doesn't understand how a decision can be passed with the little amount of information presented. He is not a beach person, but his fiancé is so here they are. This is a good supporting neighborhood. He asked Council to sleep on this and not make a decision tonight.

Roy Falgout, 150 Channel Bay

He is here to speak on behalf of his neighbors, they are some of the best people he has ever met. He knows Council has their role, but these people have invested time, love and dreams in Channel Bay. That corner space is a little piece of heaven. He asked if there was any way to protect people who want to live in mobile home community. People invest in mobile homes because they do not want to be a part of a HOA, want a small yard, etc. Do not just consider them poor. Is there anything Council can do to prevent this? If you can do something good try to do it without doing harm.

Shane Fowler, 161 Channel Bay

He bought last July. He has worked so hard over the past year he never saw the beach and is very frustrated to hear this now. Asked Council to make the developer build all at one time, not one or two and wait until they sell. Make him invest his millions like these homeowners invested theirs. Make sure he completes the project. He does not want to drive across the bridge and see it unfinished. He lived on Terminal Blvd. five years before finding a place at Channel Bay he could afford. He does not think this market will hold out like it is now. He and his wife spend their money in Atlantic Beach, they go out to eat etc. Thinks this will open the door for all the mobile home parks to be taken away and no one will be able to afford to have a piece of heaven.

Kay Givens, 158 Channel Bay

Flooding is a problem in this area. CAMA would not allow them to build a larger dock. They support Atlantic Beach businesses and grocery stores all year long.

Mayor Cooper asked if anyone had questions about the ordinances. Mrs. Jeffords asked for confirmation the proposed project was allowed in this zoning district.

Councilmember Johnson made a motion *to exit* the public hearing for MSP-18-03: Channel Bay. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion was carried. The time was 7:06pm.

Ron Cullipher spoke to answer some of the questions presented. He clarified the septic permits have been applied for, but not received. Ron was unable to attend the community meeting, but his son did on his behalf and may not

have answered properly about the status of the septic permit. He confirmed they would have the septic permit in hand before breaking ground.

Council and Planning Board Discussion

Ramsey, as a real estate agent, explained mobile homes are transferred as personal property like vehicles. She feels something should be done to educate buyers, maybe the Town can look into something or publish a buyer beware article in the newsletter. The owners tugged at her heart and both boards sympathize. Crosswinds mobile home park was in the same situation, the owners got together and bought the property their trailers were on. She realizes this group was not given opportunity. She asked if Council can enforce stormwater fencing is properly installed.

Chamblee clarified no legal reasoning has been given to deny the project. He does not know of any recourse except to ensure this project is done as it should be.

Councilmember Johnson asked for a timeline. Cullipher stated if approved tonight it would begin the permit process, at least 90 days. He could not confirm, but does not think they will build all at one time. LA Jeffords confirmed their leases expire in December and it states they will be given a 60 day notice.

Mayor Cooper knows everyone loves Atlantic Beach, it does not matter our background. We all support and get along because we are at the beach. He advised the audience they may have legal recourse, maybe an attorney can assist residents that feel they were treated unfairly or misrepresented during recent purchases.

Mayor Cooper asked the boards if they feel this Concept Plan complies with the ordinances. It was the consensus based upon the TRC review and Michelle's review that it does. He reminded the boards they have three options: approve with conditions, approve or deny. Mayor Cooper reminded the boards, if no one can find any reason to deny this, a motion to approve is needed.

Based upon no findings or discussion by Council or the Planning Board that the proposed Concept Plan does not comply with Town Ordinances, with great sympathy, Mayor Pro Tem Porter made a motion *to approve* the Concept Plan for MSP-18-03: Channel Bay as presented. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion was carried. The time was 7:06pm.

Councilmember Navey noted in a recent training class they were instructed that a governing board has to do this type of thing legally whether they agree or not.

McCullough sympathizes and has heard cases where a Council did not do what they were supposed to do and were sued. This Council did what they were supposed to legally do. This would happen eventually.

Mayor Cooper thinks this is the hardest decision this board has had to make. The Boards addressed a few more questions from the audience. Several thanked Council for their empathy. It meant a lot for them as human beings.

ADJOURNMENT

There being no further business meeting was adjourned. The time was 7:32pm.

These minutes were approved at the June 5, 2018 Joint Town Council Planning Board meeting.

ATTEST


Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


B. Cooper, III - Mayor