

**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, April 17, 2006**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, April 17, 2006 at 6:00 p.m. in the Council Meeting Room.

**Members Present:** Mayor Tootsie Vinson; Mayor Pro Tem Doug Creech; Council Members Jim Bailey, Ruth Barnes, Eddie Dawkins, and Tom Doe

**Members Absent:** none

**Others Present:** Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Marc Schulze, Public Works Director; Lee Smith, Planning Director; Joe Tarascio, Chairman of Planning Board; Kim Glover, Deputy Town Clerk

**CALL TO ORDER AND ROLL CALL**

Mayor Vinson called the meeting to order at 6:06 p.m.

**PRAYER AND PLEDGE OF ALLEGIANCE**

Claude Andrews (Tweety Bird) led the assembly in prayer and the Pledge of Allegiance

**APPROVAL OF THE AGENDA**

A motion was made by Councilman Doe to move item # 1 from the consent agenda to item # 1 on the action agenda. Also, add to the consent agenda Resolution # 06-04-01, Resolution Authorizing Execution of Planning and Management Grant Contract and add a closed session at the end of the meeting. Seconded by Councilman Bailey, vote was 5-0, unanimous.

**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 for March 2006 (FYI)**

Ms. Buda submitted the tax collection report for March 2006 which showed that \$13,993.79 had been collected. The year-to-date collection total for 2005 at the end of March was \$1,976,778.79

**2. Tax Releases (\$1,191.45)**

The Tax Collector submitted the following 2006 tax releases for approval:

<u>NAME</u>	<u>ACCOUNT#</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
Funtal, Matt	329591	\$ 27.83	2005	Incorrect value
Johnson, Joseph	386380	\$ 10.95	2005	Billed in error
Stephenson, Reid	389388	\$ 39.22	2005	Billed in error
Wynne, Chip	403079	\$ 5.31	2005	Located in Durham County
Chrison, Keith	403122	\$ 1,108.14	2005	Billed in error
	<b>TOTAL</b>	<b>\$ 1,191.45</b>		

**3. Ordinance No. 06-03-03, Amending Cable Franchise Fees**

This ordinance amends the current Franchise Agreement to provide for a franchise fee payment of 5% to the Town as now allowed by State law.

**4. First Amendment-Verizon Lease Agreement**

This first amendment to the Verizon Lease updates Exhibits A “Description of Premises” and B “Survey” to reflect final location of that shelter.

**5. Town Council Meeting Minutes-March 8, 20, and 22, 2006**

The Town Manager requested approval of these meeting minutes.

**6. Resolution No. 06-04-01, Resolution Authorizing Execution of Planning and Management Grant Contract**

This resolution states that the Town of Atlantic Beach will pay a \$3,500 as its local cash share of the planning project costs, per the contract between the Town of Atlantic Beach and the North Carolina Department of Environment and Natural Resources for the provision of Planning and Management Services.

Councilman Doe made a motion to approve the Consent Agenda. Seconded by Mayor Pro Tem Creech, vote was 5-0, unanimous.

## **CITIZEN REQUESTS/COMMENTS**

### **Tiffany Woodard, 400 Ocean Ridge Road and 308 Club Colony, Atlantic Beach, NC**

Ms. Woodard stated she came to tonight's meeting because she is really stressed about what she sees happening at Atlantic Beach. She is concerned about the Circle project and sewer treatment facilities. She stated she is not for development at all costs with what is happening to this island. She is concerned about the traffic and the fire equipment needed to service these tall buildings in the event of a disaster. She said she is not alone in these feelings. She has talked to fifty plus people that feel similar to her. She would like to see the Town put a message board on the website so the citizens can stay in touch with the Council and post comments about what they feel is happening at Atlantic Beach. She feels we are moving too rapidly and it would be easy to make a mistake by moving at this pace. She would like to see the Town be honest with the citizens about everything that is going on. She stated that the existing Town residents should be the first to be put on the sewer treatment facility when and if that happens. She stated she is not opposed to growth and would just like to see controlled growth. She thanked the Council for their time.

## **ACTION AGENDA**

### **1. National Day of Prayer Proclamation No. 06-04-01-Mayor Vinson**

Mayor Vinson read aloud the Proclamation for the National Day of Prayer in Atlantic Beach. Councilman Doe made a motion to approve Resolution # 06-04-01 designating Thursday, May 4, 2006 as A Day of Prayer in Atlantic Beach, NC. Seconded by Mayor Pro Tem Creech, vote was unanimous, 5-0.

### **2. Planning Board Report-Planning Board Chairman**

Chairman Joe Tarascio said the Planning Board did not meet so there is no report.

### **3. Second Reading-Re-Zoning of 202 and 208 West Atlantic Blvd. from RC (Resort Commercial) to CDD (Circle Development District)-Planning Director**

The vote at last month's meeting did not garner the required 4/5th majority needed to pass on one reading therefore it is before the Council tonight. Councilman Bailey made a motion to approve the re-zoning request of 202 and 208 West Atlantic Blvd. from RC to CDD. Councilman Doe stated he voted opposed on the last vote, but a lot has changed in the last

thirty days. Seconded by Councilman Dawkins, vote was 4-1, with Councilman Doe voting in the negative.

#### **4. Board of Adjustment Resignations-Town Council**

Mayor Pro Tem Creech made a motion to accept the resignations from Dr. Everett Cameron, Ann Batt and Ray Barts from the Board of Adjustment. Also, to include a letter of appreciation for the terms they have served on the board. Seconded by Councilman Dawkins, vote was 5-0, unanimous.

#### **5. Budget Workshop Schedule-Town Manager**

Town Manager, Chuck Cooper provided the Council with a schedule of the FY 2006-07 Budget Workshop and Budget Approval. He asked the Council to look over the list and provide some input on how they would like to handle these sessions. Council decided to remove the April 24th meeting. Councilman Dawkins asked Mr. Cooper when the Council would be given the Pay Study. He told him the study would be provided to Council this Thursday. Mr. Cooper said he would like the Council to approve a tentative schedule and we could always make changes. Councilwoman Barnes said she would be gone May 6 thru May 12. Councilman Creech said he would be out of town May 13 thru May 22. Councilman Bailey stated they needed to be more time oriented this year to accommodate the staff better. Councilman Creech made a motion to approve the Budget Workshop Schedule with removing the April 24th meeting date, keeping the meeting dates of May 1, May 2, May 3, and May 4, 2006 at 3:30 p.m. Seconded by Councilman Doe, vote was unanimous, 5-0.

### **TOWN MANAGER'S REPORT**

The Town Manager had nothing to report.

### **MAYOR/COUNCIL REQUESTS/COMMENTS**

Mayor Vinson stated she would like to address the issue of sand fences. She said she was not on the Council when they voted to go ahead and put them out. She knows we need them and they are a good thing but she thinks they should not be put up at the Circle. Her concern is putting them on the main part of the beach where people want to come and bring their children. She feels it would obstruct their views and the parents might not be able to see their children. Councilman Doe stated he and Council had an elaborate discussion on this subject when the decision was made. All these same issues were addressed then. He would like to see the sand fences put in. Mayor Pro Tem Creech said he agreed with Mayor Vinson and would like to see the sand fences put up but not in public areas.

Mayor Vinson allowed Dr. Scott Rice to speak about the sand fences. He stated he understood the idea of sand fencing, but where he lived on Henderson Blvd. there is a problem with sand forming a dune.

Attorney Derek Taylor arrived to the meeting at 6:50 p.m.

Councilman Doe made a motion to go ahead with installing the sand fences at the Circle and on the beach. Seconded by Councilman Bailey, vote was 3-2 with Mayor Pro Tem Creech and Councilwoman Barnes voting in the negative.

Tiffany Woodard said that her children love the sand. Also, the Town had invested money in the sand fences last season and we lost them during Hurricane Ophelia. She would like to see the sand fences installed again.

## **TOWN ATTORNEY'S REPORT**

Attorney Taylor stated the suit with Atlantic Beach vs. Rippy is completed. The Central Avenue case has been dismissed and the Council had already been informed of this.

The Council and Attorney Taylor discussed the upcoming public hearing on the abolishment of the Board of Adjustment. Councilman Dawkins stated he hoped the Council would verify the availability of the new applicants for the board. Councilwoman Barnes asked if it would be possible for Mr. Cooper to check with the applicants and see if they are still willing to sit on the board. Mr. Cooper agreed he would make contact with them all. Mayor Vinson stated the ones that are alternates now should be able to move up to regular status.

## **CLOSED SESSION**

**Consult with Town Attorney re: (1) Pursuant to NCGS 143-318.11(a) (3) to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. (2) Pursuant to NCGS 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 real property located at 1001 West Fort Macon Road.**

Mayor Pro Tem Creech made a motion to go into closed session with Marc Schulze present during the session. Seconded by Councilman Bailey, vote was 5-0, unanimous. It was 7:06 p.m.

Town Council Meeting  
April 17, 2006  
Page 6 of 6

A motion was made by Councilman Doe to go out of closed session and back into open session. It was seconded by Mayor Pro Tem Creech and the vote was unanimous, 5-0. It was 8:30 p.m.

## **ADJOURNMENT**

There being no further business before the Town Council, a motion was made by Councilman Creech to adjourn the meeting. Seconded by Councilman Doe, vote was 5-0, unanimous. It was 8:35 p.m.

Submitted by:

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Kim Glover, Deputy Town Clerk

These minutes were approved at the May 15, 2006 meeting of the Atlantic Beach Town Council.

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Tootsie Vinson, Mayor