

**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, June 19, 2006**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, June 19, 2006 at 6:00 p.m. in the Council Meeting Room.

Members Present: Mayor Tootsie Vinson; Mayor Pro Tem Doug Creech; Council Members Ruth Barnes and Eddie Dawkins

Members Absent: Councilmen Jim Bailey and Tom Doe

Others Present: Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Marc Schulze, Public Works Director; Scott Kilpatrick, Police Chief; Lee Smith, Planning Director; Joe Tarascio, Chairman of Planning Board; Dan Dawson, W.K. Dickson; Ray Cordon, W.K. Dickson; Kim Glover, Deputy Town Clerk

CALL TO ORDER AND ROLL CALL

Mayor Vinson called the meeting to order at 6:00 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Vinson led the assembly in the Lord's Prayer and Pledge of Allegiance.

APPROVAL OF THE AGENDA

Mayor Pro Tem Creech made a motion to approve the Agenda. Seconded by Councilman Dawkins, vote was 3-0, 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 May, 2006 (FYI item)

Ms. Buda submitted the tax collection report for May 2006 which showed that \$5,335.85 had been collected. The year-to-date collection total for 2005 at the end of May was \$1,986,374.73.

2. Tax Releases (\$35.57)

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>
Harvey, John	353867	\$ 35.57	2005	Incorrect value
	TOTAL	\$ 35.57		

3. Budget Transfer

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 transfer was made:

1. Transfer in Fire from vehicle maintenance to rescue supplies.

(Clerk's note: A copy of the budget transfer is attached and hereby made a part of these minutes.)

4. Town Council Meeting Minutes-April 6, May 15, 22, 23, 30 & 31, 2006.

The Town Manager requested approval of these meeting minutes.

Mayor Pro Tem Creech made a motion to approve the Consent Agenda. Seconded by Councilman Dawkins, vote was 3-0, unanimous.

CITIZEN REQUESTS/COMMENTS

1. Scott Rice, 402 Henderson Blvd., Atlantic Beach, NC

Dr. Rice stated he wanted to speak tonight on the conditions of Henderson Blvd. He brought several pictures of the street showing how the redeveloping and construction is allowing too much debris. He said there is way too much rubbish being mixed in with the sand that is already there. He is not sure who is responsible for keeping the area clean but he has personally carried fourteen wheelbarrows full of sand back to the beach. He had to dig a ditch to hold the water when the last storm came through. Several people have had flat tires due to the nails being left on the ground. He claims the pumps are not adequately removing the water when it storms and they are almost all the way under the sand. A year ago when he first

moved over to Henderson Blvd. this problem was not near the magnitude it is now. He stated he constantly has to pick up trash and other debris left from the construction crews. Dr. Rice feels this is an embarrassment to Atlantic Beach and he feels like he is living in the "ghetto". He would like to see something done as soon as possible. Councilman Dawkins asked Dr. Rice if he had talked with the Town Manager and he said yes he had met with him last week. Mayor Vinson assured Dr. Rice that someone in this room had heard his comments tonight and thanked him for coming. He said he would be waiting for future discussions.

(Clerk's note: A copy of the pictures Dr. Rice showed the Council are attached and hereby made a part of these minutes.)

2. John Fussel, Morehead City, NC

Mr. Fussel stated he wanted to say a few words about the birds that are nesting on the Food Lion property the Town had acquired. He passed out two pages of information describing the type of bird (Least Tern) and pictures of it. He is concerned with them becoming extinct because their nesting places are being tampered with. He stated the roofs of shopping centers are a favorite place for them to nest because of the light-colored gravel on the rooftop. The birds are losing the flat roof top nesting sites because contractors are switching to dark tar paper. He wanted to point out that there is a nesting colony of these birds on the Food Lion building now and he hoped if there are plans to tear down the building it would not be this summer and if there are any renovations for the top of the building it could be put off until August. If anything could be done for the birds after this year, it would be a nice conservation gesture for the Town of Atlantic Beach.

(Clerk's note: A copy of the two pages of information Mr. Fussel passed out to the Council are attached and hereby made a part of these minutes.)

3. Tiffany Woodard, Ocean Ridge and Club Colony, Atlantic Beach, NC

Ms. Woodard thanked the Council for hearing her out and she respects each one of them for the positions they hold. She stated she is very disappointed in the Town of Atlantic Beach. She said she was told that the Council and Town want input and feedback from their citizens. However, she feels the Town's actions do not represent what she was told. In the past she has routinely printed and looked up the upcoming monthly agendas weeks prior to the actual meeting. She said she had mailed letters to homeowners to raise awareness to what is going on. Now she said she is being told the agenda is only posted the Friday before the meeting on Monday. It is disturbing to her since decisions like the sewer need to be made with as much input from citizens as possible. She asked that it become the policy of the Town to post the upcoming months agenda at least two weeks prior to the meeting and any changes be updated on the Friday before the Monday meeting. She said many other people want to be involved and it makes it difficult when the agenda says one thing and you read in the paper that something entirely different was addressed such as the sewer voted upon. Since the proposed sewer treatment facility is such a volatile subject and concerns so many, she respectfully

asked that if it is not posted on the agenda that the Council should not vote on anything pertaining to the sewer until proper notice has been served to the citizens. She also asked for clarification on the record regarding The Grove circle development. It is her understanding that there were three hundred public parking spaces that could be used by anyone visiting the beach which is now under the control of the developer and not the Town. She feels that beach goers could be shut out of what is called a public beach. She understands that there are supposed to be three hundred units available in the new development and that means there could be up to six hundred cars needing parking in addition to three hundred public spaces. She asked how many parking spaces had been allotted for this development, over nine hundred?

4. Scott Rice, 402 Henderson Blvd., Atlantic Beach, NC

Dr. Rice said he has a couple more comments to make. He stated the sand fences seem to be working. However, there are not any in front of the Henderson Blvd. area for about a hundred to two hundred yards. He can not imagine anywhere needing it more than this area.

ACTION AGENDA

1. Planning Board Report-Planning Board Chairman

Mr. Tarascio stated the Planning Board had two items on their agenda this month. First was the development plan review for Pinnacle Development. This particular project has an extensive stormwater system in it. It seems like the use of the land for this project makes better sense than some of the cookie cutter types they have had to deal with. The staff had a few more things they want the developer to produce before they will sign off on it. The next item was review, discussion and progress report of the CAMA Land Use Plan. They spent most of the time reviewing the proposed map for usage. The board had several suggestions that certain areas be changed because they were not consistent with what is there now and in the future. The staff is working to adjust these areas. They are hoping to finish this in the next thirty to sixty days. Mr. Tarascio assured the Council they would be receiving copies of this for their own review so when they get to the end of the process they can move forward with it. The final thing they discussed was the roof structures out in the sound. The current thinking on the board is you have docks that are extremely long and this may be a use that can be permitted but on the canals and places like the pond where people are tight together that they do become an obstruction to their neighbors. He stated they will work on it at their next meeting. Councilman Dawkins asked Mr. Tarascio what the general feelings were from the Planning Board regarding the last topic. Mr. Tarascio said the general discussion was if someone has a two- to three-hundred yard long dock, at that point you would not be obstructing anyone's view. If you are on a canal and someone constructs something that might obstruct your view then the neighbors would have something to object about.

2. Engineer's Report-W.K. Dickson

Mr. Dawson stated he was here tonight to discuss Task Order #4. He gave the Council and the citizens a copy of the schedule they intend to follow as instructed by the Council. Mayor Pro Tem Creech assured Tiffany Woodard that the Council had not voted on putting in a new sewer system yet, they had voted on hiring W.K. Dickson to do some studies for us. Mr. Dawson asked everyone to look at the schedule as he reviewed it. He stressed as we proceed with each task order, it does not mean the Town is committed to a wastewater treatment facility. The environmental assessment (EA) is the title of a document that is required to be prepared when municipal projects exceed certain thresholds. It must be reviewed by the state and federal agencies and they must issue a finding of no significant impact (FONSI) meaning we are consistent with the environmental policy acts. Before you can submit your plans and specifications to construct your facilities, you need to have a FONSI. As long as you design consistently with your master plan and your EA, then you work out your details. Mr. Dawson addressed the point at which the Town would move forward. Councilman Doe had asked this question at an earlier meeting. Mr. Dawson said they do not decide that, the Town does. The chart shows when they can anticipate decision points along the way. The first one is when you are dealing with what type of funding you are going to do, when the master plan has been completed and are you now willing to move forward with design. It is a local government decision as to when and how fast things move. Attorney Taylor asked if the stormwater component of this can be segregated from the sewer component. Mr. Dawson said it can be, but it has been explained to him that stormwater is just as serious issue with the Town as wastewater. The second decision point for the Town is when to bid the project. Generally when a local government is ready to bid out a project the money is in place and they are ready to proceed. Once the project has been awarded that would be your last decision until you are setting rates and establishing new ordinances.

Tiffany Woodard asked Mr. Dawson where there is a facility she could visit like the one we would have. The closest one would be in Brunswick County. He told her it could be arranged to visit such a facility. Ms. Woodard asked him about failure rates. He stated we are required to have an upset pond. The State requires five days of storage space in the case of any problem that would occur. There are no guarantees there would not be any problems in the future but the State is not going to allow us to design something with a potential for failure.

Councilwoman Barnes said she understands what Ms. Woodard is saying but she thinks Ms. Woodard has not heard that these newer wastewater treatment plants are so much more superior in comparison to Newport and Beaufort where they are having spills. Mr. Dawson said we are dealing with apples and oranges. Ms. Woodard stated she is here to keep an open mind about things. Mr. Dawson said the systems in Newport and Beaufort are old technology and are at least ten years old.

Mayor Vinson thanked Mr. Dawson for coming. She asked if the Council wished to take action on Task Order #4 or the Council might want to put it off until the June 29, 2006 meeting.

The Council was in agreement to put this issue on the agenda for the June 29, 2006 meeting.

3. Carteret Cab Company-Town Manager

Mr. Cooper stated that Lennie Griffith who owns Carteret Cab Company has been working with the Town requesting approval to operate a taxi business in Atlantic Beach. He is currently licensed to conduct business in Morehead City. He has been through all the initial approvals. The Council is being asked to look at his application and to approve it.

Councilman Dawkins said from what he has read all the criteria has been met. He asked Mr. Griffin how much activity he has on Atlantic Beach. He said 30-35% of his business is in Atlantic Beach. He is trying to be in compliance with all the Town's rules and regulations so he can do business on the beach. He sees a great need for more cabs at closing time at the bars. Councilman Dawkins asked Chief Kilpatrick if there are any limitations on the number of cab companies in Atlantic Beach. The Chief said no. Mr. Tarascio said he has known Mr. Griffin for twenty plus years and he knows him to be a quality person. Councilwoman Barnes said her biggest concern would be there is not a lot of business during the daytime to keep the cab companies already here busy. Councilwoman Barnes stated she would have to abstain from voting because her son works for Wes Brown, the owner of a cab company in Atlantic Beach. Attorney Taylor requested some additional information. He asked the Chief if a notification had been sent to the other cab companies or whether it had been published in the newspaper. The Chief said no. Attorney Taylor said according to the Town's ordinance the other companies have to be notified, therefore a decision could not be made tonight. Mayor Pro Tem Creech asked Deputy Town Clerk Kim Glover to notify all the other cab companies we deal with now. The Council decided to put off voting on this issue until the meeting on June 29, 2006.

4. Tall Ships Week Update-Town Manager

Mr. Cooper discussed the activities planned by the Town of Atlantic Beach for the Tall Ships event and the 4th of July. Vending and entertainment updates will be included on the Town's website for citizens to review until after the event has passed. Mayor Vinson asked Brad Rich to emphasize that the race will be held in Atlantic Beach, N.C.

The Town Manager had nothing to report.

TOWN ATTORNEY'S REPORT

Attorney Taylor stated that the Least Terns (birds) that are currently on the Food Lion will not be disturbed by further activity by Food Lion. The lease termination agreement has been successfully executed so Food Lion no longer has an interest there. The ATM owners are discussing removing their building.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilman Dawkins stated he had been out of town for a few days and he would like to address an article in the newspaper regarding the three cents tax increase. He feels the tax rate should be held at twenty-three cents. All the discussion he had in the past as far as twenty three cents is concerned, he has only mentioned delaying capital items. At no point were there any discussions to delay the financial compensation to employees. In his discussion with Mr. Cooper, Mr. Cooper said the Town Council should be the ones to decide which line items would be cut. In closure, Councilman Dawkins stated there was a comment made by one of our Council members who is not present so that is why he wanted to address our employees being compensated in our 2006/07 budget. There had also been comments about the two previous times we have had revaluations that Atlantic Beach had been revenue neutral. The words were almost surely that this time Atlantic Beach would be revenue neutral again following the revaluation. The concern he has is the tax rate could be revenue neutral from the twenty-six cents and not twenty-three cents. Therefore, that would be a thirteen percent increase in our taxes. The key point he wanted to make is he never mentioned anything about taking away from how we financially compensate our employees in the 2006/07 budget.

Mayor Pro Tem Creech told Ms. Woodard he agreed with the idea of having the agenda two weeks early but he found out it was not possible. A person may get on the agenda by calling two weeks in advance and Ms. Woodard said she called but was turned down. Mr. Cooper said she was not turned down by him. Ms. Woodard said she has his e-mail saying she should go before the Council. Mayor Vinson stated she knew what she was referencing. Tiffany had a three or four page letter wanting to discuss some things, so Mayor Vinson and Councilman Bailey met privately with her in the Mayor's office. Mayor Vinson really thought they were doing her a favor by meeting with her this way. Ms. Woodard said there are fifty plus families with the same opinion. Mayor Pro Tem Creech said she was fortunate to have been able to meet privately with two council members. Mayor Vinson said that any time she could get on the agenda and that would give her time to get all her people to come. Tiffany asked why the agenda could not be posted fourteen days out. Mayor Pro Tem Creech said because

there are other things that come up at the last minute that need to go on the agenda. She said she was told it did not matter what it was it had to be on the agenda fourteen days prior. Councilwoman Barnes said that she was unsure why Ms. Woodard felt like she was not being treated fairly. Ms. Woodard said all she asked in her citizen comments statement was if we could post the agenda where the citizens could go online and look and if there is an update they would know. She would like to see subjects more clearly defined, such as tonight's Engineer's Report. She said that does not tell her it is about sewer. She said she wants to be an active member in her Town and not want to read about everything in the Carteret News-Times. She said if the Town honestly wants citizen input then they should do whatever it takes to make your citizens aware of what is going on and ask for their input. Mayor Vinson told Ms. Woodard that anything that is on the website you have questions about you can pick up the phone and call someone.

Councilwoman Barnes stated she had spoken at the public hearing and after reading in the paper some of the comments she has some things to say. She said she is very much in favor of elevating our employees up to par with other towns in this area as provided with the MAPS study. She does feel many of the capital items in the budget could be put on hold until after the property revaluation. We should be able to accomplish this within our current tax base of twenty-three cents. Most citizens think we are trying to increase their taxes now and then do it again after revaluation. She thinks the Council should look at it the same way our citizens are looking at it.

ADJOURNMENT

There being no further business before the Town Council, Mayor Pro Tem Creech made a motion to adjourn the meeting. Councilman Dawkins seconded, vote was 3-0, unanimous. It was 7:40 p.m.

Submitted by:

Kim Glover, Deputy Town Clerk

These minutes were approved at the July 17, 2006 meeting of the Atlantic Beach Town Council.

Town Council Meeting
June 19, 2006
Page 9 of 9

Tootsie Vinson, Mayor