

**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, October 16, 2006**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, October 16, 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 and Eddie Dawkins

Members Absent: Council seat #5 is vacant.

Others Present: Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Marc Schulze, Public Services Director; Donna Turner, Inspections Director; Joe Tarascio, Chairman of the Planning Board; Dale Holland of The Holland Group; 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 asked the Town Council and citizens to stand in a moment of silence in memory of Councilman Tom Doe. She then led the assembly in the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Mayor Pro Tem Creech made a motion to add # 2a to the agenda in order to fill the vacant Council seat # 5. Seconded by Councilman Bailey, vote was 4-0, unanimous. A motion was made by Councilman Bailey to add item # 4 in order to discuss the Henderson Blvd beach access. Seconded by Mayor Pro Tem Creech, vote was 4-0, unanimous. Councilman Dawkins made a motion to approve the action agenda. Seconded by Mayor Pro Tem Creech, vote was 4-0, 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 September, 2006 (FYI)

Ms. Buda submitted the tax collection report for September 2006 which showed that \$142,773.60 had been collected. The year-to-date collection total for 2006 at the end of September was \$487,233.72.

2. Tax Releases (\$2,926.55)

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>
Jones, Robert M	3276	666.48	2006	Billed in error
Joyner, John H	51970	28.34	2006	Incorrect value
S & D Coffee, Inc	55946	0.91	2006	Incorrect value
Misiewicz, Frank	397912	390.00	2006	Incorrect owner
Earp, Scott Collins	419520	28.59	2006	Incorrect value
Tutor, Jimmy	419674	48.04	2006	Double billed-parcel# 0012375
Lamont, Dean	51032	81.89	2006	Double billed-parcel# 0012588
Randy Bryant				
Builders, Inc	382908	1621.20	2006	Incorrect owner
Smith, Thomas Wade	419521	61.10	2006	Double billed-parcel# 0012524
	TOTAL	\$2,926.55		

3. Town Council Meeting Minutes-September 18, 2006

The Town Manager requested approval of these meeting minutes.

A motion was made by Mayor Pro Tem Creech to approve the Consent Agenda. Seconded by Councilman Dawkins, vote was 4-0, unanimous.

CITIZEN REQUESTS/COMMENTS

1. Bud Cooper, 700 East Fort Macon Rd., Atlantic Beach, NC

Mr. Cooper stated he is here tonight on behalf of Mr. Herbert Corey and Ms. Barbara Thorpe who are the owners of all of the property on both sides of the western most eighty feet of the alley in the Town of Atlantic Beach known as East Boardwalk. They request that the Town tonight would adopt a resolution declaring its intent to close the western most eighty feet of

East Boardwalk and to call for a Public Hearing on the matter. Mr. Cooper gave the Deputy Clerk a copy of the letter he had given Mayor Pro Tem Creech setting forth in writing what he has mentioned along with copies of the map of the Town of Atlantic Beach with the abutting properties highlighted, attached map color coded to the same lots, and tax parcel cards that connect the tax parcel number to the tax map. Also attached are letters signed by each resident saying they will sign the petition.

2. Katherine Abbott, 314 East Boardwalk, Atlantic Beach, NC

Ms. Abbott asked Bud Cooper to not close the end of the boardwalk where she lives.

Attorney Taylor explained to the Council the process of closing what Mr. Cooper has requested.

Mayor Pro Tem Creech made a motion of intent to pass a resolution to close the westernmost eighty feet of the alley known as East Boardwalk. Seconded by Councilwoman Barnes, vote was 4-0, unanimous.

(Clerk's Note: A copy of the letter and maps is attached and hereby made a part of these minutes.)

ACTION AGENDA

1. Planning Board Report-Chairman Joe Tarascio

Chairman Tarascio stated two items were on the agenda for the Planning Board. They approved three months of unapproved minutes. Second item was the Crystal View Condominiums project. The Planning Board asked that four conditions be met. First being obtaining the proper sewer permits, second is that they also obtain and get approval on a proper storm water plan, third being an interpretation, last is there is only one tract of maritime forest on that property. That tract has a footnote saying it is the possible future site of the Jungleland septic system. They wanted assurance that Crystal View and Jungleland would not tear that up. Since this project has been reviewed, something has been found not noted on the plat. Where they are proposing to place these new buildings, is the current site for Jungleland's sewer system. Without Jungleland giving us an agreement that this will not be disturbed, there are several other issues that need to be worked out. In addition to the four conditions the Planning Board has already placed on this, there is now an additional problem they will have to overcome before it would move to the Council with solid approval from the Planning Board. The Mayor suggested someone go back and check the Board of Adjustment minutes to see if anything was missed. Mr. Tarascio said the reason the Planning Board set forth the four conditions was to see if they were going to meet the full intent of the ordinance.

2a. Appointment of Town Councilmember-Town Council

Mayor Pro Tem Creech nominated Joe Tarascio to finish out the term of Councilman Tom Doe. Mayor Vinson asked if there are any further nominations. Councilman Bailey moved to close the nominations, seconded by Mayor Pro Tem Creech, vote was 4-0, unanimous. The motion to nominate Joe Tarascio was seconded by Councilman Bailey, vote was 4-0, unanimous. Mayor Vinson swore in Joseph R. Tarascio to the vacant seat on the Town Council. Mr. Tarascio took his seat on the Council tonight. Mr. Tarascio stated it would be a real honor for him to fill Councilman Doe's seat.

2. Stormwater & Wastewater Project-Councilman Jim Bailey

Councilman Bailey stated he would be reporting on Status Report #3 from W.K. Dickson. Of the two major things being investigated, we are further along on the stormwater aspect than the wastewater. The stormwater part is ahead of schedule. Over five hundred responses from the surveys have been returned to us. Those are being tabulated and will be available within the next two weeks. They are beginning to investigate alternative methods of dealing with storm water. They still feel like cleaning the bacteria out of the stormwater is the most important part of the stormwater process. The Wastewater Master Plan has laid out the entire Town with piping and identified where everything is. They have come up with three or four different scenarios for collection. One being gravity, second being gravity with lift stations, third is combination vacuum with lift stations, and fourth being grinder pumps with the vacuum. We should have a good estimate on the overall costs by the October 28 Public Forum. Councilman Dawkins asked if they hoped to have the costs of the typical house by use by October 28. Councilman Bailey answered yes. In the final analysis it will come down to how much it will cost per residential unit per month on an average. Councilman Bailey thanked Marc Schulze, Chuck Cooper and Councilman Creech for all their help and support. He also reiterated the importance of the October 28, 2006 Public Forum at the Dunes Club on Atlantic Beach.

3. CAMA Land Use Plan Discussion-Dale Holland, The Holland Group

Dale Holland, President of the Holland Consulting Planners, has assisted the Town in the preparation of the draft Town of Atlantic Beach Core Land Use Plan dated August 2006.

Mr. Holland stated he is not here tonight to receive final comments and questions since they are nowhere close to a final draft document. The draft plan has been submitted to the Division of Coastal Management (DCM) for state review and comment. As a part of the review process, the DCM has distributed the draft plan to approximately forty state and federal agencies for review and comment. Some of them will respond with comments. He expects to receive comments from the DCM around November 1, 2006. They have been in the process of preparing this draft plan for two fiscal years. The Planning Board has worked

very hard on this document. It reflects the Planning Board's strong input and direction. Mr. Holland feels the current draft document is a much better document than any of the previous land use plans that the Town has had. Under the new guidelines these plans have to be far more comprehensive and policies have to be directly tied to specific implementing actions. Once this plan is adopted, there will be a lot of work required to carry it on. The plan policies focus on several areas that are mandated by the state planning guidelines. The areas are public accesses, infrastructure care and capacity, natural hazard areas, water quality and areas of local concern. Surveys were mailed to property owners and posted on the Town's website and as a result of all this the plan tends to focus on eleven key points. They are as follows: protection of the Town's environmental assets, preserving the small town atmosphere, prudent economic development, partnerships of both public and private sector entities within the community, a balance of the needs of permanent visitor and seasonal population, encouraging mixed use, providing open access to the beach and sound areas, encouragement of non-automobile transit improvements within the Town, enhancement of Town services and infrastructure, sewer service for the Town, and encouraging increased and creative private investment. Mr. Holland requested the Council give them any concerns or comments by November 3, 2006. They will take the Council's and State's comments and prepare appropriate revisions to the draft plan and then forward it all to the Council and Planning Board. At that time, if the Planning Board is satisfied with the amendments to the plan, they could then recommend the document to the Council to schedule and conduct a Public Hearing. The earliest we could have a plan revised and back to the Planning Board would be December and it may even be January due to the holidays. It would probably go to the Coastal Resources Commission for certification in June 2007. Mr. Holland gave all of the Council a CD with a complete copy of the plan and maps. Mr. Cooper stated the plan and the maps will be available on the Town's website.

4. Henderson Blvd. Beach Access-Attorney Derek Taylor

Mr. Taylor said he is pleased to announce something that has been in the works for awhile. We have negotiated with some members of the public a beach access near Henderson Blvd. George and Carol Wainwright, Mack and Glenda Baker, and Harry and Pat Rippy own three lots in the development near Henderson Blvd. The property was appraised for over one million dollars which was more than the Town could afford. After discussing the matter further, the Wainwrights, Bakers and Rippys agreed to donate a substantial component of this area as a beach access for the Town. What that means, is the Town will buy one of the three lots for the appraised value of \$350,000 and they will donate the other two as a charitable contribution to the Town of Atlantic Beach. . We also have a grant that will cover 75% of the cost of the one lot. This access will be called the Tom Doe Beach Access. Attorney asked that the Council will need to make a motion for the Town Manager, Chuck Cooper to be able to consummate this transaction of up to \$360,000. The Town has to pay the 2006 taxes on the property and we do not know exactly what that figure will be. Councilman Bailey asked if we anticipated doing some improvements at the same time we use the grant. Mr. Cooper suspects we will be able to include some improvements in the grant and he will check with CAMA.

Councilman Bailey made a motion that Mr. Cooper be authorized to spend up to \$360,000 for the purchase of the property, but he also would like to see a plan developed for improvement of the property. Seconded by Councilman Tarascio, vote was 5-0, unanimous. Mayor Vinson suggested that the generous parties be sent a letter of appreciation. Mr. Cooper said he would take care of it.

TOWN MANAGER'S REPORT

Mr. Cooper said he had been approached by a councilmember that there was interest on the part of the Council to change the health insurance procedures for the Town where we would no longer include the councilmembers as participants in the health insurance program. They would continue to have life and dental insurance. Councilman Bailey stated the reason for the change would be because as a group they all have other insurance and they have a negative impact on the cost of the group insurance. The rating is higher and it makes it harder for the younger employees to afford it. Mayor Pro Tem stated only certain people can bid on health insurance with elected officials. It would open it up for more insurance companies to bid. A motion was made by Councilman Bailey stating that in the future the health insurance will not be offered to anyone on the Town Council, although anyone who has it may keep it until they are no longer on the Council. Seconded by Councilwoman Barnes, vote was unanimous, 5-0.

TOWN ATTORNEY'S REPORT

Attorney Taylor said he had given the Council a document titled "Amended Atlantic Beach Drainage Ordinance" and they had workshop on it a couple of weeks ago. Section 6-16, Drainage and Containment is a re-written version of what we currently have on the books for that same section number. The idea was to try and describe with more certainty what this particular ordinance was supposed to apply to. He feels that tonight the Council could take some action on Section 6-16. As said during the workshop, we need to get a hold of what is going on out there. Dr. Scott Rice has been a good example of presenting to the Council a lot of problems associated with construction, pre-construction and when land is disturbed in any manner it creates the possibility of water run-off, soil run-off and construction debris ends up in the streets. Under the area of nuisances, we have defined land disturbance activities as being grading, filling, dumping or any otherwise method of disturbing property. We will be putting the responsibilities of the person that does the disturbance and the property owner. What we are saying is they will have to figure out a way to keep the debris on their property. The driveway would be an exception. We have added in if you mess it up you have forty-eight hours to clean it up. Enforcing it could involve misdemeanor charges to taking it through civil fines. Attorney Taylor asked the Council if they had any questions. Councilman Tarascio cautioned the Council to be aware by having the driveway exemption because someone could collect a lot of water in their gutters and put in on their driveway and it would run out into the road. Attorney Taylor said the wording says that it applies only to a driveway that drains only itself. The permitting process allows for us to takes things a step further. It

will say if you disturb property much more than a rose garden, we want you to show us how you are going to keep it on the property. Councilman Creech stated that now Donna Turner, Inspections Director, can use Section 6-16 and later she will actually have a permit to use. Councilman Bailey asked what effect this will have on projects underway now. Attorney Taylor said if this is passed tonight, it will be in effect right away. Mayor Vinson suggested Ms. Turner take it to the property owners that have projects underway now and tell them this is the new drainage ordinance and that they need to abide by it. Attorney Taylor noted that the title of the ordinance had been changed to "Drainage and Containment" so it is not just water, it is whatever comes off the property. All the steps set out to enforce the ordinance is set out in Section 1-6. Councilman Tarascio said he would make sure the Carteret County Home Builders Association gets all this information.

Councilman Bailey made a motion to adopt Amended Atlantic Beach Drainage Ordinance 06-10-01. Seconded by Councilman Creech, vote was 5-0, unanimous.

Attorney Taylor described Section 6-63 to the Council which will be going to the Planning Board.

Councilman Bailey made a motion for the Planning Board to look at Section 6-63 and make a recommendation to the Council. Seconded by Councilman Creech, vote was 5-0, unanimous.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilman Bailey welcomed Councilman Tarascio to the Council. He also mentioned the wonderful gathering that was held at the Circle for Councilman Tom Doe in the event of his passing. He suggested the Council pass a resolution and give it to his family regarding his great service to the Town of Atlantic Beach. Mayor Vinson said his presence will always be in Atlantic Beach and he will be greatly missed.

CLOSED SESSION

Consult with Town Attorney re: Pursuant to N.C.G.S. 143-318.11(a) (3) (1) To protect the attorney-client privilege, (2) to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, (3) and 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 Fort Macon Road pursuant to N.C.G.S. 143-318.11 (a) (5).

Councilman Tarascio made a motion to go into closed session and have Ms. Turner stay for the session. Seconded by Councilman Dawkins, vote was 5-0. It was 7:50 p.m.

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A motion was made by Councilman Tarascio to go out of closed session and back into open session, seconded by Councilman Creech the motion carried unanimously 5-0. It was 9:00 p.m.

ADJOURNMENT

There being no further business before the Town Council, a motion was made by Mayor Pro Tem Creech to adjourn the meeting. It was seconded by Councilman Dawkins and carried unanimously, 5-0. It was 9:05 p.m.

Submitted by:

Kim Glover, Deputy Town Clerk

These minutes were approved at November 20, 2006 meeting of the Atlantic Beach Town Council.

Tootsie Vinson, Mayor

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