



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, February 25, 2019



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, February 25, 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; Jeff Harvey, Police Chief; Michelle Eitner, Planning Director; Nick Krebs, Planner; Marc Schulze, Public Services Director; Mike Shutak, Carteret News-Times;

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 amend* the agenda by adding Item #6 Resolution to Oppose Insurance Rates and *to approve* the agendas as amended. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

4. CONSENT AGENDA

- a) Financial Report
- b) Budget Amendment
- c) Budget Transfer
- d) Tax Collection Report
- e) Tax Releases Report
- f) Tax Refund - Bailey
- g) Authorization to Advertise Tax Liens
- h) Comprehensive Annual Financial Report: FY2017-18
- i) Approval of FY18-19 Budget Calendar
- j) Call for Public Forum on Pending Budget during the March 25, 2019 Council meeting at 6:00pm
- k) Approval of **Resolution 19-02-04:** Resolution Authorizing Local Government Execution Of Public Beach & Estuarine Access Grant Contract
 - l) Acceptance of Stormwater & Drainage Management Easement with Elizabeth Crumpton, 242 Bayview Blvd.
 - m) Town Council Meeting Minutes: 12/13/18WS; 12/17/18; 1/10/19Joint; 1/17/19WS; 1/24/19 Retreat; 1/28/19; 1/28/19CS

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. RESOLUTION 19-02-05: RESOLUTION OPPOSING THE PROPOSED INCREASE ON HOMEOWNERS' INSURANCE RATES BY THE NC RATE BUREAU

Councilmember Archer recommends all five Council and the Mayor sign this Resolution, numbers speak volumes. Mayor Pro Tem Porter is concerned that they have not presented any actuarial data to support the locations needing an increase, and until they do, he feels they are seeking deep pockets and the Commissioner should completely reject any increases.

Mayor Pro Tem Porter made a motion *to approve* the Resolution 19-02-05 with the amendment to add all signatures. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

6. PLANNING AND DEVELOPMENT

- a) **UDO Amendments:** Mechanical and electrical unit setback encroachments; Land disturbance permit requirements; Docks and piers prior to principle uses
 - i. **Approval of Resolution 19-02-01:** Resolution of Consistency
 - ii. **Approval of Ordinance 19-02-01:** Ordinance Amending Chapter 18, Unified Development Ordinance; Article 10, Definitions and Measurement; Section 2, Rules of Measurement; Subsection E, Setback Encroachments
 - iii. **Approval of Resolution 19-02-02:** Resolution of Consistency
 - iv. **Approval of Ordinance 19-02-02:** Ordinance Amending Chapter 18 Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures
 - v. **Approval of Resolution 19-02-03:** Resolution of Consistency
 - vi. **Approval of Ordinance 19-02-03:** Ordinance Amending Chapter 18 Unified Development Ordinance, Article 4, Use Standards; Section 8, Accessory Uses and Structures

Michelle briefly reviewed the proposed amendments.

Written comments were received prior to the meeting and are entered into record.

Councilmember Archer made a motion *to enter* public hearing on proposed Ordinance 19-02-01: Ordinance Amending Chapter 18, Unified Development Ordinance; Article 10, Definitions and Measurement; Section 2, Rules of Measurement; Subsection E, Setback Encroachments. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

No public comments.

Councilmember Archer made a motion *to close* public hearing on proposed Ordinance 19-02-01: Ordinance Amending Chapter 18, Unified Development Ordinance; Article 10, Definitions and Measurement; Section 2, Rules of Measurement; Subsection E, Setback Encroachments. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

Councilmember Waters made a motion *to enter* public hearing on proposed 19-02-02: Ordinance Amending Chapter 18 Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures. Seconded by Councilmember Johnson. Vote was unanimous, 5-0. Motion carried.

No public comments.

Councilmember Archer made a motion *to close* public hearing on proposed Ordinance 19-02-02: Ordinance Amending Chapter 18 Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried.

Councilmember Waters made a motion *to enter* public hearing on proposed 19-02-03: Ordinance Amending Chapter 18 Unified Development Ordinance, Article 4, Use Standards; Section 8, Accessory Uses and Structures. Seconded by Councilmember Johnson. Vote was unanimous, 5-0. Motion carried.

No public comments.

Councilmember Waters made a motion *to close* public hearing on proposed Ordinance 19-02-03: Ordinance Amending Chapter 18 Unified Development Ordinance, Article 4, Use Standards; Section 8, Accessory Uses and Structures. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Porter made a motion *to approve* Resolution 19-02-01: Resolution of Consistency. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Porter made a motion *to approve* Ordinance 19-02-01: Ordinance Amending Chapter 18, Unified Development Ordinance; Article 10, Definitions and Measurement; Section 2, Rules of Measurement; Subsection E, Setback Encroachments. Seconded by Councilmember Archer. Vote was 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Resolution 19-02-03: Resolution of Consistency. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Ordinance 19-02-03; Ordinance Amending Chapter 18 Unified Development Ordinance, Article 4, Use Standards; Section 8, Accessory Uses and Structures. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

There was discussion on how to protect neighboring lots and how natural grade affects property. It was the consensus to amend the proposed ordinance as follows:

- delete 1a and 1b
- re-word 2c to read: Excavation or movement of sand or soil in an amount not exceeding one hundred square feet
- re-word 4e to read: Fill may not be placed in a manner that raises the elevation of the subject lot higher than the elevation of the lowest adjacent lot

Mayor Pro Tem Porter made a motion *to approve* Resolution 19-02-02: Resolution of Consistency. Seconded by Councilmember Waters. Vote was 5-0. Motion carried.

Councilmember Waters made a motion *to amend* as stated above and *to approve* Ordinance 19-02-02: Ordinance Amending Chapter 18 Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

b) **Call for public hearing** for March 25, 2019 at 6:00pm on proposed amendments to Chapter 18, Unified Development Ordinance: Major Site Plan differences between Phases 1 and 2; RSD street setback 10'; and Clerical error in MHI rear setbacks

Councilmember Waters made a motion *to schedule* a Public Hearing on March 25, 2019 at 6:00pm for each of the proposed amendments to Chapter 18, Unified Development Ordinance: Major Site Plan differences between Phases 1 and 2; RSD street setback 10'; and Clerical error in MHI rear setbacks. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

c) **Review of Damaged Commercial Structures Report**

Michelle provided an update of the progress on commercial properties that received significant damage from Hurricane Florence. The Pacific Superstore is actively seeking permits, working to meet all window requirements and intend to make full repairs. Council asked her to speak to the owners and ask them to neaten up the property in the interim. The former Channel Marker Restaurant owner hired a contractor to clean up the debris from the parking lot. They are still working with the insurance company, but are leaning towards demolition of the property. She was asked to send the former Gem nightclub, Showboat Motel and the Highlights building another letter itemizing their property maintenance violations and providing a timeline to see repairs.

9. TOWN MANAGER REPORT

a) Review and Approval of proposed 2019 Paid Parking Program

The Henderson Beach Access is the only access we do not currently charge parking on. We can add one kiosk and begin charging for parking at 58 spaces. This access will include No Overnight Parking, just like the New Bern Access.

Councilmember Johnson inquired about increasing the annual rate for the parking pass. We sell an average of 300 a year. After discussion, it was the consensus to increase to \$65 (previously \$50), which is the same percentage we increased the hour hourly rate last year.

Mayor Pro Tem Porter made a motion *to increase* the seasonal parking sticker to \$65 and *to approve* the 2019 Paid Parking Program and *to amend* the current Budget Ordinance fee schedule. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

b) Review of Capital Projects

- i. Additional Parking at Circle/Water Plant - Cullipher Engineering is preparing an engineering plan for the 38 additional parking spaces at the Circle water tower on Bogue Blvd. and Terminal Blvd. We hope to have the places available for use by Memorial Day.
- ii. West End Ditch Project – clean out of the ditch has begun to improve drainage flow from Mobile Drive to Lee Drive (at Hoop Pole Creek); costs are expected \$5,350.

- iii. West Boardwalk Drainage Project - Thomas Simpson Construction is installing the West Boardwalk storm water pump station. The flow goes to the perk area between two ocean front dunes under a grandfathered permit from the state; costs are expected \$150,000.
- iv. East End Fort Macon Sidewalk - Cullipher Engineers is finalizing the sidewalk design connecting the town walkway at Tar Landing to Fort Macon State Park nature trail. We will contract the grading, but utilize town crews to install a walkway of about 350 ft. This would provide a continuous walkway along the entire town limits on the south side of Hwy 58. However, state requirements have increased significantly and the costs may be more than we can absorb this year.

Mr. Walker noted staff submitted a NC Recovery & Resiliency grant request to the NC Dept. of Public Safety for approximately \$500,000 to assist in defraying our costs while awaiting FEMA reimbursement which could take months or years to receive. With over a million dollars in unanticipated costs estimated for Hurricane Florence recovery and repairs these funds are designed to supplement the Town for using its funds balances to finance un-expected costs as well as anticipated operating cost. The Town maintains a healthy fund balance for coverage of our average tropical and hurricane storm costs if they should occur, though the devastation brought by Hurricane Florence was beyond most coastal town's scope of reasonable planning. While we are in good fiscal shape, we desire to take advantage of any such grant funding made available through the state.

10. MAYOR/COUNCIL COMMENTS

None.

11. CITIZEN REQUESTS/COMMENTS

None.

12. CLOSED SESSION

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:32 pm.

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

ATTEST:

Katrina E. Tyer (seal)
Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH

B. Cooper, III
B. Cooper, III - Mayor