



**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, March 15, 2009**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, March 15, 2010 at 6:00 p.m. in the Council Meeting Room.

Members Present: Mayor Cooper, Mayor Pro Tem Harry Archer; Councilmembers: Ann Batt, Eddie Briley, Trish Ide and Vada Palma

Members Absent:

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Kelly Cyrus, Town Clerk; Jessica Fiester, Planning Director; Sabrina Simpson, Administration; Marc Schulze, Public Services Director; James Sebastian, Water Superintendent; Fire Chief Snyder; Mr. Andrews, Department Chaplain; Dr. Richard Spruill (Groundwater Management Associates, Inc.)

CALL TO ORDER AND ROLL CALL

Mayor Cooper called the meeting to order at 6:00 p.m. Kelly Cyrus, Town Clerk took roll call.

PLEDGE OF ALLEGIANCE and INVOCATION

Mr. Claude Andrews gave the Invocation. Mayor Cooper led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDAS

Councilmember Palma made a motion *to approve* the Action Agenda, seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Councilmember Ide made a motion *to approve* the Consent Agenda, seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

CONSENT AGENDA

All items listed below are considered to be routine and will be enacted by one introduction/motion/second/roll call vote. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. **Tax Collection Report – February, 2010:** The tax collection report showed that \$92,481.39 had been collected.
2. **Tax Releases – February, 2010:** Tax releases in the amount of \$67.20 was submitted for approval.
3. **Budget Transfers - February, 2010:** Six (6) budget transfers was submitted for approval.
4. **Financial Reports– February, 2010**
5. **Resolution 10-03-01: Designation of Bank Depositories and Authorizing Signatures for Bank Depositories for the Town of Atlantic Beach, North Carolina**
6. **Resolution 10-03-02: Adoption on the Participation of the Town of Atlantic Beach in the North Carolina Government Debt Setoff Program**
7. **Approval of the Interlocal Agreement Regarding Long Term Beach Nourishment between Carteret County, North Carolina and the Municipalities of Atlantic Beach, Pine Knoll Shores, Indian Beach and Emerald Isle, North Carolina**
8. **Approval of a Lease Agreement between the Town of Atlantic Beach and FMB of Atlantic Beach, LLC**
9. **Town Council Minutes:** December 21, 2009; January 19, 2010; January 22, 2010

(Clerk's Note: a copy of Consent Agenda items are hereby attached and therefore made a part of these minutes)

CITIZEN REQUESTS/COMMENTS

PRESENTATIONS

1. Presentation of the Hydrogeologic Consulting Report

Dr. Richard Spruill, Groundwater Management Associates, Inc.

Marc Schulze, Public Services Director advised that the town had entered into a contract with Groundwater Management Associates, Inc. for groundwater monitoring due to the town seeking a larger potable water supply. Mr. Schulze explained that Well #6, which was the area he felt would have been the preferred site for increasing the potable water supply was not usable and that Dr. Richard Spruill with Groundwater Management Associates, Inc. would be presenting by way of a powerpoint presentation, the results of his hydrogeologic study.

Dr. Spruill opened his presentation with an explanation of what an aquifer is, showing the different aquifers, by names, in this region, what areas access which aquifers and noting that Castle Hayne is the aquifer Atlantic Beach accesses and the preferred aquifer for the island. He further explained the drilling of wells for a water supply, what happens if drilling occurs too close to the fresh/salt water dividing line, also known as the Saltwater Front.

Dr. Spruill stated that, with regards to Atlantic Beach, he had monitored the current volume of the wells within the town and noticed that the current wells are pumping fifty percent (50%) less as opposed to when they were new. He explained what it means to "rehabilitate" a well and the conclusion was made that Well #6 was not able to be "rehabbed"; Well #4 had a new pump installed to increase the volume, but not to the extent it needed to be, and suggested that during the low usage months (winter) that the town decrease the volume produced by this well; and finally, in his opinion, Well #2 site would be the best option for the drilling of a new well. He advised that the town could move fifteen feet (15') over from the actual well, drill a new one in order to increase the volume. He commented that there are viable drill sites on the current land if it is town-owned property. And in regards to funding assistance to help alleviate the costs, Dr. Spruill explained that if the town can show a demand need for additional water supply and at what times during the year, there is funding options available by way of grants, stimulus monies, etc.

Mayor Cooper questioned James Sebastian, Water Superintendent, as to what he felt, in his opinion, would be the optimal water capacity he would like to see for the town during a peak season event such as the 4th of July weekend. Mr. Sebastian responded that he would like to see a minimum daily capacity of 4-5 million gallons per day within the next twenty (20) years. Mr. Sebastian advised that in 2009 during the Memorial Day weekend, he expected the volume not to exceed 700-800,000 gallons per day, but water supply and demand resulted in 1.5+ million gallons being pumped and during the Shutters fire, the fire department assisted Pine Knoll Shores and 1.5 million gallons was pumped just for that incident. He emphasized that the 1.5 million gallons pumped for the fire was *in addition* to the daily usage.

At the conclusion of the presentation, Dr. Spruill's recommendation to the Council was to seriously consider the drilling of a new well based on results of all studies.

ACTION AGENDA

1. 2nd Reading of Ordinance 10-03-03: Amendments to Article 5, Zoning Districts; Article 6, Special Requirements and Appendix A of the Unified Development Ordinance

Presented by: Jessica Fiester, Planning Director

Miss Fiester explained Ordinance 10-03-03 is an amendment that would allow an individual to apply for a Conditional Use permit for the possible creation of a tent campground within town limits. Miss Fiester also stated this particular ordinance had been brought forth at last month's (February 15, 2010) Council meeting and was tabled for a 2nd reading at that meeting due to not receiving a majority of votes and the previous month's motion was still on the table for a 2nd vote.

2nd vote on the standing motion: Councilmember Palma made a motion *to approve* Ordinance 10-03-03, seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

2. PUBLIC HEARING: Ordinance 10-03-02: Amendments to Section 6.21.4, Multi-Family Housing and Section 5.6, Table of Area, Yard and Height Requirements of the Unified Development Ordinance

Presented by: Jessica Fiester, Planning Director

Miss Fiester explained there were two (2) corrections that needed to be made to the above referenced sections of the Unified Development Ordinance. The first being the square footage requirement for multi-family development in Resort Services should be 2,000 square feet NOT 3,600 as listed; second correction: the height requirements in the General Business district should read forty-five feet (45') for residential; fifty-five feet (55') for commercial and sixty-five feet (65') for commercial and a reduction in the maximum impervious surface coverage in General Business from eighty-five percent (85%) to seventy-five percent (75%).

Councilmember Briley made a motion *to go into* a Public Hearing on Ordinance 10-03-02, seconded by Councilmember Batt. Vote was unanimous, 5-0. The floor was open for public discussion at 7:02 p.m.

With no speakers signed up to speak, Councilmember Ide made a motion *to exit* the Public Hearing, seconded by Councilmember Batt. Vote was unanimous, 5-0. The floor was closed for public discussion at 7:03 p.m.

Mayor Pro Tem Archer made a motion *to approve* Ordinance 10-03-02: Amendments to Section 6.21.4, Multi-Family Housing and Section 5.6, Table of Area, Yard and Height Requirements of the Unified Development Ordinance, seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

3. PUBLIC HEARING: Ordinance 10-03-01: Amendment to Section 7.2, Fences and Walls of the Unified Development Ordinance

Presented by: Jessica Fiester, Planning Director

Miss Fiester explained that a permit was obtained from a property owner that exposed two (2) flaws in Section 7.2 relating to fences and walls. The first being: no time limit was listed for a temporary fence; second: no preventive measure for placing a fence structure in a roadway if a property line extends and exists in the roadway. Miss Fiester stated the proposed amendments would place a ninety (90) day time limit on temporary fences and clarification that a fence would be prohibited from being placed in a traveled roadway, regardless of the location of the property line.

Councilmember Ide made a motion *to go into* Public Hearing, seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. The floor was open for discussion at 7:05 p.m.

James Newman Willis, III – 104 Atlantic Beach Causeway, Atlantic Beach, NC

Mr. Willis commented that there are a vast majority of materials used as fencing either temporary or permanent and felt that the amendment should clarify what type of fencing can or cannot be used.

Councilmember Palma made a motion *to close* the Public Hearing, seconded by Councilmember Batt. Vote was unanimous, 5-0. The floor was closed to public comment at 7:06 p.m.

Councilmember Briley stated that he was concerned also about there not being any language addressing the various types of materials that can be used for fencing now and felt that if specific language was not in place phone calls would be forthcoming on the confusion.

Councilmember Briley made a motion *to approve* Ordinance 10-03-01, seconded by Councilmember Palma. Vote was unanimous, 5-0. Motion carried

4. Resolution 10-03-03: Amendments to the Coastal Area Management Act (CAMA) Core Land Use Plan for the Town of Atlantic Beach, North Carolina

Presented by: Jessica Fiester, Planning Director

Miss Fiester advised that in December, 2009 a public hearing was held on amendments to the CAMA Land Use Plan for the town with unanimous approval on the amendments. However, no formal resolution was adopted on the approval of those amendments. It is now being requested by the State that an official resolution showing approval of the amendments be submitted for record-keeping and as backup documentation when the town's case is heard at the Coastal Resource Commission (CRC) meeting to be held on March 25, 2010.

Councilmember Batt made a motion *to adopt* Resolution 10-03-03 on previous the unanimous approval in December, 2009 on amendments to the CAMA Land Use Plan for the Town of Atlantic Beach, NC, seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

5. Request to schedule a Public Hearing

Presented by: Jessica Fiester, Planning Director

Miss Fiester began by stating that as part of the Cleanwater Management Trust Fund grant, the town is committed to updating storm water regulations within the town limits. She noted that the Planning Board has been working diligently on studying storm water and creating updates and the amendments are ready to be brought forth to the Council for review and possible adoption at the April 19, 2010 Town Council Meeting.

Councilmember Palma made a motion *to schedule* a public hearing relating to storm water regulations within the town limits, seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried

6. Ordinance 10-03-04: Amendment to Chapter 9; Article 5; Section 9-92 of the Code of Ordinances for the Town of Atlantic Beach, NC as it relates to Peddling.

Presented by: Jessica Fiester, Planning Director

Miss Fiester explained that even though the town's Peddling ordinance is not part of the Unified Development Ordinance it does make reference to the zoning districts that are listed in the Unified Development Ordinance. The proposed amendment would update the current Peddling ordinance to reflect the current zoning districts to where this particular section of the Code of Ordinances would be in line with the Unified Development Ordinance. Miss Fiester also noted that because this is not a zoning ordinance, a public hearing on the amendment is not required.

Mayor Pro Tem Archer made a motion *to approve* Ordinance 10-03-04, seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

7. Ordinance 10-03-05: Amendment to Chapter 8, Fire Prevention and Protection; Section 8.2, Open Burning and Open Flame Cooking Devices

Presented by: Adam Snyder, Fire Chief

Chief Snyder explained that on June 18, 2007, the Atlantic Beach Town Council adopted Ordinance 07-06-05 which shows an amendment to Chapter 8, Fire Prevention and Protection establishing an Open Burn Ordinance. He further explained that at the February 15, 2010 Town Council meeting, Council held a discussion on the current Open Burning ordinance as it relates to charcoal burners, charcoal grilling and commercial fire pits on the beach. At that time, Council directed Chief Snyder to amend Chapter 8, Section 8.2 to prohibit the use of charcoal burners, charcoal grilling and the use of commercial fire pits on the beach areas. Chief Snyder advised that he is bringing forth a proposed amendment to Chapter 8 for Council review and possible action.

Mayor Cooper suggested this item be tabled until the April 19, 2010 Town Council Meeting in order to incorporate more specific language as to what is prohibited and what it not. He commented that after reading the proposed amendment, it appears somewhat confusing and fears it may appear that way to anyone else that may read it and is also trying to figure out what is allowed and what is not.

Mayor Pro Tem Archer made a motion *to table* Ordinance 10-03-05: Amendment to Chapter 8, Fire Prevention and Protection; Section 8.2 and be brought forth at the April 19, 2010 Town Council Meeting, seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

TOWN ATTORNEY REPORT

Town Attorney had no report.

TOWN MANAGER REPORT

David Walker, Town Manager reminded Council of the upcoming budget worksessions that have been scheduled and approved for April 12, 13 at 2:00 p.m and the Public Forum on April 14, 2010 at 6:00 p.m. for the public to speak on the proposed budget. He further noted that he will have the budget outline to the Council for their review by April 1, 2010.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Palma offered her condolences to the Ramsey family on the passing of William “Bill” Ramsey. She also announced that it was “Sunshine List” week; encouraged everyone to look at the esthetics of their properties and do some “spring cleaning”; and dredging bids had been received and hopefully dredging will begin in mid to late April. On an ending note, Councilmember Palma wished everyone Happy St. Patrick’s Day.

Councilmember Briley commented that Moonlight Drive and Kinston Ave. are taking a beating in regards to storm water and these areas need to be fixed, not patched.

Councilmember Ide wished everyone a Happy St. Patrick’s Day and voiced how the esthetics of the beach are not looking well and challenged residents to think about ways they can help out or volunteer on improving the exact issues that so many complain about.

Councilmember Batt also wished everyone a Happy St. Patrick’s Day and agreed that the town’s appearance is not looking good right now.

Mayor Pro Tem Archer announced that the Atlantic Beach Parks and Recreation Committee along with staff are working on the beginning efforts for some small scale recreation to be in place by Memorial Day, 2010.

Mayor Cooper announced that he will be traveling out of state for the next week on a “beach town brainstorm excursion” along the east coast heading south and will be meeting with members of various municipalities to research and gather information on design/planning/esthetics so that he can bring back ideas to Atlantic Beach and hopefully incorporate some. He noted he will return Tuesday, March 23rd.

ADJOURNMENT

There being no further action taken or business before the Town Council, Councilmember Palma made a motion *to adjourn* the meeting. Motion was seconded by Councilmember Batt. Vote was unanimous, 5-0. It was 7:35 p.m.

Submitted by:

Kelly L. Cyrus, Town Clerk

These minutes were approved at the April 19, 2010 meeting of the Atlantic Beach Town Council.

A. B. Cooper, III - Mayor