

**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, January 7, 2008**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, January 7, 2008 at 6:00 p.m. in the Council Meeting Room.

Members Present: Mayor A. B. Cooper, III; Mayor Pro Tem Harry Archer; Councilmembers: Ann Batt, Eddie Briley; Ken Ide, Vada Palma

Members Absent: None

Others Present: Derek Taylor, Town Attorney; Kelly Nash, Town Clerk; Marc Schulze, Public Services Director; Jessica Fiester, Planning Director; Adam Snyder, Fire Chief.

CALL TO ORDER AND ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE Fire Chief, Adam Snyder led the assembly in the Invocation and Pledge of Allegiance

APPROVAL OF THE AGENDA

Councilmember Archer made a motion to amend Item #1 on the Action Agenda by removing the UDO and making it Item #2 on the Action Agenda for purposes of further discussion; and to approve the Action Agenda as amended. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion to approve the Consent Agenda with a correction to the December 20, 2007 Town Council minutes as noted. Motion was seconded by Councilmember Archer. 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 -DECEMBER, 2007: (FYI Item)

Tax Collector Laura Buda submitted the tax collection report for November, 2007 which showed that \$1,096,320.89 had been collected. The year-to-date total at the end of December, 2007 was \$2,385,898.42.

2. TAX RELEASES - DECEMBER, 2007:

Tax releases, totaling \$691.54 were submitted for approval.

3. TAX REFUNDS – DECEMBER, 2007

Tax refunds, totaling \$133.40, were submitted for approval.

4. APPROVAL OF MINUTES: December 17 & 20, 2007 Town Council Meeting Minutes.

CITIZEN REQUESTS/COMMENTS

James Newman Willis, III – 104 Atlantic Beach Causeway, Atlantic Beach, North Carolina:

Mr. Willis stated that he was dressed in white for rejoicing. He personally thanked the Council and advised that the citizens also thank them. He expressed his opinion in that he felt that there had been a “gulf” between the citizens and previous boards over the years, but now there is a chance to bring everyone together.

PRESENTATIONS

*** Due to a schedule change there were no departmental monthly reports available at this time.

ACTION AGENDA

1. BOARD APPOINTMENTS (PB, BOA, UDO) – Jessica Fiester, Planning Director

Miss Fiester explained that there were several vacancies on the various boards that need to be filled and with the creation of the Unified Development Ordinance Committee, all members will need to be selected.

Councilmember Briley nominated Ray Langley to seat #1 of the Planning Board for a term expiring 2010. Councilmember Archer made a motion to close the nominations and to accept and appoint Ray Langley to the Planning Board. Motion was seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Palma nominated John Hopkins to seat #2 of the Planning Board for a term expiring 2010. Councilmember Archer made a motion to close the nominations and to accept and appoint John Hopkins to the Planning Board. Motion was seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Batt nominated John Rivers to seat #3 of the Planning Board for a term expiring 2010. Councilmember Briley made a motion to close the nominations and to accept and appoint John Rivers to the Planning Board. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

Councilmember Ide made a motion to appoint Scott Rice as replacement to Rebecca Marks on the Planning Board for the duration of a term expiring December 31, 2008. Motion was seconded by Councilmember Palma. Vote was unanimous, 5-0. Motion carried.

Councilmember Archer made a motion to appoint Steve Joyner as replacement to Pierce Latimer on the Planning Board for the duration of a term expiring December 31, 2008. Motion was seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Councilmember Palma nominated Sam Rich as Alternate to the Board of Adjustment.
Councilmember Batt nominated C. V. May as Alternate to the Board of Adjustment.
Councilmember Briley nominated David Cox as Alternate to the Board of Adjustment.
All with terms expiring in 2010.

Councilmember Archer made a motion to close the nominations. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion to accept and approve the nominations of Sam Rich, C. V. May and David Cox as Alternates to the Board of Adjustment with terms expiring in 2010. Motion was seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Mayor Cooper at this time stated that the appointments to the Unified Development Ordinance Committee will be put on hold at this time.

Upon further discussion between the Council members it was determined that the quantity of members for the UDO Committee will be reconfigured.

Councilmember Archer made a motion to consider the reconfiguration of the Unified Development Ordinance Committee to include: all Planning Board members; two (2) Council members; Planning Director; three (3) At Large members; and one (1) Board of Adjustment member. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried.

Mayor Cooper announced that they would appoint the three (3) At Large members of the UDO Committee at this time.

Councilmember Ide nominated James N. Willis, III
Councilmember Archer nominated William Taft
Councilmember Palma nominated Craven Gardner.

Councilmember Briley made a motion to close the nominations and accept and appoint James Willis, III; William Taft and Craven Gardner as the At Large members of the UDO Committee. Vote was unanimous, 5-0. Motion carried.

TOWN MANAGER'S REPORT

Interim Town Manager, Marc Schulze advised that the Town has rehired Donna Turner as Chief Inspector.

TOWN ATTORNEY'S REPORT

Town Attorney, Derek Taylor stated that he will be submitting an Engagement of Agreement between the Town of Atlantic Beach and Taylor & Taylor, PA to retain his services as Town Attorney.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Archer wished everyone Happy New Year.

Councilmember Briley stated that he is looking forward to participation from the citizens.

Councilmember Palma thanked the citizens for their continued support.

Councilmember Ide wished everyone Happy New Year and feels that they are bridging the gap and strides are already being made.

Mayor Cooper advised that it is critical that the town's ordinances are correct and consistent. He also welcomed Donna Turner back.

CLOSED SESSION:

Councilmember Archer made a motion to enter into Executive Session pursuant to:

- N.C.G.S. 143-318.11(a)(3); To protect the attorney-client privilege; To consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action; To consider and give instructions concerning a judicial actions titled: Abbott et .al. v AB; Richards v AB EMS; Staub v AB; and Gallion v AB.
- N.C.G.S. 143-318.11(a)(5); To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located on Highway 58, tax parcel identification number of 6375.15.53.2224000; To establish or instruct the staff or agent concerning the negotiations of the amount of compensation or other terms of an employment contract.
- 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.

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Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried. Council entered into Executive Session at 6:47 p.m.

Councilmember Archer made a motion to return to Open Session. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. Motion carried. Council returned to Open Session at 8:50 p.m.

ADJOURNMENT

There being no further business before the Town Council, Councilmember Palma made a motion to adjourn the meeting. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. It was 8:51 p.m.

Submitted by:

Kelly L. Nash, Town Clerk

These minutes were approved at the April 21, 2008 meeting of the Atlantic Beach Town Council.

A. B. "Trace Cooper III, Mayor