



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, April 27, 2009



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, April 27, 2009 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, Vada Palma and Trish Ide

Members Absent:

Others Present: Pete Allen, Town Manager; Derek Taylor, Town Attorney; Kelly Cyrus, Town Clerk; Sabrina Simpson, Admin. Services; Marc Schulze, Public Services Director; Jessica Fiester, Planning Director; Joey Starling, Inspector; Claude Andrews, Town Chaplain; Greg Rudolph, Carteret County Shore Protection; Akilah Ensley, U.S. Census Bureau

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 Mayor and Council led the assembly in the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Mayor Pro Tem Archer made a motion *to approve* the agenda as written. Motion was seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Batt made a motion *to approve* the Consent Agenda. 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, 2009:

The tax collection report for March, 2009 was submitted for approval, which showed that \$30,741.07 had been collected.

2. TAX RELEASES - MARCH, 2009:

A cumulative amount of \$44.56 in tax releases were submitted for approval.

3. BUDGET TRANSFERS:

A total of three (3) budget transfers were submitted for approval.

4. BUDGET AMENDMENT #10:

A budget amendment of \$36,244.00 was submitted for approval.

5. TOWN COUNCIL MEETING MINUTES:

March 16, 2009; March 23, 2009

6. FINANCIAL REPORTS

A copy of the monthly financial, cash and investment reports were submitted.

7. PROCLAMATION 09-04-01; “Silver Star Banner Day”

8. PROCLAMATION 09-04-02; “Municipal Clerk’s Week”

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

CITIZEN REQUESTS/COMMENTS

Claude Andrews – 147 Hoop Pole Creek, Atlantic Beach, NC

Mr. Andrews commented on how good the Atlantic Beach Fire Department looks upon completion of the renovations. He noted that the labor was extremely cost effective as fire department personnel performed all the labor. He then emphasized how the police department is in dire need of renovations and that the Town and Council need to concentrate on that department for future renovations. He also announced that the Atlantic Beach Citizens Academy has been completed and there will be a “graduation” for those individuals that completed the course. The only details that he could give at this point was that the ceremony would be held next Thursday, May 7, 2009.

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

Mr. Willis began his comments by stating how his family was considered “2nd class citizens” back in the early days. He noted that in 1928, his family was the first family to reside all year-round in Atlantic Beach; 1936 – his father was appointed Postmaster of Atlantic Beach; 1937 – father appointed as Mayor of Atlantic Beach by the General Assembly; 1941 – father appointed as Town Manager and with all the hats that his father wore, he was considered a “2nd class citizen” as his father had no voting rights under the Constitution within Atlantic Beach. Then in 1969 after his father’s passing, the General Assembly voted that anyone that held positions such as his father’s could vote in all state elections. Mr. Willis then proceeded to speak on his issue of the Emergency Operations Plan for the Town of Atlantic Beach that was adopted in February, 2009. He stated that the first “red flag” of this adoption was that it was approved in the winter and rushed through with no public hearing. He feels that the renters of Atlantic Beach are being left out and how once again people are being treated like “2nd class citizens”.

PRESENTATIONS

1. 2010 Census

Presented by: Akilah Ensley, Partnership Specialist, US Census Bureau

Ms. Ensley gave a brief summary of the Census program. She emphasized how important it is that Atlantic Beach residents are counted and how a complete count is essential to future funding and that the town loses about \$347.00 for each person not counted. She also noted that all information is kept confidential and that in June of this year a Complete County Committee will be formed and invited attendance and participation of the town officials.

2. Summary – “Bogue Banks Master Nourishment Plan”

Presented by: Greg Rudolph, Carteret County Shore Protection

Mr. Rudolph gave a summary presentation of the nourishment plan for Bogue Banks and a brief overview of the current and proposed setback rules.

ACTION AGENDA

1. Public Discussion: Ordinance 09-04-01; Amending Chapter 18, Zoning; Section 18-21, Definitions of the Town of Atlantic Beach, North Carolina Code of Ordinances

Presented by: Mayor Cooper

Below is history of Action Agenda Item #1 of this night's meeting:

***** Excerpt from the September 22, 2008 minutes:**

5. Request to Schedule a Public Hearing on Proposed Ordinance relating to Freeboard:

Presented by: Donna Turner, Inspections Director

Donna Turner, Inspections Director explained that the current ordinance requirement is two feet (2') of freeboard. The proposed ordinance would reduce the requirement to zero.

***** Excerpt from the October 27, 2008 minutes:**

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

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.

***** Excerpt from the March 23, 2009 minutes:**

2. Request for Public Hearing On A Proposed Ordinance Amending The Current Town of Atlantic Beach Zoning Ordinance As It Relates To Freeboard

Presented by: Mayor Cooper

Mayor Cooper stated that since a Public Hearing has already been held on this issue he will set a Public Comment section at the April 27th Town Council Meeting for the public to speak on this issue prior to any possible adoption.

Mayor Cooper advised that further research had been done on the current language of freeboard in the town's ordinance and its relation to insurance ratings and that it was felt that it would not have any bearing on insurance ratings/premiums if freeboard was removed from the ordinance as requirement.

Councilmember Briley made a motion *to adopt* Ordinance 09-04-01 that will amend Chapter 18, Zoning; Section 18-21, Definitions that *will not include* freeboard. Councilmember Batt seconded the motion. Vote was unanimous, 5-0. Motion carried.

2. Request to Schedule Public Hearing on the Proposed Atlantic Beach FY09-10 Budget:

Presented by: Mayor Cooper

Councilmember Batt made a motion *to schedule* a Public Hearing to be held on Wednesday, May 13, 2009 at 6:00 p.m. in the Town Boardroom, 125 West Fort Macon Road, Atlantic Beach on the proposed FY09-10 Atlantic Beach budget. Councilmember Palma seconded the motion. Vote was unanimous, 5-0. Motion carried.

At this time Councilmember Briley made a motion *to recuse* Mayor Cooper from the scheduled Closed Session of this night's meeting. Councilmember Batt 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

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

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Batt thanked everyone for attending the meeting.

Mayor Pro Tem Archer announced a reminder that May 3-9, 2009 is Municipal Clerk's Week.

Councilmember Palma stated that this past Christmas a fire took place at a residence within town limits and there had been several comments/concerns voiced over the fact that fire lines had to be laid across Highway 58 within Atlantic Beach to the residence on fire and this caused some disruptions for some individuals in regards to impeding their efforts to get to their destinations. Councilmember Palma first advised that Chief Snyder and his department's first priorities are life-saving, incident stabilization and property conservation and that she apologizes for any inconvenience this may have caused to some. She also noted that additional over the road ramps have been ordered for this specific purpose.

Councilmember Briley commented that there are a lot of issues and concerns that Council is dealing with at this time. He noted some examples as the budget process, dredging, the UDO (Unified Development Ordinance), renovations, ramps. He did state that he would like to see more citizen participation on some of the issues that are brought forth to the public.

Councilmember Ide recognized Capt. Jim Willis on his "graduation" from Leadership Carteret and suggested that a blog be setup on the town's website.

CLOSED SESSION

Councilmember Ide made a motion *to enter into* Executive Session pursuant to:

N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney:

- To protect the attorney-client privilege

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 many of the streets within the Town of Atlantic Beach.

At this time, Mayor Pro Tem Archer called for a ten (10) minute recess and upon reconvening will immediately go into Executive Session. The time was 7:38 p.m.

Council returned to Open Session at 8:38 p.m.

ADJOURNMENT

There being no further action or business before the Town Council, Councilmember Ide made a motion *to adjourn* the meeting. Motion was seconded by Councilmember Briley. Vote was unanimous, 5-0. It was 8:38 p.m.

Submitted by:

Kelly L. Cyrus, Town Clerk

These minutes were approved at the May 27, 2009 meeting of the Atlantic Beach Town Council.

A. B. Cooper, III - Mayor