



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, August 26, 2019



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, August 26, 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; Nick Krebs, Planner; Marc Schulze, Public Services Director; Sabrina Simpson, Admin Services Director; Michael Simpson, Fire Chief; Lynne Brown, Planning Board member; Eddie Briley, Board of Adjustment member; Mike Shutak; Ron Cullipher; Fred Bunn

CALL TO ORDER and PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDAS

Councilmember Archer made a motion *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 – Fee Schedule Amendments
- c) Tax Collection Report
- d) Tax Releases Report
- e) Donation to Police Department for Purchase of Weapons
- f) Call for special meeting on Thursday, September 26, 2019 at 10:00am and October 31, 2019 at 10:00am to review building plans for the Public Service Complex with Hobgood Architects.
- g) GovDeals Sales Report - Vehicle
- h) Approval of Contract with CodeWright Planners, LLC for Land Use Plan Update
- i) Approval of EMS Billing Contract with Carolina Ambulance Billing (South Carolina)
- j) Storm Drainage Easement with Ward Holdings, LLC and Flavius Bennett located at 202 and 204 Glenn Street
- k) Town Council Meeting Minutes: 7/22/2019

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

MJ Marsh, Marsh's Surf Shop owner, is concerned with the speed limit in front of businesses on the Causeway. He feels lowering the speed limit on the bridge to 35mph would contribute to the safety of the business customers and travelers. He thanked the town for cleaning up the vegetation along the Causeway.

6. PLANNING AND ZONING

a) UDO Amendment on Backfilling Bulkheads

Michelle reviewed the proposed amendment for Council. There was discussion about the legality of draining water over the seawall to the sound. Mayor Pro Tem Porter feels the wording in items Number 4 and 5 conflicts.

4. *As necessary to provide a consistent grade between the above elements provided that no fill is placed within 5 feet of a property line.*

5. *As necessary on the landward side of a bulkhead such that the resulting grade is no more than 6" above the adjacent grade and extends no more than 5 feet landward of the bulkhead.*

Mayor Pro Tem Porter and Councilmember Waters did not realize this was limiting fill up to neighboring lots and feel this was overlooked in the last discussion. Mayor Cooper recommended proceeding with the public hearing.

Mayor Pro Tem Porter made a motion *to enter* public hearing. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 6:17pm.

Eddie Briley, Moonlight Dr., feels the way this ordinance is written now it is opening up the potential for a lot of civil lawsuits, leaving the Town liable. He has been riding all over Town and has seen more fill than ever before.

Jim Capps, 231 Moonlight Dr., he does not think five feet behind the sea wall on his property is enough to get rid of the 'pond' in his yard. Some lots are not square and are special circumstances. He is ready to proceed with his bulkhead replacement, but is waiting on the final amendment.

Mickey Stokes, 414 Glenn St., there was a new house constructed across the street from him using fill dirt to level out the lot. It has caused a flooding problem for his lot and the street. He would like the owners to be able to build a sea wall or bulkhead level with the ground so they can maintain their own water and it not run out in the street and neighbors.

Mayor Pro Tem Porter made a motion *to close* public hearing. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried. The time was 6:244pm.

Council is aware the pending amendment is holding up projects. After discussion, it was the consensus of Council to table the bulkhead issue until we have language to address the turn back issue. Attorney Taylor recommended re-opening the public hearing and continuing it.

Councilmember Archer made a motion *to reopen and continue* the public hearing until September 23, 2019 at 6:00pm. Seconded by Councilmember Waters. Vote was 4-1, with Mayor Pro Tem Porter opposing. Motion carried.

b) UDO Amendment MUN Zoning District Street Setback from 20 feet to 10 feet

Through administration of the ordinances and discussions with property owners attempting to develop/redevelop within the MUN Zoning District, staff determined that the 20 foot street setback in the MUN Zoning District required by the UDO is likely a clerical error in drafting and are requesting it be changed from 20 feet to 10 feet for more consistency in the area. The MUN Zoning District includes the Money Island area.

Mayor Pro Tem Porter made a motion *to enter* public hearing. Seconded by Councilmember Johnson. Vote was unanimous, 5-0. Motion carried. The time was 6:35pm.

None.

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

Councilmember Archer made a motion *to approve* Resolution 19-08-02: Resolution of Consistency. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Ordinance 19-08-02: Ordinance Amending Chapter 18, Street Setbacks in the MUN Zoning District from 20ft to 10ft. Seconded by Councilmember Johnson. Vote was unanimous, 5-0. Motion carried.

c) Durham Avenue Beach Access CAMA Grant Application

The original access was installed in 2004 and has weathered beyond the renovation as we originally planned. We are working with an architect to redesign the walkway and provide the project costs so we can submit a completed application.

Councilmember Archer made a motion *to enter* public hearing. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried. The time was 6:41pm.

No Comments.

Councilmember Waters made a motion *to close* public hearing. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion *to approve* Resolution 19-08-03: Resolution of Approving CAMA Grant Application for Durham Avenue Beach Access. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

d) Review of Crosswalk Safety Improvements Request to NCDOT

We have been reviewing the safety of crosswalks in Town and would like to recommend some improvements to DOT. Button flashing light signals at the following crosswalks on Fort Macon Road: two refuse islands on East Fort Macon Rd.; between Seaside Villas and Doubletree; and between Dunescape and Island Beach and Racquet Club. Also two crosswalks near Coral Bay Club, which they offered to pay for. Michelle stated installing a crosswalk at McDonalds would be difficult because there are not sidewalks on both sides of Highway 58, as required by DOT.

7. Approval of Resolution 19-08-04: Resolution in Support of the Reduction of Speed Limit on the Atlantic Beach/Morehead City Bridge and Atlantic Beach Causeway (SR1182)

After input from citizens and businesses and the Causeway Corridor Plan, Council has been discussing reducing the speed limit on the Atlantic Beach Bridge and Causeway. This Resolution is a request for the Town to submit to NCDOT for input.

Councilmember Waters has spoken with numerous people and believes the general public is not in favor of lowering the speed limit on the bridge. He feels a compromise may be to begin 35mph immediately at the southern foot of the bridge instead of the current Moonlight Dr. location. If there is a problem with speeding the police department can enforce it. Councilmember Johnson feels the speed should be a consistent 35mph from Arendell Street in Morehead City to Atlantic Beach, rather than just increasing for the bridge. He is in favor of the change.

Mayor Pro Tem Porter made a motion *to approve* Resolution 19-08-04: Resolution in Support of the Reduction of Speed Limit on the Atlantic Beach/Morehead City Bridge and Atlantic Beach Causeway (SR1182). Seconded by Councilmember Navey. Vote was passed, 4-1, with Councilmember Waters opposing. Motion carried.

8. TOWN MANAGER REPORT

a) FMB at the Grove, LLC and the Town Easements

Mr. Walker reviewed this item again. The State is requiring FMB to obtain an Easement for a 50 foot buffer around the perimeter of the drain field, this would release FMB and the Town from the existing land swap agreement at the Public works facility and the Town's name would be removed from the Waste Treatment Plant Permit and FMB would be the sole owner. Attorney Taylor has reviewed and approved the proposed agreements.

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 Johnson. Vote was unanimous, 4-0. Motion carried. Councilmember Navey was in charge of the meeting.

Councilmember Archer made a motion *to enter* public hearing. Seconded by Councilmember Waters. Vote was unanimous, 4-0. Motion carried.

None.

Councilmember Archer made a motion *to close* public hearing. Seconded by Councilmember Johnson. Vote was unanimous, 4-0. Motion carried.

Councilmember Archer made a motion *to approve* the Easement. Seconded by Councilmember Waters. Vote was unanimous, 4-0. Motion carried.

Councilmember Waters made a motion *to approve* the Agreement Regarding Sewer Allocation. Seconded by Councilmember Johnson. Vote was unanimous, 4-0. Motion carried.

Councilmember Archer made a motion *to approve* the Termination Option. 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.

Mayor Cooper reordered the agenda by moving Items 10 and 11 before the closed session.

10. CITIZEN REQUESTS/COMMENTS

Mickey Stokes, 414 Glenn Street, wanted to note that allowing the lot across from him to be raised has affected drainage and the septic drainage field. There is a limited easement area on Glenn Street that could be used as a natural drain.

11. MAYOR/COUNCIL COMMENTS

None.

Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to Consult with attorney in the matter of *Appeal of Land Disturbance Permit at 204 Glenn Street by Wally & Joan Courie*

Mayor Pro Tem Porter made a motion *to enter* closed session with the following in attendance: Mayor Cooper and all Councilmembers; David Walker, Attorney Taylor, Michele Eitner and Katrina Tyer. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 7:12pm.

Council took a brief recess allowing the audience to exit and resumed at 7:14pm.

Attorney Taylor reviewed the pending appeal of the land disturbance permit at 204 Glenn Street by Wally and Joan Courie and advised Council of possible outcomes.

Mayor Pro Tem Porter made a motion *to exit* the closed session. Seconded by Councilman Archer. Vote was unanimous, 5-0. Motion carried. Time was 7:56pm.


ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:56pm.


These minutes were approved at the October 28, 2019 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)


Katrina Tyer - Town Clerk

TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor

