



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



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, October 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, Eddie Briley, and John Rivers

**Members Absent:** None

**Others Present:** David Walker, Town Manager; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk; Sabrina Simpson, Administrative Service Director; Michelle Shreve, Planner; Lee Browning, Inspector; Arrington Moore, Events/Mgmt Asst; Marc Schulze, Public Works Director; Jeff Harvey, Police Chief; Megan Hunter, Inspections Admin.

Council-elects: Rich Johnson, Austin Waters and Rich Porter (arrived at 6:06pm)

#### **CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Mayor Cooper called the meeting to order at 6:00 p.m. and Mayor Pro Tem Navey led the assembly in the Pledge of Allegiance.

#### **APPROVAL OF AGENDAS**

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

#### **4. CONSENT AGENDA**

- a) Financial Report
- b) Tax Collection Report
- c) Tax Refunds
- d) Tax Releases
- e) Order Dismissing *17EHR 1564 Town of Atlantic Beach v. NCDEQ, Div. of Marine Fisheries*
- f) Town Council Meeting Minutes: 8/17/17Joint; 9/25/17

Mayor Cooper reviewed the consent items for the audience.

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

#### **5. CITIZEN REQUESTS/COMMENTS**

None.

#### **6. PRESENTATION ON COURTHOUSE DUTIES**

Pam Hanson, Clerk of Court and Karen Hardesty, Register of Deeds were present to provide Council and the audience with an overview of the Clerk of Court and Register of Deeds duties and opportunities to assist.

Honorable Hanson was excited to advise of changes in the Clerk's office in recent years making her office more accessible to the public:

- current foreclosures are now listed on the GIS website by address and file number for easier accessibility
- the cashiers office has moved back inside the courthouse for ease of payments
- in initial phases of going digital by participating in a pilot program, juvenile records first then archiving older records
- copies of documents can be emailed (up to 50 pages) or photos taken with a camera at no charge
- working on a grant to improve services involving domestic violence and aid in treating abusers

- 1/3 of Carteret County is over 60 years old, according to the latest Census. As baby boomers get older, they become targeted for exploitation, typically by those they know. Estates and guardianship cases are growing in her office and she is going to hold classes on preventing exploitation of the elderly (Silver Tsunami)
- working hard on escheated funds getting the money to owners instead of to the State by advertising in the local paper
- Clerks offices receive money and disperse all of it to other sources, they keep none of it, and the totals are large

Honorable Hardesty provided some resources within the Register of Deeds office, she is honored to take over carry on with her late husband's goals:

- all land record documents possible to put online are available
- they have two vaults containing records: land/death/military/etc. Including marriage licenses from 1979 forward
- allowing e-filing has been very successful, making it easier to receive, index, and place online
- records placed in their office are public record, including wills, so be careful what you request to record
- in 2016-17, they brought in over \$2B in revenues through her office, much of which is then disbursed elsewhere
- many of their worn books have been rebound and maps are next. This is done for longevity purposes.

## **7. PUBLIC HEARING ON PROPOSED AMENDMENT TO CHAPTER 18, UNIFIED DEVELOPMENT ORDINANCE AND OFFICIAL ZONING MAP OF THE TOWN OF ATLANTIC BEACH**

Items changed since the printing of the Adoption Draft are provided on the errata sheet (included in the minutes). The first item is dimensional standards for density of multi-family developments in the Mixed-Use High Intensity and Commercial Corridor zoning districts that were left out of the Adoption Draft, but effective under the current UDO. It was determined that it should be carried forward, and has been. The other two items were from Planning Board's meeting on October 3, when they decided that use-specific standards should not be utilized to deregulate a use that was not really wanted in that district. They unanimously voted to prohibit the "bar, nightclub, or tavern" use type in the MHI district, and remove the specific standards for that. Other than these changes, this is the same document the Planning Board approved. The Planning Board unanimously approved a Statement of Plan Consistency in accordance with statutory requirements for zoning text amendments. This red-lined version was distributed on September 26.

Councilmember Archer made a motion *to open* the public hearing. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried. The time was 6:31pm.

None.

Councilmember Batt made a motion *to close* the public hearing. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried. The time was 6:32pm.

Mayor Cooper stated the discussion to buffer the residential zones from bars, nightclubs and taverns by removing it as a use from the MHI zoning districts (as included in the errata sheet) has been discussed repeatedly. During the August joint Council and Planning Board meeting it was decided there needed to be a 250 foot buffer requirement between bars and residents. At the last Planning Board meeting it was decided to remove the buffer, excluding this use outright.

Mayor Pro Tem Navey and Councilmember Briley feel this should be left like it was, as a special use rather than totally disallowing it. It should be a case by case decision.

It was the consensus to place it back the way it was and remove it from the errata sheet. This will leave bars, nightclubs and taverns as an allowable use in the MHI district without a buffer, based on a Special Use Permit by the Board of Adjustment.

Councilmember Briley made a motion *to approve* Resolution 17-10-01: Resolution of Plan Consistency in Accordance with G.S. 160A-383 for Amendments to Chapter 18, Unified Development Ordinance and Official Zoning Map of the Town. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Ordinance 17-10-01: Ordinance Amending Chapter 18, Unified Development Ordinance with changes as proposed regarding bars, nightclubs and taverns being removed from errata sheet allowing them in the MHI district as a special use following the same standards as in the previous UDO, and Official Zoning Map of the Town. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

**\*\* Clerk's Note:** In accordance with Chapter 18, Article 18-3 Zoning Districts, Section 18.3.1, General Provisions, Subsection D. Official Zoning Map, 3 Replacement: "When the Official Zoning Map is replaced, the prior zoning map shall be preserved together with records pertaining to its adoption or amendment, unless the prior zoning map has been lost or destroyed", the repealed Zoning Map (approved August 24, 2009) and Zoning Map Amended June 27, 2016 per Ordinance 16-06-01 are incorporated in these minutes for reference.

## 8. PUBLIC HEARING AND APPROVAL OF THE MAJOR SITE PLAN MODIFICATION OF THE LOOKOUTS AT THE GROVE AS SHOWN IN SITE PLANS DATED SEPTEMBER 1, 2017

A few months ago, an issue regarding the building code was identified with the walkways at the Lookouts at the Grove. The uncovered wooden walkways and ramps serving the seven mixed-use properties cannot cross property lines between the buildings, so the developer and agent have requested a modification to the major site plan to create two separate lots with condominiumized commercial and residential units so the walkways and ramps will not cross property lines. The building inspector has confirmed that this change will allow the walkways and ramps to be constructed as proposed.

On September 23, the Technical Review Committee recommended this modification for approval and the Planning Board unanimously approved the modification on October 3.

Councilmember Briley requested confirmation that the firewalls are built as they should be. Inspector Lee Browning verified that everything meets code.

Councilmember Briley made a motion *to open* the public hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried. The time was 6:51pm.

None.

Councilmember Archer made a motion *to close* the public hearing. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried. The time was 6:51pm.

Councilmember Briley made a motion *to approve* the Major Site Plan Modification of The Lookouts at the Groves. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

## 9. TOWN MANAGER REPORT

None.

## 10. MAYOR/COUNCIL COMMENTS

Councilmember Briley read the letter from the last work session agenda packet from Heather Keefer, NFIP Planner of NC Dept. of Public Safety, Emergency Management Services Division, regarding clarifications with the RV requirements. He feels the letter is stating that we are not following our own ordinances, not FEMA regulations. Michelle stated we are required to have it in our ordinance. Mayor Cooper assured we will follow up on this matter.

## ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 6:55p.m.

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

ATTEST:

(seal)

  
Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH

  
A. B. Cooper, III - Mayor