



**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council – Work Session**  
**Thursday, May 17, 2018 – 2:00 p.m.**



A regularly scheduled work session of the Atlantic Beach Town Council was held Thursday, May 17, 2018 at 2:00 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 Richard Porter; Councilmembers: Harry Archer, Rich Johnson, Danny Navey and Austin Waters

**Members Absent:** None

**Others Present:** David Walker, Town Manager; Katrina Tyer, Town Clerk; Sabrina Simpson, Administrative Service Director; Arrington Moore, Mgmt. Asst/Special Events; Michelle Shreve, Planner; Haley Moccia, Planning Intern; Marc Schulze, Public Works Director; Jeff Harvey, Police Chief; Adam Snyder, Fire Chief; Mike Shutak, Carteret News-Times

### **CALL TO ORDER**

Mayor Cooper called the meeting to order at 2:00 p.m.

Councilmember Archer made a motion *to amend* the agenda to add Approval of Street Encroachment Agreement for Septic System for William and Sylvia English at 205 Barefoot Lane. The easement discussion will be re-numbered as item three. Seconded by Mayor Pro Tem Porter. Vote was unanimous, 5-0. Motion carried.

### **3. Approval of Street Encroachment Agreement for Septic System – English**

In 2008, William and Sylvia English were granted an encroachment from the Town to install a new wastewater system into the right of way at 205 Barefoot Lane. The encroachment agreement was very detailed and specified the wastewater system was a peat system, as permitted by the Health Department for a four bedroom home. The Englishes never developed the property and now wish to install a conventional gravity wastewater system for a three bedroom home. Due to the desire to install a different type of system, the Encroachment Agreement must be amended. Attorney Taylor has reviewed and approves of the Agreement.

Councilmember Navey made a motion *to approve* the Street Encroachment Agreement for Septic System for William and Sylvia English at 205 Barefoot Lane. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

### **4. Review of Refuse and Recycling Contract Proposal with Waste Industries**

Waste Industries is offering to extend the existing contract for five years and offer customers the option to purchase their own roll out recycling cart to replace the 18 gallon bin at no rate increase.

Norma Yanez, Contract Manager and Blaine Ellzey, local General Manager, were present. Mayor Pro Tem Porter stated he witnessed drivers throwing the empty recycle bins back in yards. Councilmember Archer addressed the workers banging the empty carts on the street after dumping. Blaine explained this is not their standard for service and have provided extra training to their drivers. He appreciates this issue being brought to their attention. He explained the current carts in use are not manufactured anymore. New carts are designed much sturdier and do not wear or rust as bad, therefore will last longer. If the Town opts to make owners get new carts, the expense is on the homeowner.

Norma addressed the problem with carts left on the side of the road after they have been emptied. There are options to address this, with cost. Waste Industries can do it with additional staff or the Town can hire staff or college kids. Mayor Pro Tem Porter agrees everyone is usually good neighbors and put up each others carts, this is better than raising the rates. Norma noted the City of Raleigh has an ordinance against carts left out and the residents work together. It was the consensus to not include this in the contract renewal.

It was the consensus for the proposed Contract to be placed on the May 21, 2018 Consent Agenda for approval.

### **5. Review of Golf Cart Use on Town Streets**

Chief Harvey began by reviewing NCGS 160A-300.6. Regulation of golf carts on streets, roads, and highways.

- (a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal limits or on any property owned or leased by the city.

- (b) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years old may operate a golf cart on a public street, road, or highway.

He explained the difference in golf carts and low speed vehicles (LSV). A golf cart is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour. A LSV is a four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour. Current standards require LSVs to have two headlamps, two stop lamps, two turn signal lamps, two tail-lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts and VIN numbers.

He reviewed other Bogue Banks Towns and their requirements and fees.

- All participating towns required proof of liability insurance
- Inspection of carts through the Police Dept.
- Town permit annually (sticker) to be placed on the cart
- Emerald Isle operators must sign a waiver of liability to operate a golf cart on their streets
- State law does not allow golf carts on highways with a speed over 35 mph, except to cross directly over. With the current configuration of the back streets of the Town, there is no direct crossing from one side of NC 58 to the other, other than S. Durham to N. Durham, S. Charlotte to N. Charlotte, S. Raleigh to N. Raleigh and S. Kinston to N. Kinston (4 streets). All other streets would require traveling on NC 58 or the Causeway.

There was discussion on insurance coverage, comparison of LSV and golf carts and detailed discussion on the feasibility of allowing golf carts and the routes they could travel.

Mayor Pro Tem Porter is interested in allowing golf carts.

Councilmember Navey thinks it sounds great on the surface, but after the first accident it will not be. We have only heard from people that want them, not from the people that do not.

Councilmember Archer has not heard many requests for this.

Councilmember Johnson would like to see a way to connect the entire town for bikes and walking and golf carts, but the way we are currently laid out now does not see it happening.

Councilmember Waters feels this can be considered in the future after we discuss connecting bike and walking paths.

It was the consensus not to allow golf carts at this time and to put this item on hold until/unless more areas of Town can benefit, perhaps after implementation of the bike/foot/cart paths. Council will gather citizen input and if this is something to pursue we will readdress the topic.

## **6. Proposed Charter Amendments: Primary Election and Staggered Terms**

Mr. Walker explained changing the Council election from October to November would save the Town a significant amount of money. For the election last fall, the County Board of Elections billed the Town \$8,584. We pay a higher price for conducting a primary and bearing the sole cost of one stop voting. The other beach towns paid significantly less: Emerald Isle \$3,361, Indian Beach \$1,400 and Pine Knoll Shores \$3,165.

He reminded Council the issue of staggered terms was included on the recent citizen survey and 48.9% supported staggered terms, 36.03% did not and 15.07% did not have an opinion.

He reviewed the procedure for amending a Town Charter and asked Council to consider holding a public hearing on the issues they wanted to address.

### **Primary Election Change:**

Councilmember Archer is in favor of leaving the Charter the way it is. He does not feel we need to proceed with a public hearing, the people have spoken enough.

Councilmember Navey is in favor of leaving it as it is. He feels there is more voter turnout with an October election.

Mayor Pro Tem Porter feels it is not fiscally responsible to keep the election in October just for increased newspaper coverage. He does not feel the October election brings out more voters. He supports eliminating the primary.

Councilmember Waters sees both sides. He agrees with Councilmember Navey and does not think people like change, but he supports change that will save money. He supports a public hearing.

Councilmember Johnson supports changing it and holding a public hearing.

### **Staggered Terms:**

Councilmember Archer does not support.

Mayor Pro Tem Porter does not support.

Councilmember Johnson supports staggered terms. We are the only town that does not have staggered terms. The way the terms are now it does not allow for long term planning which is detrimental to the town.

It was the consensus to hold a public hearing regarding the proposed election schedule change, but to put the staggered terms item on hold. A Resolution of Intent and Call for Public Hearing will be on the May 21, 2018 Consent Agenda.

**Break 3:48**  
**Resume 3:54**

**7. Review of Recreation Budget and Staffing**

Mr. Walker reviewed the recreation budget and staffing. We have predicted and presented proposed revenues for the concession stand and mini golf. As the season progresses we will have exact numbers and determine if the increased mini golf rate will decrease the number of visitors.

Councilmember Johnson initially felt we needed two new positions for parks and recreation. He has since spoken with another town and feels the best way to go is probably with a director and a citizen committee. He would like to see yoga at the park, pub crawls, etc. He recently attended a TDA meeting and walked away upset that Atlantic Beach was not mentioned more. He would like a special events/marketing director that can take over our digital media, events and the park to keep Atlantic Beach a destination. We need to look at our beaches as parks. He doesn't want to see Atlantic Beach left out of the TDA advertising. He understands we need more permanent residents.

Councilmember Waters feels it may be hard to find someone with the qualifications and management skills for this position to be effective.

Mayor Cooper explained our BMF is completely managed and produced by staff. The music festival in Beaufort is handled by volunteers. We welcome all events here.

It was the consensus to advertise and hire a Director of Parks and Recreation to promote Atlantic Beach events.

**8. Closed Session pursuant to N.C.G.S. 143-318.11(a)(6) (Personnel)**

Councilmember Navey made a motion *to enter* into a Closed Session pursuant to NCGS 143-318.11(a)(6), Personnel. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried. The time was 4:24 p.m.

Council discussed personnel issues.

Councilmember Archer made a motion *to exit* the Closed Session. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 5:29 p.m.

**9. Proposed FY2018-19 Annual Budget Discussion – IF NECESSARY**

Item was not necessary.

**Mayor Council Comments / Advisory to Staff**

None.

There being no further action taken or business before Council the meeting stood adjourned. The time was 5:29 pm.

These minutes were approved at the June 25, 2018 meeting of the Atlantic Beach Town Council.

ATTEST:

TOWN OF ATLANTIC BEACH

(seal)  
  
Katrina Tyer - Town Clerk



  
A. B. Cooper, III - Mayor