



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
1010 West Fort Macon Road, Unit 17 and
Electronically via Zoom
Monday, April 26, 2021



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, April 26, 2021 at 6:00 p.m. in the Council Meeting Room, 1010 West Fort Macon Road, Atlantic Beach, North Carolina.

Members Present: Mayor A. B. Cooper, III; Mayor Pro Tem Richard Johnson; Councilmembers: Harry Archer (arrived at 6:05pm); MJ Forrest, Danny Navey, Austin Waters

Members Absent: None

Others Present: David Walker, Town Manager; Katrina Tyer, Town Clerk; Derek Taylor, Town Attorney; Marc Schulze, Public Services Director; Michelle Eitner, Planning Director; Morgan Gilbert, P&R Director; Sabrina Simpson, Admin Services Director; Jeff Harvey, Police Chief; Julian Griffiee, Planner; Bobby Partusch, Public Services Supervisor; Mike Shutak, Carteret News Times

CALL TO ORDER, ROLL CALL and PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

- a) Finance Report
- b) Budget Transfers and Amendment
- c) Tax Collection Report
- d) Tax Releases and Refunds Report
- e) GovDeals Sales Report – Police vehicle
- f) Approval and Awarding of the 2021-2022 Phase II – Vegetative and C&D Debris Removal Contract to State Tree Service, Inc. as primary award and Graham County Land Company, LLC as secondary award
- g) Amendment to the Atlantic Beach Water Policy
- h) Schedule Public Hearing on proposed FY21-22 Budget for May 24, 2021 at 6:00pm
- i) Minutes: 2/11/21WS; 2/22/21; 3/11/21WS; 3/22/21

Councilman Navey made a motion *to approve* the consent agenda as prepared. Seconded by Councilman Waters. Vote was unanimous, 4-0. Motion carried.

CITIZEN REQUESTS/COMMENTS

No comments were given in person. Due to technical difficulties with Zoom, Mayor Cooper will move the public comment for later in the meeting.

Councilman Archer arrived at 6:05pm.

PLANNING AND ZONING

ZTA-21-1: FREEBOARD

Michelle Eitner reviewed the recent recommendation from the Planning Board and asked Council to call for a public hearing. Michelle explained that the Planning Board unanimously recommended approval of a 2ft freeboard in February, but after reviewing public comment, unanimously recommended denial of the amendment entirely in April.

Mayor Cooper suggested Council schedule the public hearing to give more consideration to the item and to seek additional public input. Councilman Archer made a motion *to call for a public hearing* on Zoning Text Amendment for Freeboard at the May 24, 2021 Council meeting. Seconded by Councilman Waters. Vote was unanimous, 5-0. Motion carried.

ZTA-21-4: ADDITIONS IN THE FLOODPLAIN

The Carteret County Association of Realtors submitted a request to change UDO Section 18.6.3.D.2 to allow additions to existing structures in the floodplain to match the floor level of the existing structure. The UDO currently requires an addition to meet requirements for new construction, which may be higher than the existing floor level.

Councilman Navey made a motion *to call for a public hearing* on Zoning Text Amendment for additions in the floodplain at the May 24, 2021 Council meeting. Seconded by Councilman Forrest. Vote was unanimous, 5-0. Motion carried.

ZTA-21-2: OCEAN RIDGE PRESERVATION ASSOCIATION AMENDMENTS TO UDO

Mayor Cooper reviewed the citizen requested amendment to the development standard ordinance. It was presented by the Ocean Ridge neighborhood to preserve the residential nature and protect the Ocean Ridge area from development at 504 Ocean Ridge Drive and the adjacent wastewater treatment plant, Sugarloaf Utilities. It has been reviewed by the Council and the Planning Board several times. Mayor Cooper spoke with Ocean Ridge's attorney and everyone agreed on this scaled back version of their proposed amendment, which only addresses Ocean Ridge Road, not connecting roads. Ocean Ridge Road is unique in that it is one of the longest roads in town and has several private beach accesses. Per Attorney Taylor, the Planning Board does not need to review this item again since the language is now much less restrictive than originally proposed.

Attorney Taylor clarified with Council that they all agreed with the explanation Mayor Cooper provided as to why this neighborhood was being treated different than other neighborhoods in town, in that the Ocean Ridge Development is unique with their private beach accesses.

Councilman Archer made a motion *to approve* Resolution 21-04-01: Resolution of Consistency. Seconded by Councilman Waters. Vote was unanimous, 5-0. Motion carried.

Councilman Navey made a motion *to approve* Ordinance 21-04-01: Ordinance Amending Chapter 18, Unified Development Ordinance; Article 5, Development Standards; Section 2, Access and Circulation; Subsection D, Driveways Accessing Public Streets. Seconded by Councilman Waters. Vote was unanimous, 5-0. Motion carried.

ZTA-21-03: COR SIDE SETBACK PROPOSED ZONING TEXT AMENDMENTS TO UDO

The Cullipher Group, on behalf of Causeway property owner Showboat Investments LLC, has requested a text amendment to allow a reduced side setback from single-family and duplex residential uses in the Commercial Corridor zoning district. Currently there must be a 10 foot setback from abutting residential uses or zero feet from commercial and mixed uses. This text amendment proposes to allow a 5 foot setback for single-family and duplex residential uses. The COR district includes all of the Causeway and a portion of Ft. Macon Road. It allows for residential, but is primarily commercial. CAMA defines this area as an urban waterfront. Most of the single-family neighborhoods in town require a 5 foot setback.

Councilman Waters made a motion *to enter* public hearing. Seconded by Councilman Forrest. Vote was unanimous, 5-0. Motion carried.

Ron Cullipher, Engineer with The Cullipher Group. He is requesting approval of this amendment. He feels architecturally, this will be a plus for the town.

Mayor Pro Tem Johnson made a motion *to exit* public hearing. Seconded by Councilman Navey. Vote was unanimous, 5-0. Motion carried.

Councilman Navey asked if petitioner currently has a plan. Cullipher clarified yes, and if this amendment passes, it would modify accordingly.

Mayor Pro Tem Johnson asked if anything in this amendment encourages more residential and prohibits commercial development. Michelle explained this allows a little more room to develop single family homes and duplexes. She thinks what Council is doing to promote business and wastewater on the Causeway will outshine anything that this development will do.

Councilman Archer made a motion *to approve* Resolution 21-04-02: Resolution of Consistency. Seconded by Councilman Forrest. Vote was unanimous, 5-0. Motion carried.

Councilman Archer made a motion *to approve* Ordinance 21-04-02: Ordinance Amending Section 18.3.5.D Ordinance Amending Chapter 18 Unified Development Ordinance; Article 3, Zoning Districts; Section 5, Commercial Districts; Subsection D, Commercial Corridor. Seconded by Councilman Navey. Vote was unanimous, 5-0. Motion carried.

PRESENTATION OF 2021 SUMMER EVENTS

Morgan presented the events planned this summer:

- The Town Park will be open 7-Days a week beginning Saturday, May 15. It is currently open on Saturdays and Sundays only from 10am-6pm. The grand opening will be held Sunday, May 16 with a Foam Party, free mini golf and hotdogs provided by Food Lion.
- Summer Movies at the Park on Fridays beginning at 8:30pm. Attendees will be able to sit on the lawn instead of viewing from their vehicle. We moved it to Fridays to accommodate local parent's requests.
- Fitness Classes at the Park hosted by Bootcamp Class with ANF Mobile Fitness on Thursdays and every other Saturday.
- Sunset Yoga at the New Bern Beach Access on Thursdays and Sundays. Morning Yoga at the Tom Doe Beach Access on Tuesdays and Thursdays.
- Four Family Foam Parties have been scheduled to replace the music bands at the Park that were poorly attended. Serviced by Emerald Owl Productions they include a foam party, DJ, and music.
- National Night Out on Tuesday, August 3
- Beach Music Festival Week (Monday, August 2: Supporting Event; Tuesday, August 3: Supporting Event; Wednesday, August 4: Business After Hours; Thursday, August 5: Pub Crawl or BMF Specials Night; Friday, August 6: Sponsor's Reception; Saturday, August 7: Beach Music Festival (11 a.m. to 5:30 p.m.)

REVIEW OF STREET PAVING BIDS

Bobby Partusch explained that we received four bids for this year's paving project. Aaron's Grading & Paving from Jacksonville, NC was the low bidder at \$203,428.50. Staff is proposing to complete \$100,000 worth of paving now and reevaluate the other areas in the fall to combine with a stormwater mitigation project. We have some Powell Bill Funds we need to spend prior to June 30. Streets listed on the project were Bayview Blvd (1897sy); Commerce Ave. (212sy); Asbury Ave. (533sy); N. Kinston Ave. (600sy); S. Charlotte Ave. (400sy); Ocean Ridge (533sy); Pelican Drive (93sy); Shoreline (291sy); Greenville Ave. (40sy); Beaufort Ave. (90sy); and Raleigh Ave. (311sy).

Mayor Pro Tem Johnson made a motion *to approve* Aaron's Grading & Paving bid in the amount of \$203,428.50 and to proceed with executing the contract. Seconded by Councilman Waters. Vote was unanimous, 5-0. Motion carried.

TOWN MANAGER REPORT – STORMWATER PROJECTS

Mr. Walker explained that there are numerous stormwater projects on hold that we have received complaints on. We have completed the larger projects and are left with small projects, affecting one or two house per block. We have received proposals for surveying and design. All extensions would be connected to existing outlets. These include: E. Boardwalk to Beaufort Ave: \$3,000; E. Atlantic Blvd. to Wilson Ave: \$8,200; W. Terminal Blvd. to Durham Ave.: \$3,600; and Asbury Ave. (one block off Henderson): \$9,506.

We suggest combining all these for one project, based upon the proposed project cost, we would begin this work after Labor Day. All would be funded by the Stormwater project funds. Upon receipt of the engineering cost estimates and plans, Council can decide the cost effectiveness verses the number of properties receiving relief and vote on which projects will be bid for construction.

It was the consensus to proceed with obtaining the engineered plans and cost estimates. Mayor Cooper would like staff to speak with the homeowners in the affected areas, especially if it is just one home, and advise them to contribute to the drainage solutions. The Town should not repair one or two houses when there are whole streets, such as Bayview Ave, that need repair.

No additional public comments in person or in Zoom.

MAYOR/COUNCIL COMMENTS

None.

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 6:56 pm.

These minutes were approved at the May 24, 2021 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)

Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor