



**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, July 27, 2015**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, July 27, 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; Marc Schulze, Public Works Director; Donna Turner, Inspections Director; Sabrina Simpson, Administrative Services Director; Arrington Moore, Intern; Planning Board Members: Neil Chamblee, Rich Johnson and Steve Joyner

**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 and in the Pledge of Allegiance.

**APPROVAL OF AGENDAS**

Councilmember Archer made a motion *to approve* the agenda with the addition of Item number 9, Notice of Intent to USACE. Seconded by Councilmember Briley. 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 Collection FY14-15 Annual Report
3. Tax Releases
4. Tax Order of Collections
5. Financial Report
6. Approval of NCDOT Disaster Related Debris Recovery Agreement ID#5824
7. Town Council Meeting Minutes: 6/18/2015WS, 6/22/2015

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**

**Claude Andrews, Hoop Pole Creek**

- Enjoyed his retirement so far.
- Reminded and invited everyone to the Annual National Night Out event on August 4, 2015 at the Town Park.

**Jim Willis, III, 104 AB Causeway**

- Doesn't remember beach erosion being a problem when he was a little kid growing up here.
- Commented on the crusade of the Corps regarding their plans to either deposit dredged sand offshore (throw it away) or put it onshore in Atlantic Beach if we help pay for it.
- Doesn't want citizens to pay for sand we are supposed to get for free, it is supposed to remain free.
- If they come in with a hopper dredge and dump it close to shore it will naturally come toward shore for free.

- He doesn't want to start a crusade against them throwing the sand offshore if Council is supporting their putting it to shore with a cost. If we don't support it, he will oppose it all the way.

**Katherine Herrington, 120 East Atlantic Blvd.**

- Inquired about the parking spaces allotted for the Bungalows built at the Circle. There are 11 parking spaces available and she understands there should be 1.5 spaces per unit, which would be 12. The calculation doesn't seem accurate.

Mayor Cooper explained the option of off-site parking within the district.

**Eve Hall, 107 Fairview St.**

- She did not like the No Parking signs that have been posted along her street. It is unfair to the young couples coming here trying to park. She wanted to know what generated this.

Mayor Cooper explained the request was initiated by her neighbors concerned over the parking problems along the street.

<b>ACTION AGENDA</b>
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**6. SUMMER INTERN REPORT**

Arrington Moore thanked Council for allowing her to return for a third year in a row. She reviewed her powerpoint (copy included in minutes) detailing the housing units and business counts and other projects assigned by the town manager.

**7. PLANNING BOARD REPORT**

- a) CALL FOR PUBLIC HEARING on August 24, 2015:** Proposed Ordinance Amending Article 14 Development Review Process; Regarding Early Notification & Property Posting during Major Site Plan Review

Planning Director, Jessica Fiester is out of town at a conference so David Walker, Town Manager, reviewed the proposed amendment to Article 14 allowing for additional public notice.

Councilman Archer would like to see the sign requirement be 4x4, not 2x4.

Councilmember Briley made a motion *to schedule a public hearing* on August 24, 2015 for the proposed ordinance amending Article 14 Development Review Process; Regarding Early Notification & Property Posting during Major Site Plan Review. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

- b) Conduct PUBLIC HEARING:** Revised major site plan approval request for "Seaside Villas" at 2800 West Fort Macon Road.

Mr. Walker reviewed the report of the Planning Board regarding the proposed project. He commended Jessica for her hard work on this project and with meeting with and answering citizen comments. He pointed out the following highlights:

- Resort Services Zoning District
- 4.56 acres; \$1.7 million tax valuation
- Planning Board April 7, June 2 and July 7
- TRC reviewed March 26 and June 26
- Unanimously recommended from the Technical Review Committee and the Planning Board
- Bounded by four Town Streets: Fort Macon Road, Pelican Drive, Fairview St, Jungle Drive
- Density: Proposed 71 unit townhouse project (105 units could be built)
- Units are mostly 3-stories, 3 bedrooms, about 1700 square feet
- 37ft. height/55ft. allowed
- 107 parking spaces are required; 154 spaces plus 6 handicap spaces are provided
- Stormwater Management plan has been approved by DENR
- Includes pervious paving and infiltration
- Sewer agreement is with Envirocon for 26,000 gpd, at IBRC facility. Regulated by state utilities commission
- Recreation Area/Open Space requirements for 71 units is 14,200 sq. ft. / 15,124 sq. ft. provided
- Setbacks of 25' on Fort Macon Road, 10' on Pelican Drive and Fairview Street are exceeded by a minimum of 5" up to 15" over required amount

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

**Phil French, 509 W. Boardwalk**

- He didn't originally think he would speak tonight, thinking the meeting between him, Jessica Fiester and Planning Board members Neil Chamblee and Rich Johnson had taken care of the issues.
- States there are about twelve ways this plan is not in compliance with the UDO, he covered about three in the meeting and that alone took an hour and a half.
- He reminded everyone that several members of the sitting Council and the Mayor passed the Land Use Plan in December 2009, certified to the state in 2010.
- The UDO amendments and this plan are in direct violation of the Land Use Plan, which clearly states you can't have more than 6.2 units per acre in the RS zone.
- Still feels there are discrepancies in the UDO that he has not had time to address.
- Council says they are transparent, however no one from the public was invited to the TRC meeting.

**Laurie Tatem, 109 Dogwood St.**

- Understands one of the entrances/exits has been removed from Pelican Drive, but there are three left on Fairview St.
- There is not a stoplight in this area and it is going to cause a traffic burden to the Fairview Street residents.

**Angela George, 104 Pelican Dr.**

- She is representing the Crystal View HOA and read aloud a statement submitted earlier from Ken George, President Crystal View HOA (included in the minutes).

**Nathan George, 104 Pelican Dr.**

- He went over a timeline of his involvement with the project and communications with Council that have occurred over the past several months, as he has been working to correct this project and move the project along.
- He wants to know if the precedent the town wants to set is to talk about things until we get tired of talking about them, then just approve them?
- He asks that the vote tonight reflect the integrity and best interests of all citizens and not just the developers.
- Stated he had no choice but to file for Council to make a change.

**Eve Hall, 107 Fairview St.**

- She is most interested in one of the entrances being proposed right at her driveway.
- She doesn't like all that traffic coming out directly in front of her house.
- She is developing a project on Dogwood St., asked if the same setbacks apply to her.

**Pace Winstead, 510 Kinston Ave.**

- Questioned if the site plan presented is in compliance with the UDO as it is written now.

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

Derek Taylor verified the setbacks meet the UDO. He verified the mixed use proposed is allowed in the UDO. He also stated that the items discussed are completely legally defensible. As for the UDO, it has a different view than the CAMA Land Use Plan (LUP). The LUP is an overall historical plan, while the UDO is the ordinance. The LUP is developed and the ordinances are developed around it, making the ordinances the execution and control of the LUP. The consistency plan meets the UDO, the Planning Board, and the Technical Review Committee.

Councilmember Archer feels comfortable with the attorney's response and review. He understands the UDO is not a perfect document. He feels the developers and the engineer have listened and made changes. He is concerned about how the LUP relates to this project and thinks we need to table the matter to address the issue.

Mayor Pro Tem Navey doesn't own any property in town to develop except what he lives on, so the accusations about Council making decisions to benefit them are inaccurate. He doesn't feel comfortable relying on everyone's memory regarding the LUP and would like time to review.



Councilmember Briley agrees. He would like a clear cut agreement of whether or not it is legal or not to approve the plan. This Council does not want to do anything to ruin the aesthetics of the town.

Councilman Rivers feels the developers have addressed and made the changes requested and it is time to make a decision.

Ron Cullipher, Engineer, summarized the available open space and reviewed the drawing that was submitted per the Planning Board request. Attorney Taylor agrees the ordinance can be clarified to distinguish between recreation space and open space.

Mayor Pro Tem Navey made a motion *to table* a decision on approval of the revised major site plan for Seaside Villas until the August 24 Council meeting to investigate the legalities surrounding the Land Use Plan conflicts compared to the site plan. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

#### **9. DISCUSSION OF NOTICE OF INTENT TO U.S. ARMY CORPS OF ENGINEERS** *(added as an amended agenda item)*

Mayor Cooper explained the USACE most cost effective plan and the proposed Notice of Intent letter. The Carteret County Beach Commission is trying to find a way to work with the USACE to get sand west of the Circle. We have tried to work with them in the past, but it didn't work out. This year they approached us. USACE hasn't provided any costs, but essentially they will pay to get the sand to the Circle, and the cost to get sand towards the west would be shared between the Beach Commission (75%) and Atlantic Beach (25%). This notice shows we are interested in working with the USACE, but in no way commits the Town to anything financially.

Councilmember Archer made a motion *to approve and submit* the proposed procedural Notice of Intent. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

#### **TOWN MANAGER'S REPORT**

Mr. Walker reviewed the plan to demolish the old Food Lion complex and asked Council to accept the low bid from A/K Grading & Demolition, Inc., La Grange, NC in the amount of \$85,889. The plan is to close off entrance to the Town Park after September 1 for about 60 days to allow demolition of the building and installation of the new well.

Councilmember Briley made a motion *to approve* the A/K Grading & Demolition Inc. bid for \$85,889. Seconded by Councilmember Rivers. Vote was 4-1, with Councilmember Archer opposing. Motion carried.

#### **MAYOR/COUNCIL COMMENTS**

##### **Mayor Pro Tem Navey**

He is glad to see two of his favorite people at the meeting tonight, Zulene Wooten and Capt Jim.

##### **Mayor Cooper**

Wished a Happy Birthday to Mr Walker. Councilman Archer led Council and the audience in singing Happy Birthday.

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:05 p.m.

These minutes were approved at the August 24, 2015 meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

(seal)



ATTEST

*Katrina E. Tyler*  
Katrina Tyler - Town Clerk

*A. B. Cooper, III*  
A. B. Cooper, III - Mayor