

**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, April 21, 2008**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, April 21, 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 and Vada Palma

**Members Absent:** None

**Others Present:** Derek Taylor, Town Attorney; Sabrina Simpson, Administration; Marc Schulze, Public Services Director; Donna Turner, Inspections Director; Jessica Fiester, Planning Director; Adam Snyder, Fire Chief; Maj. A.K. Miller, Atlantic Beach Police Dept.; Landin Holland, Holland Consulting

**CALL TO ORDER AND ROLL CALL**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF THE AGENDA**

Councilmember Ide made a motion to amend the agenda to include the addition to the Presentations as Item #1; "Letters Regarding the Atlantic Beach Police Department" and the addition to the Action Agenda as Item #5; "Approval of the Revised Atlantic Beach Town Council Meeting Schedule". Motion was seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Archer made a motion to approve the Consent Agenda as amended. Motion was seconded by Councilmember Briley. 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 –MARCH, 2008:**

Tax Collector Laura Buda submitted the tax collection report for March, 2008 which showed that \$38,891.96 had been collected. The year-to-date total at the end of March, 2008 was \$3,325,908.46.

**2. TAX RELEASES:** A total of five (5) Tax Releases were submitted for approval, totaling \$413.62.

**3. BUDGET TRANSFERS**

A total of eleven (11) budget transfers were submitted for approval.

**4. APPROVAL OF AUDIT CONTRACT FOR FY2007-2008**

**5. APPROVAL OF COUNCIL MEETING MINUTES:** (Jan. 7, 2008 & Feb. 13, 2008)

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

<b>CITIZEN REQUESTS/COMMENTS</b>
----------------------------------

**Billy Brewer – 200 Atlantic Beach Causeway, Atlantic Beach, NC**

Mr. Brewer made a plea to the Council to make contact with the Corps. of Engineers in reference to dredging behind the old Showboat Motel. He also requested of Council a mission statement for the future of the town and to consider staggered terms. He also asked if the communication/education from the town to its citizens and the relations between the town and Morehead City and Pine Knoll Shores be strengthened. He commented that Council needs to take a look at the 8.2 diagram that was presented as a recommendation from the Atlantic Beach Advisory Committee on Stormwater and Wastewater (ABACOWS) and to devise a plan/strategy to keep tourists here in Atlantic Beach rather than having them go to Emerald Isle.

**Sonny Davis – Owner, Capt. Stacy's Fishing Center, Atlantic Beach Causeway, Atlantic Beach, NC**

Mr. Davis made a request of Council to contact the Corps. of Engineers in reference to dredging the channel and the part of the channel near Anchorage Marina and he feels that the dredging of this channel should be one of the Council's top priorities.

**Patrick Cannon – Morehead City, Atlantic Beach, NC**

Mr. Cannon also requested that the channels be dredged due to the fact that too many boats are running aground. He noted that he was aware of a survey that was provided to Marc Schulze, Public Services Director, showing the depths of those areas and commented that he is willing to work with the town to do whatever is necessary to get these areas dredged.

Mayor Cooper agreed with the requests and explained that the town has contacted the Corps. of Engineers with no progress at this point and the next step is contacting the state for assistance to see if there are any funds that can be allocated for the dredging of these areas in Atlantic Beach.

**Jim Ghesauiere – 306B Island Beach & Racquet Club, Atlantic Beach, NC**

Mr. Ghesauiere thanked the Council for the sidewalks. Mr. Ghesauiere made several requests of Council. Those requests being:

1. Consideration of a sidewalk, six (6) blocks near the AB Sea Store, along Fort Macon Road and a temporary fix to direct pedestrian traffic down Bogue for safety purposes.
2. Increase in pedestrian walkway markings at Fort Macon/Causeway intersection with more markings, lights, painted lines/crosswalks, etc.
3. Crosswalks/markings at Atlantic Station for pedestrian traffic.
4. Coordinate with Pine Knoll Shores to install a sidewalk from the Sheraton through Oakleaf.

**James N. Willis, III – 104 Atlantic Beach Causeway, Atlantic Beach, NC**

Mr. Willis commented on several concerns he has. Those concerns being:

1. Reminder to Council that there is already a standing permit with the Corps. of Engineers to implement the dredging, they just do not have the money. He feels the town should try to find monies to subcontract through the Corps. so that the town can use their permit and would not have to obtain our own.

2. Recommended the Council changed the meeting dates of their meetings so it would not coincide and conflict with the Carteret County Board of Commissioners meetings.
3. Recommended that the deadline for public and staff to be on the Council agenda be the same, a firm two (2) weeks prior to the Council meetings.

## **PRESENTATIONS**

### **1. Letters Regarding Atlantic Beach Police Department – Mayor Cooper**

Mayor Cooper read several letters into the record that commended the professionalism and dedication of the Atlantic Beach Police Officers.

### **2. J Doggs d/b/a AB Sea Store – Pamela Sacco, Resident of Atlantic Beach, NC**

Mr. Tony Sacco, Mrs. Pamela Sacco and Mr. Darryl Lawrence spoke to Council regarding multiple instances where the AB Sea Store has violated several town ordinances and/or the ALE regulations and would like the town to step in and view the problems cumulatively, instead of each town department on their own. Mrs. Sacco requested, **and agreed upon by Mayor Cooper**, a written response to their concerns of lighting, noise, trash, and other ordinance violations that she has cited with a deadline of May 19<sup>th</sup>, 2008.

### **3. Financial, Cash and Investment Reports – Sabrina Simpson, Administrative Services**

Mrs. Simpson presented the financial report for the month ending March 31, 2008..

### **4. Planning Department/Planning Board Monthly Reports – Jessica Fiester, Planning Director**

Miss Fiester explained that the Planning Board had approved the Beach Hut with an eight (8) item contingency list. She also noted that work is still in progress regarding a permeable pavement policy and the Unified Development Ordinance (UDO).

**(Clerk's Note: a copy of the Letters, Mrs. Sacco's presentation and all financial reports documents are hereby attached and therefore made a part of these minutes.)**

## **ACTION AGENDA**

### **1. Budget Amendment #12**

Councilmember Ide made a motion to approve Budget Amendment #12. Councilmember Briley seconded the motion. Vote was unanimous, 5-0. Motion carried.

### **2. Public Hearing: Resolution 08-04-01; Adoption of Coastal Area Management Act (CAMA) Land Use Plan Presented by: Landin Holland, Planning Consultant, Holland Consulting**

Councilmember Briley made a motion to enter into Public Hearing on Resolution 08-04-01. Councilmember Ide seconded the motion. Vote was unanimous, 5-0. Motion carried.

Although there were not any signatures on the sign-up sheet to speak on the item of consideration, Joe Tarascio was requested, by Council, to speak due to his in-depth involvement in the creation of the CAMA land Use Plan as proposed. Mr. Tarascio stated that he felt the proposed plan was good, but the biggest issue will be enforcement. A question was posed by attendee, Katherine Abbitt, as to whether the plan would have to be updated as CAMA regulations were updated. Mr. Tarascio responded by saying yes, the town still has to follow the CAMA regulations as updates are made.

Town Council Meeting  
April 21, 2008  
Page 4 of 5

Councilmember Ide made a motion to exit out of Public Hearing on Resolution 08-04-01. Councilmember Batt seconded the motion. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Archer made a motion to approve Resolution 08-04-01. Councilmember Palma seconded the motion. Vote was unanimous, 5-0. Motion carried.

**3. Public Hearing: Ordinance 08-04-01; Ordinance Allowing For Temporary Setbacks for Redevelopment**  
**Presented by: Jessica Fiester, Planning Director**

Miss Fiester presented and explained proposed Ordinance 08-04-01. Derek Taylor, Town Attorney, along with the Town Council made minor language changes to the ordinance, which was read into the record.

Councilmember Ide made a motion to enter into Public Hearing on Ordinance 08-04-01. Councilmember Briley seconded the motion. Vote was unanimous, 5-0. Motion carried.

Although there were not any signatures on the sign-up sheet to speak on the item of consideration, Mr. Joe Tarascio spoke stating the he had conversations with the Planning Director in reference to a project he was involved in and feels this proposed ordinance would be beneficial to the citizens.

Councilmember Briley made a motion to exit the Public Hearing. Councilmember Ide seconded the motion. Vote was unanimous, 5-0. Motion carried.

Councilmember Batt made a motion to adopt purpose Ordinance 08-04-01 as amended. Councilmember Ide seconded the motion. Vote was unanimous, 5-0. Motion carried.

**4. Public Hearing: Ordinance 08-04-02; Ordinance Amending Chapter 8, Fire Prevention and Protection of the Code of Ordinances of the Town of Atlantic Beach, North Carolina**  
**Presented by: Adam Snyder, Fire Chief – Atlantic Beach**

Chief Snyder introduced Item #4. He stated that this ordinance would require a Knox Box system be installed on required properties and the fire department would have a master key for all boxes for these properties.

Councilmember Briley made a motion to enter into Public Hearing on Ordinance 08-04-02. Motion was seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

Mr. Jim Willis was the first speaker. He commented that he feels this ordinance is an unfunded mandate and does not feel the fire official should be able to randomly designate who he/she feels should be included in the requirement outside of the items listed. He also noted a concern over the master keys to all the boxes could be mishandled or get lost thus opening up the chances for misuse throughout the town. Chief Snyder responded by stating that the fire official designation is due to the fact that it would be impossible to list all of the possible occasions that this would benefit and it also allows for inclusion into the requirement. He also stated the Knox Box Key system is becoming a national standard and that keys cannot be reproduced except from the manufacturer and the keys provided to Atlantic Beach are keyed only for here. He further stated that any time a key is used it will be logged through and into the emergency communications dispatch computer system by way of notification through radio by emergency personnel. Personnel, upon notification to communications, will state the reason for usage, location, time, personnel involved and when key was replaced.

After much discussion by Council, Councilmember Ide made a motion to exit the Public Hearing. Mayor Pro Tem Archer seconded the motion. Vote was unanimous, 5-0. Motion carried.

Councilmember Ide made a motion to adopt Ordinance 08-04-02. Councilmember Palma seconded the motion. Vote was unanimous, 5-0. Motion carried.

**5. Discussion and Approval of Revised Regular Council Meeting Schedule**  
**Presented by: Mayor Cooper**

Due to the conflict of regularly scheduled meeting dates of the Atlantic Beach Town Council and the Carteret County Board of Commissioners, it was agreed, by Council, to change the remaining dates of the 2008 Atlantic Beach Town Council Meeting Schedule. This would allow Pete Allen, Town Manager and Carteret County Commissioner to attend both meetings and would also provide citizens the opportunity also to attend both meetings if desired.

Mayor Pro Tem Archer made a motion to change the remaining 2008 Atlantic Beach Town Council meetings from the third (3<sup>rd</sup>) Monday of each month to the fourth (4<sup>th</sup>) Monday of each month and in turn change the remaining dates of the 2008 Atlantic Beach Board of Adjustment meetings from the fourth (4<sup>th</sup>) of each month to the third (3<sup>rd</sup>) of each month. Motion was seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion to change back the Atlantic Beach Town Council May meeting to the third (3<sup>rd</sup>) Monday of the month due to a holiday conflict within that month. Councilmember Ide seconded the motion. Vote was unanimous, 5-0. Motion carried.

**TOWN MANAGER'S REPORT**

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

**TOWN ATTORNEY'S REPORT**

Derek Taylor, Town Attorney had no report at this time

**MAYOR/COUNCIL REQUESTS/COMMENTS**

Council reminded those in attendance that Earth Day is near and to remember to be environmentally conscience on a daily basis.

**ADJOURNMENT**

There being no further business before the Town Council, Mayor Pro Tem Archer made a motion to adjourn the meeting. Motion was seconded by Councilmember Ide. Vote was unanimous, 5-0. It was 8:31 p.m.

Submitted by:

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

These minutes were approved at the July 28, 2008 meeting of the Atlantic Beach Town Council.

\_\_\_\_\_  
A. B. Cooper III, Mayor