



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, July 23, 2018



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, July 23, 2018 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 Richard Porter; Councilmembers: Harry Archer, Richard Johnson, Danny Navey, Austin Waters

Members Absent: None

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk; Michelle Shreve, Planner; Arrington Moore, Events/Mgmt Asst; Jeff Harvey, Police Chief; Mike Shutak, Carteret News-Times

CALL TO ORDER and PLEDGE OF ALLEGIANCE

Mayor Cooper called this regular and special meeting to order at 6:00 p.m. and Mayor Pro Tem Porter led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDAS

Councilmember Navey noted he would like to further review the Amendment to the CAMA Land Use Plan at the next worksession and suggested removing it from the agenda. It was the consensus to leave it on the agenda for now and discuss again when they reached that item.

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

4. CONSENT AGENDA

- a) Financial Report
- b) Tax Collection Report
- c) Tax Releases Report
- d) Tax Collection FY17-18 Annual Report
- e) Order to Collect Taxes
- f) Amendment to 2018 Schedule of Meetings
- g) Approval of **RESOLUTION 18-07-01**: Resolution Approving Modifications of "30 Minute only Free Parking" Signs at Designated Areas (Circle Area)
- h) Approval of **ORDINANCE 18-07-02**: Ordinance Amending Chapter 5, Beach and Shore Regulations Section, 5-5.3 New Bern Beach Access Parking
- i) Approval of **RESOLUTION 18-07-02**: Resolution Approving Posting of "No Overnight Parking Signage" on New Bern Avenue
- j) Call for a Public Hearing on Proposed Amendments to the Unified Development Ordinance for the August 27, 2018 Town Council meeting
- k) Town Council Meeting Minutes: 6/21/18 WS and 6/25/18

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

5. CITIZEN REQUESTS/COMMENTS

None.

6. PRESENTATION of Letter of Commendation for Lifesaving to Officer Malcolm Cosby

Chief Harvey presented Officer Cosby with a Commendation for Lifesaving. It is the third highest award in the police department. Chief Harvey thanked Council for the opportunity to acknowledge officers for their heroism. A majority of the police department was present in support of Officer Cosby.

7. CHARTER AMENDMENTS

- a) **Approval of ORDINANCE 18-07-01:** Ordinance Amending the Charter of the Town Of Atlantic Beach to Change the Type of Election
- b) **Review of RESOLUTION 18-07-03:** Resolution of Intent To Consider an Ordinance Amending the Charter of the Town of Atlantic Beach to Implement Four-Year Staggered Terms for the Members of the Town Of Atlantic Beach Council and Setting the Date for Public Hearing on August 27, 2018

Councilmember Johnson made a motion *to approve* Ordinance 18-07-01: Ordinance Amending the Charter of the Town Of Atlantic Beach to Change the Type of Election. Seconded by Mayor Pro Tem Porter. Vote was 4-1. Councilmember Navey opposed. Motion carried.

Mayor Cooper presented the idea of staggered terms again as it was brought up by citizen comments during the June Council meeting.

Mayor Pro Tem Porter made a motion *to approve* Resolution 18-07-03: Resolution of Intent to Consider an Ordinance Amending the Charter of the Town of Atlantic Beach to Implement Four-Year Staggered Terms for the Members of the Town Of Atlantic Beach Council and Setting the Date for Public Hearing on August 27, 2018. Seconded by Councilmember Johnson. Vote was 2-3. Mayor Pro Tem Porter and Councilmember Johnson in favor. Councilmembers Waters, Archer and Navey opposed. Motion failed.

8. Amendment of CAMA Land Use Plan

- a) **PUBLIC HEARING** on Amendment
- b) **Approval of RESOLUTION 18-07-04:** Authorizing an Amendment to the CAMA Land Use Plan

Following the full re-organization and update of the Unified Development Ordinance in October 2017, staff began working towards amending the CAMA Core Land Use Plan. The Land Use Plan was adopted in 2008 and amended in 2010 after the 2009 UDO was created. These amendments were presented to Council in April and reflect the newly-updated 2017 UDO.

Staff has worked with CAMA's District Planner to ensure the proposed changes meet CAMA's requirements for amendments. An update of a Land Use Plan requires a much more in-depth review process, but since we are looking at updates to zoning district names, density, uses, and land area, this follows the amendments process instead. After the resolution authorizing the amendment to the Land Use Plan is adopted it will be considered for approval by the Coastal Resources Commission.

After discussion, it was the consensus to proceed with the public hearing as advertised, but for the Planning Board to the amendments before Council votes.

Councilmember Archer made a motion *to open* the Public Hearing. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 6:17pm.

No comments.

Attorney Taylor made sure Council was aware that if approval of the resolution is delayed this item will not be on the September CRC agenda, and will probably be pushed to January. It was the consensus of Council the additional time for review was necessary.

Councilmember Waters made a motion *to continue* the Public Hearing until the August 27, 2018 regular Council meeting. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

9. DoubleTree Western Beach Access Pedestrian Walkway and CAMA Grant Application

- a) **PUBLIC HEARING**

b) **Approval of RESOLUTION 18-07-05: Commitment of Funds for Public Beach and Coastal Waterfront Access Program**

Michelle reviewed the grant process and stated the purpose tonight is to conduct a public hearing prior to the decision to submit a final application for the Public Beach and Coastal Waterfront Access Grant Program through the Division of Coastal Management for an estimated \$95,705 project requiring a 50% match. The grant application will propose to improve the beach access located west of the DoubleTree Hotel, located at 2717 West Fort Macon Road, by constructing a structural accessway for pedestrian use. She noted Doubletree has agreed to share in the cost with the Town.

Councilmember Waters made a motion *to open* the Public Hearing. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried. The time was 6:23pm.

No comments.

Mayor Pro Tem Porter made a motion *to close* the Public Hearing. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried. The time was 6:24pm.

Councilmember Archer made a motion *to approve* the Resolution 18-07-05: Commitment of Funds for Public Beach and Coastal Waterfront Access Program. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

10. PUBLIC HEARING on Golf Cart Use and Regulations

Chief Harvey provided a detailed presentation on potential allowable golf cart crossings over NC Highway 58 (Fort Macon Road). If the ordinance is adopted, he wants to aggressively educate the public and provide an educational course developed to address all of the rules and regulations as well as safe driving techniques. If a driver receives a citation they may be required to take this course. This could keep the violation off their record, depending on the severity of the violation. He noted that he still prefers and recommends low speed vehicles instead of golf carts.

Rule Highlights include:

- Annual registration: January 1 to December 31
- Must have town plate and current year inspection sticker
- Must have rules sticker on windshield (to assist officer and the driver)
- Must pass safety check (conducted by officer)
- Operator must be at least 18 with current valid state drivers license with them while operating
- No traveling on NC 58 (Fort Macon Rd.) or on the causeway.
- No open containers
- No drinking while operating
- Must obey all state traffic laws
- Yield right of way to all traditional vehicles
- Same parking rules as traditional vehicles

Council discussed allowing golf cart rental companies and the fee imposed on them, allowing out of town rentals and property owners including golf cart usage in their rentals. There was discussion on the inspection process and the extra workload on the police department.

Councilmember Archer made a motion *to open* the Public Hearing. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried. The time was 6:47pm.

Bob Andrews, 1703 East Ft. Macon Rd. He has had a second home here for 23 years, which is now becoming a primary home. He currently has a street legal golf cart and is focused on Atlantic Beach becoming a golf cart friendly community. He would like to recommend designating parking for golf carts so they are not taking up vehicle spaces.

Mayor Cooper stated if this ordinance is approved, they could look at infrastructure.

Bobbie Fretwell, 209-A Mobile Drive. She currently has a cart and uses it with her grandchildren. She appreciates Council and encourages them to implement this. She supports the 18 year age limit for operators. She is aware that driving her cart on Mobile Drive is currently illegal.

Mayor Pro Tem Porter made a motion to close the Public Hearing. Seconded by Councilmember Johnson. Vote was unanimous, 5-0. Motion carried. The time was 6:57pm.

Councilmember Johnson thinks we should consider allowing this now understanding changes would come as we proceed. Feels an organized set of rules is a good way to enforce and ensure safety. Thinks as a practical matter, we should implement by the first of the year so citizens receive a full year for their fee, or allow the remaining few months of the year as a trial period at no charge.

Councilmember Waters thinks the acceptable crossings should be clearly designed in the ordinance. He is not opposed to golf cart usage and thinks they would be nice to have in Town, but wants to do in a safe manner. He does not see this as a financial burden on the Town.

Councilmember Archer does not want to see more rules and regulations put on our citizens.

Mayor Pro Tem Porter feels the fact that you cannot always cross at NC Highway 58 is not a reason to not pass this ordinance. As some citizens have stated, they are content staying in their neighborhood. He does think some initial implementation expense will be on the Town, but it will not continue to be an expense. He also knows there will be changes to the ordinance as it is put to use, but encourages to implement now. Feels some citizens will purchase passes prior to January 1 and they can be considered a pilot program. He wants to give the citizens present tonight and the ones who have attended past meetings confirmation that Council will make a decision on this one way or another.

Councilmember Navey thinks this should be continued until the next work session to discuss the proposed ordinance in detail. He wants to know if everyone is prepared to put up with the calls we are going to get when we start enforcement.

Mayor Cooper does not feel there is a clear consensus to move forward tonight. He feels there have been ample opportunities for the public and the Council to voice their opinions and concerns.

Mayor Pro Tem Porter made a motion to table voting on the ordinance until the August 27, 2018 regular Council meeting and to continue discussion of golf cart usage and regulations until the August 16, 2018 Council worksession. Seconded by Councilmember Waters. Vote was unanimous, 5-0. Motion carried.

11. TOWN MANAGER REPORT

Mr. Walker provided a mid-year status report on Council's annual goals and objectives and noted the ones that are checked off the list as completed. The bridge abutment project is on hold pending state construction on the bridge. There was discussion about lighting at the skatepark. He then reviewed some of the FY18-19 capital projects: stormwater projects at Boardwalk Ave., Robin Lane and Cooper/Asbury; Sidewalk Improvements at Cedar Lane to the Causeway intersection and Lee Street to Pelican Drive; new fencing at the water plant; additional parking at the water tank; Doubletree beach access and the westend ditch clean out.

12. MAYOR/COUNCIL COMMENTS

None.

ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:40 p.m.

These minutes were approved at the August 27, 2018 meeting of the Atlantic Beach Town Council.

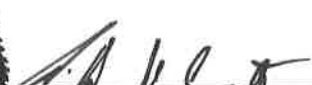
ATTEST:

(seal)

Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


B. Cooper, III - Mayor