



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**1010 West Fort Macon Road, Unit 17 and**  
**Electronically via Zoom**  
**Monday, March 22, 2021**



**Members Present:** Mayor A. B. Cooper, III; Mayor Pro Tem Richard Johnson; Councilmembers: Harry Archer (via Zoom); MJ Forrest, Danny Navey, Austin Waters

**Members Absent:** None

**Others Present:** David Walker, Town Manager; Betty Odham, Planning Secretary filling in for Town Clerk; 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. and called the roll. Everyone was present in the Boardroom, except Councilman Archer, who was present via Zoom. All Councilmembers were present, either in person or via Zoom, and able to be heard. Councilman Forrest led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Councilman Archer made a motion *to approve* the agenda as prepared. Seconded by Councilman Forrest. Approved unanimously by roll call vote, 5-0. Motion carried.

**CONSENT AGENDA**

- a) Finance Report
- b) Budget Transfers and Amendments
- c) Tax Collection Report
- d) Tax Releases and Refunds Report
- e) Surplus Donation from the Fire Dept.
- f) Approval of FY20-21 Audit Contract with Thompson, Price, Scott, Adams & Co. (\$15,000)
- g) Minutes: 1/11/21; 1/29/21Retreat

Councilman Navey made a motion *to approve* the consent agenda as prepared. Seconded by Councilman Waters. Approved unanimously by roll call vote, 5-0. Motion carried.

**CITIZEN REQUESTS/COMMENTS**  
**FY21-22 BUDGET REQUESTS**

No comments were given in person or via Zoom on the budget or other topics.

**APPOINTMENT OF PLANNING BOARD MEMBER**

Mayor Cooper explained on January 19, 2021, Doug McCullough resigned from the Board due to his move out of state, leaving a vacancy on the Planning Board, expiring December 31, 2022.

Staff advertised the vacant seat and received applications from Jim Bailey, Renae Baker, Tony Engrassia, Megan Hunter, David Johnson, Phil Jones, Richard Lee, and Tiffany Woodard. Malcolm Garland applied for the vacancy, but later withdrew his application. To get to know the candidates better, Council requested additional information, in which staff emailed the applicants a questionnaire, with the responses provided to Council.

Council was provided paper ballots with each of the eight respondents' names, plus a write-in option, for voting their preference. Each Council member could only vote for one person. Paper votes were returned to Betty Odham and Councilman Archer verbally provided his vote to Betty Odham, to prepare his vote for the record.

Mayor Pro Johnson and Councilman Forrest voted for Dave Johnson; Councilmembers Archer, Navey and Waters voted for Renae Baker to file the Planning Board seat.

After votes were tallied, Mayor Cooper *announced* that Renae Baker would fill the vacant Planning Board seat, expiring December 31, 2022.

## **REVIEW OF SCRIVENER'S ERROR AND CORRECTION PLAN ON ZONING MAP FOR 208 W ATLANTIC BLVD FROM RSD TO CIR**

Planning Director, Michelle Eitner, explained that recently staff was made aware of an error in the Town's Official Zoning Map. The parcel addressed as 208 West Atlantic Boulevard (PIN 637516828999000) has been included in the Residential Single-family/Duplex (RSD) zoning district on the current map. Parcels 202 to 208 West Atlantic Boulevard were rezoned on March 20, 2006 to be included in the Circle Development District (CDD). The CDD zoning district was renamed as the Commercial Circle (CIR) zoning district in 2017, but when the map was drafted at that time, 208 West Atlantic Boulevard was mistakenly left out of the CIR district.

This kind of clerical error in mapping is called a scrivener's error. The process to fix the map is much simpler than a rezoning. As the legislative decision to place these properties was made on 2006, no action needs to be taken by Council. Staff will amend the Official Zoning Map to reflect the correct zoning designation of 208 W Atlantic Blvd and note on the map that the amendment is due to a scrivener's error.

## **PROPOSED AMENDMENTS TO UDO (PUBLIC HEARINGS CONTINUED FROM FEBRUARY 22, 2021) ZTA-21-1 – FREEBOARD**

Michelle provided a brief overview of what was discussed at the March 11 Council work session. This text amendment proposes the addition of two feet of freeboard as recommended by Planning Board.

Mayor Cooper *re-opened* the public hearing that was continued from the February 22, 2021 Council Meeting to hear additional public comments pursuant to virtual meeting laws due to COVID-19.

Hearing no additional comments in-person or via Zoom, Councilman Waters made a motion *to close* the public hearing. Seconded by Councilman Forrest. Approved unanimously, 5-0. Motion carried.

It was the consensus of Council *to remand* back to Planning Board next month to reconsider a residential one foot freeboard and review the way the ordinance addresses lateral additions, to address the Board of Realtors' concerns.

## **ZTA-21-2 – OCEAN RIDGE PRESERVATION ASSOCIATION**

As discussed before, this citizen request offers several amendments to the ordinances to preserve the residential nature of the Ocean Ridge neighborhood. This change was initially started with intent to protect the Ocean Ridge area from development at 504 Ocean Ridge Drive and the adjacent wastewater treatment plant, Sugarloaf Utilities. It will affect the Bogue Banks Church and another adjacent lot, not just the Ocean Ridge properties.

Mayor Cooper *re-opened* the public hearing that was continued from the February 22, 2021 Council Meeting to hear additional public comments pursuant to virtual meeting laws due to COVID-19. One letter by a realtor on behalf of a local builder was received. Hearing no additional comments in-person or via Zoom, Councilman Archer made a motion *to close* the public hearing. Seconded by Councilman Navey. Approved unanimously, 5-0.

Ocean Ridge's Attorney, Clint Rouston with Ward and Smith (via Zoom) spoke outlining Ocean Ridge's requests again.

Mayor Cooper noted that Attorney Rouston and our attorney will meet with Council in closed session after this meeting to discuss any unintended consequences in other areas of town.

## **TOWN MANAGER REPORT - GFL (aka Waste Industries) Contract Amendment**

Town Manager David Walker stated that after a series of negotiations with Town staff on how to improve on efficiency and eliminate many citizen's complaints regarding service to older carts, GFL Environmental proposes to provide new 95-gallon carts for trash and recycling to each residential customers serviced through their agreement with the Town.

GFL believes the standardization of carts will not only improve the aesthetics of the solid waste and recycling program, but since the carts are wind resistant, they will reduce the opportunity for litter as well. The recycle carts will also eliminate all of the open 18-gallon bins for recycling and allow for more capacity for the residents to recycle. The new carts will be digitally coded for the service address.

Mr. Walker reviewed the following highlights of the GFL Contract Amendment with the Council:

- GFL plans to purchase, deliver and maintain the carts.
- The new carts are designed to be emptied by automatic trucks.
- GFL will maintain inventory and will deliver to all new residents and make all switch-outs.
- Proposed cart colors are: Royal Blue for Recycling and Solid Dark Green for Trash
- Service Schedule Remains the Same: Recycling once weekly, trash service remains same as present with twice per week during summer and once per week in the off-season.
- GFL will provide these carts at no additional cost to the Town's citizens.
- GFL will repair or replace them at no additional charge if they are broken during service.
- AB citizens will no longer have to purchase their carts, replacement wheels or axles.
- The older carts will be taken away, or the owner may keep them for another use but, GFL would not service them for trash or recycling pickup.
- GFL will make weekly Quality Control Route Observations.
- GFL will maintain a monthly log of any service complaints or other questions along with resolution information.
- GFL will meet as often as needed with Town Staff to review issues or problems.

Council received citizens comments on this proposal at their February 22 meeting. If approved, the new carts would be delivered before the summer collection season begins and the contract amendment would provide for a two-year service extension, expiring June 30, 2026, at no cost, except for the annual COLA increase already agreed to.

Mayor Pro Tem Johnson wants to provide citizens with a set of instructions and to especially ask citizens not to paint or spray their house numbers on the outside of the carts. Mayor Cooper stated we could do a public outreach program and fold those type of items in.

Mayor Pro Tem Johnson made a motion *to approve* the GFL Contract Amendment as proposed. Seconded by Councilman Waters. Approved unanimously by roll call vote, 5-0. Motion carried

**MAYOR/COUNCIL COMMENTS**  
None.

**CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(3) TO CONSULT WITH AN ATTORNEY EMPLOYED OR RETAINED BY THE PUBLIC BODY IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE.**

A motion *to enter* Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege was made. Vote was unanimous, 5-0. Motion carried.

Council reviewed the proposed amendments by the Ocean Ridge Association with Attorney Taylor. No action was taken.

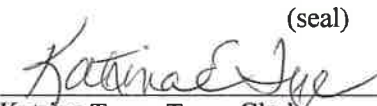
Councilman Forrest made a motion *to exit* closed session. Seconded by Councilman Waters. Approved unanimously, 5-0. The time was 8:04 pm.

**ADJOURN**

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:05pm.


These minutes were approved at the April 26, 2021 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)  
  
Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH

  
A. B. Cooper, III - Mayor