



**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**Monday September 28, 2009**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday September 28, 2009 at 6:00 p.m. in the Council Meeting Room.

**Members Present:** Mayor Cooper, 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; Donna Turner, Inspections Director; Jessica Fiester, Planning Director;; Claude Andrews, Atlantic Beach Departmental Chaplain and Greg Rudolph, Shore Protection Office

**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.

**PLEDGE OF ALLEGIANCE and INVOCATION**

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

**APPROVAL OF THE AGENDA**

Mayor Pro Tem Archer made a motion *to move* Consent Agenda Item #8 to the Action Agenda as Item #4 and *to approve* the Consent and Action 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 –August, 2009:**

The tax collection report showed that \$378,058.94 had been collected.

**2. Tax Releases - August, 2009:**

Tax releases in the amount of \$364.17 were submitted for approval.

**3. Tax Refunds – August, 2009**

Tax refund in the amount of \$84.56 was submitted for approval.

**4. Budget Transfers – August, 2009**

**5. Financial Reports– August, 2009**

**6. Appointment to Firefighters Relief Fund**

**7. Proclamation 09-09-01; Declaring October, 2009 as National 4-H Month in Atlantic Beach, NC**

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

## CITIZEN REQUESTS/COMMENTS

### **Sam Liptrap, 101 Henderson Blvd., Atlantic Beach, NC**

Mr. Liptrap commented and questioned the Council on several issues.

1. No recreation in Atlantic Beach, people not coming back to the area for that reason.
2. Who currently owns the Circle area?
3. Why are there No Parking signs around the paved perimeter of the Circle area?
4. How can the town get the Circle area back to a beach environment?
5. How can the town get a pier back?
6. Surrounding towns and municipalities are receiving grants, monies, etc. for various projects
7. What is the Board's future plans in regards to recreation within Atlantic Beach

Mayor Cooper responded by stating that Atlantic Beach does not own large parcels of land like the town of Emerald Isle does. He also noted that it is hard to get monies for matching grants but the town is working with the state to get in line with Emerald Isle for funding and that also an Atlantic Beach Parks and Recreation committee has been formed and are possibly looking at the old Food Lion shopping center for recreational facilities

Mayor Pro Tem Archer noted that the committee is currently looking into possible parks and recreation grants but need support from the citizens.

Councilmember Briley commented that the citizens have not mentioned one thing that the Board has not talked about and suggested that Mr. Liptrap may want to join the Parks and Recreation committee.

### **Joe Goodson, 114 East Boardwalk, Atlantic Beach, NC**

Mr. Goodson stated that he has experienced a water problem for years when the wash basin behind his residence overflows after a heavy rain and his residence gets flooded. Mr. Goodson requested to meet with possibly a few Councilmembers and Marc Schulze, Public Services Director to find a solution.

### **Jim Willis, III, 104 Atlantic Beach Causeway, Atlantic Beach, NC**

Mr. Willis suggested that the town has a no expense form of recreation for young children by way of the sand hill at the old Food Lion property. He feels it should be utilized.

### **Claude Andrews, 147 Hoop Pole Creek, Atlantic Beach, NC**

Mr. Andrews thanked everyone involved for working with the volunteers for the King Mackerel Tournament. He noted there were 175 boats this year and 2,500 lbs. of fish caught and sold at the fish markets.

### **John Morgan, Owner – Watermark Restaurant, Atlantic Beach, NC**

Mr. Morgan was concerned about how Morehead City Police Department, he feels, is targeting Atlantic Beach specifically due to the numerous road blocks that they have set up at the base of the bridge on the Morehead City side. He feels this is hurting Atlantic Beach's tourism and that people will not come back to the town for this reason

Mayor Cooper stated that he will talk with the Mayor of Morehead City and requested that Chief Smith, Atlantic Beach Police Chief speak with the Morehead City Police Chief regard Mr. Morgan's concern.

## PRESENTATIONS

### **1. Planning Board Report – Jessica Fiester, Planning Director**

Miss Fiester gave an update on the August, 2009 Planning Board meeting and gave a preview of all the upcoming items on the Planning Board agenda. Those items were:

- Review of updated Land Use Plan and map
- UDO text amendment to Section 5.6 – RS setbacks
- UDO text amendment to Section 2.24 – definition of “improved property”
- UDO text amendment to Section 6.18 – renewal of Conditional Use permits on Mobile Home Parks

- UDO text amendment to Section 6.1 – clarification on participation in the Causeway Overlay District
- UDO text amendment to Article 8 – Marinas
- Stormwater ordinances

## **2. Hazard Mitigation Plan Update** – Jessica Fiester, Planning Director

Miss Fiester explained that a resolution would be formatted to request that Atlantic Beach be included in the Carteret County's Hazard Mitigation Plan and upon approval from this Council, once the county has approved their plan, the merge into the county's plan would take place.

## **ACTION AGENDA**

### **1. Resolution 09-09-01; Authorizing A Contract with Coastal Planning and Engineering to prepare the Static Line Exception Report for the Town of Atlantic Beach**

Presented by: Jessica Fiester, Planning Director

Miss Fiester reported that recently the Coastal Resources Commission adopted multiple changes to oceanfront development rules. A portion of the changes introduces a process to where a municipality can opt to participate in what is called a Static Line Exception (SLE). This is where any municipalities with a static line (such as Atlantic Beach) are eligible to apply for this exception provided they submit an application and a report that demonstrates the following items:

- A report on the history of all previous beach nourishment activities
- A description of future beach nourishment plans
- An assessment of available sand sources to meet the need of the 25-year nourishment plan
- A financial plan for a 25-year planning period

Miss Fiester stated that it is required that the application and report be certified by a licensed coastal engineer and presented to the Coastal Resources Commission by an attorney. She proceeded to advise that on September 17, 2009, Mayor Cooper and herself met with Greg Rudolph from the Shore Protection office and Tom Jarrett, Planning Engineer, with Coastal Planning and Engineering on the possible preparation of a static line exception report. With a portion of the report being prepared in-house and with the additional assistance of Greg Rudolph, if Council chose to adopt this resolution, Coastal Planning and Engineering would begin working on the Static Line Exception report immediately and have a draft ready for presentation to the Council by either the November or December, 2009 Council meeting. Miss Fiester also noted that, if adopted the attached budget amendment would be necessary to fund the contract which shows a transfer of \$8,500.00 (\$6,500 plus contingency) from the General Fund to Inspections-Contracted Services and \$1,000.00 to cover legal aspects of the procedure.

Councilmember Briley made a motion *to approve* Resolution 09-09-01; Authorizing a Contract with Coastal Planning and Engineering to prepare the Static Line Exception report for the Town of Atlantic Beach. Motion was seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

### **2. Budget Amendment #4:**

Presented by: Jessica Fiester, Planning Director

Please reference Miss Fiester's explanation of this budget amendment in the above paragraph.

Councilmember Briley made a motion *to approve* Budget Amendment #4. Motion was seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

### **3. Request to Schedule a Public Hearing on Amendments to the Unified Development Ordinance as it relates to Conditional Use Permits**

Presented by: Jessica Fiester, Planning Director

Councilmember Ide made a motion *to schedule* public hearings on text amendments to Article 3, Article 4, Article 5, Article 6 and Article 14 of the Unified Development Ordinance which would give the Board of Adjustment final authority on Conditional Use Permits. Motion was seconded by Councilmember Palma. Vote was unanimous, 5-0. Motion carried.

**4. Resolution 09-09-02; Resolution in Support of the Fishing Industry**

Presented by: Mayor Cooper

Mayor Pro Tem Archer stated that it is extremely important to show active support of the fishing industry and this resolution would show Atlantic Beach's support for this industry.

Councilmember Briley made a motion *to approve* Resolution 09-09-02. Motion was seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. Motion carried.

**TOWN MANAGER'S REPORT**

No report at this time.

**TOWN ATTORNEY'S REPORT**

No report at this time.

**MAYOR/COUNCIL REQUESTS/COMMENTS**

Councilmember Briley advised that he would not be at the October meeting due to upcoming surgery. He also wanted to let the citizens know that the Council is working on a lot of different issues at this time.

Councilmember Palma did not have any comments at this time.

Councilmember Ide thanked everyone also for their attendance asked that everyone get out and vote.

Councilmember Batt also thanked everyone for attending and it has been her pleasure and honor to serve Atlantic Beach.

Mayor Pro Tem Archer stated that he is proud of what this Council has accomplished within the past two (2) years. He also thanked Pete Allen, Town Manager for his dedicated service. He also noted that it had been a pleasure working with such a cooperative staff even though there were not any Cost of Living Adjustments, raises or merits increases to the staff, without their cooperation the accomplishment of lower taxes could not have resulted.

**ADJOURNMENT**

There being no further action taken or business before the Town Council, Councilmember Batt made a motion *to adjourn* the meeting. Motion was seconded by Mayor Pro Tem Archer. Vote was unanimous, 5-0. It was 7:20 p.m.

Submitted by:

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Kelly L. Cyrus, Town Clerk

These minutes were approved at the November 28, 2009 meeting of the Atlantic Beach Town Council.

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A. B. Cooper, III - Mayor