



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
1010 West Fort Macon Road, Unit 17 and
Electronically via Zoom
Monday, May 24, 2021



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, May 24, 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; MJ Forrest, Danny Navey, Austin Waters

Members Absent: None

Others Present: David Walker, Town Manager; Katrina Tyer, Town Clerk; Derek Taylor, Town Attorney; Michelle Eitner, Planning Director; Sabrina Simpson, Admin Services Director; Jeff Harvey, Police Chief; Mike Simpson, Fire Chief; Julian Griffiee, Planner; 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 Forrest led the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilman Archer made a motion *to approve* the agenda as prepared. Seconded by Councilman Waters. Vote was unanimous, 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) GovDeals Sales Report – Police and Public Works vehicles
- f) Acceptance of Easement between the Town of Atlantic Beach and Duke Energy Progress, LLC for installation of equipment at 125 West Fort Macon Road (new public safety complex)
- g) Approval of **Resolution 21-05-01**: Resolution Accepting American Rescue Plan Funds (\$440,000 est.) and **Ordinance 21-05-01**: Ordinance to Establish and Maintain the American Rescue Plan Capital Project Fund
- h) Minutes: 4/8/21WS; 4/26/21

Mayor Pro Tem Johnson made a motion *to approve* the consent agenda as prepared. Seconded by Councilman Forrest. Vote was unanimous, 5-0. Motion carried.

CITIZEN REQUESTS/COMMENTS

No comments in person or via Zoom.

PLANNING AND ZONING

ZTA-21-1: FREEBOARD

Staff initiated this text amendment proposing to implement a one foot freeboard requirement. This topic has been a complicated issue in the past, and continues to be this time around. On January 5, and continued until February 2 due to virtual meeting laws, the Planning Board held a public hearing and recommended a two foot freeboard. On February 22, Council held a public hearing, and continued until March 22 due to virtual meeting laws, and remanded the amendment back to the Planning Board to consider a one foot residential freeboard. On April 6, after receiving public comment, the Planning Board unanimously recommended denial of the amendment.

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

No comments in person or via Zoom.

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

It was the consensus of Council to take no action on the proposed freeboard amendment and to bring this topic back for discussion in the Fall when the new flood maps are likely to have been accepted. Amending the requirement now may have unintended effects based on the new maps.

Councilman Waters made a motion *to deny* Resolution 21-05-02: Resolution of Consistency and Ordinance 21-05-02: Ordinance Amending Chapter 18 Unified Development Ordinance; Section 18.10.2.J.2. Base Flood Elevation and Section 18.10.5 Definitions. Seconded by Councilman Forrest. Vote was unanimous, 5-0. Motion carried.

ZTA-21-4: ADDITIONS IN THE FLOODPLAIN

The Carteret County Association of Realtors submitted a request to amend the 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, this change will assist them with disclosures. The UDO currently requires an addition to meet requirements for new construction, which may be higher than the existing floor level. The submitted text amendment proposes that additions to pre-FIRM structures and structures in the AE flood zone (soundside) be allowed to meet the elevation of the existing adjacent floor as long as they do not constitute substantial improvement. Staff and the Planning Board feel this would only affect a few properties due to the size of our lots and the septic setbacks. Staff received comment from the Homebuilders Association in support of this amendment.

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

No comments in person or via Zoom.

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

Councilman Waters made a motion *to approve* Resolution 21-05-03: Resolution of Consistency. Seconded by Councilman Navey. Vote was unanimous, 5-0. Motion carried.

Councilman Archer made a motion *to approve* Ordinance 21-05-03: Ordinance Amending Chapter 18, Unified Development Ordinance; Section 18.6.3.D.2 Specific Standards for Use Types. Seconded by Councilman Forrest. Vote was unanimous, 5-0. Motion carried.

CALL FOR A PUBLIC HEARING CALL FOR PUBLIC HEARING AT THE JUNE 28, 2021 COUNCIL MEETING ON AMENDMENTS TO CHAPTER 18 AND CHAPTER 6 ORDINANCES IN ORDER TO COMPLY WITH NCGS 160D

The new Chapter 160D of the NC General Statutes consolidates current city and county enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations.

The Town is incorporating required and recommended changes from new Chapter 160D into applicable development ordinances (Chapter 18 Unified Development Ordinance and Chapter 6 Buildings and Building Regulations). This batch of amendments includes changes to section references, definitions, broadened conflict of interest provisions, and other language updates to ensure compliance with the new statutes. We are required to comply by July 1.

Councilman Archer made a motion *to call for a public hearing* on Amendments to Chapter 18 and Chapter 6 Ordinances in order to comply with NCGS 160D at the June 28, 2021 Council meeting. Seconded by Councilman Forrest. Vote was unanimous, 5-0. Motion carried.

FY21-22 BUDGET

Mr. Walker presented an overview of the FY 21-22 Proposed 8,977,590 budget:

- Provides a Two Cent Tax Increase to Pay the increased Debt Service for Public Safety/Admin Building
- Provides for 15% increases in Flood, Liability, and Worker Comp Coverages: \$28,000
- Maintains Current NCLM Health Insurance Program with a 3% increase: \$15,500
- Maintains Current Level of Town wide Services
- Maintains Current Number of Employees: 56
- Allocates 1.5 cents of tax rate to Beach Fund (\$273,000)
- Continues the Dredging Program, Beach Access Program, and Storm Water Projects
- Utilizes FEMA Reimbursement for Capital/Equipment/Vehicles (\$440,000)
- Does not Include the Pending American Funds (\$440,000)
- Provides a 1.5% Salary Increase for Employees
- Provides Merit Reserve for probation, promotion & certifications

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

No comments in person or via Zoom.

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

Councilman Archer made a motion *to approve* Ordinance 21-05-05.: FY2021-22 Budget. Seconded by Councilman Navey. Vote was unanimous, 5-0. Motion carried.

TOWN MANAGER REPORT

None.

MAYOR/COUNCIL COMMENTS

Councilmember Archer is a history buff and presented a wooden board from the dias and a brick from the old boardroom to Mayor Cooper as a piece of the Town's past.

Mayor Cooper stated if last weekend is any indication of business, we are in for a busy holiday weekend. Just remember the ones that gave the ultimate sacrifice.

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 6:53 pm.

These minutes were approved at the June 28, 2021 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)

Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


B. Cooper, III - Mayor