

**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, October 27, 2008**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, October 27, 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 and Vada Palma

Members Absent:

Others Present: Pete Allen, Town Manager; Derek Taylor, Town Attorney; Sabrina Simpson, Administration; Marc Schulze, Public Services Director; Jessica Fiester, Planning Director; Donna Turner, Inspections Director; Adam Snyder, Fire Chief; Allen Smith, Police Chief; Lt. Brian Prior; FF Selena Bolick; FF James Ainsworth and FF Casey Arthur

CALL TO ORDER AND ROLL CALL

Mayor Cooper called the meeting to order at 6:00 p.m.
Sabrina Simpson took roll call.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Claude Andrews gave the Invocation and led the assembly in the Pledge of Allegiance

APPROVAL OF THE AGENDA

Mayor Pro Tem Archer made a motion to approve the agenda. Motion was seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried.

Councilmember Briley made a motion to approve the Consent Agenda as written. Motion was seconded by Councilmember Palma. Vote was unanimous, 4-0. 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 – SEPTEMBER, 2008:

The tax collection report for September, 2008 was submitted for approval, which showed that \$142,211.67 had been collected for the ending FY2008-2009.

2. TAX REFUNDS – SEPTEMBER, 2008:

A cumulative amount of \$4,340.01 in tax refunds were submitted for approval.

3. \$5,000.00 DONATION – ATLANTIC BEACH VOLUNTEER FIRE DEPARTMENT

4. RESOLUTION 08-10-01; IDENTITY THEFT PREVENTION POLICY

5. TOWN COUNCIL MEETING MINUTES:

September 22, 2008 and October 2, 2008

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

CITIZEN REQUESTS/COMMENTS

John Lotspih, 203 Winston Avenue, Atlantic Beach, North Carolina

Mr. Lotspih suggested that any notifications in regards to the town's water supply be disseminated out to the residents via the county when such notifications are received by the town and not wait any extended period of time. He also commented that he is in favor of keeping the town's speed limit of 45 MPH at this limit during the winter months.

Joe Tarascio, 113 Hoop Pole Creek Drive, Atlantic Beach, NC

Mr. Tarascio spoke on some of the current ordinances being discussed at the UDO meetings. He stated that he did hope the current Council has the political will to support the Unified Development Ordinance. The issues Mr. Tarascio briefly spoke on were as follows:

- He feels that the discretion of this document should stay with the Town Planner
- Some language confusion on the amount of front setback of canopies, awnings and front porches
- Unsure as to why Certificates of Occupancy (CO) are required where no work building permits are required
- Unsure why as-built surveys are required when there is no change in the footprint
- Causeway district states that all uses have to be indoors – no restaurants with outside dining?
- Why can't a person exceed a sideyard setback of ten feet (10')?
- Home occupation areas – hazardous materials – need to define exactly what constitutes hazardous materials
- Why tie-down requirements for mobile homes and manufactured housing
- No mechanisms for incentives regarding arbitrary setbacks
- Not really clear when a storm water system is required
- Residential district encroachments "pushed upon" commercial areas

Katherine Abbott, 314 East Boardwalk, Atlantic Beach, NC

Mrs. Abbott stated that she is very pleased with how the county and Atlantic Beach Police Department are handling the animal control in Atlantic Beach.

Steve Chesson, 302 West Bogue, Atlantic Beach, NC

Mr. Chesson advised that he drives a low speed vehicle and he is in favor of maintaining a 35 MPH speed limit year round in the Town of Atlantic Beach

James Willis, III – 104 Atlantic Beach Causeway, Atlantic Beach, NC

Mr. Willis stated he will be speaking on a "non-request" item as related to the changing of the town's speed limit. He would like to give the Council an incentive to implement his suggestion of keeping the east end of town at 45 MPH.

PRESENTATIONS

1. Proclamation 08-10-01: Recognition of and Presentation to Atlantic Beach Fire Department

Presented by: Amy Pollock, Muscular Dystrophy Association

2. Recognition of Outstanding Fiscal Reporting

Presented by: Mayor Cooper

3. Financial, Cash and Investment Reports

Presented by: Sabrina Simpson, Administrative Services

Mrs. Simpson gave a presentation on the town's monthly financial reports.

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

ACTION AGENDA

1. Franchise Agreement between the Town of Atlantic Beach and Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. (“Progress Energy Carolinas”)

Presented by: Dan Oliver, Progress energy Carolinas

Mayor Pro Tem Archer made a motion to *approve* the Franchise Agreement between the Town of Atlantic Beach and Progress Energy Carolinas., Inc. on its 1st Reading. Seconded by Councilmember Briley. Vote was unanimous, 4-0. Motion carried.

2. Resolution 08-10-02: Participation in the Carteret County Multi-Jurisdictional Hazard Mitigation Plan:

Presented by: Jessica Fiester, Planning Director

Mayor Pro Tem Archer made a motion to *approve* Resolution 08-10-02. Motion was seconded by Councilmember Batt. Vote was unanimous, 4-0, motion carried.

3. Resolution 08-10-03: Resolution Requesting the North Carolina Department of Transportation To Install A Closed Loop system Along North Carolina Highway 58:

Presented by: Pete Allen, Town Manager

Mr. Allen advised that Atlantic Beach recently received notification that Economic Development Funds have been budgeted to provide a Closed Loop Traffic System by the North Carolina Department of Transportation along Highway 58. He noted that the system will be installed along the Highway 58 corridor within the town’s corporate limits at the intersections of Charlotte Avenue and State Road 1182.

Councilmember Palma made a motion to *approve* Resolution 08-10-03. Councilmember Batt seconded the motion. Vote was unanimous, 4-0. Motion carried.

4. Proposed Ordinance 08-10-03; Amendment of Chapter 16, Streets and Sidewalks; Article I, Section 16-15, Seasonal Speed Zones:

Presented by: Chief Smith, Atlantic Beach Police Department

No action was taken on this issue at the previous Town Council meeting. It was asked of the citizens by the Mayor and Council as to what their thoughts were. Mr. Allen stated that he has received that approximately ninety (90) responses from citizens with the majority supporting the current ordinance as written.

Chief Smith stated that he has spoken with the Mr. Hamilton of the Department of Transportation and prior to any changes being made to the speed limit on a state maintained road a request would have to be made directly to the Department of Transportation, a study would have to be done of the specific area of roadway that is in question and approval would have to come from the Department of Transportation.

Action Agenda Item #4; Proposed Ordinance 08-10-03 *failed due to lack of a motion.*

5. PUBLIC HEARING: Proposed Ordinance 08-10-02; Amendment to Chapter 10, Motor Vehicles and Traffic; Article VIII, Taxicabs and Designated Drivers:

Presented by: Mayor Cooper

Mayor Cooper explained that some revisions have been made to the current ordinance as it relates to Taxicab Drivers and Designated Drivers.

Councilmember Briley made a motion to enter into public hearing on Proposed Ordinance 08-10-02. Motion was seconded by Councilmember Batt. Vote was unanimous, 4-0. The floor was now open for public discussion on this item.

There were no public speakers on Item #5 – Proposed Ordinance 08-10-02.

Mayor Pro Tem Archer made a motion to close the public hearing. Motion was seconded by Councilmember Briley. Vote was unanimous, 4-0. The floor was now closed from public discussion on this item.

Councilmember Briley stated that he has received calls of concerns asking that if the fees are not regulated then how can the fees be kept at reasonable rates. Mayor Cooper commented that Designated Drivers cannot have any type of rate schedule so this does not affect them.

Mayor Pro Tem Archer made a motion to *approve* Proposed Ordinance 08-10-02. Motion was seconded by Councilmember Palma. Vote was unanimous, 4-0. Motion carried.

6. PUBLIC HEARING: Proposed Ordinance 08-10-01; Amendment to Chapter 18, Zoning; Article II, Section 18-21 as it relates to Freeboard:

Presented by: Donna Turner, Inspections Director

Councilmember Briley made a motion to enter into public hearing on Proposed Ordinance 08-10-01. Motion was seconded by Councilmember Batt. Vote was unanimous, 4-0. The floor was now open for public discussion on this item.

James Willis, III – passed on speaking.

Joe Tarascio, 113 Hoop Pole Creek Drive, Atlantic Beach, NC

Mr. Tarascio stated that the only reason that beaurocrats offer this two foot (2') freeboard is because they are not absolutely sure of flood elevations to begin with. He commented that the problem is if someone built a house prior to the two foot freeboard being adopted and you had a disaster that had absolutely nothing to do with flooding the whole structure would have to come into conformity.

Joe Osbourne, 137 Bowen Street, Atlantic Beach, NC

Mr. Osbourne stated that he is in favor of the proposed ordinance change.

Victor McConnell – passed

Doug Harris, 229 Bayview Blvd., Atlantic Beach, NC

Mr. Harris stated that he spoke with Katrina Marshall, Director of Planning/Inspections for Carteret County in regards to a possible increase in insurance premiums if such a stipulation was implemented for Carteret County and advised that from what he understood Ms. Marshall to say was that the two hundred (200) points for the county's insurance rating would not affect the insurance premiums. He commented that he would like to strongly encouraged the Council to remove the two foot (2') freeboard requirement.

Councilmember Briley made a motion to close the public hearing. Motion was seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried. The floor was now closed from public discussion.

Councilmember Briley made a motion to leave the freeboard at zero. Councilmember Briley then withdrew his motion.

Mayor Cooper advised that he feels further research needs to be done on this issue with a possible work session. It was the general consensus of the Council to hold off on any action on this issue until further discussion.

TOWN MANAGER'S REPORT

There was no report from the Town Manager at this time.

TOWN ATTORNEY'S REPORT

There was no report from the Town Attorney at this time.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Palma is very pleased with the work that town staff, under the management, of Pete Allen and applaud all staff members for the professionalism.

Councilmember Briley states that he is also pleased with our police department and constantly receives compliments regarding the police department. He also commented that the Mayor and Council fully intend to fill the Council seat that was left vacant by the sudden death of former Councilmember Kenneth Ide, possibly by the November Town Council meeting.

Mayor Pro Tem Archer thanked all citizens for coming out to the meeting tonight. He also thanked the town manager and staff for their job being well done during the trying economic times.

Councilmember Batt commented that she “seconds” everything her fellow Councilmembers have stated. She noted that it is really great to hear from the citizens.

Mayor Cooper concurred with the previous statements that were made by the Council and also thanked all taxicab companies for the excellent services.

ADJOURNMENT

There being no further business before the Town Council, Councilmember Batt made a motion to adjourn the meeting. Motion was seconded by Councilmember Palma. Vote was unanimous, 4-0. It was 8:04 p.m.

These minutes were recorded by Sabrina Simpson, Administrative Services Supervisor.

Submitted by:

Kelly L. Cyrus, Town Clerk

These minutes were approved at the November 24, 2008 meeting of the Atlantic Beach Town Council.

A. B. Cooper III, Mayor