

Minutes
Town of Atlantic Beach, North Carolina
Town Council Work Session
Monday, October 3, 2005

The regularly scheduled work session of the Atlantic Beach Town Council was held Monday, October 3, 2005 at 6:00 p.m. in the Council Meeting Room.

Members Present: Mayor Eddie Dawkins; Mayor Pro Tem Doug Creech; Council Members Harry Archer, Jim Bailey, Tom Doe and Christie Roberson

Members Absent: None

Others Present: Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Marc Schulze, Public Works Director; Scott Kilpatrick, Police Chief; Lee Smith, Planning Director; Joe Tarascio, Chairman of the Planning Board; Planning Board Members Norman Livengood, Tom Outlaw, Vada Palma and Larry Burke; Kim Glover, Admin. Asst.

CALL TO ORDER AND ROLL CALL

Mayor Dawkins called the meeting to order at 6:03 p.m. All Council members were present.

Mayor Dawkins stated there would be no comments from the public tonight.

APPROVAL OF THE AGENDA

Councilman Doe asked to add an Item 4 to the Agenda concerning the Town right-of-way in Club Colony running between Club Colony Drive and Robin Ave.

Councilman Doe made a motion to approve the Agenda; it was seconded by Councilman Archer. Motion carried unanimously 5-0.

ITEMS FOR DISCUSSION

1. Proposed Zoning Ordinance Amendments-Town Manager

Councilman Doe pointed out to the Council that Trace Cooper and Karen Koenig were absent from the Planning Board tonight.

Town Manager, Chuck Cooper, stated that the joint session with the Planning Board was suggested by the Town Council to discuss the three proposed amendments. Lee Smith, Planner, was present to discuss these items with the Council.

Mayor Dawkins recommended the Council hear from Mr. Tarascio.

Mr. Tarascio offered to give the Council the background of this proposal. As far as two years back, a recommendation had been sent to the Council that wasn't as stringent as this. The problem in a nutshell was, the Town had a group housing ordinance that if you took the most common unit constructed in Atlantic Beach, it would be three bedrooms. The group housing ordinance allows seven three bedroom units per acre. Somehow, a multi-family ordinance could allow up to sixteen three bedroom units in an acre. What should be our densest use was actually being superseded in this redevelopment stage where smaller multi-family units that actually create more density than the group housing ordinance allows. People are buying up several small lots and then creating a large lot from them and constructing multiple quadraplexes in a given area of the Town where the zone permits it and there's nothing to prevent that. You could virtually have one quadraplex after the next. He felt that the Planning Board has set out to remedy the situation. Where we go from here depends on what questions the Council may have.

Mayor Dawkins asked Lee Smith for his comments on this issue.

Mr. Smith stated that another issue came up in the group housing development. Group housing required you have a minimum of two acres to even be able to be considered for a group housing development. Part of that problem was there is not a lot of two acre parcels left in Atlantic Beach. It's easier to stay under a two acre requirement and divide into 10,000 square feet parcels. You would yield double from a density standpoint. You would yield twice as many units by keeping it in the smaller parcels than you would by doing the group housing development. Our concern was how to balance the disparity between lots of density on little tracts and then on bigger tracks you could actually handle more density. We had two ordinances in place that address those town issues. We came at it from two standpoints. One of them was by presenting a multi-family housing regulation. Effectively, group housing would no longer exist. We took some of the requirements of the group housing development and meshed them into what we provided but yet as a whole there is not a group housing section anymore. It's all just a part of our development regulations. Once you go into four units you automatically fall into the multi-family housing. What we are trying to get rid of is the subdivision process. We do not want people to take large parcels and carve them up into smaller ones. We wanted some incentives for some developers to still yield the density they would like to get out of an expensive piece of property without having to go through the whole subdivision process. So from the group housing standpoint, in a three bedroom unit you could have seven units per acre. Our group housing ordinance allows for twelve units per acre with one bedroom, nine units per acre with two bedroom units, and seven units per acre with three bedroom units. Group housing is based on the number of bedrooms which was difficult to enforce any way, shape, or form. It's the way the health department issues septic permits. Our group housing ordinance allowed for twelve units per acre with only one bedroom unit. We wanted to get away from that all together and make it just a flat rate.

Councilwoman Roberson asked if he was defining units as bedrooms or bathrooms. Mr. Smith said it would be a dwelling unit with kitchen, bathroom, walls, etc.

Councilman Creech stated under “the old way” it was twelve units with one bedroom per acre. Mr. Smith said the problem that occurred with that is there is not a statewide standard for what’s a bedroom. Mr. Smith stated he knew all this was confusing since there are two ordinances that regulate all this. In a nutshell, lower end small lots we allow density up to sixteen units an acre. Higher end we allow seven, nine or twelve depending on the type you build. We wanted to close that threshold to where if you had the bigger piece of land and could hold more density, we wanted you to be able to do that.

Mayor Dawkins stated the reason the Council had not called a Public Hearing on this was because they had questions.

Councilman Doe appreciated the work the Planning Board had done. In laymen’s language as he understands it, we are trying to develop equity before we permitted the types of development. What we have now is like the Doublemint twins, we do it one way and we get twice as much use and density for the same price. The effort was to make the multi-family project equally acceptable because with the rules we have now, we will never have a multi-family development. He felt we need to put a moratorium or freeze on any new buildings.

Councilman Doe stated he wanted to address item #1, Lot Development Standards. Referring to page 3 in the document package, Item #7, we have in the CCD a zoning ordinance which allows mixed commercial residential development. He was very uncomfortable forcing this on people. We know that there is a big difference between people who keep a neat neighborhood versus what the minimum standards are. He stated that he felt that religious buildings should be limited by the maximum height. He was uncomfortable with any law that says you can do what you want to do. He said we need a standard to keep people from coming in and putting something in that’s way out of proportion of the community. He would like to see the issue of extra rainfall addressed. Where should it go? He stated we cannot write an ordinance for an act of God. He wonders if we shouldn’t let people know we are doing the best we can, but when it comes to 6-8 inches an hour, we cannot deal with that. He felt we had a lot of exceptions for stuff sticking into the setbacks. We also have numerous places where the commercial zone was backed up to the residential zone. Can we separate commercial from residential with some sort of fencing?

Councilwoman Roberson stated that building in general is to build larger. She felt the terms low-end and high-end have created a problem. She said we are losing originality from building. We are also losing our community at the same time. Councilwoman Roberson would like for the Council to adopt a vision of how we want Atlantic Beach to look and feel. She stated we shouldn’t have the commercial / residential philosophy. She would like the

Town to consider districting. She pointed out the fact that the Town has water canal property on the Causeway with no one in it. She felt that this is a real problem affecting the general health of Atlantic Beach.

Mayor Dawkins stated if we are going to ask the Planning Board to go to work on something, we need to give them more direction.

Councilman Archer thanked the Planning Board for all their hard work. He felt the subject comes back to comprehensive planning. He asked where we want to go and how we want to get there. He was confident the Town will continue to have commercial development in Atlantic Beach. He does not believe we should mandate the people to have "x" percent of commercial mixture in certain locations of the Town. He asked the Planning Board to share with him the deliberations they had on impervious substances and surfaces. He also asked the Planning Board to share with the Council the discussions relative to parking.

Joe Tarascio, Chairman of the Planning Board, made a drawing on the chalkboard to illustrate to the Council the answer to Mr. Archer's first question about the impervious surfaces. Mr. Tarascio referred to his illustration as a heavy hit to the Town, but assured the Council that if it happened we would not have quality redevelopment in Atlantic Beach. He said if you turn on Dunes Ave. and look at the first structures on you right, it's just like a wall of buildings. He doesn't think that's going to help the storm water problems we have in this Town. The reason behind the group housing ordinance was to give a maximum density. He stated that right now a smaller development has a greater density. It is backwards. Maybe this is our first step in remedying the situation. As far as parking goes, Mr. Tarascio said if you have a larger area you'll have more room to park.

Councilman Creech stated it appeared to him we were trying to take our plan unit development and make it more workable in the Town.

Mr. Tarascio said if we pass this ordinance, and only change the group housing side, he felt the people will not subdivide the land anymore. The ordinance is comprehensive and you can not pass just part of it. We need to study the whole thing and then adjust it all.

Councilman Creech said it appeared to him once you pass the point of four units, things eased up and let you spread things out.

Mr. Smith agreed with Councilman Creech. One of the problems with the existing group housing ordinance is if you have an acre and a half you do not qualify for group housing and are limited to four units on that acre and a half. With the new provisions, you have the potential to build more.

Councilman Bailey stated he counted ten zones that allow residential. He felt we have a complex zoning ordinance and it is overly complicated. We need to be careful as a Town having storm water requirements that exceed the states requirements. We need to deal with what is already here. He felt we should take a look at the new State BMP standards. He would like to see things simplified.

Councilman Bailey stated the way you get more open space is build up. It will hurt the guy in the little cottage. He felt we need to decide what is more important, the number of units or the open areas.

Mr. Tarascio stated what the document was basically saying was eight units an acre. What really sell are the three bedroom dwellings.

Mayor Dawkins reiterated the reason we were here tonight was to prepare for a public hearing.

Tom Outlaw stated the key word was direction. He said the planning board had come up with an idea to do something and obviously the way they want to do it is not the right direction the Council is looking at. He asked the Council what they wanted them to do.

Councilman Doe said it may take more meetings to come to a solution. He asked if the Planning Board was getting any sense of the Council tonight.

Norman Livengood stated he thinks the Council wants something more simplified.

Councilman Creech said it looks like a step in the right direction. He doesn't expect this to be the only meeting on this matter either.

Councilman Bailey stated our zoning ordinance was really difficult to deal with. Overall, it needs to be simplified. His concept was if we give the Planning Board anything tonight, it would be the density.

Norman Livengood wanted to know what the public thinks. He felt they need to know what the opposition would have to say.

Councilman Bailey felt that twelve units should be the maximum. He also said we should drive people to put parking underneath and go to 60 feet in height.

Councilman Creech stated that everyone wants more area for water to dissipate. He preferred more height to more width in a building.

Mayor Dawkins stated when a 60 foot house was built and his neighbor behind him could not see the water, this will pose for an interesting public hearing.

Councilman Archer felt we should address the issue of setting standards for properties built in a hurricane prone area. We are heading in the right direction and suggest we move on and have another meeting with the Planning Board. The main thing was to bring it to fruition and come forward with a positive plan.

Larry Burke preferred some productivity. He felt very frustrated about spending time and having things go nowhere. He would like a more narrow focus.

Councilwoman Roberson asked if the Town could have a preliminary public hearing to seek direction and know what the opposition would be.

Councilman Creech agrees with the idea of the public hearing.

Mr. Tarascio felt that a public hearing might tell us what we could realistically impose.

Mr. Smith stated he felt that everything mentioned by the Council was addressed in the memo tonight. What was presented tonight was already simplified.

Councilman Doe felt the Council still doesn't understand all this and it would be hard to communicate it in a public hearing. He thinks we should stick with one issue at a time.

Mayor Dawkins asked what would happen next.

Mr. Tarascio felt we should have the public hearing with some visual aids.

Mayor Dawkins asked Mr. Smith and Mr. Cooper if they could put together a public hearing. They both agreed.

Mayor Dawkins asked for the pleasure of the Council. The whole Council was in favor of the public hearing.

A motion was made by Councilwoman Roberson to schedule a public hearing on October 17, 2005 to discuss the whole package, seconded by Councilman Doe, motion carried unanimously 5-0.

Mayor Dawkins called for a break in the proceedings at 8:05 p.m.

The meeting reconvened at 8:16 p.m.

2. Police Patrol Boat

Chuck Cooper, Town Manager, reminded the Town Council of the grant the Police Department received from the Homeland Security Agency to purchase a Police Patrol Boat. The grant ultimately proved to be 100% funded by Federal funds, with no associated Town expenditures. It was the recommendation of the boat evaluation to purchase a 25' Sea Ark Commander Patrol boat. This boat is a proven vessel for use in our waterways.

Councilman Doe asked what the power of the boat was. Chief Kilpatrick said it has twin 25 Suzuki's. It has an outboard and gas engine. Councilman Doe asked if we were planning on using the boat in the inlet. He was very concerned about running the boat in the ocean. He felt that \$169,000 is a lot of money for a 25 foot boat. He wanted to know what it would cost to operate the boat.

Chief Kilpatrick said the first two years was paid for. He stated that gas, maintenance, and storage would all be additional costs.

Councilman Archer congratulated the Police Department for the 100% grant. He asked for the actual cost of the boat. Chief Kilpatrick said \$88,849. The boat with all the equipment would be \$169,000. Councilman Archer informed the Council that the owner of Fountain Boats has offered a \$300,000 boat for about \$175,000. Councilman Archer asked why we wouldn't accept that offer.

Chief Kilpatrick stated that the Fountain boats were really nice but not practical unless we use it in the ocean. The 24 foot was no longer in production and the 32 foot was not practical. The smallest boat they quoted us was the 32 foot and it was too big.

A motion was made by Councilman Creech to purchase the Patrol boat with the grant money, seconded by Councilwoman Roberson. The motion passed unanimously 5-0.

3. Designation of Applicant Agent

Resolution No. 06-10-01 "Resolution designating an agent for the Town of Atlantic Beach to execute and file applications for federal and/or state assistance related to Hurricane Ophelia."

The Designation of Applicant's Agent form required by the N.C. Department of Emergency Management and FEMA authorizes person(s) to represent and act for the Town in all matters related to obtaining state and federal Hurricane Ophelia assistance.

Councilman Doe made a motion to adopt Resolution No. 06-10-01 designating an agent for the Town of Atlantic Beach to execute and file applications for the federal and/or state assistance related to Hurricane Ophelia. It was seconded by Councilman Creech and the vote was unanimous 5-0.

4. Dunes Avenue/Fort Macon Road

Councilman Doe informed the Council that on Saturday he was over at Club Colony driving down Dunes Ave. toward Fort Macon Rd. What appeared to him were two giant houses in the public right-of-way. It appeared to him that the Town had allowed people to build on the public right-of ways. He requested that tomorrow everything should be done to stop all the building there and get an attorney to look into the situation. That land belongs to the public and even the Town can't buy or sell it.

Councilman Archer asked if building permits were issued. Councilman Doe said yes.

Mayor Dawkins suggested turning it over to Chuck Cooper and Derek Taylor, Town Attorney.

5. Adjournment

There being no further business before the Town Council, a motion was made by Councilman Creech to adjourn the meeting. It was seconded by Councilman Archer. The vote was unanimous 5-0. It was 9:00 p.m.