



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, September 23, 2019



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, September 23, 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; Nick Krebs, Planner; Marc Schulze, Public Services Director; Morgan Gilbert, Parks and Rec Director
Mark Ferrell, Planning Board member

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) Tax Collection Report
- c) Tax Releases Report
- d) Tax Refunds (Barfield, Brodish, Full Count Holdings, Mes & JBS LLC, Price)
- e) GovDeals Sales Report – Vehicle
- f) One Year Status Report Hurricane Florence Damaged Structures
- g) Approval of Updated Special Event Application including Alcohol Beverage Permit Application
- h) Town Council Meeting Minutes: 8/8/2019WS

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

Wally Courie, 400 Money Island Drive. He wanted to make sure Council was aware of the passing of former Councilmember Carl Williams, who served two terms. He was instrumental on securing public beach accesses on the ocean and the soundside and on the instillation of the sidewalks on Ft. Macon Road.

William Little, 506 West Boardwalk. He wanted to inquire about the status of 505 and 509 West Atlantic Blvd., two homes he understands are under the process of condemnation. He thinks they should be brought up to Town Code, Section 6-144-148 and requested to see staff files. He wants the owners to be forced to clean up and repair the property.

Nick Krebs, Planner, informed Mr. Little that County Building Inspector Chris Jones has visually inspected the property and does not see any structural issues to warrant condemnation. The Town Planning Department contacted the family at 505, they have been staying at the property and are accessing it. The owners of 509 were here over Christmas and believe the property to be structurally sound.

6. Approval of Contracts with Moffatt & Nichol for Phase II Beach Nourishment Project

As a cost sharing project between the county and other towns, we are continuing to work with the County for the placement of sand west of the Circle to the Pine Knoll Shores limit. The first bid opening was two weeks ago only receiving two bids. The second bid opening was Friday and the low bid was below the county's estimate. Council has been asked to review and approve the engineering contract with Moffatt & Nichol.

Mayor Pro Tem Porter made a motion *to approve* the Contract with Moffatt & Nicol for Phase II Beach Nourishment Project. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

7. Approval of Resolution 19-09-02: Resolution in Support of Grant Application with DENR DEQ for 2019 Water Asset Inventory and Assessment (\$157,500)

The Town has been working with The Wooten Company to prepare a grant application for submittal to the NC Division of Environmental Quality for an asset management review and engineering analysis of our water system. The purpose of the project is to inventory the assets of the Town's water system, assess the condition, and formulate an improvements schedule. At the completion of the project, the Town anticipates having an updated GIS database of water system maps detailing the system's components and conditions, a thorough Capital Improvement Plan focusing on the water system condition and projected projects, a hydraulic water model that can show the differences in water pressures during peak population times, and an Asset Management and Operation Plan.

The total cost of the project is \$157,500 and the application is for a \$150,000 grant, the maximum amount that can be applied for in a single round. If the grant is funded, the Town's match will be \$7,500.

Councilmember Navey made a motion *to approve* Resolution 19-09-01: Resolution in Support of Grant Application with DENR DEQ for 2019 Water Asset Inventory and Assessment (\$157,500). Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

8. PLANNING AND ZONING

a) UDO Amendment on Backfilling Bulkheads (continued from August 26)

This is the same amendment that was presented at the August 26 meeting. Mayor Cooper asked the board to present comments or suggestions on the wording then began receiving public comments.

Wally Courie, 400 Money Island Drive. He questioned the building code regarding pilings. He thinks it is the tendency of the planning staff to approve all permits and thinks there should be more board of adjustment involvement.

Jim Capps, 231 Moonlight Drive. He needs to raise his lot by 16 inches and the repairs are needed soon due to more damage since Hurricane Dorian.

Councilmember Archer made a motion *to close* the public hearing. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried. The time was 6:35pm.

To address the comments made by Mr. Courie, Mayor Cooper stated during meetings with the county building inspector it was discussed that proper drainage is still required even if the structure is on pilings. From the audience, Ron Cullipher confirmed positive water flow was required.

Councilmember Waters feels the wording is still vague and does not address the tieback issue. He suggests if there is a ten foot tieback then no more than five feet of fill. Mayor Pro Tem Porter agrees that exceptions can go before the Board of Adjustment. Councilmember Johnson suggested requiring an engineer's certificate to prevent shedding water on neighbors. He wanted to know if it would be beneficial to use an engineer to assist staff in plan review.

Attorney Taylor agreed Council could put standards in the ordinance, but advised against putting discretion in the planner's hands, opening them up to legal issues. He explained how engineers can have different viewpoints and conflicting presentations, although both legal. The legal issue is then with deciding whose engineer plan is right. If Council decides to require an engineer on projects, the same engineer should be used for all projects. He recommended sending this back to the Planning Board for further discussion and to define stabilization. He also suggested consulting with an engineer to assist with the language.

b) Review and Approval of Major Site Plan Second Phase – MSP-19-06MOD – Circle Tract 8 Split

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

Nick reviewed the proposed Major Site Plan modification which will create two lots at the Circle property, giving the existing Tackle Box a separate lot line. The proposed commercial building will be 285sf smaller than the original site plan and Mr. Bunn does not have a tenant yet.

Councilmember Waters made a motion *to approve* the Major Site Plan Second Phase – MSP-19-06MOD-Circle Tract 8 Split. Seconded by Councilmember Archer. 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 Navey. Vote was unanimous, 4-0. Motion carried.

9. TOWN MANAGER REPORT

None.

10. CITIZEN REQUESTS/COMMENTS

William Little, 506 West Boardwalk. He is curious when the old seawall was built and how the Town was able to convince all of the oceanfront property owners to agree on the construction. He assumes it is still there, just buried under the sand.

Wally Courie commented that the concrete seawall was built by TA Loving following Hurricane Hazel and before the CAMA Act. The West Boardwalk section was wooden and the Ocean Ridge section was privately built.

Susan Hatchell, 206 Caswell Street, she wanted to compliment staff on the job well done during and after Hurricane Dorian. She supports the idea of an impartial engineering firm assisting staff in the issuance of the land disturbance permits. She reviewed the CAMA Permits and plans recently for the 204 Glenn Street project and feels they are flawed with errors. She thanked Council for all their hard work and consideration on this.

11. MAYOR/COUNCIL COMMENTS

None.

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:18pm.

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


B. Cooper, III - Mayor