

**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, December 17, 2007**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, December 17, 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:** Derek Taylor, Town Attorney; Marc Schulze, Interim Town Manager/Public Services Director; Jessica Fiester, Planning Director; Allen Smith, Police Chief; A.K. Miller, Deputy Chief; Adam Snyder, Fire Chief; Sabrina Simpson, Administrative Supervisor; Kelly Nash, Town Clerk; Mayor-Elect Trace Cooper, Council-Elect members – Harry Archer, Ann Batt, Eddie Briley, Ken Ide and Vada Palma; Ruffin Poole, Executive Counsel to the Governor/Notary Public

**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.

**PRAYER**

Mr. Claude Andrews led the assembly in the Lord's Prayer.

**PLEDGE OF ALLEGIANCE**

The whole assembly stated the Pledge of Allegiance

**APPROVAL OF THE AGENDA**

Councilwoman Bailey made a motion to amend and approve the Consent Agenda to include the Annual Certification of Firemen. Motion was seconded by Councilman Warren. Vote was unanimous, 5-0. Motion carried.

Councilwoman Barnes made a motion to approve the Agenda as amended. Motion was seconded by Councilman Tarascio. 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 FOR NOVEMBER, 2007: (FYI Item)**

Tax Collector Laura Buda submitted the tax collection report for November, 2007 which showed that \$515,538.99 had been collected. The year-to-date total at the end of November, 2007 was \$1,289,577.53.

**2. TAX RELEASES FOR NOVEMBER, 2007:**

The following tax releases are submitted for your approval: Total \$760.99

<u>NAME</u>	<u>ACCOUNT#</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
Kittrell, Mack D	2147	\$ 20.14	2007	Incorrect value
Stanley, Scott c	243791	\$ 67.50	2007	Located in Beaufort
Covington, Nelson	384552	\$ 33.21	2007	Billed in error
Royal, Cedric	419519	\$ 26.40	2007	Located in Harkers Island
Mason, Keith S	2041	\$ 163.74	2007	Incorrect Value
Ross, Tony Ray	433717	\$ 450.00	2007	Located in Harkers Island

**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:

Budget Transfer 1: Transfer of monies in Administrative Services from Inspections-Salaries; Inspections-Social Security; Inspections-Retirement; Inspections-401K; Inspections-Christmas Bonus; Inspections-Health Insurance; Inspections-Homeowners Relief Fund; Police-Christmas Bonus; Fire-Christmas Bonus; Planning-Christmas; Public Service-Christmas Bonus; Town Hall-Professional Services to Clerk-Employee Development; Clerk-Dues & Subscriptions; Gov. Body-Community Promotions; Inspections-Contracted Services; Finance-Supplies; Administration-Supplies; Finance-Professional Services for the purpose of to cover additional cost for year one of clerk certification training, cost of clerk membership fees, Christmas event/picture costs, temporary worker for Inspections Administrative position, furniture replacement for administrative/clerk staff, and additional auditor fees for requested in-depth internal control review and single-book audit due to large amount of FY06-07 grants.

**4. BUDGET AMENDMENT #4 AND #5:**

Amendment #4 corrected a \$3,179.54 calculation error previously approved to transfer the Circle Fund monies to the General Fund.

Amendment #5:

- To cover costs associated with payout of severance package of former Town Manager (\$51,875.00)
- Improvement expenses on Henderson Dr. (\$168,730)

(related to Tom Doe Memorial Beach Access)

- a. Bath House (\$42,400)                      c. Gazebo/Handicap Access (\$44,000)
- b. Septic System (\$10,000)                d. Parking/Landscaping (\$72,330)

- These expenses will be partially reimbursement with a 80%/20% CAMA grant.

Pending approval of requested budget amendments (#4 and #5), the June 30, 2008 pre-audited estimated Unreserved Fund Balance in General Fund will be \$2,464,934, or 37.7%.

**4. APPROVAL OF MINUTES:** November 1, 2007 Town Council Meeting Minutes.

(Clerk's Note: a copy of the Tax Collection Report, Tax Releases, Budget Transfers, Budget Amendments and minutes is hereby attached and therefore made a part of these minutes.)

## CITIZEN REQUESTS/COMMENTS

### **John Kurek – 1108 East Fort Macon Rd., Atlantic Beach, NC**

Mr. Kurek, Chairman for the Board of Adjustment stated that he wanted to thank Council for their “hands-off” approach and allowing the Board of Adjustment to conduct their business. He realizes that the job the current Council had on their hands was very tough and thanked each one and welcomed the new Mayor and Council.

### **Ray Langley, 1100 East Fort Macon Rd., Atlantic Beach, NC**

Mr. Langley stated that as Chairman of the Planning Board on behalf of himself and the Planning Board members he would like to acknowledge that it has been a honor and pleasure to have worked and served under this Council on the many issues that were faced. He wished everyone the best of luck in their endeavors and hoped that everyone can work together to make Atlantic Beach even a greater place to call home.

### **Llewellyn Ramsey, Bowen St., Atlantic Beach, NC**

Mrs. Ramsey commented that she wanted to apologize to the town and the Fire Chief for “bumping” into the fire truck. She thanked Council for the years they have served the town and feels that they have done an excellent job. She commented that she is looking forward to working with the new board.

### **Claude Andrews, Atlantic Beach, NC**

Mr. Andrews thanked Council for allowing him to work with them as Chaplain of the town departments. He commented that he is very proud of the town and the quality of personnel in Atlantic Beach is great. He also welcomed the new Mayor and Council and feels that Atlantic Beach is the “best place in paradise”.

## PRESENTATIONS

### **1. FINANCIAL/CASH/INVESTMENT REPORT – Sabrina Simpson**

Mrs. Simpson presented the monthly reports for the Finances, Cash and Investments for the month ending November, 2007. She advised that as of November 30, 2007, the June 30, 2008 pre-audited estimated Unreserved Fund Balance in General Fund is \$2,688,719 or 42.6% . It was noted that in the General Fund for November, 2007, revenues collected were \$ 3,298,028 or 52.26% and the expenses spent were \$ 2,243,188 or 35.54%; and in the Public Utilities Fund for November, 2007, revenue collected were \$ 521,220 or 31.65% and the expenses spent were \$ 339,266 or 20.59%. Mrs. Simpson also advised that auditors are still working on the FY06-07 audit and will be presenting this to Council upon completion.

**(Clerk’s Note: A copy of the Financial Statement, Investment Report and Cash Report are hereby attached and therefore made a part of these minutes.)**

### **2. POLICE DEPARTMENT MONTHLY REPORT – Chief Smith**

Chief Smith gave an overview of the Police Department’s monthly activities for service for the month of November. The following statistics were presented: 18 Arrests; 35 Reports Initiated; 73 State Citations Issued; 106 Verbal Warnings Issued; 16 Written Warnings Issued; 167 Total 9-1-1 Calls received by Dispatch; 1365 Total calls officers responded to; 4382 Total calls received by telephone.

At this time, Chief Smith recognized several officers within the department for their achievements. They were as follows:

Promotion: Lt. Mike Ussery to Patrol Commander, Captain.

Certificate of Merit: Officer David Foster for the safe extraction of a resident from a smoke-filled residence on December 17, 2006.

Advanced Law Enforcement Certificate: Lt. Jeff Harvey has earned his Advanced Law Enforcement Certificate through his hard work and dedication. Chief Smith advised that this type of certificate usually is earned in approximately ten (10) to eleven (11) years and Lt. Harvey earned his certificate in six (6) years.

New Employee Welcome: Officer Ross Jacoby was welcomed as the newest member of the Atlantic Beach Police Department. Chief Smith advised that Officer Jacoby was hired on December 13, 2007 and comes to Atlantic Beach from the Emerald Isle Police Department.

Mayor Vinson wanted to acknowledge that Capt. Mike Ussery has served the Town of Atlantic Beach for a very long time and this promotion is very well deserved. Mayor Vinson also encouraged everyone, upon seeing Capt. Ussery, to congratulate him on his promotion.

**3. FIRE DEPARTMENT MONTHLY REPORT – Chief Snyder:**

Chief Snyder gave an overview of the Fire Department's monthly activities for service for the month of November. The following statistics were presented: 39 Fire Calls; 27 Total EMS calls; 66 Total calls combined, averaging 2.2 calls per day; and a total of 24 Inspections calls.

Mayor Vinson thanked the Fire Department for their quick response regarding the fire that occurred on Boardwalk Ave. Chief Snyder thanked the Mayor, but also acknowledged that the end result could not have taken place without the interaction of the police department also.

**4. PLANNING BOARD MONTHLY REPORT – Jessica Fiester, Planning Director:**

Planning Director, Jessica Fiester gave an overview of the Planning Board activities for the month of November. She advised that the Planning Board has asked the Planning Department staff to research the history of condotels, lot size/setback/height requirements and multi-family housing ordinances after the request came from some debate over whether 2800 West Fort Macon Rd. should be held to the 40% coverage allowed under the condotel rules, or the 53% coverage allowed on the site by a redevelopment permit issued by the state. It was determined that the site plan will be held to a 40% impervious surface at this time. Also the Planning Board is evaluating various options on the regulation of stormwater. The Planning Board also held a discussion on Ice Vending Machines and the aesthetics of the machines. It was recommended unanimously that a six (6) month Moratorium be placed on the ice vending machines and any new commercial ice vending machines within the next six (6) months. Miss Fiester also noted that several vacancies on the Planning Board and Board of Adjustment that will need to be filled within the near future.

Mayor Vinson acknowledged that the Planning Board does a wonderful job and they are very much appreciated.

**5. PRESENTATIONS OF PLAQUES**

Interim Town Manager/Public Services Director, Marc Schulze and town staff awarded Mayor Vinson with a plaque and gavel for her dedication and years of service as Mayor. Mr. Schulze commented that Mayor Vinson has poured her heart and soul in her position as Mayor and devoted untold hours to the town and for that she was thanked.

Mayor Vinson took the floor at this time and commented that she has enjoyed her two (2) years as Mayor. She stated that although herself and Council may not have pleased everyone all the time, but felt that they had done the very best they could and that all she has every wanted was to make Atlantic Beach the very best place to live.

At this time, Mayor Vinson presented each Council member with a plaque for their years of service beginning with Councilmember Jim Bailey. Mayor Vinson thanked Councilman Bailey for his time and dedication and service. She noted that the town was better for having him there. Councilman Bailey responded by stating that he will "miss her calls".

Mayor Vinson thanked Councilman Eddie Dawkins for his years of service and stated that herself and Councilman Dawkins go back along way. She noted that Councilman Dawkins has served the town for nine (9) years and six (6) of those on the Board of Adjustment.

Mayor Vinson thanked Councilwoman Barnes for her service on the Town Board and that although she was elected, she did a good job whether she was elected or not.

Mayor Vinson thanked Councilman Joe Tarascio . She commented that he goes along way back on serving the town. He had a long tenure on the Planning Board. She noted that the town will miss his expertise and she will miss him.

Mayor Vinson thanked Councilman Warren for being a great board member and that he has made a valuable contribution to the town and board. He has been very cooperative and a good board member.

#### **TOWN MANAGER'S REPORT**

Interim Town Manager, Marc Schulze advised that he did not have an official report, but wanted to thank Mayor and Council.

#### **TOWN ATTORNEY'S REPORT**

Town Attorney, Derek Taylor advised that it had been a pleasure serving the Board and had enjoyed and wished them Merry Christmas.

#### **MAYOR/COUNCIL REQUESTS/COMMENTS**

Mayor Vinson took this time to personally thank Town Clerk, Kelly Nash on her wonderful job on the 2007 Atlantic Beach Christmas Parade. She noted that there is no other municipality in the area that offers a night parade and it is very special. She commented that Ms. Nash did a fantastic job with the help of other staff members, but as "head" of the event, she did an excellent job and looks forward to the same next year.

Mayor Pro Tem Dawkins stated that the nine (9) years that he has served Atlantic Beach, four (4) of which were in the 90's and five (5) of which were in the 2000's, he has seen and been a part of a number of things that have helped the town advance and move ahead. He acknowledged that he has served a lot of good people. He welcomed the new Mayor and Council and feels they will bring a new kind of talent. He advised that it has been a pleasure and will be able to spend more time with his family.

Councilman Bailey commented that he wished the new Mayor and Council the best and that he has pledged his support to them for any help they may want or request.

Councilman Joe Tarascio commented that the town has great staff and there were two (2) staff members that he wanted to recognize at this time. One being Town Clerk, Kelly Nash. He commented that Ms. Nash was not only competent and efficient, but very pleasant. The other employee recognized was Sabrina Simpson. He commented that Mrs. Simpson has gone through numerous managers and administration and gets "killed" all the time on budget questions. He feels that she has guided this town and the "bridge" between several managers and council. He thanked her and noted that he really appreciates her work. He then recognized Mayor Vinson who he stated is always making presentations and how she has been a true ambassador for Atlantic Beach. He commented that she is always at meetings representing the town. Councilman Tarascio then presented Mayor Vinson with a gift.

Mayor Vinson thanked everyone and stated that Atlantic Beach is a very special place and that is why people want to come and live in Atlantic Beach. She noted that the staff is great and the best.

Mayor Vinson, at this time, introduced Mr. Ruffin Poole, Executive Counsel to the Governor. She advised that Mr. Poole will be administering the Oaths of Office to the newly elected Mayor and Council. Mayor Vinson also noted that Mr. Poole is the son of Council-Elect member, Ann Batt and he is from Atlantic Beach.

Derek Taylor, Town Attorney advised Mayor Vinson that the Town Clerk needed to certify the election results prior to the swearing in of the Mayor/Council-Elect.

Kelly Nash, Town Clerk read the Official Results for Municipal Elections of Carteret County that took place October 9, 2007. The results were as follows:

Atlantic Beach Mayor's Seat:

Mayor Joyce Vinson, 256 votes or 38.79%

A.B. "Trace" Cooper, III, 402 votes or 60.91%

A.B. "Trace" Cooper, III won the Mayor's seat with 60.91% of the total votes cast.

Town Council seats were contested among Councilmembers Jim Bailey, Mike Warren, Ruth Barnes, Joe Tarascio; citizens Ann Batt, Harry Archer, Ken Ide, Vada Palma and Eddie Briley. Councilmember Eddie Dawkins elected not to be on the ballot. The results were as follows:

Harry Archer, 513 votes or 16.58%

Ann Batt, 478 votes or 15.45%

Ken Ide, 382 votes or 12.35%

Ruth Barnes, 205 votes or 6.63%

Mike Warren, 184 votes or 5.95%

Vada Palma, 483 votes or 15.61%

Eddie Briley, 421 votes or 13.61%

Joseph Tarascio, 222 votes or 7.18%

Jim Bailey, 201 votes or 6.50%

Council seats were won by Harry Archer, Vada Palma, Ann Batt, Eddie Briley and Ken Ide.

**(Clerk's Note: The official election results are hereby attached and therefore made a part of these minutes.)**

Mayor Vinson called for a ten (10) minute recess at 6:52 p.m.

## **ORGANIZATION MEETING**

### **1. OATHS OF OFFICE**

Mr. Ruffin Poole spoke at this time speaking briefly on growing up in Atlantic Beach and that he is very proud to be at this night's meeting. At this time, Mr. Ruffin Poole administered the Mayor's Oath to Mayor-Elect Trace Cooper. Mr. Poole then swore in the Council-Elect members as a group Those members being Harry Archer, Ann Batt, Eddie Briley, Ken Ide and Vada Palma. Upon taking their oaths, all members were congratulated and posed for a group photograph.

Mrs. Vinson presented Mayor Cooper with the presiding gavel.

Mayor Cooper took this time to announce that he would like to extend his deepest gratitude to the outgoing Mayor and Council and thanked them.

**(Clerk's Note: A copy of all oaths are hereby attached and therefore made a part of these minutes.)**

### **2. SELECTION OF MAYOR PRO TEMPORE**

Mayor Cooper opened the floor to fellow Council members for nominations. Councilmember Palma made the nomination of Councilmember Harry Archer as Mayor Pro Tempore. Councilmember Briley made to the motion to close the nominations and approve the nomination of Councilmember Harry Archer as Mayor Pro Tem by unanimous acclamation. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion was carried.

Mayor Cooper announced that the reappointment of Interim Town Manager and the Call of a Special Meeting needed to be added to the agenda. Councilmember Briley made the motion to amend the agenda to add the Reappointment of Interim Town Manager as Item #8 and the Call of a Special Meeting as Item #9 and to approve the agenda as amended. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion was carried.

**3. ESTABLISHMENT OF 2008 MEETING SCHEDULES:**

Councilmember Ide made a motion to accept the proposed 2008 Meeting Schedules for the Town of Atlantic Beach Town Council, Planning Board and Board of Adjustment. Motion was seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

**4. RESOLUTION 07-12-01; DESIGNATION OF BANK DEPOSITORIES AND AUTHORIZING SIGNATURES**

Councilmember Batt made a motion to adopt Resolution 07-12-01; Designation of Bank Depositories and Authorizing Signatures. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

**5. BOARD APPOINTMENTS:**

Planning Director, Jessica Fiester advised the Council that there are several board appointments that will need to be addressed in the near future. The vacancies are on the following boards: Planning Board, Board of Adjustment and Unified Development Ordinance Board (once created).

Councilmember Archer made a motion to table the Designees/Board Appointments until the January 7, 2008 Town Council Meeting. Motion was seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

**6. PROPOSED MORATORIUM – COMMERCIAL ICE VENDING MACHINES**

Planning Director, Jessica Fiester advised that the Planning Board held a discussion regarding commercial ice vending machines and recommended a six (6) month Moratorium on this issue. Miss. Fiester requested Council to schedule a Public Hearing for discussion on the issue at the February Town Council meeting. Councilmember Archer made a motion to schedule a Public Hearing to discuss a six (6) Moratorium on Commercial Ice Vending Machines at the February 18, 2008 Town Council Meeting. Motion was seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

**7. REAPPOINTMENT OF INTERIM TOWN MANAGER:**

Councilmember Batt made a motion to reappoint Marc Schulze as Interim Town Manager until a new or Interim Town Manager is selected. Motion was seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

**8. CALL OF A SPECIAL MEETING:**

Councilmember Archer made a motion to Call for a Special Meeting on Thursday, December 20, 2007 at 3:00 p.m. for the purpose of going into Executive Session regarding N.C.G.S. 143-318.11(a)(3) To consult with Town Attorney "To protect the attorney-client privilege; To consider and give instruction concerning a potential or actual claim, administrative procedure, or judicial action" and 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 Ide. Vote was unanimous, 5-0. Motion carried.

**TOWN MANAGER'S REPORT**

Interim Town Manager had no report at this time.

**TOWN ATTORNEY'S REPORT**

Derek Taylor, Town Attorney stated that he had no official report at this time, but did want to state that he was looking forward to working with all members.

**MAYOR/COUNCIL REQUESTS/COMMENTS**

Councilmember Ide commented that he feels very humble, honored and blessed to have been elected to this position. He vowed to do his very best to fulfill the expectations. He realizes there is a “sacred trust” between town people and those who govern the town and he holds that very dearly and as his number one priority.

Councilmember Palma stated that she appreciates the opportunity to serve and thanked the outgoing Council and Mayor for their dedication, to all incomparable town employees for their unwavering patience and sterling performance, to the citizens of Atlantic Beach for their vote of confidence, family and friends for their support that will carry her through the next two (2) years.

Councilmember Briley thanked everyone that voted for and supported him. He noted that it will be very interesting and they will be aptly working for the property owners of Atlantic Beach.

Councilmember Archer commented that he is very humble as Councilmember and the honor of Mayor Pro Tem. He stated that his “seat” belongs to the people. He will perform his duties and obligations to the Town of Atlantic Beach with dignity, honor, accountability and service above self.

Councilmember Batt thanked all family, friends and supporters. She pledged that she to will represent the citizens and want to hear what the issues and concerns are. She looks forward to working with staff and she feels very humble.

Mayor Cooper stated that he wanted to “echo” the comments that were already made and that it is a very humbling experience sitting in this seat. He stated that all members have gotten a chance to meet with various department heads over the last few weeks and that the town is very lucky to have the level of professional, expertise, hardwork and experience that the town does. He commented on a historical note, that Chief Allen Smith’s grandfather was Chief of Police when his grandfather was Mayor of Atlantic Beach. He thanked Mr. Ruffin Poole and again, staff and outgoing Mayor and Council.

Councilmember Archer invited all members of the assembly to join Mayor and Council at the Watermark Restaurant.

**ADJOURNMENT**

There being no further business before the Town Council, Councilmember Ide made a motion to adjourn the meeting. Motion was seconded by Councilmember Archer. Vote was unanimous, 5-0. It was 7:32 p.m.

Submitted by:

\_\_\_\_\_  
Kelly L. Nash, Town Clerk

These minutes were approved at the January 7, 2008 meeting of the Atlantic Beach Town Council.

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Trace Cooper, Mayor