



**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, January 25, 2016**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, January 25, 2016 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; Sabrina Simpson, Administrative Service Director; Jeff Harvey, Police Chief; Jessica Fiester, Planning Director; Michelle Shreve, Planner; Donna Turner, Inspections Director; Marc Schulze, Public Service Director; and John Harrell, recently hired Inspector

CALL TO ORDER

Mayor Cooper called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Navey led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDAS

Councilmember Archer made a motion *to approve* the agenda and adding to the end a Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to consider and give instructions in the matter of *15CVS1427 George and Crystal View Condo Assn. et al v. Town of Atlantic Beach and 2800 WFM*. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

5. CONSENT AGENDA

1. Tax Collection Report
2. Tax Releases
3. Budget Amendments
4. Budget Transfers
5. Financial Report
6. Authorization to Write-off \$1,058.48 in Delinquent Utility Accounts
7. Approval of FY2015-16 Audit Contract with Thompson, Scott, Price & Adams
8. Notification of Fulfilled Obligations contained in December 2, 2013 Indemnity Agreement with FMB of Atlantic Beach, Inc.
9. Town Council Meeting Minutes: 12/14/2015

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

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

6. CITIZEN REQUESTS/COMMENTS

Harriette and Pat McCotter, 100 Cooper Ave.

She showed photos of her cottage during heavy rainfall. They have been working with staff since 2010 due to flooding problems at their house at the low end of the street. They have terrible flooding at the septic tank area and yard and are wondering if anything can be done to move them up the drainage project work list.

Mayor Cooper explained the ranking structure of projects is to complete the areas that will help the most residents first. This project alone is over \$100,000 to assist two affected property owners. The town will research and see what can be done to help mitigate with less cost.

Marc Schulze said they have looked into adding a pump station in this area and the cost is approximately \$170,000.

Vada Palma, 116 Island Quay Ct

Great job to staff over the holidays, especially with the largest bonfire and crowd we have ever had. She asks that we consider not only memorial markers, but also pet memorial pavers for fundraising efforts for the park. Also, for the putt putt, maybe we can get sponsors for each hole. Finally, she and many others are very dismayed by the taxpayer dollars being spent due to this Seaside Villas lawsuit, not just in attorney fees, but also in staff time. The plaintiffs do not represent the thoughts and feelings of the majority of Atlantic Beach citizens.

7. Receive Report from Peppertree Association on status of Phase I and Phase II

In lieu of an oral update, Hope Carmichael, Attorney for Peppertree Association, provided a written statement (included in the minutes). Mayor Cooper summarized the statement for the audience. The demolition of Buildings 1-14 is underway and they are in the process of completing engineering plans for the reconstruction of decks, stairwells and walkways for Buildings 15-25.

8. Proposed Body Camera Grant Submittal/Usage

Jeff Harvey, Police Chief, requested authorization to apply for a Governor's Crime Commission grant to help purchase body worn cameras for officers. We are asking for 12 Watch Guard Vista HD camera systems, a charging and ethernet transfer station (to charge and download video), and a 5 TB secure external hard drive for video storage. This equipment will be utilized by all uniformed full-time officers and part-time officers while on shift. This project provides new technology to our department to help in reducing complaints and resolving officer-involved incidents and allow for accurate documentation of police-public contacts, arrest, and critical incidents. It also enhances the accuracy of officer reports and testimony in court. The grant will allow the purchase of \$12,385 in equipment with a 2/3 local match requirement of \$8,174.10. If approved, we hope to have the equipment implemented by June.

Councilmember Archer made a motion *to proceed* with the body worn camera grant application for \$12,385 in equipment, requiring a 2/3 local match of \$8,174.10. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

9. Award of AB Town Park Skatepark Construction Project: Artisan Concrete Services, d/b/a Artisan Skateparks, Kitty Hawk, NC in the amount of \$536,540 for Phase I and II.

Mayor Cooper explained all the planning has been completed for the skatepark to begin. A bid opening was completed on December 16, 2015. Artisan Skateparks, Kitty Hawk, NC, through their general contractor, Adira Construction, Inc. of Chesapeake, VA submitted a bid in the amount of \$536,540.

David Walker reminded Council this project will be paid for with a commitment from the County and through fund raising.

Councilmember Briley made a motion *to award the contract* for the AB Town Park Skatepark Construction Project to Artisan Skateparks, Kitty Hawk, NC through their general contractor Adira Construction, Inc., Chesapeake, VA in the amount of \$536,540 for Phase I and II. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

10. Review of 2016 Goals and Objectives from Council Planning Retreat

Mayor Cooper provided a recap of the Goals and Objectives discussed at the January 19 Council Retreat.

TOWN MANAGER'S REPORT

David Walker introduced John Harrell as the new building inspector following Donna Turner's April 15 retirement. He has Level 3 certificates in all five trades. We look forward to having him here with us.

He called Jessica Fiester to the podium. He thanked her for her 9 years of service with the town and wished her well in her new position as a Long Range Planner in Pender County.

Mayor Cooper and Council provided Jessica with many thanks for her contributions to the town that will continue to be important in the future.

MAYOR COUNCIL COMMENTS

Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) - Discuss instructions for legal counsel in the matter of 15CVS1427 George and Crystal View Condo Assn. et al v. Town of Atlantic Beach and 2800 WFM

Councilmember Batt made a motion *to enter* into a Closed Session pursuant to NCGS 143-318.11 (a)(3); Discuss instructions for legal counsel in the matter of 15CVS1427 George and Crystal View Condo Assn. v. Town of Atlantic Beach and 2800 WFM. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried. The time was 6:47 p.m.

It was the consensus of Council to proceed with Thomas Terrell, attorney with Smith, Moore, Leatherwood, LLP.

Councilmember Archer made a motion *to exit* the Closed Session and *to adjourn* the meeting. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

There being no further action taken or business before Council the meeting stood adjourned. The time was 6:59 p.m.

These minutes were approved at the February 22, ~~2015~~ ²⁰¹⁶ meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

ATTEST:

(seal)
Katrina E. Tyer
Katrina Tyer - Town Clerk



A. B. Cooper, III
A. B. Cooper, III - Mayor



**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
CLOSED SESSION
Monday, January 25, 2016**



A Special Meeting of the Atlantic Beach Town Council was held Monday, January 25, 2016 at 6:00 p.m. in the Council Meeting Room, 125 West Fort Macon Road, Atlantic Beach, North Carolina.

Members Present: Mayor Cooper, Mayor Pro Tem Navey; Councilmembers: Harry Archer, Ann Batt, Eddie Briley, John Rivers

Members Absent: None

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk

Councilmember Batt made a motion *to enter* into a Closed Session pursuant to NCGS 143-318.11 (a)(3); Discuss instructions for legal counsel in the matter of *15CVS1427 George and Crystal View Condo Assn., et al v. Town of Atlantic Beach and 2800 WFM*. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried. The time was 6:47 p.m.

Derek Taylor, Town Attorney, discussed the Amended Complaint and Amended Petition for Writ of Certiorari received via First Class Mail at Town Hall today.

It was the consensus of Council to proceed with Thomas Terrell, attorney with Smith, Moore, Leatherwood, LLP as co-counsel to assist Attorney Taylor.

Councilmember Archer made a motion *to exit* the Closed Session and *to adjourn* the meeting. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried. The time was 6:59 p.m.

These minutes were approved, unsealed and made available for public inspection at the February 22, 2016 meeting of the Atlantic Beach Town Council.

ATTEST:



TOWN OF ATLANTIC BEACH


Katrina Tyer - Town Clerk


A. B. Cooper, III - Mayor