

**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Monday, May 15, 2006**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, May 15, 2006 at 6:00 p.m. in the Council Meeting Room.

**Members Present:** Mayor Tootsie Vinson; Council members Jim Bailey, Ruth Barnes, Eddie Dawkins and Tom Doe

**Members Absent:** Mayor Pro Tem Doug Creech

**Others Present:** Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Marc Schulze, Public Works Director; Lee Smith, Planning Director; Dan Dawson, W.K. Dickson; Raymond Cordon, W.K. Dickson; Captain Horatio Sinbad; Kim Glover, Deputy Town Clerk.

**CALL TO ORDER AND ROLL CALL**

Mayor Vinson called the meeting to order at 6:05 p.m.

**PRAYER AND PLEDGE OF ALLEGIANCE**

Herbert W. Pate led the assembly in the prayer and Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

A motion was made by Councilman Doe to move action agenda item #1 before the citizen's comments, move one set of the minutes, April 20, 2006 from the consent agenda and place it as item #4 on action agenda, and also add a closed session to the end of the agenda. Seconded by Councilman Dawkins, vote was unanimous, 4-0.

**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 April 2006 (FYI)**

Ms. Buda submitted the tax collection report for April 2006 which showed that \$4,260.09 had been collected. The year-to-date collection total for 2005 at the end of April was \$1,981,038.88.

**2. Tax Releases (\$25.51)**

The Tax Collector submitted the following 2005 tax releases for approval:

<u>NAME</u>	<u>ACCOUNT#</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
French, Darrell	394015	\$25.51	2005	Billed in error
	<b>TOTAL</b>	\$25.51		

**3. Budget Amendments and Transfers (FYI)**

Budget Amendment No. 8 was requested to reimburse Planning capital outlay line for vehicle purchase with BB&T auto loan funds received, to add funds to salary/benefits due to staffing level continuance in roadways and to cover additional fuel needs in Police Department due to increased cost of fuel.

**(Clerk's note: A copy of Budget Amendment No. 8 is attached and hereby made a part of these minutes.)**

N.C.G.S. Section 159-15 allows the Town's Budget Officer (the Town Manager) to make periodic budget transfers from one line item to another within the same fund. While these transfers do not affect the total budget, the statute requires that the Council be notified of the transfers at its next scheduled meeting following the transfers. The following budget transfers were made:

Budget Transfer 1: Transfer in Inspections from department supplies to advertising.

Budget Transfer 2: Transfer in Fire Department from supplies, miscellaneous, Christmas bonuses, and capital outlay to fuel, overtime, EMS collections expense and communications.

Budget Transfer 3: Transfer in Planning from maintenance/repair equipment and communications to dental.

Budget Transfer 4: Transfer in Public Services from vehicle maintenance to department supplies.

Budget Transfer 5: Transfer in Police from miscellaneous, salaries and vehicles supplies to dues and subscription, vest grant, part-time salaries, overtime and employment development.

Transfer in Police Communications from part-time salaries to overtime and workers compensation.

**(Clerk's note: Copies of all the budget transfers are attached and hereby made a part of these minutes.)**

#### **4. Board of Adjustment Resignation-Robert Manning**

The Mayor and Town Council received a resignation from newly appointed alternate member Robert Manning due to a change in his residency.

**(Clerk's note: A copy of Robert Manning's resignation is attached and hereby made a part of these minutes.)**

#### **5. Mosquito Resolution No. 06-05-01**

This resolution designates the Town Manager, Chuck Cooper to sign papers and to otherwise represent the Atlantic Beach Town Council in connection with mosquito control.

#### **6. Town Council Meeting Minutes-April 17, 19, & 25 and May 1, 2, & 3, 2006**

The Town Manager requested approval of these minutes.

Councilman Bailey made a motion to approve the Consent Agenda. Seconded by Councilwoman Barnes, vote was 4-0, unanimous.

Mayor Vinson asked Councilman Doe to introduce our honored guest tonight.

Councilman Doe said as this summer's Pepsi Sail America comes closer, he would like to call attention to the sailboat race which will take place off shore of Atlantic Beach on Monday, July 3, 2006. Our beach will be the grandstand for one leg of the race. It will be a perfect opportunity to see these vessels under full sail. Councilman Doe introduced Captain Horatio Sinbad to the Council and citizens.

Captain Sinbad stated he and his ship, the Meka II, are home ported out of Beaufort, N.C. For the last thirty-two years he has gone around to different ports and attended Harbor Fests and re-enactments. In 1997, he was invited to be a part of a joint venture in Savannah, GA. The umbrella organization is known as Americas' Sail which is a non-profit entity that operates out of New York. Every four years they put on a Tall Ship event gathering in the western hemisphere. In 2002 he was invited to come to Jamaica and participate. He went around and

found four teenagers and they all set sail. The kids had no experience with sailing a square rigger off shore but they all did a great job. In all, they sailed 3,400 miles. While in Jamaica, they entered the Americas' Sail class B race. They were the smallest vessel there. When they announced the awards, the Meka II had won the class B race. In 2004 he received a call from the CEO from Americas' Sail and he asked him if he would like to host the 2006 Americas' Sail out of his home port. He told them yes and he would like to have the race off the shore of North Carolina. Captain Sinbad was told to make the arrangements. He wanted everyone to know tonight how extremely important this race is. It will be seen right off the coast of Atlantic Beach. The race starts at 12:00 p.m. Monday, July 3, 2006. There will be approximately twelve class B vessels in the race. Everyone is encouraged to come out and enjoy the day.

Mayor Vinson thanked Captain Sinbad for coming tonight.

## **CITIZEN REQUESTS/COMMENTS**

### **Ron McPherson, 221 Moonlight Drive, Atlantic Beach, NC**

Mr. McPherson asked the Council what a mosquito resolution is. Town Manager, Chuck Cooper answered we have to designate an official mosquito person for the Town once a year.

### **Herbert Pate, 123 Pond Drive, Atlantic Beach, NC**

Mr. Pate asked what was being done about the sand fences. Mr. Cooper said the sand fences were being installed today.

## **ACTION AGENDA**

### **1. July 4th 2006 and Tall Ships-Town Manager**

Mr. Cooper stated the Town is working very closely with the event planners. Our July 3rd and 4th will be in concert with the Tall Ships activities. Mayor Vinson wanted everyone to know that all the towns are working together. Councilman Doe asked Mr. Cooper if he knew if Fred Bunn would have any of that open land available for parking. Mr. Cooper replied no.

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

Lee Smith, Town Planner said it had been a slow month for the Planning Board. There were two items on the agenda and one was pulled. The other was the Land Use Plan. They used the time to reorganize and set out their course of action for next year. The consultant had tabulated and presented to the Planning Board the results from the survey that had been mailed out. He assured Council the results would be in their mailboxes the next morning.

### **3. Engineers Report-W.K. Dickson**

Chuck Cooper, Town Manager said the Town has engaged the engineering firm of W.K. Dickson & Co. Inc. to provide engineering support for the Town projects. Dan Dawson and Raymond Cordon of W.K. Dickson are here tonight to discuss the attached "Projected Schedule for Wastewater and Stormwater Projects". This presentation will give the Town Council more information on the steps and time requirements necessary to move forward with this important project. Mr. Cooper turned the meeting over to Mr. Dawson.

Councilman Dawkins made a motion to excuse Councilman Bailey from the meeting. Seconded by Councilman Doe, the vote was 3-0, unanimous. It was 6:40 p.m.

Mr. Dawson stated he and Mr. Cordon wanted to address the Council tonight with a timeline of the activities that would be required to move forward with the sewer system. Mr. Dawson turned the program over to Mr. Cordon, the Director of water and wastewater with W.K. Dickson.

Mr. Cordon stated they have attempted to put together a timeline or a project schedule for what it would take to get wastewater implemented in Atlantic Beach. While we are dealing with the wastewater we also have to deal with the storm water. Task 1-5 would be starting immediately. This is an aggressive schedule and we do know that this schedule will be subject to change. A lot of these things are out of our control such as reviews by state agencies. In 2006, the remaining six months would be looking at planning activities including storm water master plan, wastewater master plan, hydro geologic assessment, environmental assessment and then funding support. In 2007, they would identify the projects the Town wants to move forward with. While they are designing the wastewater and storm water projects as they are approved to do, the environmental assessment document will be submitted to clearinghouse and there would be a review period. It usually takes around six months to get response back. The result from the assessment would be a FONSI (Finding of no significant impact). Once we receive our FONSI the review process is over. The critical point is you cannot submit permits for approval of any of the design projects until we receive our FONSI. If all goes well, in 2008 we would be ready to start bidding the work. After the bid is accepted, we would start construction. It is hard to say how long construction would take since we do not know the extent of the projects yet. If all goes as planned by 2009 the Town could have a functioning wastewater plant. A more realistic and conservative timeframe would be 2010. The Town needs to remember if they apply for Federal and State Funding grant programs the process could take even longer.

Councilman Dawkins asked if any thought was given to what IMG had already done. Mr. Cordon said yes during the first task it would include going back and looking at previous

reports that had been done. He stated there is some information that would help us shortcut some of this.

Councilman Doe stated he feels there would have to be a bond referendum with the Town people at some point and time. He asked when Mr. Cordon envisioned they could work in the bond referendum on the timeline. Mr. Cordon said around 2007. Councilman Doe stated he believes this Council is on record saying there will be an approval step in the form of a bond referendum.

Mr. Dawson said to the Council this is the most aggressive schedule that could be presented to them. He gave the Council a lot of information and reiterated all of what Mr. Cordon had said. He did say that an environmental assessment would be essential.

Councilman Dawkins asked Mr. Dawson what he envisioned the next step would be. He answered it would be the PER (preliminary engineering report).

Councilwoman Barnes asked if our storm water was still a large issue with the state. Mr. Dawson said that process, which is the Phase II Storm Water Program, is independent from our wastewater. It has been applied to the coastal counties and the rest of the state. Due to the size of Atlantic Beach, they have not been required to participate in that program.

Mayor Vinson recognized Joey Colclough, 718 Squire Lane, Wilmington, NC 28411 and asked him to come to the podium to speak. Mr. Colclough is a homeowner at Dunescape and on the Board of Directors. He is in charge of their wastewater treatment. They have been working with the state about putting in a new plant. They would love to see the Town get a FONSI so the state would know whether or not the Town could handle Dunescape's sewage problems before they spend a half a million dollars.

Councilman Doe made a motion to accept Councilman Bailey back into the meeting. Seconded by Councilman Dawkins, vote was 3-0, unanimous. The time was 7:30 p.m.

Councilman Doe asked Mr. Colclough what his time frame is and Mr. Colclough said it was up to the state. It could be up to two years. Councilman Doe stated for a system to be put together, we would need every injection site to be incorporated in the system. Would Dunescape be in the position to work that way with the Town? Mr. Colclough said all options would be on the table. Mayor Vinson thanked Mr. Colclough for coming.

Captain Jim Willis asked Mayor Vinson if he could speak and she said yes. He asked whatever happened to the question could the Atlantic Station waste water treatment plant be modified efficiently to accommodate the projected Circle wastewater. He thought that was a

question W.K. Dickson was going to answer. Councilman Doe said he did not remember it being a question. He said if Mr. Bunn is accommodated it would be with the project we do.

Mr. Dawson stated we have discussed the process and had some good feedback on the subject. Councilman Dawkins asked him what he needed next from the Council. Mr. Dawson said he would like to see the Public Works Director, Town Manager and one Councilmember work together on this project. Councilman Doe made a motion to appoint Councilman Bailey to work with the Town Manager, Chuck Cooper and Public Works Director, Marc Schulze on this project. Seconded by Councilman Dawkins, vote was 4-0, unanimous.

Mayor Vinson thanked Mr. Dawson and Mr. Cordon for coming and complimented their presentation.

#### **4. Town Council Meeting Minutes-April 20, 2006**

Councilman Doe stated a correction needed to be made on page 2, first paragraph. It states that there probably would be money for sewer but would not be money for storm water. He believes the presentation was just the opposite; that there would be money for storm water and no money for sewer because of our financial demographics. Councilman Doe made a motion to approve the minutes for April 20, 2006 with those corrections. Seconded by Councilman Bailey, vote was 4-0, unanimous.

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

Town Manager, Chuck Cooper said that Lee Smith, Town Planner had pointed out to him in appointing Markey Burroughs to the Board of Adjustment his term is running out June 30, 2006. Councilman Doe made a motion to appoint Markey Burroughs for an additional three year term starting June 30, 2006 in his current seat as a regular member of the Board of Adjustment. Seconded by Ruth Barnes, vote was 4-0, unanimous. Councilman Doe made a motion to re-appoint Joe Loughry to a three year term as an alternate of the Board of Adjustment. Seconded by Councilman Bailey, vote was 4-0, unanimous.

Councilman Doe asked Mr. Cooper how many cubic yards total have been dredged. Marc Schulze, Public Works Director said a little over 7,000 cubic yards.

### **TOWN ATTORNEY'S REPORT**

The Town Attorney had nothing to report.

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

Councilman Bailey said at some point he would like to see us review what we have done with dredging.

Councilman Dawkins stated he would like to see a frequent report on where we stand and how much spoils have been collected.

Mayor Vinson reminded Council that if anyone wanted to go on the Tall Ships Cruise they needed to let Kim know as soon as possible.

## **CLOSED SESSION**

**Consult with Town Attorney re: (1) Pursuant to NCGS 143-318.11 (a) (3) to consult with the Town Attorney to protect the attorney-client privilege, to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, to consider and give instructions concerning a judicial action titled: Gant vs., Town of Atlantic Beach. (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 and Lots 1, 2 and 3, Block 6 of Asbury Beach.**

Councilman Bailey made a motion to go into closed session. Seconded by Councilman Doe, vote was 4-0, unanimous. It was 7:50 p.m. The Council took a break.

A motion was made by Councilman Doe to go out of closed session and back into open session. Councilman Bailey seconded the motion. The vote was 4-0, unanimous. It was 9:05 p.m.

## **ADJOURNMENT**

There being no further business before the Town Council, a motion was made by Councilman Dawkins to adjourn the meeting. Seconded by Councilman Doe, vote was 4-0, unanimous. It was 9:08 p.m.

Submitted by:

Town Council Meeting  
May 15, 2006  
Page 9 of 9

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Kim Glover, Deputy Town Clerk

These minutes were approved at the June 19, 2006 meeting of the Atlantic Beach Town Council.

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Tootsie Vinson, Mayor