



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, February 24, 2020



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, February 24, 2020 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 Johnson; Councilmembers: MJ Forrest, Danny Navey, Austin Waters

Members Absent: Councilmember Harry Archer

Others Present: David Walker, Town Manager; Katrina Tyer, Town Clerk; Jeff Harvey, Police Chief; Michelle Eitner, Planning Director; Nick Krebs, Planner; Mike Simpson, Fire Chief; Marc Schulze, Public Services Director; Morgan Gilbert, P&R Director; Sabrina Simpson, Admin Services Director; Mike Shutak.

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.

Councilman Navey made a motion *to excuse* Councilman Archer as he is out due to sickness. Seconded by Mayor Pro Tem Johnson. Vote was unanimous, 4-0. Motion carried.

APPROVAL OF AGENDAS

Mayor Pro Tem Johnson made a motion *to approve* the agendas as prepared. Seconded by Councilman Waters. Vote was unanimous, 4-0. Motion carried.

4. CONSENT AGENDA

- a) Financial Report
- b) Tax Collection Report
- c) Tax Releases Report
- d) Tax Refund - Brooks
- e) Authorization to Advertise Tax Liens
- f) GovDeals Sales Report – Police vehicle
- g) Approval of FY19-20 Audit Contract with Thompson, Scott, Price & Adams (\$15,000)
- h) Approval of FY20-21 Budget Calendar
- i) Town Council Meeting Minutes: 1/27/2020 and 2/10/2020/WS

Mayor Cooper reviewed the items for the audience and suggested that since we have been using the same auditing firm the past few years, it is time to bring in a new firm. Mayor Pro Tem Johnson requested confirmation the delinquent tax listing is on par with previous years. Sabrina confirmed it is.

Councilman Waters made a motion *to approve* the Consent agenda. Seconded by Councilman Forrest. Vote was unanimous, 4-0. Motion carried.

5. CITIZEN REQUESTS/COMMENTS

Sherry and Alan Correll, 226 Soundside Dr. They are requesting Council consider setting the speed limit on Fort Macon Road, west of Cottages of Bay Ridge to the post office, at 35mph year round. They love to drive their golf cart/low speed vehicle to the post office and grocery shopping. They also think 35mph would be safer for pedestrians.

Ken Hawkins, 210 Soundside Dr. As a prior auditor, commends the Mayor's recommendation to seek a new auditing firm. Firms tend to get comfortable after a few years. He agrees with Sherry's request for the year round 35mph speed limit. He noted him and his wife have never lived or worked anywhere that has so much corporation from the town and kind helpful employees.

Jennifer Bramble, 308 Fairview. She wants to clarify a rumor she has heard that Council is considering reducing the size of the Police Dept. She feels safer knowing we have enough officers to patrol and would rather know about the crimes in town than not, specifically crimes from drinking, pedophiles, stabbing, etc. We need to ensure we have the coverage to protect everyone. Mayor Cooper encouraged her to attend and provide input at the budget meetings.

Mike Rafferty, 215 Soundside Dr. He is in favor of golf carts/low speed vehicles. He is an avid cyclist and is concerned with safety on all of Fort Macon Road. He feels safer with a 35mph speed limit and would like the speed limit to remain 35mph year round.

Susan Hatchell, 206 Caswell St. Based on statistics, lowering the speed has a dramatic effect on the survival rates of those hit by a vehicle. Just a 10 mph decrease can save lives. Speed kills.

Mayor Cooper assured them they would look into their request and concerns.

6. Planning and Zoning Proposed Amendments to the Unified Development Ordinance

a) Change in Height Determination

Michelle presented the amendment to change the way structure height is measured. Currently it is measured from the lowest grade prior to development to the peak roof height. This amendment would change to measure the average grade prior to development to the peak roof height. The Planning Board felt this amendment added flexibility for property owners who are currently unable to build due to the unlevel elevation of lots.

Mayor Cooper wants to ensure this does not create a loophole allowing fill dirt. Also, with elevation changes, this will create varying heights between neighboring homes.

Mayor Pro Tem Johnson made a motion *to open the public hearing*. Seconded by Councilman Navey. Vote was unanimous, 4-0. Motion carried.

Susan Hatchell, 206 Caswell St. She feels the only reason to allow this change would be to allow taller houses. She does not recommend this amendment. There are already incredibly tall houses in Town and believes the beach character will be lost.

Wally Courie, 400 Money Island Dr. He believes the building height should correlate with side yard setback. The higher you build, the more your side setback should be.

Councilman Navey made a motion *to close the public hearing*. Seconded by Councilman Forrest. Vote was unanimous, 4-0. Motion carried.

Councilman Navey and Councilman Waters do not like or support the proposed amendment. Councilman Forrest has no comment at this time. Mayor Cooper feels these instances may be more of a variance request than an ordinance amendment. Attorney Taylor reminded the board a variance request would have to prove hardship, and maximizing an investment is not a hardship.

No one made a motion to approve Resolution 20-02-01: Resolution of Plan Consistency.

Councilman Navey made a motion *to deny* Ordinance 20-02-01: Ordinance Amending Chapter 18 Unified Development Ordinance to change the way height of structures is measured from the lowest grade prior to development to peak roof height changed to the average grade prior to development to peak roof height. Seconded by Mayor Pro Tem Johnson. Vote was 3-0, Forrest abstaining due to lack of knowledge on the issue. Mayor Cooper acknowledged a member abstaining counts as affirmative, therefore 4-0. Motion carried.

b) Change in Grade Determination Figure

Michelle presented the amendment to change the figure/diagram showing how height is measured, as continued from the January 27, 2020 meeting.

It was the consensus of Council that this amendment was too similar to the proposed height amendment. Councilman Navey made a motion *to remand* this amendment back to the Planning Board for reconsideration and a Public Hearing to be scheduled. Seconded by Councilman Waters. Vote 4-0, unanimous. Motion carried.

c) Updates to Design Standards

Michelle reviewed the amendment which will lower the threshold for applicability of the standards and tighten standards for siding choices for multi-family residential structures. The Planning Board reviewed this item at their February 4 meeting and continued the public hearing and further discussion until the March 3 meeting.

Councilmember Navey made a motion *to table* the public hearing until March 23, 2020 for further Planning Board review. Seconded by Councilman Waters. Vote was unanimous, 4-0. Motion carried.

8. TOWN MANAGER REPORT

None

9. CITIZEN REQUESTS/COMMENTS

None

10. MAYOR/COUNCIL COMMENTS

Mayor Cooper advised Council of the proposed October 10, 2020 High Tide at Crystal Coast Country Music Concert to be held at the Circle. The coordinators will attend the next meeting for a presentation.

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 6:55pm.

These minutes were approved at the March 23, 2020 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)



TOWN OF ATLANTIC BEACH

A. B. Cooper, III - Mayor

Katrina E. Tyer
Katrina Tyer - Town Clerk