



**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**Monday, May 24, 2009**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, May 24, 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, Administration; Marc Schulze, Public Services Director; Police Chief Smith; Claude Andrews, Department Chaplain; Fire Chief Snyder; Deputy Fire Chief Simpson; Atlantic Beach Fire Personnel - Andy Reed, David Eubanks, Scott Bell, Chris Keiser, Robert Rutstein; Morehead City Personnel: Fire Chief Wes Lail; Mayor Jerry Jones; Town Manager Randy Martin

**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 AGENDAS**

Mayor Pro Tem Archer made a motion *to amend* the Agenda by removing Item #8 - Appointment-Board of Adjustment from the Consent Agenda to Item #3 on the Action Agenda and add as Item #2- Presentation and Discussion - Moonlight Drive Boat Ramp in the Presentations and *to approve as amended*. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Batt made a motion *to approve* the Consent Agenda as amended. Seconded by Councilmember Briley. 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
2. Tax Releases
3. Budget Transfers
4. Budget Amendment #14
5. Financial Reports
6. Approval on Revisions to the Atlantic Beach Water Police
7. Surplus Auction Report
8. Awarding of the 2010-2011 Phase II-Vegetative and C&D Debris Removal Contract
9. Approval of Task Order #11: Drainage Improvement Proposal-West Bogue Blvd. Area
10. Resolution 10-05-01: Approval for Placement of "No Parking" Signs on Henderson Boulevard with Revision of the Atlantic Beach Traffic Schedule
11. Ordinance 10-05-02: Amendment to Chapter 6, Buildings and Building Regulations of the Code of Ordinances of the Town of Atlantic Beach, North Carolina
12. Town Council Minutes: April 12, 2010

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

## CITIZEN REQUESTS/COMMENTS

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

Ms. Winstead's comments were:

- Commended Mayor Cooper on his calm, but firm handling of a rather abrasive-speaking citizen during the Public Comment of the April, 2010 Council meeting.
- Thanked Mayor Cooper and any citizens who attended the previous Carteret County Commissioners meeting for speaking on behalf of the Town with regards to the funding of the Lifeguard Program

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

Mr. Andrews' comments were:

- Commended and thanked all town personnel involved in the small revitalization of the Circle area.
- Has heard alot of good comments

### **Craig Weber - 121 Noise, Morehead City, NC**

Mr. Weber's comments were:

- Request Council to "re-energize" the quaintness and family atmosphere of Atlantic Beach
- Would like to request to obtain a permit to sell ice cream via a motorized vehicle within the residential areas of Atlantic Beach

## PRESENTATIONS

### **1. Presentation of the "Rescue of the Year" to the Atlantic Beach Fire Dept. and the Morehead City Fire Dept.**

Presented by: Mayor Cooper

Gordan Joyner, Director of the North Carolina Association of Rescue and EMS stated that each year the North Carolina Association of Rescue and EMS solicits technical rescues of the year via applications throughout the year for the nomination of "A. B. Parker Rescue of the Year". This perpetual award is sponsored by A. B. Parker, former leader within the Rescue association and upon his passing Mr. Parker's family continued the sponsorship. Mr. Joyner explained that this award is given to those agencies that give a little extra. At this time, Mr. Joyner presented the Atlantic Beach Fire Department and Morehead City EMS for 1<sup>st</sup> Place for the "A. B. Parker Rescue of the Year" award.

### **2. Presentation and Discussion: Moonlight Drive Boat Ramp**

Councilmember Briley commented that the boat ramp is a very high traffic area. His concerns are with vehicles being parked to where the vehicles extend into the street or unattended vehicles being left while unloading and blocking the roadway. Councilmember Briley feels there needs to be a "30 Minute Parking" implemented. Chief Smith emphasized that his officers recently had to tow 3 vehicles; 2 were parked 2 ½ feet into the roadway; 1 parked 5 feet into the roadway. Chief Smith also reminded the Council that the police department is not able to enforce what is currently posted on signs at that location because they are just rules of the residents there, not town-adopted ordinances. Chief Smith instructed that in order for anything to be enforceable at the Moonlight Drive boat ramp, Council would need to adopt an ordinance stating the action to be taken, post signs and update the town's official traffic schedule.

Mayor Cooper instructed Chief Smith to format an ordinance that pertains to their request of 30 minute parking in order to schedule a public hearing on the issue for the June, 2010 Town Council meeting.

## ACTION AGENDA

**1. Request to schedule a Public Hearing:** Amendments to Article 5, Zoning Districts and Article 6, Special Requirements of the Unified Development Ordinance with regards to establishing Taverns, Bars and Nightclubs as a Conditional Use in the Resort Services (RS) Zoning District.

Presented by: Jessica Fiester, Planning Director

Miss Fiester cited several questions she has received as to why these specific types (taverns, bars, nightclubs) of businesses are not allowed within the Resort Services zoning district. She noted that proposed changes have been developed to revise the aforementioned sections of the UDO and requesting a public hearing to be scheduled for the June 28, 2010 Town Council meeting to take both oral and written public comments on the proposed changes.

Mayor Pro Tem Archer made a motion *to schedule* a public hearing on amendments to Article 5 and Article 6 of the UDO for the June 28, 2010 Town Council meeting. Seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

**2. PUBLIC HEARING: Budget Ordinance 10-05-01:** Fiscal Year 2010-2011 Operating Budget for the Town of Atlantic Beach, North Carolina

Presented by: David Walker, Town Manager

Councilmember Briley made a motion *to enter into* Public Hearing on proposed Budget Ordinance 10-05-01. Seconded by Councilmember Palma. Vote was unanimous, 5-0. Motion carried at 6:27 p.m.

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

Mr. Willis' comments were:

- Feels the beach nourishment and Powell Bill reserve funds should be left untouched so there will be monies available for when "the big one comes"

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

Mr. Andrews' comments were:

- expressed appreciation for the Town Council on maintaining the current tax rate and their diligence, hard work and support to all departments.

Councilmember Briley made a motion *to exit* the public hearing. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried @ 6:36 p.m.

Councilmember Palma made a motion *to adopt* Budget Ordinance 10-05-01. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

**3. Board of Adjustment Appointments**

Presented by: Jessica Fiester, Planning Director

Miss Fiester announced Mr. George Bailey had submitted his resignation from the Board of Adjustment leaving an unexpired term until June 30, 2011. Miss Fiester explained that Mr. Gene Walz, current Alternate to the Board of Adjustment, has served the longest in the capacity of Alternate and recommends his nomination to fulfill the unexpired term of Mr. Bailey's. Mayor Pro Tem Archer nominated Gene Walz to the Board of Adjustment as regular board member and Steve Chesson as Alternate to the Board of Adjustment.

Councilmember Ide made a motion *to accept and appoint* Gene Walk as a regular board member to fulfill the unexpired term to June 30, 2011 and Steve Chesson as Alternate to the Board of Adjustment. Seconded by Councilmember Palma. 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 for their guidance and direction on the FY2010-11 budget and staff for their hard work during the all budget preparations.

**MAYOR/COUNCIL REQUESTS/COMMENTS**

Councilmember Palma:

- requested all to support the vendors that will be here during the summer months selling their goods
- in addition to Council, need residential support group for attendance at the county commissioners meetings

Councilmember Briley:

- feels the upcoming recreation activities and park facilities are creating an “exciting time” in Atlantic Beach
- invited everyone to get out and see what is taking place

Councilmember Ide:

- commented the town looks great
- thanked Town Manager and staff for creating a “user-friendly” budget process

Councilmember Batt:

- thanked everyone for attending
- invited all to enjoy and take part in the park and recreation that is being planned for the summer months

Mayor Pro Tem Archer:

- thanked all Parks and Recreation committee members and staff for their hard work and time.

Mayor Cooper:

- advised all property owners, that not only are they taxpayers in Atlantic Beach, but also taxpayers in Carteret County, and he welcomed their presence at county board meetings so they can speak as (un) diplomatically on any issues they deem necessary.

## 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 Briley. Vote was unanimous, 5-0. It was 6:58 p.m.

Submitted by:

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Kelly L. Cyrus, Town Clerk

These minutes were approved at the June 28, 2010 meeting of the Atlantic Beach Town Council.

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A. B. Cooper, III - Mayor