



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, January 26, 2015



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, January 26, 2015 at 6:00 p.m. in the Council Meeting Room, 125 West Fort Macon Road, Atlantic Beach, North Carolina.

Members Present: Mayor A. B. Cooper, III; Mayor Pro Tem Danny Navey; Councilmembers: Harry Archer, Ann Batt, Eddie Briley and John Rivers

Members Absent: None

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk; Jeff Harvey, Police Chief; Jessica Fiester, Planning Director; Marc Schulze, Public Works Director; Sabrina Simpson, Administrative Services Director; Cheryl Hamilton, Water Clerk; Claude Andrews, Departmental Chaplain

CALL TO ORDER

Mayor Cooper called the meeting to order at 6:00 p.m. Mayor Cooper recognized prior elected officials in the audience: former Mayor Gary Plough, former Councilmember Vada Palma and former Councilmember Llewellyn Ramsey. He also recognized current Board of Adjustment Chairman John Kurek and current Planning Board member Curt Winbourne.

INVOCATION and PLEDGE OF ALLEGIANCE

Claude Andrews, Departmental Chaplain, gave the Invocation. Mayor Cooper led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDAS

Councilmember Archer made a motion *to approve* the agenda as prepared. Seconded by Mayor Pro Tem Navey. 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
2. Tax Releases
3. Financial Report
4. Approval of FY15-16 Budget Calendar
5. Approval of Atlantic Beach Strategic Plan
6. Surplus Sale: Police Dept. Vessel and Trailer
7. Receipt of Notice of Appeal of Building Inspectors Order of Peppertree Condemnation and set date for hearing on February 19, 2015 at 2:00pm at Town Hall Boardroom
8. Resolution 15-01-01: Resolution Calling Upon NCDOT to Fund Proposed Havelock Bypass
9. Ordinance 15-01-01: An Ordinance Amending the Charter of the Town of Atlantic Beach Changing the Style of the Governing Board from Board of Commissioners to Town Council
10. Approval of Septic Tank Encroachment upon request of Mr. and Mrs. Harrell at 317 West Atlantic Blvd.
11. Town Council Meeting Minutes: 12/15/2014

Councilmember Batt made a motion *to amend* the Consent Agenda to include recognition to Mayor Cooper for his receipt of the First Annual Jane Pulley Award for Public Service at the Carteret County Chamber annual meeting. He was recognized for his service locally and countywide. She thanked him for his leadership to the community. Applause was received from the audience.

Mayor Cooper reviewed some of the items on the Consent Agenda for audience clarification. He asked Council if they had any questions. He asked the audience if anyone opposed any item. No one responded.

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

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

CITIZEN REQUESTS/COMMENTS

Gary Plough, 147 Pond Drive

- Congratulated Mayor Cooper on his award
- Spoke of the nutria problem in his neighborhood on Pond Drive; it disappeared last summer, but is back now
- He learned nutria is considered a wild animal and the Town cannot do anything to enforce, but has provided names of certified trappers
- To hire someone to come in and trap them will be very expensive
- He called the County and the Wildlife Commission and found there was an exception for nuisance animals to be shot, except for our prohibition of in-city gunfire
- He asked Council to look into the issue as it may be a problem in the future, maybe consider something similar to the bow hunting season in Emerald Isle for over population of deer

Mr. Walker stated the Public Works Department has managed this issue before in the Hoop Pole Creek area. Mayor Cooper stated the Town will look into ways to handle the issue, perhaps trapping.

Phil French, 509 West Boardwalk

- He has an opossum in his area if we want to handle it when we do the nutria
- Questioned the use of the Consent Agenda. He would like the Board to reconsider the use of it when it doesn't give the audience a chance to object to anything that may be controversial. In the past he has seen what he feels are incomplete minutes not demonstrating a complete record of the events. He feels minutes should be open to debate
- Feels the Ordinance formally changing the style of government approved tonight under the Consent Agenda should have been open to the audience to discuss tonight instead of just approved. He feels it has many inaccuracies and spoke on his specific issues
- He wants these two items, the minutes and the ordinance approval, removed from the blanket approval of the Consent Agenda
- Stated in the past he has made comments, Council made a decision, and then he was not allowed to reply again

Councilmember Briley encouraged him to bring his comments in writing to Council prior to the meetings so they can review, if he is willing to assist.

Mayor Cooper explained a public hearing was held last month for comments on the Ordinance he was referring to. As for the consent items in general, in the future we can ask the audience, just as we already ask Council, if they have any concerns on the consent items prior to approval. Mayor Cooper stated Council can consider opening more items up for public comment.

Claude Andrews, 147 Hoop Pole Creek Road

- Understands the nutria problem and feels something should be done
- Wanted to point out the decrease he is seeing on his Homeowners Policy due to the recent change in Fire Rating from Class 4 to Class 3

ACTION AGENDA

- 1. Review of 2015 Goals and Objectives from Council Planning Retreat**
 - **Continue Professional Development of Town Staff and Employees**
 - **More entertainment for kids of all ages**
 - **Pursuit of Water Accesses**
 - **Branding and Imaging Program of Atlantic Beach**
 - **Appearance Improvement with Citizens and Businesses**
 - **Arts and Music Events**
 - **Review Food Vendor Policy for Boardwalk and Park**

- **Update on Skatepark and Miniature Golf Course at Town Park**

Mayor Cooper reviewed the results of the recent Council Retreat listing their 2015 goals and improvements. With basic infrastructure in place and working, the Town can focus on other areas such as entertainment, further development of the Town Park, water access and making the Town more attractive.

2. Review of 2015 Major Capital Projects/Programs

- **New Well Project/SCADA/Dune Bulkhead at old Food Lion site**
- **Old Causeway/Pond Drive Stormwater Project**
- **Public Works Building at Westend Tank site**
- **Pursuit of Grants: Beach Accesses, Bridge Abutment Project Phase 2, Bikeway Program, Dredging Program**

David Walker, Town Manager, followed up detailing some of the infrastructure upgrades and project goals in progress. In addition to the Old Causeway/Pond Drive Stormwater project we are also working on smaller projects at Moonlight Drive by the boat ramp and on Cedar Lane by the ABC store. The Town will apply for CAMA grants for the Doubletree westend beach access that is in need of repair and hopefully the Dunes Avenue beach access, depending on public comment.

Mr. Walker applauded the ABFD on receiving a Class 3 rating from the NC Department of Insurance. This ranking should bring some savings to property owners, insurance premiums. To give some perspective to this great achievement, consider that we are the first and only department in Carteret County to receive a Class 3 Rating. There are 1,256 Fire Departments in NC and of those; only thirty (including Raleigh and Asheville, and ABFD) are a Class 3, seven are a Class 2, and only one is a Class 1 (Charlotte).

3. Planning Department Report

Jessica Fiester provided an overview and status update of recent projects in the Planning Department.

a. Hazard Mitigation Assistance Program (J. Reed Whitesell, AICP, Senior Planner at Holland Consultants)

Ms. Fiester requested Council to authorize Holland Consulting Planners to prepare a grant application on behalf of interested and qualified homeowners for FEMA grant funding to elevate their properties out of the flood zone. Five property owners fit the profile and wish to proceed with this project. Mr. Whitesell, with Holland Consulting, was present for questions and further details if needed. He wishes to prepare a letter requesting additional properties to qualify, with the letter being signed by Town staff.

Councilmember Briley made a motion *to authorize* Holland Consulting Planners to prepare the Grant Application on behalf of Homeowners. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

b. Signs and to schedule a public hearing for the March 23, 2015 Council meeting

Ms. Fiester summarized the recommendations from the Planning Board for the sign ordinance amendments.

Councilmember Batt made a motion *to call for a public hearing* at the March 23, 2015 Town Council meeting to discuss a proposed amendment to UDO Article 11, Signage and UDO Appendix A. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

c. Approval of proposal from Rivers and Associates; \$19,800 Bridge Abutment Design

Ms. Fiester reviewed the items covered in the Rivers and Associates contract and requested approval. The contract will cover permits and design modifications.

Councilmember Archer made a motion *to approve* the Contract for Improved Parking at the Bridge Abutment with Rivers and Associates to Initiate and Oversee Phase One of the AB Bridge Abutment/Gateway Project in the amount of \$19,800. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

4. Public Hearing on Ordinance 15-02-01: Ordinance Amending the Charter of the Town of Atlantic Beach to Provide for Staggered Councilmember Terms

Mayor Cooper reviewed the premise behind staggered terms. This is a change Councilmember Poillon wanted to see before his passing. The thought is staggered terms offer more consistency because there is never a complete turnover of the majority of the board and would provide more stability to Town staff. He reviewed the mechanics of the proposed ordinance amendment, which if passed would affect the 2015 election. Atlantic Beach is the only Town in the county that does not have staggered terms. There was open discussion among Council about the intent of the resolution. The resolution tonight is to inform the public Council would like to consider staggered terms and to hear citizen opinions. Mayor Cooper noted the public may have input not only on whether or not to support staggered terms, but also the length of terms of office.

With no further comments or questions from Council, Councilmember Briley made a motion *to enter into* the Public Hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

John Lotspih, 203 Winston

- Supports staggered terms
- Feels the continuity from one board to another will put us ahead for projects

Vada Palma, 116 Island Quay Court

- After researching this, a staggered board could be a powerful takeover device
- Staggered terms tend to have the effect of creating stability in governing bodies, but that tends to be prior to the advanced technology of today with easy access to information – so now it doesn't take so long for new members to catch up
- The citizens have more access to hold Council accountable with non-staggered terms. With a good Town Manager and good candidates running, staggered terms shouldn't matter
- Thinks Council should seriously consider three (3) year terms instead of two (2), but not staggered

Claude Andrews, 147 Hoop Pole Creek Dr.

- Agrees with some of Vada's comments, but really feels with the learning curve that staggered terms would add value
- In favor of staggered terms and feels that is the common sense way to go and will help deter the learning curve for new Councilmembers

Norwood Jackson, Realtor, Morehead City

- Speaking as a realtor and a business person dealing in Atlantic Beach
- Would like to have some continuity, especially with the many projects we have going on
- Presses the need for staggered terms
- Seems once someone gets in office and in the swing of things, then they have to run for office again

Llewelyn Ramsey signed up to speak, but is no longer in the audience.

Gary Plough, 147 Pond Dr.

- Through previous leadership experience in Atlantic Beach, when he had to learn, feels staggered terms is a great idea
- New slates can be great, but the needed knowledge is learned and needs to be maintained for things to run smoothly
- Feels the mayor should serve four (4) year terms

The last two speakers on the sign-up sheet withdrew.

Phil French, 509 W. Boardwalk

- Feels the Manager and Attorney are in place to keep Council from making mistakes, not the experience
- Questioned if Council intended the structure to mean the highest vote getters in the first election, not the runoff election
- As for the ordinance, he doesn't feel staggered terms are needed. If you are interested in running for an office, you should attend meetings beforehand and already know what is going on. After all, Councilmember Briley was gone for a year and missed nothing since no projects were going on

- Feels four (4) years for Council is too long and not needed, but the Mayor should be four (4) years since he is the continuity

John Kurek, 1108 E. Fort Macon Road

- Supports staggered terms, you eliminate the "parties"
- Feels the Mayor should serve four (4) year terms
- He doesn't think four (4) years for a Councilmember to serve is asking too much

Zulene Wooten, 320 Fairview Street

- Supports staggered terms
- Feels the term for Mayor should be four (4) years

With no further comments, Councilmember Briley made a motion *to exit* the Public Hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Mayor Cooper

- Appreciates everyone for coming out and for their comments so the issue can be reviewed for future possible changes
- Explained that the proposed ordinance allows for replacement of a majority of the Council and the Mayor to be able to be removed every two years, but still maintain continuity

Mayor Pro Tem Navey

- If the terms were four (4) years, he does not believe he would have run for office
- The commitment is to long
- Does not have a strong opinion on the staggered terms

Councilmember Rivers

- Feels that the person that won the four year majority seat should have the right to pass that down to the runner-up if he didn't want to hold office for four years

Councilmember Batt

- Isn't sure if you can pass down the terms like Councilmember Rivers stated, but that would be something that needs researching
- Agrees a four (4) year requirement may deter some from running

Councilmember Briley

- Feels four (4) years is to long for someone to commit to, especially not knowing your life circumstances especially based on the fact that Councilmembers are generally older and retired
- Likes the idea of a three (3) year non-staggered term
- We are a progressive Town with a lot going on, and if this Council hadn't stayed together as it had, these projects may have not happened

Councilmember Archer

- Approves of a three (3) year term for all Councilmembers and the Mayor, will allow more time to complete projects
- Does not approve of staggered terms
- Rather than staggered Council terms, as a compromise, consider a Mayor term of four (4) years while Council remains at two (2) years
- Feels the Town Manager and Town staff do a great job informing new members

TOWN MANAGER'S REPORT

No further comments.

MAYOR/COUNCIL COMMENTS

No comments.

ADJOURNMENT

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:59 p.m.

These minutes were approved at the February 23, 2015 meeting of the Atlantic Beach Town Council.

(seal)



TOWN OF ATLANTIC BEACH

A. B. Cooper, III - Mayor

ATTEST:

Katrina Tyer - Town Clerk