



MINUTES
Town of Atlantic Beach, North Carolina
Town Council Meeting
125 W Fort Macon Road and
Electronically via Zoom
Wednesday, September 13, 2023 – 2:00pm



The regularly scheduled work session meeting of the Atlantic Beach Town Council was held Wednesday, September 13, 2023 at 2:00pm in the Council Meeting Room, 125 West Fort Macon Road, Atlantic Beach, North Carolina.

Members Present: Mayor A. B. Cooper, III; Mayor Pro Tem Austin Waters; Councilmembers: Renea Baker, Joey Dean, Danny Navey

Members Absent: Councilmember Joseph Starling

Others Present: Katrina Tyer, Town Clerk; Sabrina Simpson, Admin Services Director; Sarah Currie, Finance Director; Jeff Harvey, Police Chief; Jennifer Ansell, Planning Director; Morgan Gilbert, Parks and Rec Director; Mike Simpson, Fire Chief; Harry Archer, III; Marc Schulze, Public Works Director; Derek Taylor, Attorney

CALL TO ORDER AND APPROVAL OF AGENDA

Mayor Cooper called the meeting to order at 2:00pm. Councilmember Baker made a motion *to approve* the Agenda as presented. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 4-0. Motion carried.

Councilmember Navey made a motion *to excuse* Councilmember Starling due to work. Seconded by Councilmember Dean. Vote was unanimous, 4-0. Motion carried.

PROPOSED STREET PAVING SURVEY/ASSESSMENT RFP

At the last two council meetings, citizens have commented on street conditions and requested areas to be paved. We would like to issue a request for proposals to get a full assessment of the street conditions in town so we can conduct a larger paving project and not just fill potholes, which hopefully will be more cost-effective. The City of Havelock recently completed one at a cost of approximately \$500 a mile. It was the consensus of Council to proceed with the Request for Proposals

PELICAN DRIVE DOCK REPAIRS

Issac Roberts, owner of F&R Construction was building his house on Pelican Drive and noticed the Town boat ramp at the end of Pelican Drive needed some repairs, so he used his company to update the ramp area, finger piers, and railings. Once the Town became aware of the upgrades, staff reached out to the CAMA permitting office and was informed the project requires a permit for the railings and finger piers, but not the ramp because it is an impervious area. The project also needed to be engineered. Issac has stated he is prepared to provide engineer-sealed plans at his expense for a tax donation receipt. It was noted that due to the aquatic vegetation, this ramp will never be able to be dredged or the dock extended.

BOARDWALK PROJECT STATUS UPDATE

Parcel Restrictions and Proposed Amendment to Festival Easement Agreement

Attorney Taylor, Mayor Cooper, Councilmember Navey, and Manager John O'Daniel met with Fred Bunn to discuss the proposed festival easement amendments. The property we are purchasing is not covered under the covenants of the Circle Development, but they can be included at the decision of the declarant. The owner has complete control as to what can be done on these lots, and they do not want construction. CAMA will not allow anything to be built that can interfere with public access. The Town has made it clear we do not want to be part of the HOA. The seller also wants to include a reverter clause in the deed that if we stop using the lots for public property then the seller has the first right to purchase the lots back at the original selling price. CAMA has expressed its disapproval of this.

Mr. Bunn has it set up so his successor will be an architectural committee, but for now Mr. Bunn is still the decision maker. Mayor Pro Tem Waters thinks we should go ahead and purchase the land even if it is left vacant since we are getting such a good deal. Councilmember Navey agrees.

Mayor Cooper reminded that the grants also dictate what we can do on the lots. The Amended Festival Easement states we have to file an annual report of our planned events. Attorney Taylor stated they left the meeting with the understanding that they agreed with the events the Town currently has, the Beach Music Festival, Penguin Plunge, New Year's Bonfire, etc.

Attorney Taylor is working on an issue with the drafted easement and the fact that they included the lots we are going to purchase in the easement area, the property we own should not be included in the easement area.

Mayor Cooper reiterated we need to ensure these lots are not in the HOA, we need to clarify the language about event space, which seems to be done, and clarify restrictions on the Town building on the lots since the grant requires us to use the land for public access. The plan submitted with the CAMA permit application included a shade structure that has not been approved by Mr. Bunn. Mayor Cooper explained that is not a final plan, just a footprint.

It was the consensus to move forward on the purchase of the lots.

DEQ-DWR grant contract

Jennifer stated we have the final contract with the Division of Water Resources for the purchase of the eastern lots. Approval of the Contract and authorization for the Town Manager to execute it will be on the September 28 Agenda. Ron Cullipher is working on a recombination map. Once we have it, it will be recorded with the Register of Deeds.

Proposed Budget Amendment to pay for the purchase of eastern parcels

A budget amendment has been drafted for the money to come from the beach and waterway fund, which is short. Mayor Cooper feels comfortable using the beach renourishment fund for this purchase because things are looking good again this year for federal funds for beach renourishment.

PARTF Grant status and Boardwalk Construction

We were not awarded the PARTF Grant and need direction on how to proceed. We understand the state will receive additional funds after they pass their budget, and they recommend we wait and see what happens with the additional funds. The options are to wait and see what happens or re-access the project as a whole and determine what elements we want to proceed with. It was the consensus to wait and see what happens with our current PARTF application before deciding.

Engineers are still working on a CAMA permit and variance request. Staff will meet with the engineer and get a smaller plan for the project.

Attorney Taylor left at 3:10pm.

PAID PARKING DISCUSSION

Police Chief Harvey stated it is time to review the current paid parking program since the kiosks are in bad shape and in need of repair or replacement at an estimated cost of over \$75,000. If we are going to review the paid parking program, it is a good time to also review the Hurricane Re-Entry Pass Policy since we allow the Re-Entry passes to be used as free parking.

Staff recently met with UPP to review their parking program. They propose to use a pay-by-plate program rather than pay-by-space with no upfront costs for the town. They would provide enforcement so we would not need an enforcement officer. Staff would like to advertise and solicit bids from other vendors if hiring an outside firm to manage parking is something Council would like to consider. It was the consensus to seek Request for Proposals, due in October.

Under the current parking plan, Re-entry passes are \$25 with proof of AB property ownership (1/4 the price of the annual seasonal parking sticker) and should be conveyed to new owners when property transfers; an unlimited number of passes can be purchased; and passes can be used for free parking. Since property owners can purchase as many as they want, we have issued 16,500 since the program's inception in 2009. By tying free parking to the Re-entry pass program, we have lost the intent of the Re-entry pass program, which was to limit the number of people coming into Atlantic Beach during unsafe conditions. Staff proposes the Re-entry pass no longer be used for parking and is asking Council to consider implementing a new Re-entry program with a new pass or sticker.

There was discussion on potential ways to handle parking, Re-entry passes, golf carts, and LSVs. It was the consensus of Council to decouple the parking and Re-entry program.

UPDATE ON 2023 COUNCIL GOALS

John is out sick tonight so Mayor Cooper advised Council to review the checklist in their packet and they can review any items next month if needed.

TOWN MANAGER UPDATES

None.

MAYOR/COUNCIL COMMENTS

None.

CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(6) TO DISCUSS PERSONNEL MATTERS REGARDING THE TOWN MANAGER 6-MONTH EVALUATION

Councilmember Navey made a motion *to enter into closed session*. Seconded by Councilmember Baker. Vote was unanimous, 4-0. Motion carried. The time was 3:51pm.

Council took a brief recess so department heads and the audience could leave the boardroom.

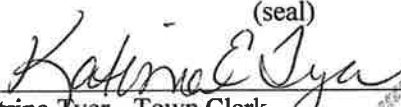
ADJOURN

There being no further action taken or business before Council the meeting stood recessed. The time was 5:02pm.

These minutes were approved at the December 18, 2023 meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

ATTEST:

(seal)

Katrina Tyer - Town Clerk




A. B. Cooper, III - Mayor