



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, September 27, 2010



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, September 27, 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; Police Chief Smith; Jessica Fiester, Planning Director; Marc Schulze, Public Service Director; Kim Tynes, Inspections/Planning Administrative Assistant; Sabrina Simpson, Administrative Services; 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 and asked for a Moment of Silence in Memory of Ray Barts, former Councilmember for Atlantic Beach; and Pete Allen, former two time Town Manager for Atlantic Beach. Claude Andrews, Department Chaplain performed the Invocation.

APPROVAL OF AGENDAS

Councilmember Palma made a motion *to amend* the Agenda by removing Presentation Item #2 and moving to the Action Agenda as Item #6 and *to approve* as amended. Seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Archer 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
2. Tax Refund
3. Tax Releases
4. Financial Reports
5. Budget Amendment #4
6. Budget Amendment #5
7. Budget Transfers
8. 2010 Firefighter's Relief Fund - Report of Fire Conditions
9. Resolution 10-09-01: North Carolina Dept. of Emergency Management Designation of Applicant's Agent
10. Town Council Minutes - August 23, 2010

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

CITIZEN REQUESTS/COMMENTS

James Newman Willis, III: 104 Atlantic Beach Causeway, Atlantic Beach, NC

- request Council to be aware to take care of the renourishment sand that is being provided to the town

- feels at some point in the future, the Town may have to request the removal of excess sand

Mike Graff: 211 Pelican Drive, Atlantic Beach, NC

- feels that a recreational vehicle park will diminish property values, but especially on Pelican Drive

Pace Winstead: 511 Kinston Ave., Atlantic Beach, NC

Stephen Robinson: 104 Shore Drive, Atlantic Beach, NC

Eve Hall: 107 Fairview St., Atlantic Beach, NC

- Ms. Winstead, Mr. Robinson and Ms. Hall opposes a recreation vehicle park

George Richardson: 314 Fairview St., Atlantic Beach, NC

- requests the town to employ the NC State University graduate schools to look at renovations throughout the rest of the Town, not just the Causeway area
- feels that property values will fall dramatically if a recreational park is allowed
- streets are not appropriate for that kind of increase in traffic

Lori Tatum: 109 Dogwood St., Atlantic Beach, NC

- feels that the Town is “dumping” on the west end of town by not taking care and possibly allowing a RV park
- does not feel that the current Council and previous Councils do not care about residents nor the west end of town

Zulene Wooten, 320 Fairview St., Atlantic Beach, NC

- opposes a recreational vehicle park
- do not feel that special conditions should be allowed for RV parks (i.e. changes in setbacks for sewer lines, use of right-of-ways, changes in distance between vehicles)
- stated that the old “Jungle Land” property is horrific looking and there is no storm water retention on this property either which is beginning to be detrimental to the surrounding properties

Mickey Stokes: 414 E. Glenn St., Atlantic Beach, NC

- would like to see renourishment sand put in his area

Claude Andrews:

- commented that the turnout for the recent King Mackerel tournament was great
- thanked the police and fire departments personnel and volunteers for their hard work

PRESENTATIONS

1. Resolution 10-09-02: Awarding of Badge and Service Weapon to Sergeant Jay Spitz upon Retirement

Chief Smith and Mayor Cooper announced that Sergeant Jay Spitz will be retiring from the Atlantic Beach Police Department as of November 1, 2010. Mayor Cooper recognized Sgt. Jay Spitz for his service in law enforcement since 1985 and eight (8) years of service and dedication to that Atlantic Beach Police Department. In addition, Mayor Cooper awarded Sgt. Spitz his badge and service sidearm on his retirement. Although Sgt. Spitz was not in attendance at this night’s meeting, Mayor Cooper read into the record the reading on the plaque that will be awarded to Sgt. Spitz.

(Clerk’s Note: A copy of Resolution 10-09-02 is hereby attached and therefore made a part of these minutes.)

ACTION AGENDA

1. Request to Schedule Public Hearing: Amendments to the Unified Development Ordinance as it relates to Recreational Vehicle Parks

Jessica Fiester, Planning Director explained that the Planning Board heard a request from Doug Brady and Jim Bailey of Beach Huts, LLC for text amendments to the sections within the Unified Development Ordinance regarding recreational vehicle parks. She noted that recreational vehicles are currently allowed in the Resort Services district with a conditional use permit. The amendments requested were: a.) reduction of setback from 20 feet to 10 feet between each structure; b.) clarification that the street setback be available to be utilized for sewage disposal and open space; c.) clarification that only

D.O.T. roads require D.O.T. approvals for ingress and egress; d.) trash rack references removed; due to the fact they believe each RV could have its own trash receptacle; e.) clarification that only vehicles required being licensed need a license. In addition, a request to include a definition of a park-model RV be added to the Appendix A, Definitions of the UDO in addition to allowing park-model RVs in a RV park. Miss Fiester briefly explained that a "park-model" RV is more similar in appearance to a mobile home than a true recreational vehicle. The majority of these types of structures are permanent, have decks structures attached, have to meet certain wind zone guidelines, etc. She stated that the Planning Board did not recommend this particular text amendment, however, the rest of the amendments were unanimously recommended by the Planning Board to forward to Town Council for consideration.

Following a discussion amongst Council members, Councilmember Briley made a motion *to table* the Action Agenda Item #1 in order for this issue to be referred back to the Planning Board for further discussion and review on the issue of changes in the setbacks at the next Planning Board meeting. Seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

2. Resolution 10-09-03: Approve the Posting of Rules for Designated Use on Town Property known as Moonlight Drive Public Boat Ramp and Park

Chief Smith stated that the proposed resolution is a collaborative effort of public comments, concerns and suggestions from residents and property owners regarding the use of the property in question.

Councilmember Briley made a motion *to approve* Resolution 10-09-03. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

3. Resolution 10-09-04: Approve the Posting of "No Parking Anytime-Towing Enforced" and "No Through Traffic" Signs on Moonlight Drive

Mayor Pro Tem Archer made a motion *to approve* Resolution 10-09-04. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

4. Proposed Ordinance 10-09-01: Amendment to Chapter 5, Beach and Shore Regulations: Article 1, In General for the Inclusion of Section 5-5, Use of Parks, Parking and Accesses Owned or under the Control of the Town of Atlantic Beach Regulated for Designated Hours of Use as Posted; and Section 5-5.1, Moonlight Drive Park and Boat Ramp

Councilmember Ide made a motion *to amend* the word "*sued*" in Section 5-5.1 of proposed Ordinance 10-09-01 so that it reads "*...used*" and *to adopt* Ordinance 10-09-01 as amended. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

5. Proposed Ordinance 10-09-02: Amendment to Chapter 10, Motor Vehicles and Traffic; Article IV, Stopping, Standing, Parking; Section 10-96, Signs or Markings Indicating Parking

Councilmember Palma made a motion *to amend* Section 10-96, #B of proposed Ordinance 10-09-02 so that the text shall read "*Parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive left of the centerline of the street*" and *to adopt* Ordinance 10-09-02 as amended.. Seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

6. Information Technology Infrastructure Status/Concerns (town-wide)

Police Chief Smith and Sabrina Simpson, Administrative Service in conjunction with a PowerPoint presentation explained the status and employee concerns on the town's current IT infrastructure. Chief Smith explained in depth that in order for Atlantic Beach to be in compliance by January 1, 2011 with the opening of the new consolidated Carteret County Communications Center, the Police Department will need a dedicated phone service that uses the compliant technology of Voice Over Internet Protocol (VoIP) that the county will be using for telephone and dispatching services.

Councilmember Briley stated that he does not feel that this amount of money needs to be spent town-wide at this point, when in the next several months a decision will be made on whether or not new town facilities are going to be built. It was the general consensus of the Council for Chief Smith to look into the feasibility of installation of a direct and dedicated

Voice over Internet Protocol (VoIP) line into just the police department at this time the upgrading of any of the town's IT infrastructure will be left at the Town Manager's discretion.

(Clerk's Note: A copy of all Resolutions, Ordinances and supporting documentation are hereby attached and therefore made a part of these minutes.)

TOWN ATTORNEY REPORT

Town Attorney had no report.

TOWN MANAGER REPORT

Town Manager had no report.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Palma

- Thanked staff for their dedication on making this past summer a great one in Atlantic Beach.

Councilmember Ide:

- No report.

Councilmember Briley:

- Emphasized that he needs to understand the issue and actually see what is being requested regarding recreational vehicle parks before taking any action.

Councilmember Batt:

- commented that the meeting held with the NC State University School of Design graduate students on the General Business district project was great, but wished more property and business owners had been in attendance.

Mayor Pro Tem Archer:

- Asked for everyone's prayers for the families of Pete Allen and Ray Barts
- Thanked Nina Erwin for her service to the Town as the Inspections/Planning Administrative Assistant and wished her luck in her retirement.

Mayor Cooper:

- Thanked Nina Erwin for her service and welcomed Kim Tynes as her replacement.

ADJOURNMENT

There being no further action taken or business before the Town Council, Councilmember Palma made a motion *to adjourn* the meeting. Seconded by Councilmember Batt. Vote was unanimous, 5-0. It was 7:42 p.m.

These minutes were approved at the November 29, 2010 meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

(SEAL)

A. B. Cooper, III - Mayor

ATTEST:

Kelly L. Cyrus - Town Clerk