



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**Monday, June 25, 2018**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, June 25, 2018 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 Richard Porter; Councilmembers: Harry Archer, Richard Johnson, Danny Navey, Austin Waters

**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; Arrington Moore, Events/Mgmt Asst; Jeff Harvey, Police Chief; Haley Moccia, Intern; Mike Shutak, Carteret News-Times  
Planning Board members: Neil Chamblee, Llewellyn Ramsey, Ann Batt, Lynne Brown  
Board of Adjustment members: Gary Plough, Fred Dean

**CALL TO ORDER and PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF AGENDAS**

Councilmember Archer made a motion *to approve* the agendas as presented. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

**4. CONSENT AGENDA**

- a) Financial Report
- b) Budget Amendments
- c) Tax Collection Report
- d) Tax Releases Report
- e) Continuance of Public Hearing on Amendment of CAMA Land Use Plan until July 23, 2018 Council meeting (continued to meet notice requirements)
- f) **RESOLUTION 18-06-02:** Resolution Approving posting a "Stop" Sign On Ocean Blvd at the East Intersection of Henderson Blvd. and at the West Intersection Henderson Blvd.
- g) **RESOLUTION 18-06-03:** Resolution Approving Amendment of Personnel Resolution 08-12-02 (Longevity Pay)
- h) **RESOLUTION 18-06-04:** Resolution Authorizing to Engage in Electronic Payments
- i) Approval of Uniform Guidance Conflict of Interest Policy
- j) Appointment of Sarah Currie as Tax Collector
- k) Amendment of Hurricane Re-entry Policy
- l) Call for a Public Hearing on Use of Golf Cart and Regulations at the July 23, 2018 Town Council meeting
- m) Town Council Meeting Minutes: 5/17/18 WS; 5/17/18CS and 5/21/18

Mayor Cooper reviewed the consent agenda highlighting the updated hurricane re-entry policy.

Councilmember Navey requested a draft of the golf cart ordinance be available to the public prior to the public hearing. He stated he is uncomfortable with allowing golf carts, but he will go along with what Council and the public wants.

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

**5. CITIZEN REQUESTS/COMMENTS**

Rosanne Murway, 111 New Bern Avenue: She bought her beach home 32 years ago, prior to the public beach access. She lives on Long Island and visits her beach home four times a year, with the hope of moving here full time. She feels the

beach access has grown and become problematic over the past few years. It feels like they are in a fishbowl with people looking in their windows, constant traffic, walking through their backyard, dog poop, and all night access to parking. She is asking for no overnight parking on the street after the paid parking ends at 6:00pm. There used to be No Overnight Parking signage posted, but it was removed.

Manager Walker and Mayor Cooper stated we will look in to why the signage was removed and will look into updating the ordinance to enforce no overnight parking.

Nick Webster, 400 Money Island Drive: He questioned the drainage issues at what he calls "mystery lake" on East Boardwalk. He asked the Town to look into a way to fix water standing in this area for days.

**6. RESOLUTION 18-06-01: Resolution in Appreciation and Support for Coast Guard Cutters at Fort Macon State Park and PRESENTATION of plaques honoring the Homeporting of USCG CUTTER RICHARD SNYDER and NATHAN BRUCKENTHAL**

Lt. Bryan Kilcoin, Commanding Officer of the NATHAN BRUCKENTHAL, spoke providing a history of the vessel's namesakes. Fast Response Cutters are involved in search and rescue, maritime homeland security, fisheries/marine sanctuary patrols, and illegal drug and migrant interdiction missions. Fort Macon is excited to have these cutters, which are 40 feet longer than the older ones and can last five days at sea. Lt. Andrew Norberg, Commanding Officer of RICHARD SNYDER was planning to attend tonight's meeting, but was called out with his ship on a rescue mission for a diver.

Mayor Pro Tem Porter made a motion *to approve* the Resolution 18-06-01 Resolution in Appreciation and Support for Coast Guard Cutters at Fort Macon State Park. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried. Mayor Cooper also presented him with Appreciation plaques.

**7. Presentation on Stormwater Management Practices by other Coastal Towns**

UNCW Intern Haley Moccia, presented her findings from research on other town's stormwater management. Increasing impervious surfaces by building houses and commercial business can begin degrading water quality. Essentially, the more you build and cover the ground, the more runoff occurs, and the more water quality is affected. As little as 10% impervious surface in a watershed can result in water quality degradation. The survey consisted of six topics:

- **Trigger Requirements for a Stormwater Management System:** Projects in Atlantic Beach that increase impervious surface by 100 square feet have to retain stormwater.
- **Manuals of Stormwater Management Practices:** Every town is required to abide by the limits set by NCDEQ. Most towns defer to the state requirements, but a few surveyed utilize extra stormwater manuals to base their regulations.
- **Impervious Coverage Limits:** Impervious coverage includes roof tops, covered decks, and in most cases driveways. Each town has a set amount of impervious surface coverage allowed per lot. Atlantic Beach is currently no more than 40% impervious coverage for residential areas and no more than 75% for commercial areas.
- **Runoff Retention Requirements:** Runoff retention refers to the amount of water the ground can hold for a certain amount of time, usually in the event of heavy rain downfall. When comparing the amount of water retention required, Atlantic Beach is higher than the majority of towns who only require the NCDEQ state regulation of 1 ½ inches for high density areas. Retention amounts change depending on the zoning district and development type, but Atlantic Beach requires more than most towns in this area.
- **Treatment of Stormwater Runoff:** The only towns that perform extra steps to treat stormwater runoff are Pine Knoll Shores and Wrightsville Beach. Pine Knoll Shores utilizes their existing topography through the use of swales to thoroughly filter stormwater before it enters a body of water. Wrightsville Beach takes extra measures to employ an inspector to examine all their stormwater systems every 6 months or after any rainfall greater than 2 inches.

Private Septic or Public Sewer was also researched. Out of the towns surveyed, 4 have entirely public sewer. The majority of towns surveyed had a mix of public and septic and a few were found to be much like Atlantic Beach in the fact that they utilize mostly septic and have a few private sewer facilities.

Overall, it was found that Atlantic Beach has slightly better stormwater requirements than many NC coastal towns, but there are still many areas for improvement.

This report will be submitted to the Town's Recreational Water Quality Committee.

## **8. PUBLIC HEARING on Proposed Charter Amendment Ordinance (Election Schedule)**

Mayor Cooper noted we currently hold elections in October so if a runoff is needed, it can be held in November with other elections. It is a concern of Council that the Town bears the sole cost of the one stop voting in October and that changing the election date would save the Town a significant amount of money. He reminded everyone that even though staggered terms has been previously discussed, that is not the topic of tonight's public hearing.

Councilmember Johnson made a motion *to open* the Public Hearing. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried. The time was 6:42pm.

Gary Plough, 147 Pond Drive: Financially this seems like a no brainer and encouraged Council to proceed with the change. He remembers when a runoff was determined by the flip of a coin.

Ann Batt, 128 Bowen Street: Supports changing the election date. When she served as councilmember she never understood why the Town had an October election. It is Council's job to save money, which could be spent at the Park.

Llewellyn Ramsey, 118 Bowen Street: When she came on Council in 1972, the voting was in October. She served 18 years. There are a lot of better uses for this money. She reminisced of a tie when Tootsie Vinson ran and it was decided by a coin toss. She encouraged Council to decide how to settle a tie and put it in the Charter. She supports this change as well as staggered terms and asked Council to re-consider. It is very hard for a Town to maintain continuity without staggered terms. It would be good for board members and the Town to go to staggered terms.

Rosanne Murway noted she supports staggered terms.

Neil Chamblee, 117 Pond Drive: He supports the change and feels saving money is a simple decision, especially with the growth of the Town. He supports staggered terms and reminded Council the majority of the responders on the last survey do also. He feels it will encourage new citizens to run.

Councilmember Navey made a motion *to close* the Public Hearing. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried. The time was 6:53pm.

Mayor Cooper agrees we need to discuss how we would handle a tie, and if necessary add it into to the proposed charter amendment. Other towns flip a coin or draw names from a hat.

Councilmember Archer feels we should not change the charter in regards to our election schedule and feels our method is superior to that of the other towns.

Councilman Johnson made a motion *to direct* the town attorney to draft a charter amendment ordinance for the change in election date. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

## **9. PUBLIC HEARING on Proposed System Development Fee Analysis**

The need for all public water systems to initiate these studies stems from a NC Supreme Court case a couple years ago whereby developers sued for exorbitant system fees and no basis in established cost. The result of this decision was HB436 (2017) mandating system development fee analysis be completed FY17-18. After seeking quotes from qualified engineering firms, we chose Stroud Engineering to conduct the work at a cost of \$5,000. This was a very good rate, as some quotes were \$20,000-\$25,000 or more. Our Finance and Water staff did a great job researching 30 years old records, audits, minutes of bid awards, and maps for most of the data gathering and we now have a very detailed cost analysis of our systems infrastructure. Staff doing most of the legwork is what resulted in the modest fee we paid.

"Impact fees" are considered a buy in fee for the infrastructure and capacity of the system being made available by prior users who established and maintained the system. They are not to be confused with tap fees which are the costs to actually make physical connection to the system.

We are pleased with the final results of our study. It shows that our current fees were in the correct range, but will have to be slightly lowered. As the law requires, the study was posted online for the 45 days for public notice and review. Public notice was also given for this public hearing.

Councilmember Navey made a motion *to open* the Public Hearing. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried. The time was 7:08pm.

No comments.

Councilmember Archer made a motion *to close* the Public Hearing. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried. The time was 7:09pm

Councilmember Archer made a motion *to approve* the Analysis System Fee Report as presented *and implement* the associated changes in capacity use fees with the FY18-19 budget. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

#### 10. TOWN MANAGER REPORT

##### a) Review of proposed Beach Access at the westend Doubletree Access and to schedule for public hearing at the July 23, 2018 Town Council meeting

We have been working with the Doubletree to upgrade the accesses to the east and west of their property, making them handicap accessible. Doubletree has agreed to sign an easement and share in the cost of upgrading the westend access. Like prior years, the Town would like to apply for a CAMA Grant. The total cost estimate is \$96,000, so the Town would be responsible for \$47,000, but with Doubletree's assistance would only pay \$23,500. Prior to submitting the grant application, a public hearing must be held.

Councilmember Waters made a motion *to schedule* a Public Hearing on submittal of a Final Grant Application for the Doubletree westend beach access for the July 23, 2018 Council Meeting. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

#### MAYOR/COUNCIL COMMENTS

Councilmember Johnson would like to pursue the issue of staggered terms and initiate the process for a public hearing. Attorney Taylor stated Council could approve a Resolution of Intent at their next meeting and schedule the public hearing.

Councilmember Archer thanked everyone for coming out and for speaking.

#### ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:19 p.m.

These minutes were approved at the July 23, 2018 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)  
  
Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH

  
B. Cooper, III - Mayor