



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Tuesday, January 19, 2010



The regularly scheduled meeting of the Atlantic Beach Town Council was held Tuesday, January 19, 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, Trish Ide and Vada Palma

Members Absent:

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Kelly Cyrus, Town Clerk; Jessica Fiester, Planning Director; Sabrina Simpson, Administrative Services; Marc Schulze, Public Works Director; Donna Turner, Inspections Director; Ray Langley, Planning Board; Mr. 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

Mr. Claude Andrews gave the Invocation.
Mayor Cooper led the assembly in the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Mayor Pro Tem Archer made a motion *to amend* the Action Agenda by *removing* Action Agenda Item #2; Request for Taxi Service within the Town of Atlantic Beach and *scheduling* that item for the February 15, 2010 Town Council meeting and *to approve* the agenda as amended. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion *to approve* the Consent Agenda. Seconded by Councilmember Batt. Vote was unanimous, 5-0. 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 – December, 2009:** The tax collection report showed that \$1,051,729.06 had been collected.
2. **Tax Releases – December, 2009:** Tax release in the amount of \$47059 was submitted for approval.
3. **Tan Refunds – December, 2009:** Tax refunds in the amount of \$133.26 was submitted for approval.
3. **Budget Transfers - December, 2009:** One (1) budget transfer was submitted for approval.
4. **Budget Amendment #8:** A budget amendment in the amount of \$2,200.00 was submitted for approval.
5. **Budget Amendment #9:** A budget amendment in the amount of \$12,752.00 was submitted for approval.
6. **Financial Reports– December, 2009**
8. **Town Council Minutes:** October 26, 2009; November 23, 2009

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

CITIZEN REQUESTS/COMMENTS

James Willis, III – 104 Atlantic Beach Causeway, Atlantic Beach, NC

Mr. Willis commented on the “self-perpetuating” fence that was in the middle of a roadway earlier that day. He stated he had struck a fence that was in the middle of the roadway and later went back and the fence was gone. He commented that something like this could only happen in Atlantic Beach.

ACTION AGENDA

1. **Eastern Carolina Council General Membership Board Appointment:** - Mayor Cooper

Mayor Cooper explained that the Eastern Carolina Council requires each member municipality to make an appointment or reappointment to the General Membership Board each year. He noted that because the Economic Development Administration provides planning funds and economic development grants to the region, the ECC Board must meet certain membership requirements, including private sector representation. Municipal appointments are classified as either public or private sector appointments. Mayor Cooper stated that in February, 2009, Mr. John Lotspih was appointed to the ECC General Membership Board and would be reappointing Mr. Lotspih for 2010.

Mayor Pro Tem Archer made a motion *to nominate and approve* the reappointment of John Lotspih to the Eastern Carolina Council General Membership Board for 2010. Seconded by Councilmember Ide. Vote was unanimous, 5-0.

2. **Request to Schedule Public Hearing:** Amendments to Article 5, Zoning Districts; Article 6, Special Requirements and Appendix A, Definitions of the Unified Development Ordinance to include tent campgrounds.

Presented by: Jessica Fiester, Planning Director

Councilmember Palma made a motion *to schedule* a Public Hearing at the February 15, 2010 Town Council meeting on Article 5, Article 6 and Appendix A of the Unified Development Ordinance to include tent campgrounds. Councilmember Batt seconded the motion. Vote was unanimous, 5-0. Motion carried.

3. **PUBLIC HEARING: Ordinance 10-01-01; Amendments to Article 5, Zoning Districts; Article 6, Special Requirements; Appendix A of the Unified Development Ordinance as it relates to Amusement Parks.**

Presented by: Jessica Fiester, Planning Director

Miss Fiester explained that the Planning Board unanimously recommended adopting amendments to Article 5, Article 6 and Appendix A of the Unified Development Ordinance creating amusements to be a Conditional Use in the Resort Services (RS), Commercial Business (CB) and Circle Development District (CDD) Zoning Districts and the amendments would lay out the requirements that must be met in order to qualify to apply for an amusement center as a conditional use.

Councilmember Briley questioned if everybody seemed ok with the changes. Ray Langley, Planning Board Chairman responded from the audience by stating that although he was not at the Planning Board’s initial meeting on this matter, all members and citizens who have approached him have been in agreement with the changes. Mr. Langley also noted that the amendments contain very generic language.

Councilmember Briley made a motion *to enter into* Public Hearing. Councilmember Ide seconded the motion. Vote was unanimous, 5-0. Motion carried. The floor was open to public comment at 6:17 p.m.

With no one signed up to speak, Mayor Pro Tem Archer made a motion *to exit* the Public Hearing. Councilmember Batt seconded the motion. Vote was unanimous, 5-0. Motion carried. The floor was closed to public discussion at 6:18 p.m. Mayor Pro Tem Archer made a motion *to adopt* Ordinance 10-01-01; Amendments to Article 5, Zoning Districts; Article 6, Special Requirements; Appendix A, Definitions of the Unified Development Ordinance as written. Councilmember Ide seconded the motion. Vote was unanimous, 5-0. Motion carried.

4. **PUBLIC HEARING: Ordinance 10-01-02; Amendments to Article 5, Zoning Districts; Article 8, Marinas; Appendix A, Definitions of the Unified Development Ordinance as it relates to Marinas.**

Presented by: Jessica Fiester, Planning Director

Miss Fiester explained that the amendments to Article 5, Article 8 and Appendix A were unanimously approved and recommended by the Planning Board for Town Council approval. Miss Fiester further explained that Article 8, Marinas from the town's former Chapter 18, Zoning Ordinances was transferred to the newly adopted Unified Development Ordinance (UDO) without any revisions and the proposed amendments would replace the former Article 8 and would not be in conflict with state regulations and also integrates the conditional use system.

Councilmember Briley made a motion *to enter into* Public Hearing. Councilmember Batt seconded the motion. Vote was unanimous, 5-0. Motion carried. The floor was open to public discussion at 6:24 p.m.

With no one signed up to speak, Councilmember Palma made a motion *to exit* the Public Hearing. Seconded by Councilmember Briley. Vote was unanimous, 5-0. The floor was closed to public discussion at 6:25 p.m.

Councilmember Batt made a motion *to adopt* Ordinance 10-01-02; Amendments to Article 5, Zoning Districts; Article 8, Marinas; Appendix A, Definitions of the Unified Development Ordinance as written. Mayor Pro Tem Archer seconded the motion. Vote was unanimous, 5-0. Motion carried.

TOWN ATTORNEY REPORT

Town Attorney had no report.

TOWN MANAGER REPORT

David Walker, Town Manager thanked the Council on the opportunity extended to him on returning to the Town of Atlantic Beach as Town Manager; former Town Manager, Pete Allen on a smooth transition for him; and the staff and department heads. Mr. Walker announced that he is looking forward to the upcoming Council retreat to be held on January 22, 2010; in regards to Brass Properties, building permits will possibly issued and it is a high probability that Ms. Brady will withdraw her request for a meeting with Council.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Batt welcomed Mr. Walker back and noted that she felt the Council had employed a very capable individual as Town Manager. She also thanked everyone for the attendance at the meeting.

Mayor Pro Tem Archer welcomed Mr. Walker as manager and wished everyone a happy and prosperous New Year.

Councilmember Palma announced that she is delighted to have Mr. Walker as the town's new manager and that Mr. Walker is very knowledgeable regarding public government and the many grant processes.

Councilmember Briley wished everyone a happy and prosperous New Year. He commented the Council has high goals that they want to obtain within the next two (2) years and would need a lot of input from the citizens.

Councilmember Ide thanked everyone for attending; welcome Mr. Walker and wished everyone a Happy New Year.

Mayor Cooper wished everyone a Happy New Year and stated that he looks forward to the next two (2) years as Mayor.

ADJOURNMENT

There being no further action taken or business before the Town Council, Mayor Pro Tem Archer made a motion *to adjourn* the meeting. Motion was seconded by Councilmember Batt. Vote was unanimous, 5-0. It was 6:43 p.m.

Submitted by:

Kelly L. Cyrus, Town Clerk

These minutes were approved at the February 15, 2010 meeting of the Atlantic Beach Town Council.

A. B. Cooper, III - Mayor