



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, November 26, 2018



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, November 26, 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, Admin Services Director; Arrington Moore, Events/Mgmt Asst; Jeff Harvey, Police Chief; Jason Hutchinson, Police Major; Michelle Shreve Eitner, Planning Director; Nick Krebs, Planner; Mike Shutak, Carteret News-Times; Chase Cullipher, Engineer
Planning Board: Lynne Brown, Joey Dean; Board of Adjustment: None

CALL TO ORDER and PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDAS

Councilmember Archer made a motion *to amend and approve* the agendas by adding a closed session after the Town Manager Report pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

4. CONSENT AGENDA

- a) Financial Report
- b) Tax Collection Report
- c) Tax Releases Report
- d) Tax Refund (Stanley)
- e) Approval of Purchase of 2018 Chevy G4500 Trauma Hawk Ambulance through the Houston Galveston Purchasing Contract and Approval of **Resolution 18-11-01: Resolution Approving Financing Terms with BB&T**
- f) Coastal Resources Commission Final Agency Decision Granting Amendment to the Core Land Use Plan (10/25/18)
- g) Approval of Amendment to Contract to Audit Accounts
- h) 2018 Park Revenue Report
- i) 2018 Summer Parking Program Report
- j) Interim Recreational Water Quality Committee Report
- k) Town Council Meeting Minutes: 10/22/18

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

None.

6. PRESENTATION OF NC JUSTICE ACADEMY'S MANAGEMENT DEVELOPMENT PROGRAM CERTIFICATE TO MAJOR JASON HUTCHINSON

Chief Harvey recognized Major Hutchinson on his November 16, 2018 graduation from the eleven-month, 500-hour NC Justice Academy's Management Development Program.

7. PRESENTATION ON LIVING SHORELINES

Rachel Bisesi, Coastal Federation Education Coordinator, spoke to educate on living shore lines. Living shorelines provide erosion control, create and protect coastal habitat and filter and improve water quality. The living shorelines held up and received less damage than wooden bulkheads during Hurricane Florence.

8. PLANNING AND DEVELOPMENT

a) Public Hearing on UDO Amendments:

- i. Off-street Parking Requirements for single-family homes
- ii. Land Disturbance Regulations

Mayor Cooper explained the changes the Planning Board recommended to the off-street parking amendment were minimal so the board can proceed. During the November worksession, Council recommended additional changes to the proposed land disturbance amendment so it will go back to the Planning Board for further review. We will proceed with the public hearing on off-street parking and cancel the public hearing on land disturbance.

Mayor Pro Tem Porter made a motion *to enter* public hearing on UDO Amendments for off-street parking requirements for single family homes. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried. The time was 6:18pm.

No comments.

Mayor Pro Tem Porter made a motion *to close* public hearing on UDO Amendments for off-street parking requirements for single family homes. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried. The time was 6:18pm.

Councilmember Waters made a motion *to approve* Resolution 18-11-01: Resolution of Plan Consistency. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Porter made a motion *to approve* Ordinance 18-11-01: Ordinance Adopting Amendments to Chapter 18, UDO. Seconded by Councilmember Johnson. Vote was unanimous, 5-0. Motion carried.

b) INTRODUCTION OF UDO AMENDMENTS: Mechanical Unit Encroachment Allowances

Michelle noted there has been an increase in variance requests for mechanical unit encroachments and for generators since the hurricane. She is seeking Council's opinion and suggested wording to amend the UDO allowing accessory items without the need for a variance. There was discussion on possible setback allowances for accessories, single-family versus multi-family, what is an acceptable distance from adjoining property to prevent noise disturbance and if it applies to both existing and new structures. Staff was instructed to review generator and heat and air specs, to consider a measurement from the structure, not the property line and readdress the issue at a later meeting.

Michelle also discussed amending the street setback calculation to a fixed numeric standard based on zones. She will propose an amendment to Council at the next worksession.

c) MAJOR SITE PLAN REVIEW AND APPROVAL: MSP-18-02 Bakery-Café

Councilmember Archer made a motion *to recuse* Mayor Cooper and Mayor Pro Tem Porter due to potential conflict of interest for operating businesses at the Circle. Seconded by Councilmember Navey. Vote was unanimous, 4-0. Motion carried. Councilmember Navey ran the meeting.

This is the final review of the plan for the final phase on the proposed Bakery/Café at 157 Atlantic Boulevard. Having been found consistent with all applicable codes and ordinances, the Technical Review Committee recommended the project for approval on October 16 and the Planning Board recommended the project on November 13. Michelle reviewed the applicable ordinances and plans for Council.

Councilmember Waters made a motion to *approve* Major Site Plan MSP-18-02 for the Bakery-Café at 157 Atlantic Boulevard. Seconded by Councilmember Archer. Vote was unanimous, 4-0. Motion carried.

d) MAJOR SITE PLAN REVIEW AND APPROVAL: MSP-18-06 The Grove Oceanside II, Phase II (Tackle Box)

The plan for the proposed second phase of development at the Grove Oceanside II, which includes the new building for the Tackle Box Tavern and a commercial building at 117 and 115 Atlantic Blvd, respectively, has reached the final phase for approval. Having been found consistent with all applicable codes and ordinances, the Technical Review Committee recommended the project on October 16 and the Planning Board recommended the project on November 13.

Councilmember Archer made a motion to *approve* Major Site Plan MSP-18-06 for the Grove Oceanside II, Phase II (Tackle Box and commercial building) at 117 and 115 Atlantic Boulevard. Seconded by Councilmember Waters. Vote was unanimous, 4-0. Motion carried.

Councilmember Archer made a motion to *return* Mayor Cooper and Mayor Pro Tem Porter to the meeting. Seconded by Councilmember Waters. Vote was unanimous, 4-0. Motion carried.

e) REVIEW OF MASTERPLAN UPDATE FOR THE GROVE (dated November 19, 2018)

This is the yearly review of the masterplan to ensure it is still in compliance with the UDO and parking requirements. At the January retreat, Council can discuss possible parking options for businesses at the Circle.

Mayor Pro Tem Porter made a motion to *approve* the Masterplan Update for the Grove as presented. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

9. TOWN MANAGER REPORT

- Town-wide Hurricane Recovery Status - The Town is working to complete hurricane debris cleanup
- Status of Duke Energy Storm Recovery
- Repair of Town Buildings
- DoubleTree Grant Status – Doubletree is scheduled to re-open in February and is still committed to sharing with the grant expenses
- Stormwater Projects – we have issued a Notice to Proceed on the West Boardwalk Blvd. and South Raleigh project and are looking at options to clean out the west end ditch
- Fort Macon Town Line Welcome Sign – working to obtain necessary encroachment agreements
- Digital Sign at Town Park
- Additional Parking Spaces around Water Plant – this area has been surveyed and we can add an additional 40 spaces
- Additional Paid Parking on Henderson Drive – 40-60 spaces can be added; an additional kiosk will be needed

10. MAYOR/COUNCIL COMMENTS

Mayor Cooper announced that former Mayor Gary Plough has been chosen as grand marshal for this year's Light Up the Night Christmas parade.

11. CLOSED SESSION

Mayor Pro Tem Porter made a motion to *enter closed session* pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried. The time was 7:22pm. Council took a brief recess and resumed at 7:25pm.

Mr. Walker and Attorney Taylor briefed Council on recent litigation regarding capacity use fees and how it may affect the Town.

Councilmember Archer made a motion to *exit closed session* pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried. The time was 8:42pm.

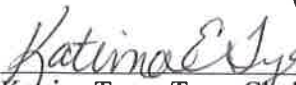
ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:42pm.

These minutes were approved at the January 2019 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)


Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor