



**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**Monday, August 23, 2010**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, August 23, 2010 at 6:00 p.m. in the Council Meeting Room.

**Members Present:** Mayor Cooper, Mayor Pro Tem Harry Archer; Councilmembers: Ann Batt, Eddie Briley,

**Members Absent:** Councilmember Vada Palma

**Others Present:** David Walker, Town Manager; Derek Taylor, Town Attorney; Kelly Cyrus, Town Clerk; Police Chief Smith; Sgt. Sherrie Culpepper; Jessica Fiester, Planning Director; Claude Andrews, Department Chaplain

**CALL TO ORDER AND ROLL CALL**

Mayor Cooper called the meeting to order at 6:00 p.m. Kelly Cyrus, Town Clerk took roll call.

**PLEDGE OF ALLEGIANCE and INVOCATION**

Mayor Cooper led the assembly in the Pledge of Allegiance.  
Claude Andrews, Department Chaplain performed the Invocation.

Councilmember Batt made a motion *to excuse* Councilmember Palma from the meeting. Seconded by Councilmember Ide. Vote was unanimous, 4-0. Motion carried.

**APPROVAL OF AGENDAS**

Councilmember Ide made a motion *to amend* the Agenda by moving Consent Item #7 to the Action Agenda as Item #1 and *to approve* as amended. Seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried.

Councilmember Batt made a motion *to approve* the Consent Agenda as amended. Seconded by Councilmember Briley. Vote was unanimous, 4-0. Motion carried.

Mayor Pro Tem Archer made a motion *to approve* the Agenda as amended. Seconded by Councilmember Briley. Vote was unanimous, 4-0. Motion carried.

**CONSENT AGENDA**

*All items listed below are considered to be routine and will be enacted by one introduction/motion/second/roll call vote. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered separately.*

1. Tax Collection Report
2. Tax Refund
3. Tax Releases
4. Financial Reports
5. Budget Amendment #3
6. Proposed Resolution 10-08-02: Adoption of the Atlantic Beach Waterways Map Schedule
7. Municipal Records Retention and Disposition Schedule Amendment
8. "Notice of No Further Action" - North Carolina Dept. of Environment and Natural Resources
9. Town Council Minutes

**(Clerk's Note: a copy of Consent Agenda items are hereby attached and therefore made a part of these minutes)**

## CITIZEN REQUESTS/COMMENTS

### **Zulene Wooten, 320 Fairview Street - Atlantic Beach, NC**

- Requested Council to do something about the neglect of the property the former Jungle Land was on. She noted the property is actually beginning to look like a jungle land.

### **Joe Goodson, 114 East Boardwalk - Atlantic Beach, NC**

- Requested tighter enforcement on the violation of glass on the beach.
- Requested a "Children At Play" sign to be posted on East Boardwalk near his residence to possibly help control the speed at which motorists drive on East Boardwalk and to make the motorists more aware that there are children in the area.

### **Claude Andrews, 147 Hoop Pole Creek - Atlantic Beach, NC**

- Commented that the Volunteers In Policing Services (VIPS) Program that is through the Police Department is up and running and is an excellent program. He congratulated Sgt. Sherrie Culpepper on her coordination and management of the program.
- Announced the Atlantic Beach Fire Department has now purchased a new 19 foot (19') hard bottom Skiff for their department.

### **James Willis, III, 104 Atlantic Beach Causeway - Atlantic Beach, NC**

- Advised that according to the current Unified Development Ordinance (UDO), older structures do not have to comply with the mandated property addressing that is stated within the UDO.

### **Pace Winstead, 510 Kinston Avenue - Atlantic Beach, NC**

- Gave heartfelt thanks to Atlantic Beach Marine Patrol Officer Jay Smith for his going above and beyond his call of duty in assisting her and her canine while stranded on a sandbar and towing her boat back to her residence.

## PRESENTATIONS

### **1. Resolution 10-08-01: Recognition of Sergeant Sherrie Culpepper, National Night Out Coordinator**

Chief Smith advised that this year the event brought out the largest attendance that he has seen since being involved with the event. He expressed his extreme pleasure at the turnout and the hardwork and dedication of Sergeant Sherrie Culpepper for her coordination of the event and for soliciting a record amount of donations, both monetary and merchandise, from local businesses which contributed to the success of the event. At this time, Mayor Cooper presented Sgt. Culpepper with a Plaque of Recognition.

**(Clerk's Note: A copy of Resolution 10-08-02 is hereby attached and therefore made a part of these minutes.)**

## ACTION AGENDA

### **1. 2<sup>nd</sup> Amendment to the Current Verizon Wireless Cell Tower Lease Agreement between the Town of Atlantic Beach and Cellco Partnership d/b/a/ Verizon Wireless**

Mayor Cooper introduced Jim Hildebrand, representative for Verizon Wireless and stated that Mr. Hildebrand will give a brief overview of what the proposed amendment to the current lease entails.

Mr. Hildebrand explained that Verizon Wireless took over Alltel in January, 2009 and explained that the amendment would increase the current amount of antennas by three (3) at the water tower cell site which would allow Verizon Wireless to transmit both Verizon and Alltel signals and eventually, once completely integrated, the additional antennas that allow the transmittal of both signals would not be required and would be taken down.

Councilmember Ide made a motion *to approve* the second amendment to the current Verizon Wireless Cell Tower Lease Agreement between the Town of Atlantic Beach and Cellco Partnership d/b/a/ Verizon Wireless. Seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried.

## **2. Approval of Service Agreement with North Carolina State University College of Design Extension Service: Causeway Visionary Concepts and Public Participation Coordination**

Mayor Cooper explained that this particular item is an issue that the Council has been talking about for some time and as the Causeway/General Business district is essentially the “gateway” into the town he has felt for awhile that this “gateway” could be more esthetically appealing. And in an attempt to move toward this vision of a more esthetically pleasing and pedestrian-friendly area, the town has contracted with the North Carolina State University’s College of Design where a group of graduate design students will come here and coordinate several public participation meetings with business merchants/owners within the General Business district in an effort to get input into what the merchants in this area would like to see as it relates to architecture, sidewalks, bike paths, landscaping, etc.

Mayor Cooper advised that the first public participation meeting is scheduled for Thursday, September 23, 2010 in the town boardroom, although a time has not been determined yet.

Councilmember Briley made a motion *to approve* the Service Agreement between the Town of Atlantic Beach and the North Carolina State University College of Design Extension Service and the Budget Transfer request of \$8,750.00 subject to approval of the contract language by the Town Attorney. Seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried.

## **DISCUSSION**

### **Moonlight Drive Boat Ramp: Options**

Mayor Cooper read over the options/recommendations that had been voiced for Council’s consideration regarding the boat ramp area on Moonlight Drive. Those options being:

- Post “30 Minute Parking Only” signs
  - ↳ as adopted at June, 2010 Town Council Meeting
  - ↳ or repeal and adopt substitute provisions such as:
- 1<sup>st</sup> Come-1<sup>st</sup> Serve basis (supported by all)
  - ↳ 4 spaces (12’x50’) on right side of ramp
  - ↳ Accommodates vehicle with trailer
- Designate left side of ramp for loading/unloading
  - ↳ time limit of 15 or 30 minutes
- Post “No Parking Anytime - Towing Enforced”
  - ↳ south side shoulder of Moonlight Drive
- Restrict hours of parking with/without ramp usage
  - ↳ (i.e. 11:00 p.m. - 5:00 a.m.)
- Regulate usage hours seasonally
- Adopt final rules as ordinance

### **COUNCIL COMMENTS:**

Councilmember Briley commented that two (2) commercial fishermen that he knows of have stopped using the ramp due to high congestion of the area. He stated that the biggest problem he has heard from residents of this area is the congestion in the street due to parking or lack of. Councilmember Briley said he received a suggestion of from the beginning of May through November there would be no permanent parking during these months, have 30 minutes for loading/unloading and have no ramp usage from 9:00 p.m.-5:00 a.m. He feels this is a good option and goes along with what, in his opinion, the residents in the area would want. Councilmember Briley feels that after the Thanksgiving holiday there is not enough activity to warrant restrictions on usage.

## **PUBLIC COMMENTS:**

Joe Shute, owner of Capt. Joe Shute's Bait & Tackle - 601-H Atlantic Beach Causeway, Atlantic Beach, NC

- in favor of the 1<sup>st</sup> Come-1<sup>st</sup> Serve with 4 parking spaces
- if "No Parking" signs were posted on shoulder, feels this would take care of the street parking issue
- against seasonal usage restrictions
- in favor of restricted night hours
- request "No Thru Traffic" signs posted so that boat traffic does not come through neighborhood

Ray Lamb - owner/operator of Chasin' Tails Bait Yard - 709 Atlantic Beach Causeway, Atlantic Beach, NC

- in favor of 1<sup>st</sup> Come - 1<sup>st</sup> Serve with 4 parking spaces
- in favor of time restriction for loading/unloading
- "30 Minute Parking" would be taken advantage of and unable to be truly enforced by police department
- request a rule to be posted for vehicles to turn off headlights while loading/unloading

Alice Skinner - 111 Moonlight Drive, Atlantic Beach, NC

- need some type of provision in place to reduce the speed of traffic that travels Moonlight Drive

Judy Linberger- 228 Moonlight Drive, Atlantic Beach, NC

- also in favor of provision to reduce speed of traffic on Moonlight Drive

Steve Bond - 106 Moonlight Drive, Atlantic Beach, NC

- in favor of restricted nighttime hours
- in favor of parking - but against all-night parking
- in agreement with enforcement of speeders

Mayor Cooper stated that he feels the majority are in favor of 1<sup>st</sup> Come-1<sup>st</sup> Serve with four (4) designated parking spaces; restricted hours of ramp usage year-round and no parking on the south side shoulder of Moonlight Drive. He advised that no action would be taken at this night's meeting.

## **TOWN ATTORNEY REPORT**

Derek Taylor, Town Attorney advised that on August 2, 2010 House Bill 683 "Prepaid Wireless Sunset/Permit Extensions" (formerly "Adopt NC Hot Sauce Day") was signed into law and became effective on that date. Mr. Taylor explained that following the 2009 Session of the NC General Assembly, three session laws were enacted which intended to shore up the construction, homebuilding and real estate industries during the recent economic downturn, when depressed sales and difficulty in obtaining financing led developers to postpone or abandon construction of many previously approved projects. The General Assembly wanted to prevent the complete abandonment of already approved projects and activities due to hard economic times so the legislation provided relief to industries by "stopping the clock" on the expiration of development approvals that are or were valid during a three-year window of time.

Late in the 2010 Session, at the request of the North Carolina Home Builders Association, the language of the original bill (HB 683 North Carolina Hot Sauce Day) was revised to extend the sunset of the tolling period from December 31, 2010 to December, 31, 2012. After much debate, HB 683 passed into law on August 2, 2010 moving the tolling period to December 31, 2011 and adding new regulatory options for local governments. Mr. Taylor continued to explain that Section 7.1 of the new act allows local governments to terminate the extension of a development approval if the holder of the approval fails to meet certain conditions which include compliance with laws and regulations in effect at the time of issuance of the approval, maintaining performance guarantees during the extension period, and completing infrastructure necessary to obtain final permit approval. All of which are retroactive. HB 683 provides the right to appeal the decision to terminate the tolling of the development approval to the local Board of Adjustment.

In addition, a local government has an "Opt-Out" option which provides for local governments who do not want to extend the expiration on their permits. This "Opt-Out" option, if exercised, would require action by way of Resolution before December, 2010. Mr. Taylor request the Council to give consideration to ask the Planning Director to research the options, what permits are outstanding and would there be a problem if the town allows the extension through December 31, 2011. Mr. Taylor reiterated that if no action is taken by the town prior to the deadline of December, 2010 to do so then the tolling period will be automatically extend to December 31, 2011. Mayor Cooper requested the Town Manager to have the

Planning Director and Inspections Director give a presentation as to whether this would be an issue for the town and what, in their opinion, they feel is the best option.

#### **TOWN MANAGER REPORT**

Town Manager had no report.

#### **MAYOR/COUNCIL REQUESTS/COMMENTS**

Councilmember Ide:

- Thanked everyone for their attendance at the meeting.

Councilmember Briley:

- Felt that this night's meeting was a good judge of how the Council and citizens can come together to help resolve town issues.

Councilmember Batt:

- Thanked the police department and staff on the National Night Out event. She had received rave reviews on the event and the visibility of the police department boat out on the waters.

Mayor Pro Tem Archer:

- Thanked everyone for their attendance.
- Noted how the town park is being utilized
- Announced the next Atlantic Beach Parks and Recreation meeting for Wednesday, August 25, 2010-2:00 p.m.

Mayor Cooper:

- Thanked staff and Council for an excellent summer season.
- Voiced excitement about the creating a new vision for the town and the planning that will go into that.

#### **ADJOURNMENT**

There being no further action taken or business before the Town Council, Councilmember Briley made a motion *to adjourn* the meeting. Motion was seconded by Councilmember Batt. Vote was unanimous, 4-0. It was 7:15 p.m.

These minutes were approved at the September 27, 2010 meeting of the Atlantic Beach Town Council.

ATTEST:

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Kelly L. Cyrus, Town Clerk

TOWN OF ATLANTIC BEACH

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A. B. Cooper, III - Mayor