



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, January 28, 2019



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, January 28, 2019 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; Michelle Eitner, Planning Director; Nick Krebs, Planner; Marc Schulze, Public Services Director; Mike Shutak, Carteret News-Times; Jack Askew, ABC Board
Planning Board: Lynne Brown

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 approve* the agendas as prepared. 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) Budget Amendment – Capital Reserve Fund
- e) Authorization to Write-off \$1,011.37 in Delinquent Utility Accounts
- f) Reinstatement of Ann Batt to Planning Board seat (term expiring 12/31/20)
- g) **Resolution 19-01-01:** Water System Development Capital Reserve Fund Resolution
- h) **Ordinance 19-01-01:** Water System Development Capital Reserve Fund Ordinance
- i) Town Council Meeting Minutes: 10/18/18 WS; 11/26/18; 11/26/18 CS

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

5. CITIZEN REQUESTS/COMMENTS

None.

6. RECREATIONAL WATER QUALITY COMMITTEE REPORT

Councilmember Johnson provided a review of the Recreational Water Quality Committee meetings and asked Council to support the findings:

- Budget \$15,000 annually to support on-going testing of sound-side recreational waters to determine sources of contamination
- Initiate a Storm Water Restoration Plan in conjunction with the NC Coastal Federation.
- Initiate an outreach/education program to increase public awareness of important common sense steps necessary to protect our recreational waters.

Mayor Pro Tem Porter made a motion *to approve* the final report of the Recreational Water Quality Committee as presented and direct staff to implement findings. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried.

7. AB CAUSEWAY CORRIDOR PLANNING PROJECT

Mayor Cooper reviewed the Causeway project and proposal from Alta Planning and Design, Inc., a transportation and corridor planning group. The plan is for Alta to review the current Causeway, meet with business/citizens on the Causeway, conduct an all-day charrette with public input and provide the Town with a final improvement plan.

Councilmember Archer made a motion *to approve* the AB Causeway Corridor Planning Project proposal from Alta Planning and Design, Inc. for \$15,000. Seconded by Councilmember Johnson. Vote was unanimous, 5-0. Motion carried.

8. PLANNING AND DEVELOPMENT

a) Rezoning Request at 104 Cedar Lane:

- i. **Public Hearing** on Proposed Zoning Map Amendment to change from zoning district RSD to MHI and proposed Land Use Plan amendment to change from Future Land Use type Residential – Medium Density to Mixed-Use Residential
- ii. **Approval of Resolution 19-01-02:** Resolution of Consistency
- iii. **Approval of Ordinance 19-01-02:** Ordinance Amending the Official Zoning Map of the Town
- iv. **Approval of Resolution 19-01-03:** Resolution Authorizing An Amendment to the CAMA Land Use Plan

Mayor Pro Tem Porter made a motion *to enter* the public hearing. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 6:19pm.

Elizabeth Mikshenas, 512 and 514 W Terminal Blvd: She is concerned businesses will start encroaching into the residential areas. The neighborhood does not want that to happen, they already have a lot of traffic and they do not want more.

John Ward, 108 Cedar Lane: He submitted an email, which incorporated in the minutes. He is concerned with traffic issues.

Mayor Pro Tem Porter made a motion *to exit* the public hearing. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer noted that more parking is needed at the ABC Store and that additional parking will mean one less lot for commercial development. He has had people contact him regarding concerns with stormwater runoff, fill concerns and a paved parking area adding more water to the area. He is concerned about the old established water oaks currently on the property and would like to see the trees saved by having plans drawn around them. He would like the ABC Store to add a vegetative buffer on the south side of the property to hide the adjacent telephone building and fence.

Michelle reviewed the UDO landscaping rules. If an existing tree is prohibitive to the lot, the tree may be removed, but must be replaced elsewhere. Michelle reviewed the stormwater rules where fill will not be permitted higher than the adjacent lot.

Jack Askew stated if they cannot remove the trees, the ABC Board is not interested in the lot. They can add new trees, but the existing ones will have to be moved for their plan to work. He confirmed with Michelle the south side buffer is 10ft.

Attorney Taylor reminded Council to review all the things that could be done in the future if this lot if rezoned, not just as a parking lot.

Mayor Cooper reminded the board they can not put stipulations on the property. Our current tree ordinance does not require keeping the old established trees, but it does require them to replace the trees they removed.

Mayor Pro Tem Porter made a motion *to approve* Resolution 19-01-02: Resolution of Consistency. Seconded by Councilmember Navey. Vote was 4-1, with Councilmember Archer opposed. Motion carried.

Mayor Pro Tem Porter made a motion *to approve* Ordinance 19-01-02: Ordinance Amending the Official Zoning Map of the Town. Seconded by Councilmember Navey. Vote was 4-1, with Councilmember Archer opposed. Motion carried.

Mayor Pro Tem Porter made a motion *to approve* Resolution 19-01-03: Resolution Authorizing an Amendment to the CAMA Land Use Plan. Seconded by Councilmember Navey. Vote was 4-1, with Councilmember Archer opposed. Motion carried. Mayor Pro Tem Porter thinks the rezoning could help some of the issues currently in that area with traffic.

b) Setback Calculation:

- i. **Public Hearing**
- ii. **Approval of Resolution 19-01-04:** Resolution of Consistency
- iii. **Approval of Ordinance 19-01-03:** Ordinance Amending Chapter 18 Unified Development Ordinance

Mayor Cooper noted this change was not to change the character of any neighborhood, just match what is already in effect. This amendment almost mirrors the zoning requirements that were in effect pre-2009.

Mayor Pro Tem Porter made a motion *to enter* the public hearing. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried. The time was 6:45pm.

None.

Mayor Pro Tem Porter made a motion *to exit* the public hearing. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried. The time was 6 :45pm.

Councilmember Waters made a motion *to approve* Resolution 19-01-04: Resolution of Consistency. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Ordinance 19-01-03: Ordinance Amending Chapter 18 Unified Development Ordinance. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried.

c) **Call for a Public Hearing at the February 25, 2019 Council meeting on UDO text Amendments:**

- Mechanical and electrical unit setback encroachments
- Land disturbance permit requirements
- Docks and piers prior to principle uses

The Planning Board is scheduled to review and conduct a public hearing for these amendments on February 5.

Councilmember Johnson made a motion *to approve* scheduling the three public hearings for the February 25, 2019 Council meeting on UDO text amendments. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried.

9. TOWN MANAGER REPORT

None.

10. MAYOR/COUNCIL COMMENTS

None.

11. CITIZEN REQUESTS/COMMENTS

Based upon the request of Councilmember Archer, a second opportunity for public comment is added at the end of the meeting.

None.

12. CLOSED SESSION

Archer made a motion to *enter closed session* pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 6:52pm. Council took a brief 10 minute recess and resumed at 7:05pm.

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:45 pm.

These minutes were approved at the February 25, 2019 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)


Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor