

**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, August 25, 2008**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, August 25, 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; Kelly Cyrus, Town Clerk; Derek Taylor, Town Attorney; Sabrina Simpson, Administration; Marc Schulze, Public Services Director; Jessica Fiester, Planning Director; Donna Turner, Inspections Director; Joey Starling, Building Inspector; Capt. Mike Ussery; Ron Perry, contractor and Dan Oliver, Progress Energy

**CALL TO ORDER AND ROLL CALL**

Mayor Cooper called the meeting to order at 6:00 p.m.  
Kelly Cyrus, Town Clerk 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 Briley. Vote was unanimous, 4-0. Motion carried.

Councilmember Batt made a motion to approve the Consent Agenda as written. Motion was seconded by Councilmember Briley. 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 –JULY, 2008:**

The tax collection report for July, 2008 was submitted for approval, which showed that \$1,177.72 had been collected for the ending FY2007-2008. The year-to-date total at the end of July, 2008 for FY2008-2009 was \$0.00.

**2. BUDGET AMENDMENT #2**

**7. ATLANTIC BEACH TOWN COUNCIL MEETING MINUTES:**

(July 28, 2008; open & closed)

**(Clerk's Note: a copy of all Consent Agenda items minus the July 28, 2008 Closed Session minutes are hereby attached and therefore made a part of these minutes.)**

**CITIZEN REQUESTS/COMMENTS**

**John Lotspih, 203 Winston Ave., Atlantic Beach, North Carolina**

Mr. Lotspih commented on the participation for National Night Out. He stated that the high participation, especially of the young attendees, proves that Atlantic Beach needs some type of park facility. He also feels that, in regards to the dredging issue that the property owners who live on the canals and owns boats should pay for the dredging.

**Billy Brewer, 200 Atlantic Beach Causeway, Atlantic Beach, North Carolina**

Mr. Brewer stated that he would like to hear the results of the dredging surveys that were sent out to the citizens of Atlantic Beach and also thanked the Council for getting help for the dredging situation. He also noted, what he felt was a problem on the Atlantic Beach Causeway regarding businesses. Mr. Brewer proceeded to comment on several other issues with those being: the current lot sizes on the Atlantic Beach Causeway are not big enough for adequate drain fields; the water quality at Hoop Pole Creek is not good; and regarding the use of the old Food Lion Property, requesting Council not to confuse what the residents want versus what business owners want.

**Jim Willis, III, 104 Atlantic Beach Causeway, Atlantic Beach, North Carolina**

Mr. Willis noted that he is in favor of Council approving Action Agenda Item #3. He advised citizens to be aware of what's going on with the Unified Development Ordinance Committee (UDO) as the zones of the town will be changing. At this time, Mr. Willis read a poem he wrote titled "Epithet of My Favorite Zone" with a dedication to Jessica Fiester, Planning Director.

**Pace Winsted, 510 Kinston Avenue, Atlantic Beach, North Carolina**

Ms. Winsted felt that burdening just the boat owners or those who live on the canals with a dredging fee would be unfair. She feels the monetary assistance for the dredging project should come from everyone, "across the board", so to speak.

**Catherine Abbitt, 314 East Boardwalk, Atlantic Beach, North Carolina**

Ms. Abbitt commented that something in regards to animal control needs to be done. The town is getting "run over" with opossums and wild cats.

**PRESENTATIONS**

**1. 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.)**

**2. Request for Relief from Atlantic Beach Mechanical Permit Fees for Electrical Panel Replacements**

**Presented by: Ron Perry**

Mr. Ron Perry, Owner – Coastal Home Services, requested relief from the fees for an electrical panel replacement. He explained that the way the system works now is that when a "bank" (electrical panel with 6 meters on it) is replaced he is being charged 6 permit fees, but upon replacement the "bank" will only require one (1) inspection. He feels that there should be one (1) permit fee for the replacement, instead of six (6) since there will only be one (1) inspection, not six (6) inspections. He also noted that the current ordinance does not clearly identify this issue in regards to the replacement.

Donna Turner, Inspections Director responded by stating that these fees are mirroring Carteret County's fees in regards to the replacements.

It was noted that a response to this issue would be forthcoming prior to the next Town Council meeting.

**ACTION AGENDA**

**1. Discussion: Renewal of Electricity Franchise Agreement between the Town of Atlantic Beach and Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc.**

**Presented by: Dan Oliver, Progress Energy Carolinas**

Mr. Oliver stated that currently there is a franchise agreement between Progress Energy and the Town of Atlantic Beach with a sixty (60) year term which began in 1952 and is set to expire in 2012. He explained that the reason it is being brought forth for discussion several years prior to the expiration date is that it gives Progress Energy time to

make budgetary and capital improvement plans and also that over the next several months, Progress Energy has quite a few other municipalities to discuss franchise agreements with.

**2. Establishment/Appointment of the Atlantic Beach Parks and Recreation Committee (ABPARC)**

**Presented by: Harry Archer, Mayor Pro Tem**

Mayor Pro Tem Harry Archer began by stating that Council has no intention of turning the old Food Lion property into a park, but may consider it if the matter came up.

Mayor Pro Tem Archer made a motion to approve the establishment of the Atlantic Beach Parks and Recreation Committee. Motion was seconded by Councilmember Briley. Vote was unanimous, 4-0. Motion carried

Mayor Pro Tem Archer made a motion to appoint Judy Beamon, Jeff Burton, Joe Goodson, Susan Griffin, Hallock Howard and Sandy Kenny as members of the Atlantic Beach Parks and Recreation Committee with Pete Allen, Town Manager; Jessica Fiester, Planning & Zoning Director; Marc Schulze, Public Works Director; and Capt. Mike Ussery, Atlantic Beach Police Department as Advisory Support Members and Alesia Sanderson, Director, Emerald Isle Parks & Recreation and Betty Fentress, Assistant Director, Carteret County Parks & Recreation as Consultants/Advisory members. Motion was seconded by Councilmember Palma. Vote was unanimous, 4-0. Motion carried.

**3. Proposed Ordinance 08-08-01; Amendment to the Town of Atlantic Beach Code of Ordinances Chapter 10, Motor Vehicles and Traffic; Article IV, Section 10-98**

**Presented by: Capt. Ussery, Atlantic Beach Police Department**

Councilmember Briley made a motion to approve Ordinance 08-08-01. Motion was seconded by Councilmember Palma. Vote was unanimous, 4-0. 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**

Councilmember Batt wanted to let citizens know that all Council members, at some point, can be reached. She also thanked everyone for attending the meetings.

Mayor Pro Tem Archer thanked Donna Turner and Joey Starling for all of their hard work and recognized Ms. Turner's acceptance of credentials by the International Code Conference. He also recognized Officer Vaselovic, Capt. Ussery, Officer Jacoby, Lt. Spitz and Officer Hardy for their hard work and dedication to National Night Out.

Councilmember Briley commended the Atlantic Beach Fire Department on the search and rescue attempt of the recent drowning. He also commented that National Night Out was a huge success and thanked everyone for attending.

Councilmember Palma thanked everyone who donated their time and items to National Night Out. She also stated that the feedback regarding the dredging project is greatly appreciated.

Mayor Cooper also commended the Atlantic Beach Fire Department in reference to the recent drowning. He stated that the efforts taken were impressive by all and also impressive was the compassion by the town departments and the town itself. The Mayor thanked Mr. Claude Andrews, Town Chaplain for his support towards the family of the victim and town staff.

At this time, Mayor Cooper called for a ten (10) minute recess. The time was 7:37 p.m. The meeting was reconvened at 7:48 p.m.

**CLOSED SESSION**

Councilmember Briley made a motion to go into Executive Session accordance to N.C.G.S. 143-318.11(a)(3) to consult with the Town Attorney:

- To protect the attorney-client privilege and To consider and give instructions 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 Batt. Vote was unanimous, 4-0. Motion carried. The time was 7:48 p.m.

**ADJOURNMENT**

Council returned to Open Session at 9:15 p.m. There being no action taken nor any further business before the Town Council, Councilmember Palma made a motion to adjourn the meeting. Motion was seconded by Councilmember Briley. Vote was unanimous, 4-0. It was 9:15 p.m.

Submitted by:

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Kelly L. Cyrus, Town Clerk

These minutes were approved at the September 22, 2008 meeting of the Atlantic Beach Town Council.

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A. B. Cooper III, Mayor