



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**Town Boardroom - 125 West Fort Macon Road and**  
**Electronically via Zoom**  
**Monday, June 22, 2020**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, June 22, 2020 at 6:00 p.m. electronically via Zoom and 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 Johnson; Councilmembers: MJ Forrest, Danny Navey, Austin Waters

**Members Present via Zoom:** Councilmember Harry Archer

**Members Absent:** None

**Others Present:** David Walker, Town Manager; Katrina Tyer, Town Clerk; Derek Taylor, Attorney; Jeff Harvey, Police Chief; Julian Griffie, Planner; Mike Simpson, Fire Chief; Marc Schulze, Public Services Director; Morgan Gilbert, P&R Director; Sabrina Simpson, Admin Services Director.

**Others Present via Zoom:** Michelle Eitner, Planning Director, Mike Shutak

Due to the Social Distance restrictions associated with the COVID-19 Virus, there was a limited amount of seating in the Boardroom for the meeting. The meeting was also broadcast as a Facebook Live feed.

#### **CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Mayor Cooper called the meeting to order at 6:02 p.m. The Clerk called the roll. All Councilmembers were present and able to be heard. Councilman Navey led in the Pledge of Allegiance. Mayor Cooper noted comments would only be taken via Zoom, not Facebook.

#### **3. APPROVAL OF AGENDAS**

Mayor Pro Tem Johnson made a motion *to approve* the agenda as prepared. Seconded by Councilman Navey. Approved unanimously by roll call vote, 5-0. Motion carried.

#### **4. CONSENT AGENDA**

- a) Financial Report
- b) Tax Collection Report
- c) Tax Releases Report
- d) Budget Transfers/Amendments
- e) Town Council Meeting Minutes: 4/27/20; 4/29/20 SM

Councilman Navey made a motion *to approve* the Consent Agenda. Seconded by Councilman Waters. Approved unanimously by roll call vote, 5-0. Motion carried.

#### **5. CITIZEN REQUESTS/COMMENTS**

George Foss, 1701 East Fort Macon Road. Thank you to Council for putting money in next year's budget for dredging, from the homeowners of Asbury beach.

John Sauls, 1801 E Ft Macon Road. As a Asbury homeowner, he thanks Council for dredging funding, reiterating Mr Foss' comments. The homeowners of Asbury beach appreciate the funding. Mayor Cooper noted that we hope for better contractors this year than last.

#### **6. Approval of RESOLUTION 20-06-01: Resolution to Adopt a Title VI Policy to Prohibit Discrimination in Programs and Services and in Activities Receiving Federal Financial Assistance**

Planning Director Michelle Eitner presented to Council that the North Carolina Department of Transportation's Office of Civil Rights is requiring that municipalities enact a formal Title VI Plan. Title VI of the Civil Rights Act of 1964 states that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The 1987 Civil Rights Restoration Act extended these protections to all NCDOT programs and activities, whether federally-assisted or state-funded. Additional categories of protection have been enacted including sex, sexual orientation, low-income, limited English proficiency, age, disability, and religion/creed.

These requirements have of course been in practice in the Town of Atlantic Beach, but NCDOT now requires a formalized policy and procedure for them. The Title VI Policy must be renewed each year and submitted to NCDOT. Staff has reviewed policies, resolutions, and procedures of several other municipalities in North Carolina (Morehead City, Gastonia, Bessemer City, Black Mountain, and Rural Hall) and has followed their example for these documents, as well as perused the NCDOT's lengthier documents for their programs. The Town's Plan that will be submitted for approval is based on these items of guidance.

In order to comply with NCDOT's Title VI requirements, the following five items are provided within the Plan:

1. Designated a Title VI Liaison;
2. Develop and publish a Title VI Statement of Policy;
3. Develop and publish a Title VI Grievance Procedure;
4. Begin data collection procedures for underserved populations in the municipality area; and
5. Confirm that yearly signed Standard Title VI Assurances are with the appropriate NCDOT funding division.

Staff sent the plan to Ashley Council at NCDOT, who confirmed that the plan complies with the Title VI Plan requirements and would be acceptable once adopted by Town Council.

Councilman Archer made a motion *to approve* Resolution 20-06-01: Resolution to Adopt a Title VI Policy to Prohibit Discrimination in Programs and Services and in Activities Receiving Federal Financial Assistance. Seconded by Councilman Waters. Approved unanimously by roll call vote, 5-0. Motion carried.

## **7. RE-APPOINTMENT OF BOARD OF ADJUSTMENT MEMBER/ALTERNATE MEMBER**

Mayor Cooper noted that Alternate Neil Chamblee would prefer not to serve as he volunteered originally just to help fill the board seats as an alternate as needed, but he is also on the Planning Board, currently serving as Chairman. Councilman Forrest made a motion *to reappoint* Eddie Briley, Vada Palma, and Harrison Smith for another 3-year term each, ending June 30, 2023 and to approve as alternates Fred "Joey" Dean and Curt Winbourne for another 3-year term each, ending June 30, 2023. Seconded by Councilman Navey. Approved unanimously by roll call vote, 5-0. Motion carried.

Mayor Cooper thanked them for their service on the volunteer board.

**8. REVIEW OF ABPD USE OF FORCE POLICY**, presented by Police Chief Harvey with a digital presentation on the Department's use of force policy as requested by Mayor Cooper in light of some of the recent incidents throughout the country.

Chief Harvey reviewed the mandatory state training required by all law enforcement officers and then explained the department's use of force continuum, adding that choke holds are permitted, but are not encouraged. Officers are trained to de-escalate volatile situations and are learning crowd control measures. All full time patrol officers utilize body worn cameras, adding that the body camera footage is not public record or released to the media, though is retained according to record retention laws and used for training and provided as court evidence.

## **9. APPROVAL OF ORDINANCE 20-06-01: FY2020-21 Annual Operating Budget**

Mr Walker briefly outlined the highlights of the FY2020-21 Annual Operating Budget and reminded Council that the required public hearing was advertised and held on June 9, 2020 with public comments available in writing prior to the meeting or in person and electronically via Zoom during the public comment period. Through discussion at the work session, we are dipping

into the reserve fund though should be able to reimburse ourselves due to a good economy.

Mayor Pro Tem Johnson asked if the west end drainage project was included in the budget and Mr Walker said yes. Mayor Pro Tem Johnson wants to consider holding off on some of the big projects just to ensure we are in a good financial please, and Mr Walker stated that we could delay capital purchases until the fall. Councilman Archer commented that people always speak to him on the safety provided to the town by the Police and Fire Departments.

Councilman Archer made a motion *to approve* Ordinance 20-06-01: FY2020-21 Annual Operating Budget. Seconded by Councilman Navey. Approved unanimously by roll call vote, 5-0. Motion carried.

#### 10. TOWN MANAGER REPORT

None

#### 11. MAYOR/COUNCIL COMMENTS

Councilman Navey told how he and family were on the beach strand yesterday for Fathers Day. He watched as one of our officers interacted with a family with a young child and he was so proud watching the interaction. He loved seeing people appreciate them as he does.

#### 12. CLOSED SESSION pursuant to N.C.G.S. 143-318.11(a)(6) Personnel

Councilman Waters made a motion *to enter* Closed Session pursuant to N.C.G.S. 143-318.11(a)(6) Personnel. Seconded by Councilman Forrest. Approved unanimously by roll call vote, 5-0. Motion carried. Time was 6:52 pm.

#### ADJOURN

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:25 pm.


These minutes were approved at the September 28, 2020 meeting of the Atlantic Beach Town Council.

ATTEST:



  
Sabrina Simpson – Deputy Town Clerk

TOWN OF ATLANTIC BEACH

  
A. B. Cooper, III - Mayor

Minutes prepared by Katrina Tyer, Town Clerk.



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**CLOSED SESSION**  
**Monday, June 22, 2020**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, June 22, 2020 at 6:00 p.m. electronically via Zoom and 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 Johnson; Councilmembers: MJ Forrest, Danny Navey, Austin Waters

**Members Present via Zoom:** Councilmember Harry Archer

**Members Absent:** None

**Others Present:** David Walker, Town Manager; Katrina Tyer, Town Clerk; Derek Taylor, Attorney; Jeff Harvey, Police Chief; Julian Griffie, Planner; Mike Simpson, Fire Chief; Marc Schulze, Public Services Director; Morgan Gilbert, P&R Director; Sabrina Simpson, Admin Services Director.

**Others Present via Zoom:** Michelle Eitner, Planning Director, Mike Shutak

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

Councilmember Waters made a motion to *enter closed session* pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. Seconded by Councilmember Forrest. Vote was unanimously approved by roll call vote, 5-0. Motion carried. The time was 6:52 pm.

Council discussed the performance of the Town Manager in the context of his annual performance review. No action was taken.

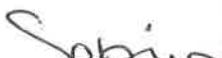
Councilmember Forrest made a motion to *exit closed session* pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. Seconded by Councilmember Waters. Vote was unanimously approved by roll call vote, 5-0. Motion carried. The time was 8:25 pm.

**ADJOURN**

There being no further action taken or business before Council the meeting stood adjourned. The time was 8:25 pm.

These minutes were approved at the September 28, 2020 meeting of the Atlantic Beach Town Council.

ATTEST:

  
 Sabrina Simpson – Deputy Town Clerk



TOWN OF ATLANTIC BEACH

  
 A. B. Cooper, III - Mayor

Minutes prepared by Katrina Tyer, Town Clerk.