



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, May 18, 2015



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, May 18, 2015 at 6:00 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, Ann Batt, Eddie Briley and John Rivers

Members Absent: None

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Sabrina Simpson, acting as Deputy Town Clerk

CALL TO ORDER

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

INVOCATION and PLEDGE OF ALLEGIANCE

Mayor Cooper led the assembly in a moment of silence then in the Pledge of Allegiance.

APPROVAL OF AGENDAS

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

CONSENT AGENDA

All items listed below are considered to be routine and will be enacted by one introduction/motion/second/roll call vote. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. Tax Collection Report
2. Tax Releases
3. Financial Report
4. Budget Transfers
5. Budget Amendment
6. Authorization to Write-off Delinquent Utility Accounts
7. Surplus Vehicles and Equipment – police car and parking meters
8. Town Council Meeting Minutes: 4/16/2015WS, 4/27/2015

Mayor Pro Tem Navey made a motion *to approve* the Consent Agenda. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

(Clerk's Note: a copy of Consent Agenda items are hereby attached and therefore made a part of these minutes.)

CITIZEN REQUESTS/COMMENTS

a. Citizen's Comments on Mobile Food Vending

David Engelhard, Kona Ice of the Crystal Coast, 215 Rochelle Drive, Morehead City

As a mobile vendor he wanted to remind others that they are paying a \$500 fee for a three month season. He and his wife are long time property owners in Carteret County. They have three Kona Ice franchises. They collect state and local sales tax, as well as are very active in the local community. Mobile vendors allow visitors an opportunity to serve beachgoers, saving them from leaving the beach and losing their parking space. He asked others to consider that most participating food vendors also have brick and mortar businesses and have simply expanded the services they offer by going mobile.

Patricia Davis, Davis Beachwear, 4104 Country Club Rd, Morehead City

She and her husband own Davis Beachwear and are concerned about the mobile vending in Atlantic Beach. She is concerned about an article that ran in the Carteret News Times in late April stating there were no local businesses serving food or drinks at the Circle. She is concerned the current mobile vending plan allows for vending within 20-30 feet from her business. She has a petition, though not provided for the record, from local established businesses that disagree with mobile vending. She can testify that nobody has spent more time in Atlantic Beach than her husband. Please solicit comments from local businesses prior to making a decision.

Toni Oberci, Crab's Claw Restaurant - sent an email asking to remove her from the agenda.

Mayor Cooper explained that the Town tried mobile vending two years ago in a different fashion, deciding not to proceed the next year. Last year Mr. Davis' son came and asked if they could sell Chick-fil-A at the boardwalk and that brought the discussion back up this year that there is still a need for more food sources at the Circle, even with those that are already there, or opening soon.

Councilmember Archer said that as long as he can remember food trucks weren't in the picture, just individuals that wanted to sell their wares along the boardwalk. After discussion, it was worth putting it on a test basis. He is a pro-business individual, but feels this is worth the test case this summer.

b. General Citizens Comments

Vada Palma, 116 Island Quay, Atlantic Beach

- wants to add that growing up here they did had ice cream trucks come around, we have evolved from here
- with all the visitors we have, we are able to provide different foods to serve various palettes with the mobile food trucks
- if businesses start losing profits because of this, we will back off

Craig Griffin, 202 W Atlantic Blvd

- feels the biggest thing is the feeling that Atlantic Beach isn't business friendly
- feels placing a mobile frozen food truck right beside a business that serves these items is terrible
- thinks we should move them farther away

Joe Tarascio, 113 Hoop Pole Creek Dr., Atlantic Beach

- would like to inquire if the Town would be willing to add some language to the solid waste ordinance
- in his neighborhood, there are people who use vacant lots to place their debris. A few weeks ago, it was five feet high and fifteen feet long not fifteen feet from one of the Town's storm drains. Marc Schulze is doing what he can, but he feels there is language missing under Section 15-3 to prohibit placement of debris anywhere but the right-of-way in front of the property of the owner.

Councilmember Briley said if we have a situation where our expensive drainage system is being affected, we need to amend the ordinance and implement a very steep fine.

Kim Griffin, AB Ice Cream Shoppes, Atlantic Beach

- is here to support Ms. Davis
- She understands that mobile food truck vendors are just trying to make a living, but so are we
- Thank you for not allowing this at the Town Park
- They do feel this effects businesses town-wide, not just at Atlantic Station and don't feel this is in their best interests
- If her sales are down at the end of the season, she likely won't renew her lease with York Properties

Councilmember Briley stated that while we won't put hot food at the Town Park, the idea of putting something to drink isn't ruled out.

ACTION AGENDA

6. Public Hearing: Approval to submit grant applications to Division of Coastal Management for funding beach accesses at Dunes Avenue and DoubleTree west.

Ms. Fiester stated the designs for the accesses as shown now are not final and may still change based on comments. We are still in the pre-application phase. If we are invited to apply for the grant then we will submit final applications with a 25% match, which Council would commit to tonight. Council isn't being asked to commit to a design tonight, but to approve committal of the matching funds.

Councilmember Briley made a motion *to enter into* the Public Hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

John Bason, on behalf of his mother Doris Basin, at 120 Club Colony Drive

They oppose this access design, primarily the switchback, though understand the feelings of others that would support it. His mother is in a wheelchair and they are strong supporters of ADA. They use the Town's beach wheelchair with big inflated wheels, at no cost, available to the public from the Fire Dept. already at the current access. He is concerned that such a wheelchair would not fit within the switchbacks.

Laurie Tatum, 109 Dogwood Street

She is concerned with the traffic problems they will have if the town provides an access at the west end and no parking. They already have parking issues at Pelican Drive and Fairview Street.

George Bason, John's brother.

He is providing a letter for the record from his mother who isn't present. Again, they are against the switchback. He is also concerned with the parking as there is no handicap parking, except as commonly used - his driveway, which is a concern. He is also concerned that the low profile will also be a concern of the community. They ask that we slow this process down.

Councilmember Archer made a motion *to exit* the Public Hearing. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion *to approve* submittal of a grant application to Division of Coastal Management for funding beach accesses at Dunes Avenue. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion *to approve* submittal of a grant application to Division of Coastal Management for funding beach accesses at DoubleTree West. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

7. Public Hearing: On Request from 2800 WFM, Inc. for final approval of a major site plan for project titled, "Seaside Villas", located at 2800 West Fort Macon Road

Mrs. Fiester pointed out that it was noted in comments from citizens that there are sections in the UDO Ordinance, 6.21.1 that are inconsistent. Town Attorney, Derek Taylor, has recommended that this be sent back to the Planning Board for review of the inconsistencies. Ms. Fiester stated there were also setback concerns submitted from citizens which she has reviewed. She stated the project has also met approval unanimously of the Technical Review Committee.

Mr. Taylor, stated he has reviewed the project and it is strong, is consistent with the condo acts, and is consistent with town ordinances.

Councilmember Archer made a motion *to enter into* the Public Hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Ron Cullipher, Engineer with Stroud Engineering, representing the applicant

The project has been prepared and designed in line with the rules and ordinances of the Town of Atlantic Beach. The project will utilize rain tanks and permeable pavement. The plan was presented to the State of NC and they have received their stormwater permit.

Ken George, President of the HOA of Crystal View speaking on behalf of the HOA, 104 Pelican Drive
He feels, as submitted by email and is included as a part of the formal record, that the project is against our own ordinances. His concerns are within Section 5.6, front setbacks, and Section 5.6.1, Note 2. He is also concerned that a sidewalk is considered a recreational area. He proposes nothing be approved tonight, redraw the plan based on proper setbacks, and hold a new public hearing over the summer when the property owners are here.

Zulene Wooten, 320 Fairview Street
Questions if we would do away with a Jungle Dr? She also is concerned with how they will fit that many people in such a little space. She does want to see something there though.

Ray Langley, 1212 E Fort Macon, Planning Board Chairman
Speaks on behalf of the Planning Board, they feel the plans that were submitted not only meet, but in some cases as in stormwater, exceeded requirements. The Planning Board unanimously approved this project.

Laurie Tatum, 109 Dogwood Street
Her concern is with stormwater. With the previous condos, even after being promised they wouldn't have problems, they get flooded. They cannot take any more water than they already have. They support the project, but are fearful of the stormwater runoff.

Judy Burnett, 124 Pelican Drive
She is five houses down and has concerns with the stormwater and the parking. She already has large flooding issues when it rains with getting to her driveway.

Doug Brady, Front Street, Beaufort and one of the developers
He is excited about this project and they have worked hard to meet all requirements, setbacks and concerns. As for stormwater, they have a very extensive stormwater plan that should meet and elevate concerns. They also feel this meets the market demand and will leave something the neighborhood will be proud of.

Ron Cullipher explained in further detail how stormwater works and how credits are applied. He feels they aren't making the problem worse, but actually solving one for Fairview Street. The site as proposed will produce quite a bit less runoff than it did when Jungleland was there. He also pointed out that the UDO section Mr. George pointed out doesn't apply to them, they fall under section 6.21.1.

Councilmember Briley made a motion *to exit* the Public Hearing. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Ms. Fiester stated that the setback concern is interpreted by Planning Board and the Technical Review Committee as a driveway and it meets the setback standards. After discussion among Council, Ms. Fiester, and the audience, there may be concern with the recreational areas placed within the 10-foot setbacks.

Under advisement from Attorney Derek Taylor, the public hearing should be continued until the June 22, 2015 Council meeting allowing time to refer the front setback issue back to the Planning Board to propose changes. This will allow the Planning Board to ensure the original intent of the UDO for multi-family units to have a different set of standards than residential are met. The issue at hand is the definition of front, and potentially side, setbacks.

Attorney Taylor stated Council needed to reopen the Public Hearing in order to continue it to the next meeting since the Public Hearing has already been closed.

Councilmember Briley made a motion *to reopen* the Public Hearing to send the ordinance to the Planning Board for consistency review at their June 2nd meeting, regarding the setbacks and for those recommendations to be brought back to Council for review and approval. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to schedule a public hearing* for the text amendment to the regular Council meeting on June 22, 2015. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

In summary, next month, on June 22, 2015 at the regular Council meeting, we would have a public hearing, which will be duly advertised for the ordinance text amendment as proposed by Planning Board as well as continue this public hearing on Seaside Villas.

8. Public Hearing:

- a. Approval of Resolution 15-05-01: Resolution Adopting the Pamlico Sound Regional Hazard Mitigation Plan**
- b. Appoint a representative to Serve on the Carteret County Mitigation Action Committee**

Councilmember Archer made a motion *to approve* Resolution 15-05-01: Resolution Adopting the Pamlico Sound Regional Hazard Mitigation Plan. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried

Upon realizing the public hearing was not opened prior to voting, Councilmember Briley made a motion *to enter into* the Public Hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

No comments.

Councilmember Archer made a motion *to exit* the Public Hearing. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Navey made a motion *to affirm* the earlier motion approving Resolution 15-05-01: Resolution Adopting the Pamlico Sound Regional Hazard Mitigation Plan. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion *to appoint* Councilmember Archer to serve on the Carteret County Mitigation Action Committee. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

TOWN MANAGER'S REPORT

Mr. Walker reviewed the overwhelmingly popular Second Annual Beach Music Festival held this past Saturday, the summer mobile vending parking program, and the summer paid parking program.

MAYOR/COUNCIL COMMENTS

Councilmember Archer thanked everyone for coming out tonight and speaking.

Mayor Cooper thanked David Walker and Staff for their hard work on the festival.

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:09 p.m.

These minutes were approved at the June 22, 2015 meeting of the Atlantic Beach Town Council.

(seal)



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor

ATTEST:


Katrina Tyer - Town Clerk