



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, February 15, 2009



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, February 15, 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; Fire Chief Snyder; Police Chief Smith, Lt. Prior, Ray Langley, Planning Board Chairman; Mr. Andrews, Department Chaplain; Sammie Turner, Speaker; Fred Bunn, Speaker

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

Councilmember Briley made a motion *to amend* the Action Agenda to add a Closed Session at the end of the Open Session and *to approve* the agenda as amended. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Archer made a motion *to approve* the Consent Agenda. Seconded by Councilmember Ide. 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 – January, 2010:** The tax collection report showed that \$547,577.13 had been collected.
2. **Tax Releases – January, 2010:** Tax release in the amount of \$609.19 was submitted for approval.
3. **Tan Refunds – January, 2010:** Tax refunds in the amount of \$343.12 was submitted for approval.
4. **Authorization to Advertise Tax Liens**
5. **Budget Transfers - January, 2010:** Five (5) budget transfers was submitted for approval.
6. **Budget Amendment #10:** A budget amendment in the amount of \$5,000.00 was submitted for approval.
7. **Budget Amendment #11** A budget amendment in the amount of \$5,980.00 was submitted for approval.
8. **Financial Reports– January, 2010**
9. **Approval of Volunteers In Policing Grant**
10. **Resolution 10-02-01: Installation of “Welcome to Atlantic Beach” Town Entry Signs**

11. Resolution 10-02-02: Designation of Official To Sign Papers and to Otherwise Represent the Town of Atlantic Beach in Connection with Mosquito Control

12. Fiscal Year 2010-2011 Budget Calendar

13. January 22, 2010 Special Meeting-Retreat Summary Outline

14. January 22, 2010 Special Meeting-Retreat Goals/Objectives

15. Town Council Minutes: December 21, 2009; January 19, 2010; January 22, 2010

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

CITIZEN REQUESTS/COMMENTS

ACTION AGENDA

1. PUBLIC HEARING: Request for Taxi Service within the Town of Atlantic Beach, NC

Presented by: Mr. Sammie Turner

Mr. Turner began by stating that he has been in the taxi service for two (2) years and has done a limited study of the need for additional taxi services within Atlantic Beach. He noted that his market ideas would be beneficial to the residents and that his service was just approved to operate within the town of Morehead City.

Councilmember Palma made a motion *to go into* Public Hearing, seconded by Councilmember Batt. Vote was unanimous, 5-0. The floor was open for discussion at 6:06 p.m.

John Simmons, an employee of Atlantic Beach Taxi, 115 Arborvite Dr., Pine Knoll Shores

Mr. Simmons stated that he currently works a 12 hour shift and that he feels there is no need for another taxi service with the town and currently he is only making money in the summer months. Mr. Simmons opposed the proposal of another taxi service with Atlantic Beach.

Terry Resson, 116 Clayton Dr., Newport

Mr. Resson also opposed the proposal of an additional taxi service within the Town. He feels there are too many taxi services in operation now within the town and there is not enough clientele to sustain another service.

Wes Brown, owner-Atlantic Beach Taxi Cab, 519 Kinston Ave, Atlantic Beach, NC

Mr. Brown emphatically opposed the proposal of another taxi service within Atlantic Beach. He made note that his company is down from twelve (12) operating taxis to eight (8). His feelings are that there are enough taxi services within the town and that the busiest times are only on Friday and Saturday nights for about five (5) hours each.

Mr. Turner commented that from what he has seen and heard there is a need for additional services in Atlantic Beach and if there wasn't, he would not be proposing additional locations for his company during these tough economic times. When questioned as to whether Mr. Turner would have a base office and taxis stationed in the town, he stated that he would not.

Mayor Pro Tem Archer felt there needed to be more statistical data to support the "need" for an additional taxi service prior to granting approval of the request.

Councilmember Briley agreed with the Mayor Pro Tem and also felt that if a base office is not required for Mr. Turner's business within the town limits, then there is no need to grant approval because he could still do pickups within the town if called.

Councilmember Ide asked a rhetorical question as to why a business owner would want to open and operate a business within the town if there was not an actual need.

Councilmember Briley made a motion *to exit* the Public Hearing, seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. The floor was closed for public comment at 6:35 p.m.

After a discussion amongst the Mayor and Council, Councilmember Briley made a motion *to deny* the request for an additional taxi service with Atlantic Beach and that if Mr. Turner truly felt there was the need for additional taxi services that he bring back his request to the Council in several months with statistical data to support his request. Councilmember Palma seconded the motion. Vote was 3 in favor (Briley, Palma, Archer) and 2 opposed (Batt, Ide).

2. Request to Schedule Public Hearings (separately):

- Unified Development Ordinance

a. MULTI-FAMILY HOUSING DENSITY AND HEIGHT REQUIREMENTS:

Sec. 6.21.4, Multi-Family Housing; Sec. 5.6, Table of Area, Yard and Height Requirements

Mayor Pro Tem Archer made a motion *to schedule* a Public Hearing for the March 15, 2010 Town Council meeting on Section 6.21.4 and Section 5.6 of the Unified Development Ordinance, seconded by Councilmember Palma. Vote was unanimous, 5-0. Motion carried.

b. FENCES:

Section 7.2, Fences and Walls

Councilmember Briley made a motion *to schedule* a Public Hearing for the March 15, 2010 Town Council meeting on Section 7.2, seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

3. PUBLIC HEARING: Ordinance 10-02-01: Amendment sot Article 5, Zoning Districts; Article 6, Special Requirements and Appendix A, Definitions of the Unified Development Ordinance as it relates to tent campgrounds.

Jessica Fiester, Planning Director opened the presentation by explaining that a business owner had requested an amendment to the ordinance that would allow an individual the opportunity to apply for a permit to create a tent campground with the town limits. Miss Fiester noted that this type of use would be considered a Conditional Use Permit and would only be allowed in the Resort Services (RS) district.

Councilmember Ide made a motion *to go into* Public Hearing, seconded by Councilmember Briley. Vote was unanimous, 5-0. The floor was open for discussion at 6:52 p.m.

Mr. Tony Malouff of 2518 West Fort Macon Rd. addressed the Council explaining that he is a business owner in town and has been in the same location for twenty two (22) years now. The area that he is proposing for a tent campground is behind his business on a back street area. He feels this type of accommodations would be a good thing for the family atmosphere and the town. He explained that the concept and ideas that he has for the campground would be presentable and located on a little over an acre of land that he owns and conform to all town codes.

Ray Langley, Planning Director spoke on the issue by stating that the amendment was unanimously recommended by the Planning Board and although the Board realized the amendment was to just allow an individual to apply for a permit for this type of use, that eventually if the construction of a tent campground was approved, it would allow another type of venue for families that would not be so cost prohibited as the surrounding hotels, condo-tels, etc.

Mayor Pro Tem Archer made a motion *to close* the Public Hearing, seconded by Councilmember Batt. Vote was unanimous, 5-0. The floor was closed to public comment at 7:15 p.m.

Mayor Cooper commented that he was worried about the esthetics of the proposed site. Miss Fiester reiterated that the amendment was only to allow an individual the right to apply for a permit and the applicant would still go through the whole planning/permit process. After much discussion, Councilmember Palma made a motion *to approve* Ordinance 10-02-01, seconded by Councilmember Ide. Vote was 3 in favor (Ide, Palma, Batt) and 2 opposed (Archer, Briley). The item was table for a 2nd Reading due to the lack of passage on a majority of votes. The second reading was scheduled for the March 15, 2010 Town Council meeting.

4. Review and Discussion: Chapter 8, Fire Prevention and Protection: Section 8.2, Open Burning and Open-Flame Cooking Devices as it relates to Charcoal Burners and Charcoal Grilling on the beach.

Councilmember Briley opened the discussion stating he felt the issue of open burning, specifically grilling on the beach strand should be prohibited due to the previous emergency calls the town has received and the safety of all who use the town's beach areas. He also noted that he would like to see commercial fire pits banned and recommended to remove the usage of coals/commercial fire pits from beaches.

Councilmember Briley made a motion *to direct staff to revise* the current Chapter 8 ordinance with the recommendations given and bring forth a proposed text amendment of Chapter 8 at the March 15, 2010 Town Council meeting . Seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

5. Approval of Letter Requesting Carteret County Funding of Lifeguard Program

Mayor Cooper advised that the Council had drafted a letter requesting funding assistance for the Lifeguard Program at Atlantic Beach's main strand. He further explained that the county had began funding the program in 2001 from the county's Parks and Recreation fund, but there has been no funding assistance from the county since 2006. At this time, Mayor Cooper read into the minutes the letter on the Council's request for funding assistance from the county for the Lifeguard Program in Atlantic Beach.

Councilmember Briley made a motion *to approve* the letter as drafted and have it forwarded to the Carteret County Board of Commissioners. Seconded by Councilmember Palma. Vote was unanimous, 5-0. Motion carried.

Mayor Cooper, in addition, requested Atlantic Beach residents to voice in favor of the funding when it was brought forth at the county commissioner's meeting.

6. Discussion of Support of Carteret County continuing the Four (4) Year Property Revaluation Process

Mayor Cooper stated that currently the county reevaluates real property every four (4) years, even though the state statute requires only every eight (8) years. He further noted that the last revaluation was done in 2007 and asked for support from Council on a request to be made on behalf of Atlantic Beach to possibly postpone the scheduled revaluation for next year and continue with the four (4) year process.

It was the general consensus of the Council to fully support and forward the request to Carteret County.

Meeting recessed: 7:57 p.m.

Meeting reconvened: 8:09 p.m.

PRESENTATIONS

1. North Carolina Department of Transportation: Carteret County Transportation Plan

Jessica Fiester, Planning Director advised that she is currently a member of the Carteret County Transportation Committee. She explained that a transportation plan for Carteret Co. is long overdue for updates and the committee is working on revising the current plan that will streamline the CAMA Land Use Plan, thoroughfares, etc. and that the process is expected to take approximately twelve (12) to fourteen (14) months. She noted that a Dept. of Transportation representative is on site for assistance and once a final draft has been completed, a copy will be sent to all county municipalities. She also noted that there are guidelines for municipalities in reference to sidewalks, right-of-ways, an overview of services on the county's website for reference.

2. Status Update of the Circle Development Plan

Fred Bunn of FMB of Atlantic Beach, LLC gave the Council an update on the development of the Circle area in town. He stated that at the current time due to the economy and the financial stress it has put on all citizens, the development has not progressed as planned, but the original concept and plans for the Circle area have not changed. Mr. Bunn advised that he would be open and receptive to any ideas for use of the site on a temporary basis for any town recreational activities the town may wish to hold until a time that development began to move forward. Mayor Cooper acknowledged that the offer of temporary use of the property is a viable option for the town and that currently the town is looking into creating recreational activities. He also noted that the Atlantic Beach Parks and Recreation Committee has begun to meet for that specific purpose and that possibly a temporary lease agreement between FMB of Atlantic Beach, LLC and the town could be constructed for that purpose.

Donnie Henson briefly gave an update on the "Welcome to Atlantic Beach" entry signs. He advised that on February 27, 2010 the Shag Hall of Fame will be coming to town and the signs will be unveiled at this event and extended an invitation to all.

TOWN ATTORNEY REPORT

Town Attorney had no report.

TOWN MANAGER REPORT

Town Manager had no report.

MAYOR/COUNCIL REQUESTS/COMMENTS

Mayor Pro Tem Archer advised the assembly that the US Census 2010 forms would be coming in the mail very soon and the forms will be very important data that will dictate the allocation of federal funds to municipalities and urged everyone to do their part by completing the surveys and returning them. He also noted that a small park will be constructed on the property located within the Coral Bay Shopping Center by Memorial Day, 2010 for the beginnings of recreation activities within the town.

Councilmember Palma, Briley, Batt and Ide had no comment.

Mayor Cooper thanked Harry for all his work on the recreation effort.

Councilmember Palma made a motion *to go into* Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) To Consult with the Town Attorney "To Protect the attorney-client privilege" and "To consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action." Seconded by Councilmember Batt. Vote was unanimous, 5-0.

The Council entered Closed Session at 8:55 p.m.
Council reconvened back to Open Session at 9:09 p.m.

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 Ide. Vote was unanimous, 5-0. It was 9:10 p.m.

Submitted by:

Kelly L. Cyrus, Town Clerk

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

A. B. Cooper, III - Mayor