



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, May 20, 2019



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, May 20, 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; Katrina Tyer, Town Clerk; Jeff Harvey, Police Chief; Michelle Eitner, Planning Director; Marc Schulze, Public Services Director; Nick Krebs, Assistant Planner

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. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

4. CONSENT AGENDA

- a) Financial Report
- b) Budget Amendment
- c) Tax Collection Report
- d) Tax Releases Report
- e) Tax Refunds – Smith and Windsor
- f) NCLM Municipal Insurance Trust as Health Insurance Program FY19-20
- g) Town Council Meeting Minutes: 4/11/2019WS; 4/16/2019SM

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

Christin Tilley, 104 Cooper Ave. She understands the money from parking is used to pay for town needs, especially lifeguards. Her issue is not with charging, but the marked spot at the Cooper Avenue and Henderson Blvd. intersection. Vision is impaired at this intersection. She has owned house 19 years and feels the 25mph speed limit is too fast. There is not a sidewalk so people walk in the street. The town profiting \$5 is not worth a child's life. She feels there is ample space for parking on Asbury Ave. and south and supports it, but she would like the paid parking spot on Cooper Ave. eliminated.

Nancy Rice, 404 Henderson Blvd. She owns the Bluewater Hotel on Henderson Blvd. and wants to ensure the town is not going to charge at the spaces in front of her hotel. She was assured that at this time the town is not.

6. PLANNING AND ZONING

a) Differences allowed between major site plans submitted at Concept Proposal Phase 1 and Phase 2, revised
After lengthy discussion at the March 25, 2019 Council meeting, this amendment was remanded to staff to clarify and change the wording. The revised wording carries forward the intent of the policy, but better captures the applicable function of the ordinance. The Planning Board reviewed it at their May 7, 2019 meeting and recommended it for Council approval.

Councilmember Archer made a motion *to enter* public hearing on proposed Ordinance 19-05-01: Ordinance Amending Chapter 18, Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures; Subsection P, Site Plan (Major/Minor). Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 6:12pm.

No comments.

Councilmember Archer made a motion *to close* public hearing on proposed Ordinance 19-05-01: Ordinance Amending Chapter 18, Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures; Subsection P, Site Plan (Major/Minor). Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

Councilmember Waters made a motion *to approve* Resolution 19-05-01: Resolution of Consistency. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Ordinance 19-05-01: Ordinance Amending Chapter 18, Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures; Subsection P, Site Plan (Major/Minor). Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

b) Land Disturbance Permit Review Procedure

Mayor Cooper noted in the wake of Hurricane Florence we had multiple homes being torn down for rebuilding. Most were filling lots causing run off to neighboring properties. We wanted to put rules in place to immediately stop that. Since the first amendment, we received comments from builders, engineers, developers and have rewritten the ordinance to focus on our purpose to prevent runoff on neighbors, not prohibit fill. We acknowledge we do not want homes built in a hole and understand the septic issues. The purpose of the ordinance is to require any new development to maintain the first two inches of stormwater and protect neighbors and town streets.

Councilmember Navey made a motion *to enter* public hearing on proposed Ordinance 19-05-02: Ordinance Amending Chapter 18 Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures; Subsection M, Land Disturbance Permit. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

Jim Capps, 231 Moonlight Drive. Complimented the town on the success of the Beach Music Festival. He has plans to upgrade the original bulkhead built in the 1970s and would like to fill in behind it to level out his yard. On a full moon high tide, the water rises 17 inches.

Steve Proctor, 116-A Lee Drive. When he purchased the property there was a temporary bulkhead installed. Now they would like to make it permanent and install a driveway, this would require fill. They do not have an adjacent property owner, just wetlands. They have their USACE Permit.

Bob Miller, 250 Bayview Blvd. He and his wife have been here 36 years and had house plans to turn in the day before the ordinance was originally amended. He wants put riprap out to help eliminate the erosion on his sound front property. He is asking for help so he can build an elevated garage so they are not cleaning out four inches of muck after every storm.

Mayor Pro Tem Porter made a motion *to close* public hearing on proposed Ordinance 19-05-02: Ordinance Amending Chapter 18 Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures; Subsection M, Land Disturbance Permit. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried. The time was 6:38pm.

Mayor Cooper noted the issue of bulkhead fill is not addressed in this draft of the ordinance. We only allow fill for septic, under driveways, sidewalks and under a house. Council discussed potential remedies to address the bulkhead issue.

Mayor Pro Tem Porter stated the issues raised regarding bulkheads is something he is going to have to consider and needs more time for opinions and information. It was the consensus to approve the amendment as presented and for Michelle to research other towns and draft a proposed amendment for the Planning Board to review. There was additional discussion with the audience and answering questions.

Councilmember Waters made a motion *to approve* Resolution 19-05-02: Resolution of Consistency. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Ordinance 19-05-02: Ordinance Amending Chapter 18 Unified Development Ordinance; Article 2, Procedures; Section 4, Specific Review Procedures; Subsection M, Land Disturbance Permit. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

7. Proposed FY19-20 Annual Operating Budget: Review and PUBLIC HEARING

David Walker, Town Manager, reviewed the budget by providing the same information that was presented at the last work session. He reviewed the budget challenges again. The proposed water rate increase is still the lowest rate in the county. There were no council comments. The final ordinance will be brought to Council in June for approval.

Councilmember Johnson made a motion *to enter* public hearing on the proposed FY19-20 Annual Operating Budget. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried. The time was 7:01pm.

No public comments.

Councilmember Navey made a motion *to close* public hearing on the proposed FY19-20 Annual Operating Budget. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

8. TOWN MANAGER REPORT

Mr. Walker reviewed the status of current projects: the new digital sign at the Town Park has been installed and the storm drainage system at Raleigh Avenue is complete, allowing us to pump stormwater toward the ocean.

9. CITIZEN REQUESTS/COMMENTS

Barbara Nichols, 104 Cooper Ave. She has been there for 19 years. She understands the town wanting to generate money, but she actually has to put the nose of her car out in the street in order to see. She is asking the town to look at this parking space blocking views. She also suggests lowering the speed limit on that street.

Owner of Sand and Surf Motel, 400 Henderson Blvd. She wants to discuss paid parking in front of the hotels. Mr. Walker clarified that the town will not be marking those spots and charging as of now. She understands now she was misinformed about remarking the spots in front of the campers from horizontal to vertical, she now knows the town does not intend to realign the spaces.

10. MAYOR/COUNCIL COMMENTS

None.

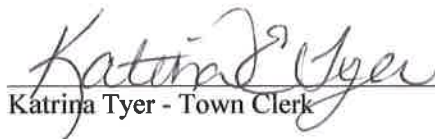
ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:12pm.

These minutes were approved at the June 24, 2019 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)


Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


Cooper, III - Mayor