



**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, April 19, 2009**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, April 19, 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; Donna Turner, Inspections Director; Joey Starling, Building Inspector; Adam Snyder, Fire Chief; Claude Andrews, Department Chaplain; Ray Langley, Planning Board; Norman Livengood, Planning Board

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

Mayor Pro Tem Archer made a motion *to approve* the Consent Agenda, seconded by Councilmember Palma. 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 – March, 2010:** The tax collection report showed that \$45,451.59 had been collected.
2. **Tax Releases – March, 2010:** Tax releases in the amount of \$35.02 was submitted for approval.
3. **Budget Transfers - March, 2010:** Twelve (12) budget transfers was submitted for approval.
4. **Budget Amendments #12 and #13:** Two (2) budget amendments totally \$132,650.00 were submitted for approval.
5. **Financial Reports– March, 2010**
6. **Resolution 10-04-01: Resolution of Support - National Tourism Week in Atlantic Beach, NC “Discover America”**
7. **Letter of Support from the Town of Atlantic Beach for Expansion of Allowable Uses From Revenues Generated by the Enhanced 9-1-1 Funds**
8. **Request To Schedule a Public Hearing on the Proposed FY2010-11 Budget**
9. **Town Council Meeting Minutes:** March 15, 2010

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

## CITIZEN REQUESTS/COMMENTS

### **James Newman Willis, III - 104 Atlantic Beach Causeway, Atlantic Beach, NC**

Mr. Willis presented several “hydrological theories” as to why the “circle” area has not been developed thus far. The first of those theories he explained is that the “Circle” developers, Mr. Cooper and Mr. Bunn are waiting for a new water well to be installed; 2<sup>nd</sup> theory, Mr. Willis explained, involves treated affluent. He stated that so much affluent would be coming from the two main land developers, Mr. Cooper and Mr. Bunn, plants near the “Circle” and with no free access for the treated affluent to be drained toward the ocean, hence the drainage would go toward the Sound. And since the public health dept. does not like treated affluent near a water well casing, the theory is the 2 developers are waiting for a new well to be installed further to the west in town and the well at the “Circle” area would be closed down. Mr. Willis’ third “hydrological theory” is there would be so much treated affluent coming from the two developers treatment plants that on the July 4<sup>th</sup>, that everyone else’s septic tanks near the “Circle” area would either back up or start overflowing into the street.

### **Wally Courie, 206 Glenn Street, Atlantic Beach, NC**

Mr. Courie spoke on the issue of the recent adoption of the International Property Maintenance Code into the town’s Code of Ordinances as the Property Maintenance Code of the Town of Atlantic Beach, to be used as a reference source for regulating and governing the conditions and maintenance of all property, buildings and structures within the town. He noted that Section 302.4 *Weeds* notes states that all premises and exterior property has to be free from weeds and all grasses in this code are defined as weeds. He further explained that he grows a particular species of ornamental grass that is native and beneficial to this area and how he has been asked to “terminate” this grass. He requested that Council put a hold on their request for him to exterminate the particular species until he can provide further research and documentation to support the continued growth of this grass. He further noted to the Council that this particular species of grass is quite commonly grown throughout the town and referenced a picture of the native grass in a book by author, Judith Spitsbergen.

### **Mr. Claude Andrews, 147 Hoop Pole Creek, Atlantic Beach, NC**

Mr. Andrews wanted to announce that he had visitors from Cape Cod recently who were quite impressed with the town and its beauty.

## PRESENTATIONS

## ACTION AGENDA

### **1. Town of Atlantic Beach/Town of Pine Knoll Shores Interconnectivity Construction Contract**

Presented by: Marc Schulze, Public Services Director/James Sebastian, Water Supervisor

Marc Schulze, Public Services Director briefly explained that Atlantic Beach and the Town of Pine Knoll Shores entered into a Mutual Aid Water Interconnectivity Agreement for emergency water services if needed. In addition to each municipality agreeing to backup the other with additional water services, a waterline tie-in would need to be constructed. He further explained that an Encroachment Agreement with the Department of Transportation; state-approved engineering plans and the Notice to Construct are in hand and that three (3) bids were accepted for the construction of the waterline tie-in. Mr. Schulze proceeded to quote the bids and made his recommendation to award the contract to W. O. White, LLC in the amount of \$53,705.00. He further noted that the Town of Pine Knoll Shores will be sharing 50% of all engineering, permitting and construction costs for this project.

Councilmember Briley made a motion *to award* the Town of Atlantic Beach/Town of Pine Knoll Shores Interconnectivity Construction Contract to W. O. White, LLC. Seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

### **2. Water System Assessment Proposal for the Town of Atlantic Beach, NC**

Presented by: David Walker, Town Manager

Mr. Walker explained that the town’s current water system is over 30 years old and this past year, the town paid off the remaining debt from the water system installation and improvements. He noted that the system provides water to over 1,800 permanent residents with a peak summer population of 30,000 - 40,000 and with that is recommending a water system assessment for a strategic analysis of the condition of all the water system assets to be performed by W. K. Dickson & Co., Inc. W. K. Dickson would be performing evaluations of the water supply, water treatment facility and water

distribution system. Mr. Walker stated the intent is to incorporate this assessment into the known expansions that the town is wishing to make with the water system (i.e. additional waterline on the eastside; additional well as recommended by Dr. Richard Spruill previously). He further explained that once this assessment is completed, a capital cost will be known for all improvements to where this project could be rolled into the town's capital improvement plan and identify grants and/or loans to help alleviate some of the costs. Mr. Walker concluded his request by recommending the assessment be performed by W. K. Dickson & Co., Inc. in the amount of \$9,000.00.

Councilmember Briley made a motion *to accept and approve* Task Order #10: Water System Assessment and Recommendations for Strategic Management for the Town of Atlantic Beach, North Carolina to be performed by W. K. Dickson & Co., Inc. in the amount of \$9,000.00. Seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

### **3. West Bogue Boulevard Area Drainage Improvements Proposal - Task Order #11**

Presented by: David Walker, Town Manager/Marc Schulze, Public Services Director

Mr. Schulze began by stating that the low-lying coastal development within the town experiences localized flooding in the Bogue Boulevard area and that residents in this particular area can encounter standing water up to 12 inches at the intersection of West Terminal Boulevard and South Durham Avenue during significant rainfall events. He explained that the existing catch basin and drainage system does not adequately handle the stormwater runoff. Mr. Schulze further noted that the 8-inch PVC discharge pipe is submerged at high tide which limits drainage.

The town is requesting to evaluate two alternatives for improving drainage at the intersection of West Terminal Boulevard and South Durham Avenue with the proposed Task Order #11. Mr. Schulze advised that W. K. Dickson & Co., Inc. would perform the evaluations as outlined in the proposal for a cost of \$8,000.00.

Mayor Pro Tem Archer made a request of the Council not to enter into a contract with W. K. Dickson at this time for the proposed task due to the fact that W. K. Dickson has already spoken to it in the earlier published Stormwater Management study performed by W. K. Dickson. He does not feel the proposal is necessary or proper at this time.

Councilmember Briley restated for clarification Mayor Pro Tem Archer request to table the proposal. "for the Town to direct W. K. Dickson to go to the state and ask them can we replace that pipe with a large pipe". Mayor Pro Tem Archer confirmed the clarification as correct.

Councilmember Briley made a motion *to table* Action Agenda Item #3 until the May 24, 2010 Town Council Meeting with the stipulation the Town Manager, Public Services Director and Mayor Pro Tem Archer direct W. K. Dickson & Co., Inc. to make contact with the State of North Carolina as to whether or not the current drainage pipe can be replaced with a larger pipe at no additional costs to the Town by W. K. Dickson for the directive. Seconded by Councilmember Ide. Vote to table Action Agenda Item #3 was unanimous, 5-0. Motion carried.

### **4. PUBLIC HEARING: Ordinance 10-04-01: Amendments to Article 2, General Requirements; Section 2.26; Stormwater Regulations and Maximum Impervious Coverage of the Unified Development Ordinance of the Town of Atlantic Beach, NC**

Presented by: Jessica Fiester, Planning Director

Miss Fiester stated the process to revise the town's stormwater ordinances began in September, 2009. The proposed stormwater ordinance that has been brought forth before the Council at this night's meeting is being unanimously recommended by the Planning Board and is the result of extensive reviews, discussions and meetings on the Planning Board's part. Miss Fiester presented a powerpoint presentation on the dynamics behind stormwater management and the proposed changes to the current storm water ordinances for the town.

Miss Fiester touched on the changes to the thresholds amounts explaining that if a property owner is adding over 100 square feet of impervious surface, but under \$10,000 in value, the property owner will be required to put in place a Best Management Practice (BMP) with no stipulations from the town on the type of Best Management Practice. If that same addition is in excess of \$10,000 in value, the property owner will again be required to put in place a Best Management Practice, sealed by an engineer, showing that the property owner is retaining their required amount of difference of storm water runoff from their impervious surface.

Councilmember Palma made a motion *to enter into* a Public Hearing on Ordinance 10-04-01. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried @ 7:22 p.m.

**John Lotspih, 203 Winston Avenue, Atlantic Beach, NC**

Mr. Lotspih's comments were:

- concerned over the fact that residences being allowed to add fill on their lots causes and will cause flooding of the town streets. Requested the Planning Board to look at this particular issue.
- advised that the stormwater runoff on the west side of 81/2 Marina is filtering into the Sound.

**James Newman Willis, III - 104 Atlantic Beach Causeway, Atlantic Beach, NC**

Mr. Willis put forth a theoretical question to the Council:

- if the town experienced a three inch (3") rain event and property owners are required to retain two inches (2") of that three inch (3") rain event, then where does the other one inch (1") that is not required to be retained go?
- His response: the remaining one inch (1") of rainfall would go into the town streets for the town to maintain
- feels property owners should incur the cost to retain all of their property's storm water runoff or pay the town for the maintenance of stormwater runoff
- stated that the town is "picking up the tab" on properties that have been and are being built in flood zones.

**Norman Livengood, Planning Board Member - 402 East Bogue, Atlantic Beach, NC**

Mr. Livengood's comments were:

- proposed storm water amendments are a small step to a big problem
- Best Management Practices can be done and the town in conjunction with property owners can help relieve the situation by incorporating the practices and staying on top of the issue
- proposed amendments do not "handcuff" anyone with regards to specific types of Best Management Practices

**Ray Langley, Planning Board Chairman - 1212 East Fort Macon Rd., Atlantic Beach, NC**

Mr. Langley's comments were:

- Planning Board did not just research North Carolina towns, but other municipalities within other states
- feels the increase one inch increase in storm water retention should be implemented
- proposed changes come to the Council by a unanimous recommendation of the Planning Board

Mayor Pro Tem Archer made a motion *to exit* the Public Hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried at 7:42 p.m.

At this time, Council held a discussion with all members endorsing the proposed amendments, however all agreed that the threshold amount of \$10,000 in value as it relates to additions should be increased to \$30,000. Councilmember Briley noted that a dollar amount should not be the only issue looked at with regards to additions, stipulations on the actual addition/renovation, etc. should also be reviewed in conjunction with the threshold amount.

Councilmember Briley made a motion *to amend* Ordinance 10-04-01 by changing the \$10,000 threshold amount in subsection B-6 to \$30,000 and *to adopt* as amended. Seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0.

7:53 p.m. - Five (5) minute recess

8:00 p.m. - Reconvened

**5. Proposed Ordinance 10-04-02: Amendment to Chapter 8, Fire Prevention and Protection; Section 8.2, Open Burning and Open-Flame Cooking Devices of the Code of Ordinances of the Town of Atlantic Beach, NC**

Mayor Cooper informed the assembly and Councilmembers that the proposed ordinance had been revised and reviewed with regards to the specific concerns that had been noted in the March 15, 2010 Council meeting.

Councilmember Palma made a motion *to approve* Ordinance 10-04-02. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

**TOWN ATTORNEY REPORT**

Town Attorney had no report.

**TOWN MANAGER REPORT**

Town Manager had no report.

**MAYOR/COUNCIL REQUESTS/COMMENTS**

Councilmember Palma commented that she is tired of unleashed dogs and their waste being left on the beach strands.. She noted that Atlantic Beach is becoming much more popular with an increase in tourism and this is not an issue that the town needs to be dealing with nor an image that should be projected.

Councilmember Briley stated that he shares the frustration over the town's storm water issues and problems, but he continued by noting that it would be more cost-effective to address these issues now than at a later date when problems have a tendency to escalate along with their costs.

Councilmember Ide had no report.

Councilmember Batt thanked everyone for attending and also thanked the Town Manager on an incredible job thus far.

Mayor Pro Tem Archer thanked everyone for their attendance.

Mayor Cooper echoed the comments of the other members of Council.

**ADJOURNMENT**

There being no further action taken or business before the Town Council, Councilmember Batt made a motion *to adjourn* the meeting. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. It was 8:20 p.m.

Submitted by:

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Kelly L. Cyrus, Town Clerk

These minutes were approved at the June 28th, 2010 meeting of the Atlantic Beach Town Council.

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A. B. Cooper, III - Mayor