



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, May 22, 2017



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, May 22, 2017 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, John Rivers

Members Absent: None

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk; Sabrina Simpson, Administrative Service Director; Michelle Shreve, Planner; Marc Schulze, Public Service Director; John Harrell, Inspector; Arrington Moore, Special Projects/Management Assistant

Rich Porter, Planning Board; Fred Dean, Board of Adjustment Alternate

CALL TO ORDER and PLEDGE OF ALLEGIANCE

Mayor Cooper called the meeting to order at 6:00 p.m. Mayor Pro Tem Navey led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDAS

Councilmember Archer made a motion *to add* a presentation by NCDOT's Division 2 Project Development Engineer, William C Kincannon PE, regarding adding a right turn lane from AB Causeway on NC58 as the new #8, following Item #7 Calling for a Public Hearing and renumbering the remaining agenda items sequentially and *to approve* the agenda as amended. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

4. CONSENT AGENDA

- a) Financial Report
- b) Tax Collection Report
- c) Tax Releases
- d) Budget Amendments
- e) Budget Transfers
- f) Surplus Vehicles and Equipment: PD Ford Explorer; PD Crown Vic and FD jet ski
- g) OSHA Violation and Penalty Report – Fire Department
- h) Confirm of Town Allocation to AB King Mack Saltwater Slam:\$10,000
- i) **Resolution 17-05-01:** Resolution in Support of “Blue Star Memorial Highway” Designation for Highway NC 58
- j) **Ordinance 17-05-01:** Ordinance Amending Chapter 5, Beach and Shore Regulations (No Tent Frames Left Over Night on Beach)
- k) Town Council Meeting Minutes: 4/20/17SM Joint Council/PB; 4/24/17

Mayor Cooper reviewed the consent items for the audience. Mayor Pro Tem Danny Navey made a motion *to approve* the Consent Agenda. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

5. CITIZEN REQUESTS/COMMENTS

Kevin Knox, 203 Money Island Dr. – he feels there is a huge problem with speeders and people not obeying the stop sign at Money Island Drive and Dobbs Street. He is requesting a four-way stop sign at Money Island Drive and Tryon Street to hopefully slow the traffic and make the public more aware, especially the new visitors travelling to Island Grille between 5:30-6:30 on Monday and Tuesday nights. Pets have been hit and killed. He stated the Police Department has been in the area and written warning tickets.

Councilmember Briley spoke with Mr. Knox about this problem last year and was told by DOT's Steve Hamilton that a four-way at this location would impede traffic, the road is too short from Ft. Macon Road to Tryon Street. There is a problem but he doesn't know how to address it.

NCDOT's Division 2 Project Development Engineer, William C Kincannon PE, stated he would speak with Steve Hamilton about this to see what is recommended.

Council discussed options for a speed table/bump, additional stop sign at Tryon Street, etc. Mayor Cooper confirmed we will explore our options.

6. Board of Adjustment Appointments

The Board of Adjustment seats currently held by John Lotspih, Vada Palma, Gary Plough, and Alternate Judy French will expire on June 30, 2017. Judy French is spending time in Florida and is not available to continue to serve. The others wish to continuing to serve.

Councilmember Briley made a motion *to re-appoint by acclamation* John Lotspih, Vada Palma and Gary Plough to the Board of Adjustment, each serving a term of three years, expiring June 30, 2020. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

7. CALL FOR A PUBLIC HEARING on text amendments to repeal the current Chapter 18, Unified Development Ordinance and replace it with the updated Chapter 18, Unified Development Ordinance

Michelle Shreve, Planner, stated that this time last year, we were reviewing the Code Diagnosis document, which set out what needed to be reorganized and updated in the UDO. We are now getting close to the end of the process to finalize the UDO. With the help of CodeWright, the UDO has been organized for greater reader comprehension, increased predictability, and brought the code into compliance with state and federal requirements. On May 30, we anticipate receipt of the draft which will contain the three Modules previously reviewed by staff, Planning Board, and Council, with the incorporated suggestions, requests, and changes. This document, like the rest of the Modules, will be available on our website and at Town Hall for review by the public.

In accordance with State statutes and Town ordinances, the Planning Board will have a public hearing for the document review and consideration during their June 6 meeting. Any changes the Planning Board makes before recommending the document will be entered onto an errata sheet, then the draft document with errata sheet will be presented to Council for review and consideration, as well as made available to the public.

Staff requests Council call for a public hearing on June 26 to receive the recommendation from the Planning Board and hear public comment regarding this comprehensive text amendment. Council discussed if June 26 was enough time for presentation to Council after the June 6 Planning Board meeting. Mayor Cooper stated we can schedule the hearing for June and postpone or continue if needed.

Mayor Pro Tem Navey made a motion *to schedule* a public hearing on the proposed text amendments to repeal the current Chapter 18, Unified Development Ordinance and replace it with the updated Chapter 18, Unified Development Ordinance for the June 26, 2017 Council meeting. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

8. Presentation by NCDOT Regarding Adding a Right Turn Lane at AB Causeway and NC58 (DOT Project R-5816)

William C Kincannon PE, NCDOT Division 2 Project Development Engineer and Jeff Cabaniss, Division Planning Engineer, presented the plan to add a second right turn lane at the AB Causeway and NC 58 intersection. This project was rated high enough to be funded in DOT's current ten-year plan. They feel it is important to come to local officials early to gather information and hopefully form a joint plan. They spoke with the Police Chief and Major earlier today for their viewpoints and ideas. There are three or so parcels that DOT may need to capture right-of-ways from for the proposed twelve-foot turning lanes and redesigned overhead signage. They would also like to make this area safer for pedestrians using the crosswalks.

Councilmember Briley feels a dual lane turning onto NC58 would burden the area by the ABC Store where vehicles merge for the west bound lanes to narrow to one lane. He suggests maintaining the same footprint of the road and making the current straight lane a combination straight and right turn lane, instead of taking property away to add a new lane. Council also discussed allowing for one left turn lane, one straight lane and two right turn lanes. (Currently there are two left turn lanes, a straight lane and one right turn lane).

Mr. Walker expressed the need for stormwater upgrades at the intersection as well as fixing the sidewalk 'wedges' in that area, understanding that this would also require claiming some right-of-way.

NCDOT stated they will turn these options over to a traffic design firm and at a later date present their findings to Council.

9. Proposed FY17-18 Annual Operating Budget: Review and PUBLIC HEARING

David Walker, Town Manager, reviewed the budget as presented at Council's recent work session. We are asking Council to table approval of the budget until June in an attempt to see how the state sales tax proposal affects us.

Councilmember Briley made a motion *to enter* public hearing on the proposed FY17-18 Annual Operating Budget. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried. The time was 6:56pm.

No public comments.

Councilmember Archer made a motion *to close* public hearing on the proposed FY17-18 Annual Operating Budget. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried. The time was 6:57pm.

10. TOWN MANAGER REPORT

- a) Confirmation of Settlement and Mutual Release Agreement in the matter of *16CVS629 Nathan George, et. al. vs. Town of Atlantic Beach and 2800 WFM, Inc.*

The Town participated in a day long meditation on April 28, in New Bern, which resulted in the Settlement Agreement.

Councilmember Briley made a motion *to confirm* the Settlement and Mutual Agreement as agreed upon at mediation with direction to allow Mayor Cooper to execute the document. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

- b) Confirmation of Consent Order in the matter of *16CVS705 East Bay Farms, LLC and Kershaw Investments, LLC v. Town of Atlantic Beach and the Atlantic Beach Board of Adjustment.*

Councilmember Archer made a motion *to confirm* the Consent Order and to allow Mayor Cooper to execute the document. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

- c) Review and Acceptance of Festival/Public Use Easement Agreement to the Town by FMB of Atlantic Beach, LLC: Boardwalk Tract

Mayor Pro Tem Navey and Councilmember Batt have met with Mr. Bunn extensively and Mr. Bunn has agreed to provide an approximate 60x90 area near the center of boardwalk and the two 7 foot walkways adjacent to each cobblestone walkway for the Town to use as a festival area. There is no cost to the Town. The future of the Marriott Hotel is not related or contingent upon this Easement Agreement.

Councilmember Briley made a motion *to accept* the Easement Agreement subject to approval of the Easement Area Map by the Town Attorney and Town Manager. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

- d) Review of Capital Projects and Upcoming Summer Events

The new Public Works facility and Town Park concession area are progressing nicely. Dredging is about 95% complete.

The Beach Music Festival was a huge success.

11. MAYOR/COUNCIL COMMENTS

Mayor Cooper knows it has been a busy winter and appreciates efforts of town staff to complete projects on budget.

Councilmember Briley gave brief presentation of the AB King Mackerel Saltwater Slam coming in October. He feels the BMF is a great example of how you can put seed money in an event and how it takes off, reaps the benefits and pays for itself.

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:31p.m.

These minutes were approved at the June 26, 2017 meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

ATTEST:

(seal)


Katrina Tyer - Town Clerk




A. B. Cooper, III - Mayor