



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, August 26, 2013



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, August 26, 2013 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 Harry Archer; Councilmembers: Ann Batt, Eddie Briley, Vada Palma and John Rivers

Members Absent: None

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk; Allen Smith, Police Chief; Jeff Harvey, Deputy Police Chief; Adam Snyder, Fire Chief; Marc Schulze, Public Services Director; Jessica Fiester, Planning Director; Donna Turner, Inspections Director; Sabrina Simpson, Administrative Services Director; and Claude Andrews, Departmental Chaplain.

CALL TO ORDER AND ROLL CALL

Mayor Cooper called the meeting to order at 6:00 p.m. Katrina Tyer, Town Clerk called the roll.

PLEDGE OF ALLEGIANCE and INVOCATION

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

APPROVAL OF AGENDAS

Mayor Pro Tem Archer made a motion *to approve* the agenda. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Batt made a motion *to approve* the Consent Agenda. Seconded by Councilmember Briley. 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. Budget Transfers
4. Budget Amendment
5. Financial Report
6. National Night Out Report
7. Approval of Boardwalk Event - Cycle NC Event: scheduled for October 5, 2013
8. Approval of appointed members to the Firefighters Relief Fund
9. Town Council Meeting Minutes: 7/22/2013; 8/15/2013 WS

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

CITIZEN REQUESTS/COMMENTS

Terry Lindner, 123 Center Drive, Atlantic Beach

- Terry's husband, Chuck Lindner, was unable to attend tonight, but asked his wife to read a letter on his behalf
- They are concerned with the way Atlantic Beach is headed as a community and don't want to see it turn into a community no one wants to live, visit, or raise a family
- A few incidences that have occurred over the last 5-7 years makes it feel like the community has broken down
- They understand this is a resort town and tourism is important
- Late night partying after the bars are closed, littering on personal property, throwing beer bottles at their house, urinating on their property, breaking and entering, and other lewd behaviors that have occurred need to be looked at more in depth

James Willis, 104 Atlantic Beach Causeway, Atlantic Beach, NC - The Future of Sand "Prognostication"

- Applauded the Council for not adding a sand tax to the citizens to re-nourish the beach from the Circle to the west end of Town
- Wanted to convince the Council not to go through with west end nourishment – we are not agreeing to pay a fortune for sand
- Was concerned because we get sand as the low-cost disposal option during USACE dredging at no cost to town citizens placed as far as the sand reaches, starting at Fort Macon
- He has walked the entire beach strand and feels most of the area doesn't need it, except the area near the Doubletree
- The Council is saving us from a beach tax that other towns on the banks have

Mayor Cooper explained that we are working with the US Army Corps of Engineers to find out what our options are now that the dredged sand would no longer come from Brandt Island and we would not likely be the lowest cost disposal option for them to give the sand to at no cost. We are in discussions to get sand for the best, lowest cost to us. Ideally we would love to always get the beach nourished for free, but at some point in the future that option may not be there and we are proactively seeking out our options.

Carolyn Spence, 107 Swindell Lane, Atlantic Beach, NC:

- Has questions regarding the proposed calming devices on Ocean Ridge
- Feels more data needs to be collected and released to the affected property owners prior to a decision being made
- Thinks data needs to take into account year round stats, not just those during the height of the season
- Feels the full-time residents deserve to have a louder voice than the part-time residents since they will be the ones impacted more
- Outside of the stats, she would like to know the size, height, and quantity of the proposed calming tables. They have an antique car that could get damaged. What about other low vehicles? Who would be liable for damages to vehicles due to whatever style is installed?
- Concerns about emergency vehicles, trash trucks, and even the mailman - will these vehicles be impacted?
- Without more information she and her husband cannot support speed calming tables or speed bumps being installed
- She hopes other options will be looked at before a decision is made

Claude Andrews, 147 Hoop Pole Creek, Atlantic Beach, NC:

- National Night Out was fantastic and had a great turnout
- It was well organized and everyone in attendance had fun
- Thanked the VIPS, the Police Department, and all who supported and sponsored the event
- Announced the Atlantic Beach King Mackerel Tournament is coming in September

Joe Tarascio, 113 Hoop Pole Creek, Atlantic Beach, NC:

- Thanked this Board
- Has had many differences over the years, but feels he has been able to hold open discussions with the members
- With this upcoming election, he hopes we can discuss public record and issues civilly and with courtesy as neighbors

Joe Goodson, 114 East Boardwalk, Atlantic Beach, NC:

- Would like to discuss with our present and future Council a matter that affects all property owners of Atlantic Beach
- He filed an objection with the Coastal Resources Commission to his neighboring property owner that placed a pier in front of their home on the oceanside, extending beyond the sand dunes
- Over the years he has seen much damage due to storms and we should do what we can to stop the permitting of piers with decks on the end extending so far out toward the ocean, some appearing to be 100 feet or so
- These are not just an eyesore, they look like railroad trestles
- They cause a safety concern from the storms, invite trespassing and unauthorized use of the deck area, obstruct the views of adjacent property owners, and negatively impact the property values of adjacent property owners because of the obstructed views
- The greater concern is the domino effect where other property owners will want to do this and will permanently alter the natural state of the beach, all because someone decided it was permissible to change the static line

Mayor Cooper stated that we are looking at what other towns are doing regarding limitations to the building, such as Duck, NC. We are looking at different options to possibly make the regulations stricter than those permitted by CAMA.

Mayor Pro Tem Archer stated that Carolina Beach recently passed an ordinance to this effect.

Cynthia Barber, 109 Swindell Lane, Atlantic Beach, NC:

- Thanked the Council for not voting on the calming tables presented in June and allowing residents to speak
- She was concerned after reading the June Town Council minutes when Mr. Lewis presented the Ocean Ridge Home Owners Association statistics. The findings were not valid for the survey, nobody was given an option to object
- She would like the Council to allow the residents a chance to be proactive prior to the Town stepping in
- They need to teach children not to play in the street, not park in the street, and to be respectful
- Ocean Ridge needs to do their part in fixing the problem before asking someone else to do it for them
- Removing the blind spots from vegetation as well as slowing down near blind spots
- Make signage more visible and replaced if faded, as well as add a bike lane
- Add three DOT approved cross-walks where the Ocean Ridge HOA would like the calming tables. These should significantly assist in correcting the problem
- Would like the Ocean Ridge HOA to donate \$5000 to the Town for two portable speed signs that collect data and can be used town-wide. The estimated cost of the signs is \$7,000, so the Town would only have to fund \$2,000
- Would like to see the Ocean Ridge homeowners and the Town work together on this venture

ACTION AGENDA

1. Letter to FMB at the Grove LLC regarding revocation of Encroachment Agreement

Mayor Cooper explained to the public a proposed letter to FMB at the Grove, LLC ("FMB") regarding revocation of a prior Encroachment Agreement ("Agreement") regarding the rights-of-ways at West Drive, Atlantic Blvd, and East Drive. The Agreement allowed removal of angled parking for the construction of built-up walkways. A provision in the Agreement allows the Town to request FMB to remove their improvements and re-install parking. The proposed letter to FMB is requesting the right-of-way to be given back to the Town and the improvements removed to allow more parking.

Mayor Pro Tem Archer would like to know to what magnitude are we asking FMB to return the property back to the condition before the Agreement. Does this mean the developer would have to remove the curb and gutter and the paver-path sidewalk? He feels that reclaiming the easement from eight (8) years ago is well within our rights. He wants to make sure that if we ask FMB to remove any improvements FMB has made that we outline specifically how we want the property to be returned. He also stated that we do not need seven (7) speed bumps around the Circle, possibly two (2), but lowered, with the other five (5) removed.

Councilmember Briley agrees with Mayor Pro Tem Archer about the speed bumps. He feels if we are going to reclaim that area he would like to see something done about calming down the existing speed bumps and removing some. He also wants to know what liability stands in the way of getting the property back to the way it was originally provided and do we have to compensate FMB for any improvements he has done?

Attorney Taylor stated the compensation didn't apply to this Agreement. FMB would have to take all of the improvements, including the speed bumps, out of the right-of-way.

Mayor Cooper stated we would put something in the notice that we want it put back the way it was, with as many parking spaces put back in as possible in an aesthetically pleasing manner.

Councilmember Rivers agrees the speed bumps need to change and we need to take the property back for parking.

Councilmember Palma supports this and thinks it is a great idea, as does Councilmember Batt.

Mayor Pro Tem Archer feels it would be highly feasible to ask the developer to come in and discuss with Council what action we are going to take instead of a certified letter showing up at his office.

Councilmember Briley made a motion *to approve* the letter terminating the rights of FMB of Atlantic Beach, LLC along with its successors and assigns pursuant to paragraph 5 of the Encroachment Agreement. Seconded by Councilmember Rivers. Vote was 5-0, unanimous.

2. Taxpayer Survey Update

Mayor Cooper provided an update to the public on the status of the taxpayer survey regarding town facilities and location preferences. He explained that we sent out a request for proposals to professional firms and received proposals back from four firms, with costs starting at \$7,000.

Councilmember Batt made a motion *to table* the taxpayer survey indefinitely, to be handled by the next sitting Council following the election. Seconded by Councilmember Palma. Vote was unanimous, 5-0.

3. Proposed Traffic Calming

a. Ocean Ridge Drive traffic calming

Mayor Cooper provided an update to the public on the discussions held at the August worksession regarding traffic calming options for Ocean Ridge Drive as well as a town-wide policy on traffic calming devices. There were five different options presented at the worksession.

Councilmember Briley stated he liked the proposed policy. He feels as far as Ocean Ridge, we should reduce the speed limit from 25 mph to 15 mph during the off season, matching when the speed limit changes on Hwy 58. He feels we need to put something across the road that deters potential speeding vehicles on the long stretches. He would like the Police Department to keep a log showing how often they patrol that street and what they see. After a specific time frame, Council should meet back and review the data, even if we need to purchase a piece of equipment that gathers and generates the data. He doesn't feel the calming tables are needed at this time without more information.

Councilmember Batt agrees with Councilmember Briley. We should document with data and make some slight changes with the speed limits and yellow striping, but put off the installation of the calming tables.

Mayor Pro Tem Archer still feels installing two calming tables, one on the east side and one on the west side of the entrances, is needed. He feels this way because, as previously stated, they have a safety need that needs taken care of. Since he feels the calming tables will not be approved by the majority, he would like to see two things happen to get the safety issue resolved. First, reduce the speed limit to 15 mph. Secondly, see two (2) of the digital signs viewed at the August worksession placed at the east and west end entrances of Ocean Ridge to record the actual speed limit data. He feels the Town should purchase the signs since they will be used town-wide. He would also like to see a large, tastefully done sign stating "Speed Limits Strictly Enforced" at the east and west end entrances. If these methods don't work, then the issue can come back before Council for further options.

Councilmember Palma feels lowering the speed limit to 20 mph is sufficient.

Councilmember Rivers acknowledges there is a speeding problem on these longer streets. He likes the portable speed devices that record data and show people their speed. Also, beef up surveillance by Police Department and lower the speed limit during the season. Council can review after next season if further action is needed.

Councilmember Briley made a motion *to approve*

- the purchase of two electronic radar signs
- reduce the speed limit to 15 mph from March 15 to October 15
- for Police Chief Allen Smith to meet with the property owners regarding the potential of rumble strips, location of signage, and ask the property owners of Ocean Ridge, not just the HOA, to cut back vegetation
- leave these measures in place one (1) year to compile data, at which time Council will review

Seconded by Councilmember Rivers. Vote was 5-0, unanimous.

Break at 7:48 p.m.

Reconvened at 7:55 p.m.

b. Town of Atlantic Beach Policy on Traffic Calming Devices

Mayor Cooper discussed removing the language under Appendix A of the proposed Traffic Calming Policy. He would rather see Council determine rank based on recommendations from staff instead of using a ranking system. Also, to see the two-thirds voting requirements equate to one vote per property.

Mayor Pro Tem Archer made a motion *to approve* the Traffic Calming Policy with the recommended changes under item number one (1) regarding the 2/3 voting requirements, item number four (4), item number six (6), and deleting Appendix A. Seconded by Councilmember Batt. Vote was 3-2, with Councilmember Palma and Councilmember Briley opposed. Motion carried. Councilmember Palma likes Appendix A as proposed.

4. Call for a Public Hearing for Beach Access Grants

Jessica Fiester, Planning Director, explained to Council that we pre-applied for two CAMA grants for additional beach access improvements at Charlotte Avenue and new construction of a beach access at West Money Island. We were advised by CAMA to only formally apply for the access at West Money Island due to funding limitations and that they were focusing on unimproved locations first and not renovations. The estimated costs are \$30,000, with a required 25% match from the Town. Ms. Fiester requested a public hearing be held at the September 23 meeting as part of the grant process.

Councilmember Palma made a motion *to call for a public hearing* at the September 23, 2013 Town Council meeting to discuss an application for funding from the CAMA Public Beach and Coastal Waterfront Access Grant Program. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

5. Resolution 13-08-01: Resolution of the Town of Atlantic Beach Accepting Dedication of Bay Ridge Drive and Sound Side Drive into the Town's Municipal Street System (Cottages at Bay Ridge)

Jessica Fiester, Planning Director, introduced Resolution 13-08-01: Resolution of the Town of Atlantic Beach accepting dedication of Bay Ridge Drive and Sound Side Drive into the Town's municipal street system. These streets are within the Cottages of Bay Ridge subdivision. This request has been in the works for about three years. The Engineers have confirmed the streets meet DOT and stormwater standards. Town Attorney Derek Taylor has drafted the resolution for approval. All costs incurred by the Town so far have been reimbursed by the Cottages at Bay Ridge HOA. The HOA has been notified that all Town ordinances, including golf cart restrictions, would be enforced if these roads are accepted by the Town. Mayor Pro Tem Archer expressed concerns over storm drainage issues on those properties.

Councilmember Briley made a motion *to approve* Resolution 13-08-01: Resolution of the Town of Atlantic Beach Accepting Dedication of Bay Ridge Drive and Sound Side Drive into the Town's Municipal Street System (Cottages at Bay Ridge). Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

6. 2013 Street Repaving Project: Approval to Request Bids

Town Manager David Walker reviewed the proposed 2013 street repaving project as discussed at the August worksession.

Mayor Pro Tem Archer made a motion *to authorize and approve* staff to solicit bids for the paving project as proposed. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

7. Proposed Well Contract with GMA Engineers

Town Manager David Walker reviewed the proposed well project and associated contract with GMA Engineers as discussed at the August worksession.

Mayor Pro Tem Archer made a motion *to approve* the contract with GMA Engineers for the proposed well and construction of same. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

(Clerk's Note: all supporting documents for the Action Agenda Items are hereby attached and therefore made a part of these minutes.)

TOWN MANAGER REPORT

None.

TOWN ATTORNEY REPORT

Attorney Taylor provided a short review of the recent Legislative conference.

MAYOR/COUNCIL COMMENTS

Councilmember Palma:

- has received more thanks this summer from citizens to visitors than ever
- received positive comments regarding the summer boardwalk activities; drainage activities; appreciation for dredging from boaters; diligent fire and police departments; lifeguard protection; parents love the Junior Lifeguard Program; National Night Out was wonderful with great prizes and rides; the VIPS, parking attendants, and staff are polite and

courteous; we have a kind and heartfelt Chaplain; dependable water patrol team; appreciation for a knowledgeable and open Town Manager; the Town Park; the beach patrol and prisoners that keep it so clean daily; the public works staff that work tirelessly to keep the water abundant, always clean, and healthy; and a responsive and accessible Mayor and Board

- would like to thank the businesses and restaurants that are here on the beach that have stayed with us and the welcoming manners of our churches

Councilmember Briley:

- echoes he has heard that this summer has been great and gets better every year
- what he recognizes more than anything else though is what the employees for this Town do to help out, even if and when out of the norm
- the one thing he hopes never happens, is that we never lose our friendship with each other and we always think of each other first
- has enjoyed serving with this Council

Councilmember Rivers:

- agrees with it all
- feels we are headed into an exciting time and a lot of projects the Council has been working on are coming to a conclusion

Councilmember Batt:

- echoes what Councilmember Palma and Councilmember Briley said
- it has been quite an adventure and she has learned so much from our staff
- has seen the politics and actions on this beach since the sixties
- this Council has been above the mickeymouse politics and she hopes the teamwork continues with the new Council

Mayor Cooper:

- with Labor Day coming, it is amazing what we do during the summer season with the small staff we have and who are more than capable of handling the challenges

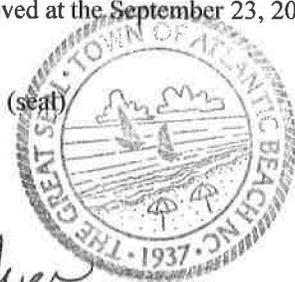
Mayor Pro Tem Archer:

- thanked all the department heads and staff for all they do
- thanked the members of the public that filled the room earlier tonight

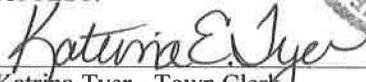
ADJOURNMENT

There being no further action taken or business before Council, Councilmember Palma made a motion *to adjourn* the meeting. Seconded by Councilmember Briley. Vote was unanimous, 5-0. It was 8:40 p.m.

These minutes were approved at the September 23, 2013 meeting of the Atlantic Beach Town Council.



ATTEST:


Katrina Tyer - Town Clerk

TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor