



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Worksession
125 W Fort Macon Road and
Electronically via Zoom
Wednesday, November 8, 2023 – 2:00pm



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, November 8, 2023, at 2:00pm in the Council Meeting Room, 125 West Fort Macon Road, Atlantic Beach, North Carolina.

Members Present: Mayor A. B. Cooper, III; Mayor Pro Tem Austin Waters; Councilmembers: Renea Baker, Joey Dean, Danny Navey

Members Absent: Councilmember Joseph Starling

Others Present: John O'Daniel, Town Manager; Katrina Tyer, Town Clerk; Sabrina Simpson, Admin Services Director; Marc Schulze, Public Works Director; Jennifer Ansell, Planner; Sarah Currie, Finance Director; Jeff Harvey, Police Chief; Morgan Gilbert, Parks & Rec Director. Also present: Councilmember Elect Harry Archer Jr and Worth Baker.

CALL TO ORDER

Mayor Cooper called the meeting to order at 2:00 p.m. and congratulated Mayor-elect Danny Navey and the members of Council on their re-election.

APPROVAL OF AGENDA

Councilmember Dean made a motion *to excuse* Councilmember Starling, who is absent attending a family member's funeral. Seconded by Councilmember Navey. Vote was unanimous, 4-0. Motion carried.

Councilmember Baker made a motion *to approve* the agenda as presented. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 4-0. Motion carried.

CAUSEWAY CORRIDOR (COR) UDO AMENDMENTS AND 2019 ALTA PLAN

Jennifer explained that the front and side setbacks had changed since the last work session presentation. The front setback previously required a certain percentage of the building to be at the front. This has been amended to allow for flexibility in design. COR-1 has a 16-foot minimum street setback requirement and COR-2 and COR-3 now have zero.

At a previous meeting, Council discussed reducing the side setback from seven feet to five feet for a 50-foot-wide lot. Jennifer asked if they wanted to revisit this since there are only a limited number of 50-foot lots. In most cases, the lots are adjoining by the same owner.

It was the consensus to change the side setback from seven feet to five feet for a 50-foot lot to allow more flexibility.

Current height limits are 45 feet for residential (COR-1) and 55 feet for non-residential and multi-family (COR-2 and COR-3), with incentives for mixed-use development. There is a maximum of four stories allowed throughout the district.

There was discussion on the preliminary floodplain maps and whether we should create an allowance based on the required grade. If a lot has to add four feet of fill, that would make the max building height 59 feet, still a four-story limit. Councilmember Baker thought we went 45, 45, 55 with 55 only in COR-3, but is written as 45, 55, 55 with allowances for flood-raised heights. Mayor Cooper said only COR-1 was at 45 feet because it is intended to be the more residential zone. A 60-foot limit is reasonable for the commercial requirement.

It was the consensus to change height limits to 45, 60, 60 pre-construction with a limit of four stories, but remove the allowances and make sure the language on base flood elevation is clear. Jennifer was instructed to make sure pre-construction was defined.

Mayor Pro Tem Waters asked if anything in this restricts adding fill above the height of the road. Mayor Cooper stated that is a land disturbance requirement under a different section of the ordinance that can be reviewed for changes separately. John noted there are several ordinances that we are looking at proposing later for discussion and potential amendments.

Jennifer explained the parking requirements were a point of concern for the Planning Board regarding the distance allowed for

off-site parking. Mayor Cooper said a 500-foot limit for all three CORs should be sufficient.

Councilmember Baker asked about the rear parking requirement. Jennifer stated she would revisit the language to ensure the language is clear that parking is not required in the rear but could be an option when feasible, but if the lot backs up to the water, there is no requirement to park in the rear.

Mayor Cooper reminded Council that we have a public hearing at the November regular meeting, afterwards considering approval. He said we are getting new information from RedBird on their timing and John should schedule a meeting with them before our next meeting to firm up their dates. He stated there are two steps, first RedBird must be approved as a utility, which should happen by the end of year. Then they have to get approval for the plant, which is already designed. He feels they are about two years before having pipes in the ground.

Worth Baker said he would take the lead in setting up a Zoom meeting with RedBird. Afterwards, we should have a better timeline for Council to implement an effective date that matches the sewer timeline.

STREET PAVING ASSESSMENT PROPOSALS

Staff received two proposals in response to the Request for Proposal for a Street Paving Assessment: Rivers & Associates for \$48,000 and Withers Ravenel for \$17,500. There is such a significant price difference because Rivers & Associates is typically more expensive. Both companies quoted on the same project scope. Staff would like to proceed with contracting with Withers Ravenel for the street assessment We hope to have a report in six weeks.

It was the consensus to proceed with approving a contract with Withers Ravenel at the November Council meeting.

PAID PARKING PROGRAM PROPOSALS

We reviewed proposals from four parking management companies and would like Council to decide on moving forward with a turn-key management firm or keeping the current program for the 2024 parking season. Staff is recommending Premium Parking.

Mayor Cooper explained that we need to start treating paid parking as a user-fee business model and remember that every dollar earned is a dollar that our taxpayers are not having to pay. There was discussion on the value of utilizing a company versus the expense of updating our older equipment. Mayor Pro Tem Waters would like to dig deeper into the revenue to ensure it makes up for the increased expenses. They discussed the possibility of increasing rates, charging residents for an annual pass, and ways to prevent pass sharing, by possibility tying to license plates.

It was the consensus of Council to continue the use of at least one kiosk at the Circle for those without phones but to expand pay-by-phone advertising and for staff to work with Premium Parking for a contract that can be discussed further.

CAMERA PROJECT CHANGE ORDER FOR POLE MOUNT CAMERA AT PUBLIC SAFETY COMPLEX

The cameras have been installed along the Causeway and at the Circle Beach Access. The project originally had \$15,000 budgeted for contingency. We have had one change order to move the pole at the Circle bathhouse and another to extend power on the utility poles. A third change order is needed to relocate the bullet camera that was originally affixed to the Public Safety/Admin Complex, pointing toward the main intersection. Due to the height and footprint of the Sandals Factory Outlet building that is currently under construction, it is proposed that this camera be moved closer to West Fort Macon Road. Staff is asking Council for approval of the proposed change order and Budget Amendment using GF Fund Balance for \$10,618 to fund the amount beyond the pre-approved project contingency.

It was the consensus to proceed with bringing the change order and amendment for approval at the November Council meeting.

PROJECTS AND COST ESTIMATES

PARK PLAYGROUND

We did not receive the \$100,000 grant from Big Rock for the originally proposed \$155,000 prefab 'lifeguard' playground. We hope to receive the NCSU plan by March 1. We are asking Council the direction they want to take so we have time to implement before summer, either purchasing a prefab play system or wait for the NCSU plan and begin phase 1 construction. Any cost beyond \$100,000 would be funded with GF Fund Balance.

Morgan stated attendance was down at the park and concession stand this year, most likely due to the loss of the play equipment.

Councilmember Baker hates to go another summer without play equipment and hates postponing projects based on waiting for plans, but she sees both sides. Mayor Cooper does not feel a prefab system will blend with the NCSU plan and thinks it would be better for the long-term plan to wait. Councilmember Dean wants to see something nice at the park to continue the theme, if we do not like NCSU's plan we can proceed with the prefab. Mayor Pro Tem Waters feels we should wait so we do not spend \$154,000 which is half of the entire estimated NCSU design plan and a lot of money for what we would be getting.

It was the consensus to wait on the purchase of the pre-fab play equipment and encourage NCSU to submit their plan as soon as possible so it can be discussed at the retreat.

NEW BERN AVENUE BEACH ACCESS RETENTION WALL

At the retreat in March, we discussed the installation of a 65-foot retaining wall behind the New Bern Avenue Beach Access bathhouse. At that time, we thought Public Works staff could do the installation and that the cost could be absorbed into the operating budget. Since then, we realized CAMA required the retaining wall to be engineered, for \$6,000 (Ms. Bodie, the adjacent property owner, paid half of the engineering fee). In May, Council approved the cost of engineering and up to \$1,300 in materials. After receiving the engineer's designs, we realized it was beyond what we could do in-house. A CAMA V-Zone certificate will be required and is approximately \$500. Since the cost of this project has drastically increased, staff is asking if Council would prefer to do nothing and potentially refund the adjacent property owner their portion of the engineering fee or approve the project for construction.

Mayor Cooper suggested we could ask the homeowner for additional payment to help cover the higher costs. John feels now that the vegetation has grown, it is more stable than before and construction would benefit the homeowner more than it would the town. Mayor Pro Tem Waters wants to proceed.

It was the consensus to add the project proposal and budget amendment to the November Council meeting for approval.

MOONLIGHT DRIVE BOAT ACCESS IMPROVEMENTS

We received the cost estimate for the full project of \$181,143, but at the April 28 special meeting, the consensus was to proceed with just a few upgrades by staff: installing a new privacy fence along the eastern property line with post and rope fencing for parking area (\$2,100); five loads of gravel (\$3,750), five vehicle parking bumpers (\$250). We will need to update the CAMA permit from the full project. Staff would like to confirm Council's intent before the improvements are made.

It was the consensus is to proceed with adding the proposal and amendment for approval at the November Council meeting.

WEST BOGUE SOUND DRIVE BOAT ACCESS IMPROVEMENTS

At the April 28 special meeting, it was noted that safety improvements were needed to the dock on West Bogue Sound Drive due to age and erosion. At that time, we had an estimated cost of \$38,766 plus \$200 for a CAMA Permit. We have an updated contractor cost estimate of \$23,576, which includes demolition and engineering.

Councilmember Dean said this is a highly used ramp that is best utilized at low tide.

It was the consensus to proceed with bringing the proposal and amendment for approval at the November Council meeting.

TOWN PROPERTIES - CENTER STREET/SHORE DRIVE STREET END

Councilmember Dean said the end of Center Street is the eyesore of the neighborhood, the dog pen is not a pretty view or a good use of town assets. The drainage pattern has been changed causing water to run off and puddle in the road. He would like to see it cleared and the neighborhood enjoy the lot and the view.

Attorney Taylor advised the town can revoke the Encroachment Agreement at any time, but especially since the agreement was violated with the fill and drainage issues.

It was the consensus to notify the property owners we intend to withdraw the Encroachment Agreement and ask them to bring the property to its original state. John was instructed to get price quotes for grading in case needed.

PELICAN DRIVE PIER

Isaac Roberts did unauthorized repairs to the Pelican Drive pier and was instructed by the Town to provide an engineer-stamped as-built plan. He notified us an engineer looked at it on Friday and said it approved. Staff will be working on the paperwork for the CAMA Permit.

John was directed to send a letter to Isaac letting him know the town will be reviewing an ordinance amendment that prevents overnight use of the ramp and docks as well as unoccupied docking during open hours. Mayor Cooper will contact the owner of the barge and let him know not to dock there.

PROPOSED ORDINANCE AMENDMENT 23-11-01: ORDINANCE AMENDING CHAPTER 5, BEACH AND SHORE REGULATIONS; SECTION 5-5.1 MOONLIGHT DRIVE BOAT RAMP AND PARKING; PELICAN DRIVE PIER, BOAT RAMP AND PARKING; WEST BOGUE SOUND DRIVE BOAT RAMP AND DOCK

The proposed ordinance intends to protect residential neighborhoods from late-night loitering and partying without limiting fishermen from launching boats or parents and kids from fishing. The dock slips are not intended to be used as permanent personal boat slips.

It was the consensus to add the amended ordinance to the November consent agenda for approval.

MAYOR/COUNCIL COMMENTS

None.

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 4:18pm.

These minutes were approved at the January 22, 2024 meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

ATTEST:

Katrina Tyer (seal)

Katrina Tyer - Town Clerk



Danny Navey

Danny Navey - Mayor