

**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Tuesday, January 16, 2007**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Tuesday, January 16, 2007 at 6:00 p.m. in the Council Meeting Room.

Members Present: Mayor Tootsie Vinson; Mayor Pro Tem Eddie Dawkins; Council members Jim Bailey, Ruth Barnes, Joe Tarascio, and Michael Warren

Members Absent: None

Others Present: Tommy Combs, Interim Town Manager; Derek Taylor, Town Attorney; Marc Schulze, Public Services Director; Scott Kilpatrick, Police Chief; Donna Turner, Inspections Director; Joey Starling, Code Enforcement Officer; Jessica Fiester, Planning Technician; Kim Glover, Deputy Town Clerk

CALL TO ORDER AND ROLL CALL

Mayor Vinson called the meeting to order at 6:00 p.m. All Council members were present.

PRAYER AND PLEDGE OF ALLEGIANCE

Reverend George Schneider with Shepard of the Sea Lutheran Church led the assembly in the prayer and Pledge of Allegiance.

Mayor Vinson introduced Tommy Combs as the new Town of Atlantic Beach Interim Town Manager and Jessica Fiester as the new Enforcement Zoning Officer.

APPROVAL OF THE AGENDA

Councilman Dawkins moved to approve the agenda as written and approve the items on the Consent Agenda. Councilwoman Barnes seconded, and approval was unanimous, 5-0.

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 December 2006 (FYI Item)

Tax Collector Laura Buda submitted the tax collection report for December 2006 which showed that \$709,487.13 had been collected. The year-to-date total at the end of December was \$1,710,271.97.

2. Tax Releases (\$417.61)

<u>NAME</u>	<u>ACCOUNT#</u>	<u>AMOUNT</u>			
Raynor, Jack L	2267	24.03	2006	Incorrect value	
Casey, Dennis N	35459	49.77	2006	Billed in error	
Worsley Operating Group	48742	13.29	2006	Late list penalty charged in error	
Bell, Wanda Kinney	55902	56.73	2006	Billed in error	
Western Finance & Lease	396337	135.98	2006	Incorrect value	
Dickerson, Louis	35460	114.11	2006	Double billed	
Roberts, Daniel O	38497	14.82	2006	Double billed	
Hopkins, Craig	410774	3.79	2006	Incorrect value	
Anderson, Kenneth R	419498	5.09	2006	Located in Harkers Island	
	TOTAL	\$417.61			

3. Tax Refunds

Tax Collector Laura Buda submitted the following requests for tax refunds:

- a. Moore, Ralph C. \$85.19 Double billed
- b. Burd, Esther \$72.79 Incorrect value on boat

4. Budget Amendments

Budget Amendment No. 1: Revenues from unclaimed property sale used to offset advertising costs for same sale.

Budget Amendment No. 2: Revenues from reimbursements due to lightening damage to offset costs of purchasing and installing backup UPS systems for Town-wide equipment damaged during lightening storm.

Budget Amendment No. 3: Increase in ammunition line item requested to be able to purchase bulk ammo before prices increase more than 100%. Price increase in ammunition expected during next budget year.

Budget Amendment No. 4: Increase in rentals line item to pay for Council approved purchase of RMS software.

(Clerk's note: Copies of Budget Amendments Nos. 1, 2, 3, and 4 are attached and hereby made a part of these minutes.)

5. Board of Adjustment Resignation – Michael Warren

Councilman Michael Warren is resigning from the Atlantic Beach Board of Adjustments, effective January 4, 2007, due his appointment to the Town Council.

6. Town Council Meeting Minutes – November 20, 2006

The Town Manager requested approval of these meeting minutes.

CITIZEN REQUESTS/COMMENTS

William Taft, Jr. – 1115 Ocean Ridge Dr., Atlantic Beach, NC

Mr. Taft read aloud a “Resolution of the Board of Directors of Ocean Ridge Community Opposing Town of Atlantic Beach’s Sewer System Proposal”. He stated a survey was also taken having 242 responses with 208 voting for the Resolution with 5 against.

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

Jim Willis – 104 Atlantic Beach Causeway, Atlantic Beach, NC

Mr. Willis said that at the last meeting, the discussion got off on residency requirements of voters. The Town used to require the voter to own real property. According to the North Carolina General Statutes 163-57, Residents defined for registration and voting, the intention of the voter determines whether or not a person can vote in the Town of Atlantic Beach.

David Griffin – 420 East Fort Macon Road, Atlantic Beach, NC

Mr. Griffin is a homeowner in Atlantic Beach and his permanent home is in Wilson. He stated he loves this community but does not like some of the things going on this coastline. It really bothers him when he rides down the street and sees the loss of our piers and the Circle. He said all the developers are interested in is making big money. He feels we should contact

our legislators for help. If the sewer system plan is catering to the developers then it is time for us to say enough is enough.

Hubert Bowen – 106 Smith Street, Atlantic Beach, NC

Mr. Bowen said it bothers him that Atlantic Beach is happy to take his taxes but he does not have a vote. It seemed to him the same thing happened to Greene County.

L.C. Beck, Jr. – 205 Glenn Street, Atlantic Beach, NC

Mr. Beck stated he is concerned about the sewer spills and costs in other towns.

ACTION AGENDA

1. FY2006 Audit Presentation – Charles Smith, CPA of Carter, Williams & Scarborough

Charles Smith presented the FY2006 Annual Financial Report presentation. To summarize, the Town appears to be in a good financial situation. Mr. Smith thanked Mr. Cooper and the staff. This has been the sixth straight year the CAFR has been awarded to the Town of Atlantic Beach.

(Clerk's note: A copy of the FY2006 Annual Financial Report is attached and hereby made a part of these minutes.)

A motion was made by Councilman Bailey to approve the Audit Report for FY 2006. Seconded by Councilman Tarascio, vote was 5-0, unanimous.

2. Planning Board Report – Planning Board Chairman

Mr. Tarascio stated the Planning Board did not meet this month. The only item on the agenda was withdrawn by the petitioner.

3. CDD Ordinance Amendment Request – Landin Holland

Mr. Tarascio stated that last month the Council received a motion to consider removing the requirement for commercial development in Sub-Area Zone A in the CDD. The Council had asked to see some language. At this time, the Council can call for a Public Hearing, vote this up or down, or table it for consideration with the conditional use discussion. The Planning Board had agreed to try to complete the work on the Conditional Use Ordinance at their next months meeting. Attorney Taylor stated the only decision the Council can make is to vote whether or not to have a Public Hearing on the matter. Councilman Bailey suggested tabling this and looking at it when they review the Conditional Use Ordinance. Councilmembers Bailey, Dawkins and Barnes all agreed what was being proposed tonight

was not what the Planning Board voted on at their meeting. Councilman Dawkins stated the Planning Board appeared to be confused and flustered at the last meeting and they really did not know what to do. He said if he would have been in the shoes of the Planning Board members he would have needed more direction. Councilwoman Barnes said that time and time again the Council has been told that our vision and intent is there but there are contradictions in this ordinance and it is vague. We are paying the Planners in the Planning Department for help and guidance. They need to look at this ordinance and straighten it up. Councilwoman Barnes said it is going to take compromise on both parts in order to get some development on the circle. Mayor Vinson said she thinks the Council should send this back to the Planning Board. Councilman Dawkins asked is it not a given that the CDD is going to be mixed. Councilman Barnes said her assumption would be yes. Councilman Tarascio stated he did not want everyone to get the concept that this ordinance is so vague and loose. It will take some time to understand. Councilman Bailey made a motion to send the ordinance back to the Planning Board and to bring it back to the Council after considering the language. It was seconded by Councilmember Warren. During the discussion, Councilman Dawkins amended his motion to include that the Council wishes for the CDD to remain a mixed use development. The amendment to the original motion was seconded by Councilmember Warren. The revised motion to send back to the Planning Board the issue regarding adjustment of mixed use issues in that area south of Atlantic Blvd. bordering Atlantic Blvd. to incorporate a recommendation to this Council with the conditional use process that they are now evaluating so that the whole package is presented at the same time and given consideration as to whether this language truly reflects what they said last time they met. The motion passed with a vote of 3-2.

4. Stormwater & Wastewater Project Update – Jim Bailey

Councilmember Bailey stated for the record that the resolution that was read by Mr. Taft from Ocean Ridge Association had been given to Council and he had responded to their concerns. He also stated that the status report #5 was made available to Council, the preliminary engineering report on wastewater should be brought to Council in late January and presented at the February Council meeting, and approximately two to three weeks from that time the stormwater preliminary engineering report should be available. Councilmember Bailey wanted the Council to be made aware that certain parts, one being the environmental assessment, of the original engineering agreement (or task order #4) with W.K. Dickson has been put on hold.

Mr. Bailey stated regarding stormwater, that they are close to being finalized on a stormwater sampling plan. He explained that they have located some automated samplers that were slightly used, costing ten cent on the dollar, have agreed to purchase them, and have allowed the setting of a town-wide scientifically based stormwater sampling monitoring program. He mentioned several advantages to this program: (1) every time it rains it will tell what is going

on in the town and what is in the stormwater; (2) will be looking and testing the water for various types of substances (i.e. bacteria) that are related to septic systems.

He also noted that another item they are looking at regarding stormwater is continued modeling in various basins identified in town in order to find some other options outside of pumping the surface water out. He stated that he has spoken to Mr. Ed Beck, in Raleigh, North Carolina about other possibilities of pumping the water to the sound or to the ocean. Mr. Beck responded back to this concern stating that taking the stormwater, with the condition that it is in, is not an option for taking it to the sound. He did note that there are provisions where the stormwater can be put in the sound, if it can be shown that it doesn't degrade the water into which it is going.

He then moved onto wastewater, stating that town-wide systems are being looked at, but that there are indications that several package plants, due to recent upgrades, want to be left out, including the Ocean Ridge package plant. He advised they are now looking at less than town-wide system options, and notes that there are some viable options at substantially reduced costs. Councilmember Tarascio advised the Council that there are stormwater issues being addressed already for Phase II designation.

5. Stormwater and Sewer Citizens Advisory Committee Discussion – Jim Bailey

Councilmember Bailey gave a follow-up on a discussion that was at a recent work session. He proposed that the Council establish a Citizens Advisory Committee on Stormwater and Wastewater with it being comprised of eight citizens, appointed by Council and serving at the pleasure of the Council, who are stakeholders in Atlantic Beach in addition to a moderator. He also proposed that the committee be comprised of intellectually honest people who will commit to meet as much as two hours per week to investigate and advise the Council on all the issues surrounding both stormwater and wastewater plans for Atlantic Beach and that in addition to the eight at-large members and moderator, that the Town Council members and Mayor shall also be ex-officio members of this committee. Councilmember Bailey advised that his intent to include the Town Council and Mayor is due to the fact that some of the Council members, maybe as many as three at one time be in attendance and interact with the advisory committee which would allow them to do so without it being a called meeting. He did state that he felt that it was important that as many Council members that want to, attend if possible to hear what is being said and the concerns. Councilmember Bailey defined the stakeholders as: (1) business owners who may be renters; (2) property owners; (3) residents who are not property owners, etc. not just someone who is interested in the process and he will be asking for applications for appointments. He noted that the applications are on the Town's website and also available at Town Hall. A motion was made by Councilmember Bailey to establish the Citizens Advisory Committee on Stormwater and Wastewater, which was seconded by Councilmember Dawkins, vote was 5-0, unanimous.

6. Designating Bank Depositories and Authorizing Signatures, Resolution 07-01-01

The Town Council needed to designate official depositories for Town monies and authorize individuals to sign and execute necessary financial documents on behalf of the Town as required. A motion was made by Councilman Bailey to approve Resolution No. 07-01-01 designating bank depositories and authorizing signatures for bank depositories for the Town of Atlantic Beach. Seconded by Councilwoman Barnes. The vote was 5-0, unanimous.

7. Stormwater-Captain Jim Willis

Mr. James Willis III, 104 Atlantic Beach Causeway. Mr. Willis addressed the stormwater issue stating that he felt like stormwater is the “step-child” in this process, just along for the ride and feels that before the whole issue comes to an end, stormwater will be kicked off and the citizens that are concerned about the stormwater issue will be left “holding the bag”. He noted that his concern for stormwater started when he lived on the Circle, the main intersection of Atlantic Beach. Mr. Willis proceeded to give a little bit of history as to the Town’s early stormwater system and the current stormwater runoff situation. Mr. Willis stressed the importance of the Circle and how it is a vital area of the town. He expressed with great concern that the issue of stormwater may possibly be pushed off and not sent to the people because stormwater situations only occur sporadically. He advised that he has come up with some options that may cost quite a lot less than twenty million dollars. He delivered his options as: (1) a storm gate where the Circle’s drainage pipe connects with another pipe that goes to the intersection which can be raised or lowered; (2) to petition the North Carolina Wildlife Resources Commission for a No Wake Zone at the intersection.

TOWN MANAGER’S REPORT

Newly appointed Interim Town Manager, Tommy Combs stated that he has been listening a lot, asking a few questions, learning a lot and that he is enjoying himself.

TOWN ATTORNEY’S REPORT

Mr. Derek Taylor, Town Attorney had no report.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Tarascio stated that back in November a citizen came before the Board and spoke about how he was abused by the town and this citizen also made some inappropriate remarks. Councilmember Tarascio wanted to clarify that the minutes of the Planning Board meeting held April 6, 2004 and the minutes of the Town Board meeting held April 19, 2004 clearly reflect the amount of work that was done with the petitioner both by the Planning Board and Town Council and that both boards did everything they possibly could to work with the petitioner. He emphasized and stressed that if this happens again he will pull and listen to the minutes and bring it to the public with verification for all those who may have a concern and may want to do their own research on the accuracy or inaccuracy of the issue(s).

Councilmember Tarascio wanted to note that at a previous work session a point he was trying to make was misunderstood and in an attempt to try and correct the misunderstanding by way of a Letter to the Editor that in turn was misprinted. Councilmember Tarascio wanted to correct and clarify for the record that the point he was trying to make is that if you are a stakeholder in the Town of Atlantic Beach and that this proposed sewer/stormwater system is going to cost everyone in the town then every citizen should have a say-so.

He also stated that in regards to the issue of the Circle, Mr. Bunn came before the Council and asked for some additional height on the three interior buildings in the Circle. For that, Mr. Bunn agreed to limit the height of the buildings on the property he owned on the ocean front. Councilmember Tarascio stated that this was just a discussion and that they didn't change the ordinance. He also advised that since there has been some petitioning for the Council to change the ordinance, he now has a written agreement, agreed to and furnished by Mr. Bunn which will be given to the Town Clerk. Councilmember Tarascio went on to say that the agreement states that by deed restriction, Mr. Bunn has agreed that for the additional height the town has agreed to allow him on the interior buildings of the Circle that no building on his ocean front property will exceed (40) feet in height.

(Clerk's Note: A copy of the letter from Mr. Bunn regarding additional height and restriction of height to oceanfront property is attached and hereby made a part of these minutes.)

ADJOURNMENT

There being no further business before the Town Council, Councilman Tarascio made a motion to adjourn the meeting. Mayor Pro Tem Dawkins seconded, and approval was unanimous, 5-0. It was 7:45 p.m.

Submitted by:

Kelly L. Nash, Administrative Assistant

These minutes were approved at the March 19, 2007 meeting of the Atlantic Beach Town Council.

Tootsie Vinson, Mayor