



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, January 23, 2017



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, January 23, 2017 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 and John Rivers

Members Absent: Councilmember Eddie Briley

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk; Sabrina Simpson, Administrative Service Director; Arrington Moore, Management Assistant; Adam Snyder, Fire Chief; Michelle Shreve, Planner; Marc Schulze, Public Service Director

CALL TO ORDER and PLEDGE OF ALLEGIANCE

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

Councilmember Batt made a motion *to excuse* Councilmember Briley from the meeting due to sickness. Seconded by Councilmember Rivers. Vote was unanimous, 4-0. Motion carried.

Mayor Pro Tem Navey led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDAS

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

4. CONSENT AGENDA

- a) Financial Report
- b) Tax Collection Report
- c) Tax Releases
- d) Authorization to Write-off \$1,125.14 in Delinquent Utility Accounts
- e) Surplus Sales on GovDeals – 2008 Crown Vic and 2002 Ford Explorer
- f) Community Rating System (CRS) Recertification
- g) Approval of FY2016-17 Audit Contract with Thompson, Scott, Price & Adams
- h) Appointment of John Lotspih to Eastern Carolina Council (ECC) Board for 2017
- i) Town Council Meeting Minutes: 12/19/2016

Mayor Pro Tem Navey made a motion *to approve* the Consent Agenda. Seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried.

5. CITIZEN REQUESTS/COMMENTS

None.

Mayor Cooper acknowledged audience members John Lotspih and thanked him for his service on the ECC since 2009, Planning Board member Llewellyn Ramsey and Board of Adjustment Chairman John Kurek.

6. RECOGNITION TO FIRE DEPARTMENT FOR RESPONSE TO RUTHERFORD/BUNCOMBE COUNTY PARTY ROCK FIRE

Chief Adam Snyder thanked firefighters Christopher Lewis and Lt. James Ainsworth (who were present) for their dedication and service while responding to a statewide call for mutual aid during the massive Party Rock Fire in November in Henderson, Buncombe and Rutherford counties. Chief Snyder felt it was an honor to send personnel to the western part of the state because those departments are always responding to our calls during hurricane seasons.

7. PLANNING DEPARTMENT UPDATE

a) Call for a Public Hearing on proposed Major Site Plan for The Pinnacle for the February 27, 2017 Council meeting

This project was originally proposed and reviewed in 2006. At that time, additional information was requested prior to approval or denial, but while the additional information was being gathered the developer decided to put the project on hold.

The project has recently resurfaced with the purchase of the property by Max Barbour. Mr. Barbour has been working with Ron Cullipher of Stroud Engineering to coordinate the application of this major site plan.

Residential development with more than four units is subject to standards set out in the UDO, Section 6.21: Multi-Family Housing Development Standards and the major site plan review process outlined in Article 14. According to Section 14.4.3, multi-family development requires major site plan approval.

On January 9, Stroud Engineering submitted a development proposal for a 3-story, 12-unit condominium building called "The Pinnacle" located at 431 East Fort Macon Road. The first floor is parking and storage and the second and third floors have six condo units each. The plan also includes accessory structures and facilities include a swimming pool, gazebo, bathhouse, and marina facilities such as docks and boat lifts.

On January 19, letters were mailed to 101 property owners within 500' of the project. The letters notified property owners of the entire major site plan approval process, outlined the January 26 Technical Review Committee, Planning Board, and Town Council times and dates, and officially served as the notification for the Planning Board public hearing in accordance with state statutes.

Councilmember Archer made a motion *to schedule* a public hearing on the proposed Major Site Plan for The Pinnacle for the February 27, 2017 Council meeting. Seconded by Councilmember Rivers. Vote was unanimous, 4-0. Motion carried.

b) UDO Update

The Planning Department is continuing to work with CodeWright Planners, to re-organize and update our Unified Development Ordinances. Mayor Cooper, Arrington, and Michelle are currently reading through, editing, and offering comments on the Staff Review Draft of Module Two, the second of three sections of the UDO Update.

This document, like the Public Review Draft of the first module, will be put on our website, provided to Town Council and Planning Board, and will be discussed with CodeWright at a Joint Council and Planning Board meeting.

Following review of Module Three later this spring, an Adoption Draft will be presented for review. There will be public hearings prior to the adoption of the updated UDO, and we will continue public notification processes outlined by statutes.

c) Floodplain Mapping Update

The preliminary floodplain maps are available for review in the planning department and online via the Town website and Facebook page. The planning department will continue to reach out to property owners and residents to ensure that they are aware of these changes over the next year or so. Residents in the floodplain or that are going into the floodplain should locate their Elevation Certificate or obtain one from a surveyor and contact their insurance agents for additional information. Later this year, the Town will adopt a UDO text amendment to change the effective maps from the 2003 maps to the current maps.

8. PROJECTS UPDATE

a) Inspection Planning Software

The new software will be completely internet based providing more access for Inspectors and Contractors/Residents. Setup will begin early January and hope to be fully operational by April/May.

b) Park Project

The personalized park benches have been purchased. They are made of recycled plastic, six feet long, and are brown and black.

The stone for the miniature golf hole markers has been ordered from Southern Stone, but is being held for pickup until park construction is complete. Plaques have not been ordered but we have received quotes.

c) Mini Golf Staffing

We are currently working on a staffing plan for the miniature golf and concession stand. We plan to sell packaged food, including chips, nabs, popcorn, and Dip n' Dots ice cream.

d) New Street signs

We will place the order to complete installation of the new blue street signs throughout Town prior to summer; approximately 286 street signs. The Town will sell the old green street signs for \$20.00 each.

e) New Beach Access signs

40 new beach access signs with the new logo installed for the Summer season.

9. TOWN MANAGER REPORT

a) Follow-up from Annual Retreat and Review of 2017 Council Goals and Objectives

Mr. Walker reviewed the 2017 goals and objectives established by Council at their retreat in January.

10. MAYOR/COUNCIL COMMENTS

None

11. Closed Session pursuant to N.C.G.S. 143-318.11(a)(3)

Attorney Taylor provided a summary of events that have taken place since the Georges filed suit on June 27, 2016. On October 21, 2016, Plaintiffs filed an Appeal of the Summary Judgment. On December 29, 2016, the Court entered an Order for Sanctions granting the Town \$55,768.41 in legal fees.

Councilmember Batt made a motion *to enter* into a Closed Session pursuant to NCGS 143-318.11(a)(3) to discuss instructions for legal counsel in the matter of *16CVS629 Nathan George, et al. vs. Town of Atlantic Beach and 2800 WFM, Inc.* Seconded by Councilmember Rivers. Vote was unanimous, 4-0. Motion carried. The time was 6:39 p.m.

Attorney Taylor provided a recap of the recent events and allowed open discussion with Council.

It was the consensus of Council for Attorney Taylor to proceed with attempting to recuperate the Town's legal fees.

Councilmember Archer made the motion *to exit* closed session. The motion was seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried. The time was 7:04 p.m.

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:04 p.m.


These minutes were approved at the February 27, 2017 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor


Katrina Tyer - Town Clerk

CLERK'S NOTE: At the January 12, 2017 Council Retreat, Council collectively agreed to cancel the public hearing concerning a proposed ordinance amending the Charter to change the terms of office of members of the Town Council scheduled for this date. Clerk published and posted a Notice of Cancellation of the hearing.