

**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, October 15, 2007**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, October 15, 2007 at 6:00 p.m. in the Council Meeting Room.

**Members Present:** Mayor Joyce Vinson; Mayor Pro Tem Eddie Dawkins; Council members Jim Bailey, Ruth Barnes, Joe Tarascio and Michael Warren

**Members Absent:** None

**Others Present:** Dave Harvell, Town Manager; Derek Taylor, Town Attorney; Kelly Nash, Town Clerk; Marc Schulze, Public Services Director; Landin Holland, Planning Consultant; Allen Smith, Police Chief; A.K. Miller, ABPD; Adam Snyder, Fire Chief; Laura Buda, Tax Collector; Sabrina Simpson, Administration; ABFD Personnel – Lt. Wayne Woods, FF Selena Bolick, FF Travis Stewart

**CALL TO ORDER AND ROLL CALL**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mr. Herbert Pate led the assembly in the Lord's Prayer and Pledge of Allegiance

**APPROVAL OF THE AGENDA**

Councilmember Bailey made a motion to approve the agenda as written. Motion was seconded by Councilmember Barnes. 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.

Councilmember Dawkins made a motion to approve the Consent Agenda. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. Motion carried.

**1. TAX COLLECTION REPORT FOR SEPTEMBER, 2007:**

The Tax Collection Report showed that \$472,064.14 was collected for month ending September, 2007 with a year-to-date collection of \$476,042.23.

**2. TAX RELEASES:**

Tax releases for the month of September totaling \$7,999.35 were submitted for approval.

**3. BUDGET TRANSFERS:**

N.C.G.S. Section 159-15 allows the Town's Budget Officer (Town Manager) to make periodic budget transfers from one line item to another within the same fund. While these transfers do not affect the total budget, the statute requires that the Council be notified of the transfers at its next scheduled meeting following the transfers. The following budget transfers were made:

1. Budget Transfer 1: Transfer of monies in Police Department from Communications Maintenance and Repair to Police: Other Insurance for the purpose of to cover the cost of insurance for the Marine Patrol Vessel-1.

2. Budget Transfer 2: Transfer of monies in Public Services from departmental supplies to Dues and Subscriptions for the purpose of to cover the increase of federal and state permits for water distribution and treatment plant.

**3. APPOINTMENT OF TRUSTEES FOR FIREFIGHTER RELIEF TRUST FUND:**

Appointment of Fire Chief, Adam Snyder and Deputy Fire Chief, Mike Simpson as Trustees for the Local Firemen's Relief Trust Fund.

**4. TOWN COUNCIL MEETING MINTUES:**

June 18, 2007(2 sets) July 24, 2007 August, 3, 2007 (2 sets) Sept. 4, 2007 (2 sets) Sept. 12, 2007 (2 sets)

**CITIZEN REQUESTS/COMMENTS**

**Mr. Billy Brewer – 200 Atlantic Beach Causeway, Atlantic Beach, NC:**

Mr. Brewer commented that he appreciates the Mayor and Council's efforts over the years and hopes the new Mayor and Council can stay together to serve the businesses as well as the residents. He also offered his services to the town if needed.

**PRESENTATIONS**

**1. PROCLAMATION 07-10-01: "MDA Firefighter Appreciation Month" (November):**

Mayor Vinson read Proclamation 07-10-01 declaring November as "MDA Firefighter Appreciation Month" for the Town of Atlantic Beach. Amy Pollock, MDA Representative, presented the Atlantic Beach Fire Department with a plaque for their time and efforts during the National "Fill The Boot" campaign for the Muscular Dystrophy Association. The fire department was represented by Chief Snyder, Deputy Chief Simpson, Lt. Woods, FF Bolick and FF Stewart.

**(Clerk's Note: a copy of Proclamation 07-10-01 is hereby incorporated and therefore made a part of these minutes.)**

**2. FINANCIAL/INVESTMENT/CASH REPORTS:**

**Presented by: Sabrina Simpson**

Mrs. Simpson gave the financial report for the month of September, 2007 noting that the June 30, 2008 pre-audited estimated Unreserved Fund Balance in General Fund on June 30, 2008 is \$1,355,818 or 21.5%.

**(Clerk's Note: a copy of all financial reports are hereby incorporated and therefore made a part of these minutes.)**

**3. POLICE DEPARTMENT MONTHLY REPORT:**

**Presented by: Allen Smith, Chief**

Chief Smith gave an overview of the previous month's activities in the police department noting that a total of 5,019 calls (emergency and non-emergency) were received by dispatch via telephone and of those, 213 were 9-1-1 calls.

**4. FIRE DEPARTMENT MONTHLY REPORT:**

**Presented by: Adam Snyder, Chief**

Chief Snyder gave an overview of the previous month's activities for the fire department noting that the department received a total of 91 calls for services and of those, 50 were fire calls and 41 were medical calls.

**5. EMS BILLING AND SOFTWARE – COLLETON:**

**Presented by: Adam Snyder, Chief**

Chief Snyder gave a presentation on the new EMS billing and software that will be implemented and utilized by the fire department. The company is Colleton Software and Tarheel Medical Billing, Inc. Chief Snyder noted that the Carteret County EMS Chiefs Association voted, along with the county's Medical Director to approve the use of the Colleton Software EMS reporting program to be used by all squads in Carteret County. He also advised that the collection fee of 8% is lower than the current collection fee of 10% that is imposed by the current program.

**6. PLANNING BOARD REPORT:**

**Presented by: Landin Holland, Planning Consultant – Holland Consulting**

Landin Holland gave an update on several projects that the planning department is currently working on. He advised that the utility work on The Grove project will begin this week and the workers will be contacting, not only the planning department, but also the police department regarding any road closures and the extent of their work on a day to day basis. He noted that the details are getting ironed out on the Ocean King project and that the Land Use Plan is expected to be presented at the November Town Council meeting after the Planning Board has a final review of the documents/plan. In regards to the Tom Doe Memorial Beach Access, he commented that the local Boy Scouts and Eagle Scouts are helping with the landscaping on this project.

**ACTION AGENDA**

**1. REQUEST FOR PUBLIC HEARING ON PROPOSED RESOLUTION OF INTENT TO CLOSE A PORTION OF EAST BOARDWALK:**

**Presented by: Landin Holland, Planning Consultant – Holland Consulting**

After a lengthy discussion on the advantages and disadvantages of the proposed Resolution of Intent to Close a portion of East Boardwalk between the Town Council and Mr. Buddy Cooper, it was determined that Mr. Cooper should at least be given the opportunity to hold a public hearing on the matter.

Councilmember Dawkins made a motion to pass Resolution 07-10-01 which would in turn automatically schedule a public hearing at the November 19, 2007 Town Council meeting. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. Motion carried. A Public Hearing was scheduled for November 19, 2007 during the Atlantic Town Council Meeting at 6:00 p.m. in the Town boardroom.

**2. REQUEST FOR PUBLIC HEARINGS ON EAST BOGUE BLVD. REZONINGS:**

**Presented by: Landin Holland, Planning Consultant – Holland Consulting**

Landin Holland advised that the Planning Board had approved the rezonings of six (6) parcels located on East Bogue Blvd. and for the rezonings to be brought forth to the Town Council for the scheduling of public hearings. The six (6) parcels, located at 115 East Bogue Blvd.; 117 East Bogue Blvd.; 119 East Bogue Blvd.; (west) 125 East Bogue Blvd.; 125 East Bogue Blvd.; (east) 125 East Bogue Blvd. are within the CDD extension area and the rezonings would be consistent with the current Town of Atlantic Beach land Use Plan.

Councilmember Dawkins made a motion to schedule six (6) public hearings on all mentioned properties at the November 19, 2007 Atlantic Beach Town Council meeting. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. Motion carried.

**3. PUBLIC HEARING: REZONING OF 108 WEST TERMINAL BLVD.:**  
**Presented by: Landin Holland, Planning Consultant – Holland Consulting**

Landin Holland introduced the matter on the possible rezoning of 108 West Terminal Blvd. from RA-2 zoning to CDD zoning. He advised that the Planning Board had passed a motion to put forth and recommend the rezoning of 108 West Terminal Blvd. to Town Council. At the September 16, 2007 Town Council meeting, a public hearing was scheduled for this night's meeting. He explained that this property is within the CDD extension area and the rezoning would be consistent with the current Town of Atlantic Beach Land Use Plan.

Councilmember Barnes made a motion to go into Public Hearing on the Rezoning of 108 West Terminal Blvd. Motion was seconded by Councilmember Warren. Vote was unanimous, 5-0. Motion carried. The floor was opened for Public Hearing.

With there being no signatures on the sign-up sheet, Councilmember Warren made a motion to go out of Public Hearing. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. Motion carried. The Public Hearing was closed.

With there being no discussion on the matter. Councilmember Dawkins made a motion to approve the rezoning of 108 West Terminal Blvd. from RA-2 Zoning to CDD Zoning. Motion was seconded by Councilmember Warren. The vote was 3-2 with Councilmembers Dawkins, Warren and Tarascio in favor and Councilmembers Bailey and Barnes opposed. Motion denied. Since the vote was not four fifth's (4/5<sup>th</sup>) of the members, the matter would be required to be resubmitted with a second reading at the November 19, 2007 Town Council meeting.

**4. PUBLIC HEARING: REZONING OF 104 WEST TERMINAL BLVD.:**  
**Presented by: Landin Holland, Planning Consultant – Holland Consulting**

Landin Holland introduced the matter on the possible rezoning of 104 West Terminal Blvd. from RA-2 zoning to CDD zoning. He advised that the Planning Board had passed a motion to put forth and recommend the rezoning of 104 West Terminal Blvd. to Town Council. At the September 16, 2007 Town Council meeting, a public hearing was scheduled for this night's meeting. He explained that this property is within the CDD extension area and the rezoning would be consistent with the current Town of Atlantic Beach Land Use Plan.

Councilmember Warren made a motion to go into Public Hearing on the Rezoning of 104 West Terminal Blvd. Motion was seconded by Councilmember Bailey. Vote was unanimous, 5-0. Motion carried. The floor was opened for Public Hearing.

With there being no signatures on the sign-up sheet, Councilmember Warren made a motion to go out of Public Hearing. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. Motion carried. The Public Hearing was closed.

With there being no discussion on the matter. Councilmember Warren made a motion to approve the rezoning of 104 West Terminal Blvd. from RA-2 Zoning to CDD Zoning. Motion was seconded by Councilmember Dawkins. The vote was 3-2 with Councilmembers Warren, Dawkins and Tarascio in favor and Councilmembers Bailey and Barnes opposed. Motion denied. Since the vote was not four fifth's (4/5<sup>th</sup>) of the members, the matter would be required to be resubmitted with a second reading at the November 19, 2007 Town Council meeting.

**5. PUBLIC HEARING: REZONING OF 107 WEST BOGUE BLVD.:**

**Presented by: Landin Holland, Planning Consultant**

Landin Holland introduced the matter on the possible rezoning of 107 West Bogue Blvd. from RA-3 zoning to CDD zoning. He advised that the Planning Board had passed a motion to put forth and recommend the rezoning of 107 West Bogue Blvd. to Town Council. At the September 16, 2007 Town Council meeting, a public hearing was scheduled for this night's meeting. He explained that this property is within the CDD extension area and the rezoning would be consistent with the current Town of Atlantic Beach Land Use Plan.

Councilmember Bailey made a motion to go into Public Hearing on the Rezoning of 107 West Bogue Blvd. Motion was seconded by Councilmember Warren. Vote was unanimous, 5-0. Motion carried. The floor was opened for Public Hearing.

With there being no signatures on the sign-up sheet, Councilmember Warren made a motion to go out of Public Hearing. Motion was seconded by Councilmember Dawkins. Vote was unanimous, 5-0. Motion carried. The Public Hearing was closed.

With there being no discussion on the matter. Councilmember Warren made a motion to approve the rezoning of 107 West Bogue Blvd. from RA-3 Zoning to CDD Zoning. Motion was seconded by Councilmember Dawkins. The vote was 3-2 with Councilmembers Warren, Dawkins and Tarascio in favor and Councilmembers Bailey and Barnes opposed. Motion denied. Since the vote was not four fifth's (4/5<sup>th</sup>) of the members, the matter would be required to be resubmitted with a second reading at the November 19, 2007 Town Council meeting.

**TOWN MANAGER'S REPORT**

No report at this time.

**TOWN ATTORNEY'S REPORT**

Derek Taylor, Town Attorney announced and introduced one of his colleagues, Mr. Mike Thomas, was also in attendance at this night's meeting.

**MAYOR/COUNCIL REQUESTS/COMMENTS**

Mayor Vinson announced that Mr. Doug Harris, Chairman for the Board of Commissioners for Carteret County will be the 2007 Grand Marshal for the 2007 Atlantic Beach Christmas parade.

Councilmember Tarascio made comment to the newly-elected Mayor and Town Council to pay attention to town staff and town hall.

**CLOSED SESSION**

With there being no further discussion. Councilmember Bailey made a motion to go into Executive Session pursuant to N.C.G.S. 143-318.11(a)(6); "To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee". Motion was seconded by Councilmember Tarascio. Vote was unanimous, 5-0. Motion carried. The Town Council entered into Executive Session at 9:35 p.m.

Councilmember Bailey made a motion to go out of Executive Session and return to Open Session. Motion was seconded by Councilmember Warren. Vote was unanimous, 5-0. Motion carried. The Town Council was back into Open Session at 9:52 p.m.

Councilmember Warren made a motion to pass Resolution 07-10-02; Resolution to Release Town Manager. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. Motion carried.

**ADJOURNMENT**

There being no further business before the Town Council, Councilman Warren made a motion to adjourn the Open Meeting. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. It was 10:05 p.m.

Submitted by:

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Kelly L. Nash, Town Clerk

These minutes were approved at the March 17, 2008 meeting of the Atlantic Beach Town Council.

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A. B. Cooper, III, Mayor