



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, June 22, 2015



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, June 22, 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; Katrina Tyer, Town Clerk; Jeff Harvey, Police Chief; Shawn Reaume, Police Major; Jessica Fiester, Planning Director; Marc Schulze, Public Works Director; Sabrina Simpson, Administrative Services Director; Arrington Moore, Intern

CALL TO ORDER

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

INVOCATION and PLEDGE OF ALLEGIANCE

Mayor Cooper told the audience a story about his first experience with Claude Andrews "Tweety Bird" and his prayers with a grieving family. Chaplain Andrews then gave his final Invocation as he is retiring this month. Mayor Cooper led the assembly 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. Tax Refund – Billy Joe Smith
4. Financial Report
5. Budget Amendment
6. Budget Transfer
7. Surplus Sales – Police Vehicle
8. Acceptance of Coastal Resources Commission Final Decision granting Atlantic Beach's request for Re-Authorization of its Static Vegetation Line Exception
9. **Resolution 15-06-01:** Resolution Approving 2012 Water Supply Plan
10. **Resolution 15-06-02:** Resolution Approving Modification of "30 Minute Only Free Parking" Signs at Designated Areas Within the Town of Atlantic Beach
11. **Resolution 15-06-03:** Resolution Approving the Posting of "No Parking" Signs on Pelican Drive, Fairview Street, and Jungle Drive
12. **Ordinance 15-06-01:** Ordinance Amending Chapter 1 General Provisions, Section 1-2, Definitions and Rules of Construction
13. **Ordinance 15-06-02:** Ordinance Amending Chapter 9 Licenses And Business Regulations Article IV, Garage Sales
14. **Ordinance 15-06-03:** Ordinance Amending Chapter 9 Licenses And Business Regulations, Chapter 10 Motor Vehicles and Traffic, and Chapter 18 Unified Development Ordinance
15. Town Council Meeting Minutes: 5/14/2015WS, 5/18/2015

Mayor Cooper reviewed, for the audience, Council's intent for the resolutions involving No Parking and the Business License Ordinance.

Councilmember Briley 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

Laurie Tatum, 109 Dogwood Street

- She was appalled at last month's meeting when a councilmember said they can do what they want to do, Council needs to remember who put them in office
- She recently attended a Planning Board meeting and did not approve of some of the snide comments made from the audience

ACTION AGENDA

6. Ordinance 15-06-04: Fiscal Year 2015-16 Annual Operating Budget

David Walker, Town Manager, provided a review of the proposed budget and how it was formulated around Council's goals and objectives developed during their February retreat. No comments or questions from Council.

Councilmember Archer made a motion *to approve* Ordinance 15-06-04: Fiscal Year 2015-16 Annual Operating Budget. Seconded by Mayor Pro Tem Navey. Vote was unanimous, 5-0. Motion carried

7. Public Hearing on Amendments to Article 6: Multi-Family Housing Development Standards and Appendix A: Definitions, of the Town of Atlantic Beach Unified Development Ordinance

Approval of Resolution 15-06-04: Resolution of Plan Consistency in Accordance with G.S. 160A-383

Approval of Ordinance 15-06-05: Ordinance Amending Article 6: Multi-Family Housing Development Standards and Appendix A: Definitions, of the Town of Atlantic Beach Unified Development Ordinance

Jessica Fiester, Planning Director, provided a review of the proposed amendments to the UDO the Planning Board recommend at their June 2nd meeting.

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

Nathan George, Pelican Dr. and Vice President of Crystal Views HOA

- The changes being made, he wants to point out, are to accommodate the Seaside Villas project.
- The inconsistencies he has are with the definitions.
- Feels a definition for street setback should be added with these changes and approved within the amendment.
- Feels private drive setbacks of five feet should be added, whether landscape or other, between property lines.
- Feels a definition of open space should be added.
- Encouraged Council to adopt the proposed amendments and the new changes she suggested.

Mayor Cooper thanked him for his time on this project.

Zulene Wooten, 320 Fairview St.

- Feels Fairview Street should have the same setbacks as Pelican Dr.

Mayor Cooper explained there is a difference in setbacks based on the type on project, whether residential or multifamily.

Joe Tarascio, 113 Hoop Pole Creek Dr

- Sometimes ordinances are created that assist many properties and that is their purpose.
- Feels the UDO was drafted as intended and has been consistently interrupted throughout.

John Lotspih, 203 Winston Ave

- Instead of creating different setbacks for different properties, couldn't that go back to the Board of Adjustment?

Laurie Tatum, 109 Dogwood St.

- Not against the project, just want it scaled down.
- Wants Council to understand what they have to go through with the added people in the area.
- Opposed to the added fill dirt being hauled on the property (Per Marc: the dirt is from the recent dredging)

Phil French, 509 W. Boardwalk

- The amendments do not seem to make sense.
- Finds it curious why changes are being made that benefit this project. Changes depend on who makes the request.
- Referenced ten or so sections of the UDO that would make it virtually impossible to put in trees and bushes along the sides of the roads.
- Pointed out two intersection drawings in the UDO that he thinks contradicts state law.
- Curious why he is seeing so many drawings where it appears the town is giving the developers streets so they can meet their setbacks.

Vada Palma, 116 Island Quay Ct

- Would like to remind the board that the committee that met for over a year were volunteer citizens who worked line by line on this UDO.
- There was never any intention to favor anyone. What they were in fact trying to avoid is not allowing a home to be rebuilt if a fire or something destroyed it due to setbacks.
- If she were in that neighborhood, she would be rejoicing that something that lovely is coming in.
- Doesn't feel the traffic will be as big a problem as they think, even if they need to ask DOT for a turning lane.

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

Mayor Cooper addressed some of Mr. French's comments and reminded the audience that amendments are made to the UDO to reflect the intentions of when it was drafted.

Councilmember Briley made a motion *to approve* Resolution 15-06-04: Resolution of Plan Consistency in Accordance with G.S. 160A-383. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion *to approve* Ordinance 15-06-05: Ordinance Amending Article 6: Multi-Family Housing Development Standards and Appendix A: Definitions, of the Town of Atlantic Beach Unified Development Ordinance. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

8. Public Hearing (continued from May 18): 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

Jessica Fiester presented details regarding changes to the site plan since the last meeting. Changes are based on comments received and discussions held between staff, developers and the projects neighbors at Crystal View Condos, led by Nathan George, Vice President of the HOA.

Attorney Taylor feels the changes made are beyond the scope of conditional changes and would need to go back through the review process. Council can choose to approve the original plan with landscaping and closing of the street changes or not approve the original plan and send the modified plan with buildings moved, landscaping, and street closing back through the review process.

Mayor Cooper called for the public hearing to go back into session.

Nathan George, Vice President of Crystal View Condos speaking on behalf of the HOA

- Met with Mr. Brady after the last worksession and feels they came up with a better plan.
- He is frustrated that Council has approved text amendments so quickly when other options were provided.
- He is frustrated that with this mutually beneficial plan that Council won't approve the plan based on attorney advice and now the project is delayed.
- Said it is clear the text amendments were made because of this project regardless how many times it has been quoted otherwise.

- He is frustrated Council wouldn't listen to him until he hired an attorney and doesn't feel the Town has been cooperative.
- He reminded Council he was spat on by the developer at the last meeting outside in the parking lot and he has completed a police report.
- Again, this project is a better project than originally proposed and is compliant.

Doug Brady, Front St., Beaufort, Developer partner of this project

- The developers have incorporated many of Mr. George's suggestive changes to the plan including the landscaping buffers, it still maintains the density they are looking for.
- They would like to move forward to be able to get the project started with the new plan, with the exception of moving one of the buildings to meet the new setbacks.
- They are excited about this project and ready to proceed.

Attorney Taylor does not feel the plan can be approved tonight with the conditions listed.

Steve Joyner, 200 Fairview St. and Planning Board member

- Happy with these changes and would support the plan, while he would still like to see twenty feet on the sides.
- He appreciates the cooperation between the developers and homeowners.

Laurie Tatum, 109 Dogwood St.

- Questioned how long it took the developers to develop this project.
- She feels when a project this big is being planned, that letters should go out to neighbors much earlier in the process. Much of this could have been eliminated if they were informed earlier in the process.

Joe Tarascio, 113 Hoop Pole Creek Dr.

- Feels the most important thing is no additional stormwater flooding be inflicted upon residents, this project will offer relief to their existing flooding problems.
- Feels this is a sound project and likes the alternating of the buildings better.
- Concerned over the cost in town staff for this process.

Mike Burton, Developer with Bailey, Brady and Burton

- Feels this has been a tremendous learning experience for them and the Council since they bought the property on December 2, 2012.
- Thinks this project will be outstanding, a stormwater help, and aesthetically pleasing.
- He will be very happy to start construction and feels this will be a very attractive addition to Atlantic Beach.

Phil French, 509 W. Boardwalk

- He apologizes for speaking out of turn earlier, as an attorney himself, he is used to speaking when the opportunity arises.
- He points out some of the issues he had with the UDO, specifically with recreation standards. He feels nowhere have the developers pointed out the recreation areas beyond the buffers.
- He feels we are rushing through this just to make a couple builders happy.

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

Mayor Cooper addressed Mr. French's concerns with him. Councilman Briley asked Mr. French to provide a listing of all the things that he addressed concerning the UDO so Council can meet at a work session and address them.

Councilmember Archer made a motion *to schedule a public hearing* for final approval on the revised Seaside Villas major site plan at the regular Council meeting on July 27, 2015. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

This new version maintains the stormwater and sewer plans and will be reviewed by staff in depth this week to ensure all codes and setbacks are met, reviewed by the Technical Review Committee next week, reviewed by Planning Board at their July 7 meeting, and if all approved to that point, public hearing and potential approval by Council in July.

9. Proposed Amendment providing for earlier public notice in Development Review Process (Article 14) - refer to the Planning Board

Jessica introduced suggested improvements to the Development Review Process to include more input from citizens during projects. The plan she is proposing is modeled after Morehead City. She plans to present it to the Planning Board in July.

TOWN MANAGER'S REPORT

None.

MAYOR/COUNCIL COMMENTS

Mayor Pro Tem Danny Navey

Stated he has not felt the way he feels now since he came back from Vietnam. His feelings have truly been hurt by the accusations of this board's wrongdoings based on this project and being personally attacked based on rumor and lack of truth. This is why it is hard to find people to run for elected positions, because you run to do good for your country and be fair, and you are treated unfairly. He wants the record to state that no one on this Council has done any wrongdoing or anything that should not have been done to push this project.

Councilmember Ann Batt

She agrees with Mayor Pro Tem Navey, you are treated unfairly and it is a thankless job. She is certainly glad she has done it, but wishes people would be more involved than just when they feel jilted. Feels this board tries to be fair to everyone and has listened more than any other board.

Mayor Cooper

Speaking as a businessman, not as Mayor, recently a little girl was drowning in the pool at Oceanana and with quick response of a firefighter vacationing and our prompt staff response (in under two minutes), the little girl is doing great. Our staff is second to none. In May the Police Department average response time was 1.8 minutes, so even if there are problems with Council, our departments are responding and taking care of citizens.

Councilmember Harry Archer

He can't believe the amount of controversy on this one piece of property and is confident that he has heard more conversations on the Jungleland development than any other project or property in Atlantic Beach. We as humans tend to beat up on others before finding out details. He can assure the public that Bailey, Brady and Burton have been very patient. We have listened and while action may not be as expedient as some would hope, changes are made. This Council is transparent and has nothing to cover up or be ashamed of. He thanks everyone for taking the time to come out and be with us tonight.

Councilman John Rivers

He pointed out the tax revenue the Seaside Village project brings to the town. He feels something really needs to be done with the property.

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:15 p.m.

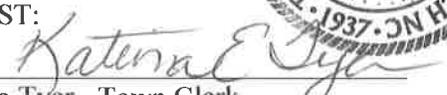
These minutes were approved at the July 27, 2015 meeting of the Atlantic Beach Town Council.



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor

ATTEST:


Katrina Tyer - Town Clerk