

**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, April 16, 2007**

The regular scheduled meeting of the Atlantic Beach Town Council was held Monday, April 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; Donna Turner, Inspections Director; Landin Holland, Town Planner; Jessica Fiester, Planning Tech; Joey Starling, Inspector; Capts. Jim Willard and A.K. Miller, both of ABPD; Dan Dawson of W.K. Dickson; Mrs. Lindner and son, Chuckie; Kelly Nash, Administrative Assistant; Dave Harvell.

CALL TO ORDER AND ROLL CALL

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

PRAYER AND PLEDGE OF ALLEGIANCE

The entire assembly recited the Lord's Prayer and Pledge of Allegiance.

At this time, Mayor Vinson introduced David M. Harvell, new Town Manager of Atlantic Beach. His new appointment will officially begin May 7, 2007.

APPROVAL OF THE AGENDA

Derek Taylor, Town Attorney suggested that the Closed Session Minutes be pulled from the Consent Agenda to give all members of Council a chance to read them before approval. Derek Taylor, Town Attorney asked to go into Executive Session after the Mayor/Council Requests/Comments segment of the meeting.

Councilmember Tarascio made a motion to accept the Action Agenda as written with the removal of the approval of closed session minutes from the consent agenda and the inclusion of an Executive Session at the end of the agenda. Motion was seconded by Councilmember Barnes. Motion carried, 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 March 2007 (FYI Item)

Tax Collector Laura Buda submitted the tax collection report for March 2007 which showed that \$15,877.01 had been collected. The year-to-date total at the end of March was \$2,305,418.47.

2. Tax Releases (\$216.29)

The following tax releases are submitted for your approval:

<u>NAME</u>	<u>ACCOUNT#</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
Kavitha Corp	1912	18.54	2006	Billed in error
Chilton, Clyde	3492	95.97	2006	Located in Morehead City
Maclean, Douglas	52484	81.20	2006	Billed in error
Moore, Frances O	377920	20.58	2006	Billed in error
	TOTAL	\$216.29		

3. Budget Transfer (FYI Item)

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 Police Department from Part-time Salaries to Police/Communications Overtime Salaries to cover the cost from telecommunicator pay adjustments and the additional over time hours used during Tall Ships last July.

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

4. Town Council Meeting Minutes – January 16, 2007, February 6, 2007, March 5, 2007, March 13, 2007, and March 15, 2007.

The Town Manager requested approval of these meeting minutes.

Councilmember Bailey made a motion to approve the Consent Agenda as amended, seconded by Council Member Tarascio. Motion was carried, 5-0.

Mayor Vinson congratulated Laura Buda, Tax Collector for Atlantic Beach on her excellent tax collecting efforts.

CITIZEN REQUESTS/COMMENTS

1. Mr. Wallie Courie, 400 Money Island Dr., Atlantic Beach, NC

Mr. Courie spoke on the CRC proposed vegetation rule change to be able to build closer to the ocean. He stated that how he understood it is that the Town of Atlantic Beach showed some reluctance to go along with the rule. Mayor Vinson confirmed that the Council did oppose the rule. He felt the problem is the "town" of seawalls and bulk heads do not follow an established line. He wanted to propose to Council to look at the cottages, establish a

building line on the location of those cottages to where it would ensure the survivability of the tax base, to study the proposed CRC rule and consider salvaging the houses already there.

2. Mr. Scott Rice, 402 Henderson Blvd., Atlantic Beach, NC

Mr. Rice wanted to thank the staff and the leadership of Atlantic Beach for the progress being made at the Tom Doe Memorial Park. He envisions this as a great opportunity for Atlantic Beach to make a big difference in public access and to “shine” in giving back to the public what could have been lost.

3. James Willis III, 104 Atlantic Beach Causeway, Atlantic Beach, NC

Mr. Willis wanted to speak on two (2) issues that seemed to be assumed and not in evidence. Those being: 1.) Most people are assuming that if the stormwater/wastewater project goes through, that the Council is going to donate the old Food Lion property to the project and the property near the post office that is currently being used as a dredge spoil disposal area; 2.) that the Council is going to replace the Food Lion property as a storage for vehicles and other equipment and the site near the post office for dredge spoil disposal. He feels Council needs to consider these issues and look at other sites.

4. Mrs. Tiffany Woodard, 308 Club Colony Dr., Atlantic Beach, NC

Mrs. Woodard stated that she keeps hearing that the reason a sewer system is being proposed is for water quality. She feels that Atlantic Beach water is fine.

5. Mrs. Denny Newton, 401 East Terminal Dr., Atlantic Beach, NC

Mrs. Newton stated that she owns a lot on the corner of Wilson and East Terminal and does not want Council to forget about the residents in this area. She stated they have a lot of flooding from stormwater and would like for it to be taken care of. She also stated that she is for the sewer system.

ACTION AGENDA

1. Presentation of Proclamation 07-04-01, Recognition of Eagle Scout Chuckie Lindner III

Mayor Vinson introduced Eagle Scout Chuckie Lindner III and stated that he and his family are residents of Atlantic Beach. Mayor Vinson advised that Eagle Scout Lindner had worked with Tom Doe on the sand fence project. Mayor Vinson, at this time, proceeded to read Proclamation 07-04-01, recognizing and honoring Eagle Scout Chuckie Lindner, III on such an achievement, special attention and leadership.

(Clerk’s Note: attached is a copy of Proclamation 07-04-01 and hereby made a part of these minutes.)

2. Planning Board Report – Landin Holland

Landin Holland, Planner announced that at the last Planning Board meeting, Mr. Ray Langley accepted the position as Chairman of the Planning Board. He proceeded to advise that all paperwork has been submitted relating to the Tom Doe Memorial Public Beach Access project. He then addressed the business of the Town Zoning Map. He requested a Public Hearing be held at the next scheduled Council meeting on the acceptance of this map as the official Zoning Map for the Town of Atlantic Beach.

Upon viewing the map in hand, Councilmember Bailey stated that there is already a correction that needs to be made. He suggested that the map be put on the Town website and in the local newspaper for any public corrections before setting a Public Hearing date.

Due to this fact being brought to his attention, Landin also suggested that this item be tabled at this time until all corrections can be made that need to be. He then moved on to the issue of the Moratorium. He advised that there is a request on the table to eliminate residential as a Special Use in the General Business (GB) District and not make any proposed changes to the Resort Commercial (RC) District as of now. It is being proposed as a way to lift the moratorium and make a statement that the Town is working toward a solution. Councilmember Barnes wanted to know that if a structure was destroyed due to a natural disaster, if this change took place, would the property owner not be able to rebuild. Landin stated that since Special Use permits are in perpetuity to where it is decided to that particular piece of property, the owner would be able to reconstruct the same type of structure that was standing prior to the natural disaster.

Councilmember Bailey made a motion to set a Public Hearing on Proposed Zoning Ordinance Amendment, No. 07-05-01, for the May 21, 2007 Town Council Meeting. Motion was seconded by Councilmember Warren. Motion was carried, 5-0.

Councilmember Bailey made a motion to set a Public Hearing on the Moratorium to also be held at the May 21, 2007 Town Council Meeting after the Public Hearing on Proposed Ordinance Amendment, No. 07-05-01. Motion was seconded by Councilmember Tarascio. Motion was carried, 5-0.

Councilmember Tarascio stated that he read in the Planning Board minutes that a discussion was held regarding Sub zone A on the ocean front of the Circle about the seventy-five percent (75%) commercial use and multi-level use. He wanted to know what the final outcome was. Jessica Fiester, Planning Tech interjected that the Planning Board voted unanimously not to change the seventy-five percent (75%) on one floor.

3. Ordinance No. 07-04-01, Condemnation & Demolition Order for 204 Glenn St., Atlantic Beach – Donna Turner

(Clerk's Note: At the request of Derek Taylor, Town Attorney for the Town of Atlantic Beach, this excerpt will be verbatim from the Town Council Meeting held on April 16, 2007.)

Donna Turner, Director of Inspections and Planning spoke at this time.

Donna Turner: "Donna Turner, Director of Inspections and Planning. On September 19th, right before that, I made an inspection on 204 Glenn St. and made several inspections since 2000. I was hired in the year 2000. Primarily my job was to, at that time, to go through the Town and try to rid the Town of structures that was not meeting minimal housing codes. So, I have visited this property since year 2000. If you look through the history of this folder, it's been documented since 1986; this Town has been dealing with this property. I've talked with Mrs. Joyce Gregory on September 19th on a Notice of Hearing. At that time, we discussed what would be done to the house and I explained to her exactly that this Town would no longer continue to come in and get building permits and just, very minimal amount of work would be done and then the building permit would finally be expired and then a year after we would start all over again. So at that time on September 19th, I gave an order to repair this structure to minimal housing standard within six (6) months. This letter was sent registered mail, regular mail and the property was posted. Mrs. Gregory did receive the regular mail, but she did not receive the registered mail. This is considered good service. At this time, Mrs. Gregory has tried to get an extension. I explained to her that six (6) months and that was all we were going to do. So today, I am standing before you to ask for a demolition ordinance to remove the structure."

Mayor Vinson: "I believe Mrs. Turner, early on, you had given pictures to the Board, is that right?"

Donna Turner: "Yes Ma'am, that's right."

Mayor Vinson: "...from the beginning of everything with the house, if the Board remembers that."

Derek Taylor: "Madam Mayor, if I may ask a couple of questions for the record while we have the Inspector up there. Did you in fact have a hearing?"

Donna Turner: "Yes, Sir."

Derek Taylor: "Did that hearing take place on October 2nd?"

Donna Turner: "Yes, it did."

Derek Taylor: "And was the owner of 204 Glenn St. present at the hearing?"

Donna Turner: "Yes, she was."

Derek Taylor: "Was she given an opportunity to be heard and to enter evidence?"

Donna Turner: "Yes, she did."

Derek Taylor: "Did you post the property was being an unsafe building?"

Donna Turner: "Yes, I did."

Derek Taylor: "Did you re-inspect the property after the March 30th deadline for repair and demolition?"

Donna Turner: "I re-inspected that property on April 2nd of 2007."

Derek Taylor: "Is it your opinion that the repairs necessary to bring the structure into compliance with the Town ordinances and the North Carolina Building Code would exceed fifty percent (50%) of the structure's value?"

Donna Turner: "Yes."

Derek Taylor: "And is that our definition of a dilapidated building?"

Donna Turner: "That's our definition."

Derek Taylor: "Ok, thank you."

Donna Turner: "Thank you."

Mayor Vinson: "Does the Board members have any questions?"

Councilman Dawkins: "No, I think we have, we have gone extra twelve (12) miles on this one. This one has been an eye sore for so long and, but I have no questions other than we have bent over backwards to try and assist the owner."

Derek Taylor: "I think you should at least be able to get the owner up here to speak."

Mayor Vinson: "Is that them?"

Derek Taylor: "I don't know."

Donna Turner: "Mrs. Gregory is here."

Mayor Vinson: "Ok, I didn't know who the owner was. Yes, sir?"

Male member of audience: "May I come up and speak?"

Mayor Vinson: "Yes, sir, please come forward and state your name and address and everything."

Bryon McDonald: "Bryon McDonald, I'm from North Myrtle Beach, South Carolina. Just to kind of...thank you all for letting me speak. After reviewing many of the documents that Ms. Turner has mentioned and in speaking with her last week, I understand why we were here and what you all have mentioned. I have also spoken with Mrs. Joyce Gregory several times and understand what's going on. Basically, what's happened is she's been unable financially to obtain a loan or simply afford to repair the home to bring it up to code. So, in essence, basically what's happened with her in the past few months is she's been forced to sell the house in order to make it...to utilize any value out of the home. That's where we have come in. We have a contract to purchase the home. We've done at least twenty one (21) days or so more of due diligent searching the house, looking at it, bringing contractors in to look at it to see what we would have to do to repair the home. They have reviewed the home with us and deemed that we can fix it. As a matter of fact, she's retained several estimates in the past to fix the home as well as she was issued a permit on the October 2nd date that's in question that we're talking about. She was actually was issued a permit that was signed by Donna Turner to fix the home. The group that I'm with, we've done other projects in the past where we've saved homes. As a matter of fact, we've been involved with a program called *Flip This House*. And this is one of the projects that we are liking to try to bring that to them,

which we think this would be a great situation for the Town, because if they come in, it'll be some national recognition for the Town as well as if the house is demolished then obviously we're going to lose the tax value for the Town. And that's one thing I think is very important. I have a photograph just to for something to try and give you an example on some of the stuff that we've worked on, if you want to pass that around. Just an idea of what we can do to try and bring this house up and I don't think it'll take us long. All I'm really asking for, at this point, is just to give, me, our group, thirty (30) days, one (1) month, to show you that this house can be fixed and that we're going to fix this house. And if that does not happen in thirty (30) days, I'm fine with that. That's fine. You can go with the ordinances and laws that are on your books that say the house has to be demolished. But I think it's pretty simple that we can prove that we're going to do something and we will do it, all we need is thirty (30) days to start this process and immediately you will see that once we get involved that this house will be saved and will be a much better looking piece of property and we'll start to, hopefully start a trend in that area of the houses being improved and obviously bringing higher tax values in the future."

Councilman Bailey: "I went by the house yesterday afternoon and noticed there was a like a construction and demolition dumpster out there and like it was, there was some stuff going on. Is that something you're doing?"

Bryon McDonald: "No, no sir. That's something that's been done in the past. I think that's part of one of the debris issue."

Councilman Bailey: "I saw all the holes in the walls. It's in pretty bad shape. I don't know if it can be....savable"

Bryon McDonald: "...to make it savable."

Councilman Bailey: "...go in it."

Bryon McDonald: "You can't 'because it's locked up. So you can't get in it. She has attempted to do work on the house and I understand it's not what the city needs, the work she's done is not what it needs to be brought up to code. But, I'm begging for mercy in the sense that she's just not been able to afford to do this, it's not because she doesn't want to. This is a family house. It's been in her family for years. It's just not something that she's chosen to do just to make it a problem. It's a house, it was her mom's house and she's had many issues beside just money that's also been brought into the fact that's caused problems with this house. And we here to make that go away."

Councilman Dawkins: "Can I ask you a question?"

Bryon McDonald: "Yes, sir"

Councilman Dawkins: "Your role again is one to buy the property?"

Bryon McDonald: "Buy the property, yes."

Councilman Dawkins: "and that in thirty (30) days it'll look like the picture we just saw?"

Bryon McDonald: "No, sir. I won't tell you that it will look like the picture, but I'll say you'll see significant progress in that house that will clearly show you that this is on the track that it's going to be fixed and brought up to the specifications that the city as well as Ms. Turner has noted that the property needs to be fixed. And we're definitely not disagreeing that the property needs to be fixed and these things. We're just telling you that it's definitely salvageable. She's been issued permits as late as October 2nd, of 2006, the date that we have in question that we've talked about this being issued. She was issued a permit to fix the house. And she has done some work since then. I know it's not the work that totally needs to be required to fix it up to where it needs to be. But she has done some work. People have attempted to do that. Again, her financial situation does not allow her to spend the money to fix it and that she's been basically forced to sell the house. She's attempted to sell the house. Obviously people are aware that the market is not, the real estate market is not as aggressive as it used to be, so it's been very hard for her. And that's where we have finally been able to come in and this is what we're willing to do. And we're really just wanting thirty (30) days to show you significant progress on this house and then you can convene again and you can say 'Look you guys didn't do what you promised. You've had many, many chances that she's noted to get this done and you haven't done it. End of story.' We just want thirty (30) days."

Councilman Dawkins: "Just one last question, please. Have you ever done this type of thing before?"

Bryon McDonald: “Yes, I have done it as well as partners not here have done that as far as that. We’ve saved a couple of properties. As a matter of fact, there’s a property in Myrtle Beach called the ‘Roma Restaurant’ which was an historic house built in the 30’s and was in disarray. It was a restaurant for fifty-three (53) years. There’s a lot of rich history about it. And it sat for about three (3) years, and I bought it with Miss Cotsovas and the house has been saved. It was a big thing because it was an historic house. It hasn’t completely been finished, but obviously that was the biggest project that we’ve done. It took a house that nobody would do. The banks wouldn’t even loan the money on it. I had to loan, what I had to obtain, it was just a land loan only and then had to fix it up to bring it up. So, have done it before as well as she’s been involved in *Flip This House* and she did a project in Myrtle Beach that was on television. So I’m not guaranteeing that *Flip This House* will come in here and do this. But I’m saying this one of the potential things that we can bring in with this project.”

Mayor Vinson: “Did you have something you wanted to say, Ma’am? If you’ll come forward please.”

Tina Cotsovas: “Hi, I’m Tina Cotsovas, my maiden name is Broom, so I kind of go through Broom and Cotsovas. I have a.....”

Mayor Vinson: “If you’ll state your name and address, please.”

Tina Cotsovas: “I live at 1630 Fort West Drive, Myrtle Beach, South Carolina. I have a contract to purchase this property now from Mrs. Joyce. But of course, I was reluctant to go ahead and close the property under these circumstances. Here they’re saying the house has got to come down and so forth. So I have come and talked with the Director here, my partner has come up and talked with them. My point is that I know that Mrs. Gregory was unable to follow through through many of the years. She’s had a lot of family problems, house that caught on fire, it was repaired. Then there was storm damage, then it was repaired some with that. She had some problems with her stepfather within a will debate situation. So this thing has been a lot of hardship on her and financially she’s been sick and so forth. At any rate, when she decided that she just had to, in October she received the letter, of getting the permit to do the repair. And she went to a bank, which she has a letter, which she is...Mrs. Gregory is here. She brought a letter from the bank that states she just couldn’t qualify for the loan. So it wasn’t like she just dropped the ball and wasn’t trying to do anything. There was items done in the house so on the permit, at the bottom of the permit, it does state that you have a six (6) month, that within six (6) months if you completely abandoned it, then we’ll make you tear the house down. But the license is good for one (1) year. And it’s only been six (6) months as of March 31st. There has been work done in the home. There has been effort in trying to sell the home. Again, like Bryon said, the market in Myrtle Beach is the same thing up here, nothing is selling. She didn’t have it actively with a.....she had actually gone to *Star Real Estate*, that’s a big real estate firm here and they rode her around and they were reluctant to sign a contract with her on listing because of the fact that it’s going to be in this process of being condemned. How I met Mrs. Gregory, was in Myrtle Beach. I renovate a lot of homes. That’s what I do for a living. I’ll buy, sell, flip, whatever. My last project I did in Myrtle Beach, I built eighteen (18) units town homes. So I am very familiar with renovation. And Bryon and I have done several projects together. We’re ready to close on this property. But I can’t close on this property and ya’ll are going to tear this house down. I went to an engineer here locally and spoke with also Stroud, which is a surveyor. I brought a letter, I don’t know, I think it might be in my briefcase. But the letter states that within this setback of your CAMA setback, we call it something different in South Carolina. But that is seems to go right up into the house. So if the house comes down, then Mrs. Gregory is sitting there with nothing. And this woman has worked very hard all of her life, she’s been through a lot. She has raised her children, her grandchildren and a great grandchildren and this is the only money that she’s got coming to her. And we’re willing to pay her fair market value for her home, but we’ve got to bring it up to code. And to renovate that house that sits there. So that’s kind of basically where we’re at. And what he’s asking is in thirty (30) days, after I close this property, I’ll buy it, I’ll close it two (2) days from now, close it and I start working immediately and show you, because I know that she has. We’ve had many conversations that the work is going to be done, it doesn’t get done, the work is going to be done....well Mrs. Gregory will be out of the picture. You’re dealing with us now because we’ll be the new owners of the property.”

Councilman Dawkins: “Can you walk me through a time line?”

Tina Cotsovas: “A time line of how long it would take to renovate?”

Councilman Dawkins: “Yes. In other words, if you were to do in two days....”

Tina Cotsovas: “I want to be ready for the season.”

Councilman Bailey: “When are you going to close on it?”

Tina Cotsovas: “I can close within the next two to three (2-3) days. We’ve already got everything pulled in South Carolina. We’ve already turned in all the deeds. Everything’s ready to roll and Mrs. Gregory, I told her, in good faith, she couldn’t sell it to me in good faith and I couldn’t close on it when I know there’s this...you’re going to tear the house down.”

Councilman Dawkins: “So your time line would be that you would have the house down to the ground in thirty (30) days?”

Tina Cotsovas: “No, sir. I want to renovate the house. I’m going to close and buy her property and I want to start renovating the house.”

Councilman Dawkins: “You’re going to renovate the house?”

Tina Cotsovas: “And what I’m saying is that the gentleman for the work that needs to be done. It’s.....”

Councilman Dawkins: “Do feel right that you can repair that existing house?”

Tina Cotsovas: “Oh, sure. In a heartbeat, in a heartbeat.”

Councilman Warren: “I’ve got a question for Donna. If the house is past fifty (50), if it requires more than fifty percent (50%) to repair it, and it’s within the CAMA setback, then it’s not conforming with the CAMA setback can it be repaired?”

Donna Turner: “I talked with Ted Tyndall. I went to a seminar last week and I talked with Ted Tyndall of the CAMA office and he explained to me that he was very positive he could go back.....”

Derek Taylor: “Donna, this is important so if you’d come to the mike.”

Donna Turner: “I talked to Ted Tyndall of the CAMA Inspections office in Morehead City and we were talking specifically about this property. I told him that it was in the CAMA setbacks and if it was demolished could you repair and/or could you demolish and build back? He felt sure that you could. Simply because that it’s not, they haven’t replenished that piece of property whereas it would be like Fred Albritton’s property. I’m sure you’re familiar with that property. That was property was replenished with sand from the sand renourishment beach. But this one has not been renourished and he felt sure that if we did demolish that we could build back on that piece of property, but that was during a meeting. He said that he would come out and look at the property, but he felt sure that you could build back on that property in the same footprint.”

Councilman Warren: “And it could be repaired?”

Donna Turner: “Yes, in the same footprint.”

Councilman Bailey: “This question is for the attorney. If we to simply to table this, does that affect our ability to deal with it in the next meeting even though it may change hands between now and then?”

Derek Taylor: “The rule of thumb on an issue relating to property is the person takes subject to whatever encumbrances are on the property when they purchase it, so they would be buying it knowing that it could still be condemned. I don’t know about the peculiarities of this particular ordinance. I’ve never read a case that really spelled it out one way or the other on this particular issue. You could table this and make a determination in thirty (30) days from now; you could pass this ordinance with some time frame incorporated in the ordinance saying it is to be demolished if not brought within code to the Town’s ordinance within “x” period of time. You have lots of options that are available too.”

Councilman Bailey: “Well, I guess my point is that if we put something in there, it’s obviously going to take more than thirty (30) days to bring it up to code.”

Tina Cotsovas: “But you’ll see that we’re working.”

Councilman Bailey: “That’s what I’m saying I don’t want....this has been a long, hard road to get to this point on this particular piece of property and I guess what I’m saying is that if we simply table it. I don’t want to restart any clocks I want to look at it in thirty (30) days. I would be comfortable with doing that because again I think in the final analysis what we want is a structure that’s not dangerous and that is of code. We really don’t want an empty lot, but we don’t want to spend much more time on this effort that has been eleven (11) or so years so far. So I just ask you that question, if that’s something that we can do.”

Derek Taylor: "I believe you're safe to do so. Table it until next meeting and see where they are. That's what they ask for is thirty (30) days."

Bryon McDonald: "We're not trying to fight what you're saying. We don't disagree with what she said in the past, we understand this."

Councilman Bailey: "I guess for the record, I'm saying that you understand there's no "if we were to do this" and you close in two (2) to three (3) days that we're not making....there's no hurdle here that says there's a certain point where you don't have to do anything. You've met it. You still have some risk here. Am I correct, counsel?"

Bryon McDonald: "You can say that if we're not...."

Tina Cotsovas: "That we're not working....it that what you're meaning?"

Councilman Bailey: "or that you're not working as much as we want. There's been some work on it. That was my question."

Tina Cotsovas: "That there had been."

Bryon McDonald: "Yes, but not that what you guys want."

Councilman Bailey: "I guess what I'm saying is if they are willing to leave it completely up to our discretion and that we can take whatever attitude we want then I'd be willing to wait thirty (30) days. But I don't want to invite any more discussion."

Tina Cotsovas: "Honey, we get in there and we'll start slinging. You'll never see anything go up so fast in your life."

Derek Taylor: "I know what you're talking about and I would love to be able to discuss it freely with you, but it wouldn't be wise for me to do so at this point."

Councilman Dawkins: "I can't think of any one person who's had the responsibility and spent as much heartache on this and as much aggravation and complaints on this is our Director of Inspections and Planning as Donna Turner has. What do you think Donna? I know I'm putting you on the spot, but I would really like to...I value that."

Donna Turner: "Well I was waiting for that question. And I have worked with Mrs. Gregory, understanding her situation and her plight as a widow and on her own and trying to find finance and trying to do what she needed to do. But she just was not able to face reality until I just had to slam the hammer down six (6) months - you've got to bring this house up to minimum standards. We went through it for seven (7) years. But Mr. Dawkins, I've done my job and now I'm letting you do yours."

Councilman Tarascio: "I'm just wondering what kind of measurable benchmark you can offer us in thirty (30) days. I mean something that we can look and hope this signifies progress."

Bryon McDonald: "I agree and I think the easiest thing is to start with looking at the issues that they have. The first couple of things that strike me is quick and easy and as well as something that would be much...would bring joy to this Council is you're starting to cleanup and get everything that overgrown, all the debris taken out of there. The house is fairly secure right now. When I went and visited it the last couple of times, I couldn't get in without the key, but make sure that everything is secure in there because obviously nobody wants to be in there. We don't want anybody in that's not supposed to be in there. And what was the other item.....start windows and siding that will obviously seal the house up. You know getting the house so it's not going to be getting outside environment in the house. And those are the type of things we can start real quickly. We've had a lot of looking at getting the floors...a lot of the floors have already been restrengthened. There's not much more, and I mean there is, but not when I say in the grand scheme of things for the guys I've talked to that putting in....replacing some 4x4's and stuff to get some spots where they did not finish putting in to get the floors resupported. As far as appearance wise, the benchmark would basically be a clean, very presentable, sealed up house that people simply can't walk into and then fall down or get hurt or those types of things that the city would be concerned about as far as public safety. And I think immediately that was the types of things that you could see as far as a benchmark."

Councilman Tarascio: "So you think you could get windows and siding on this house in a thirty (30) day period?"

Tina Cotsovas: "Yes, sir."

Donna Turner: "As far as the repair on this house, I would like to have an engineer and architect's design stating the repair on this house because of the dilapidated condition this house is in. I really feel like there needs to be an engineer's order on this house."

Councilman Dawkins: "Good point."

Derek Taylor: "I was just going to say to Mr. McDonald. We'll probably ask you for an engineer's certification."

Bryon McDonald: "Yes. We'll get that."

Tina Cotsovas: "Obviously it's going to be more than thirty (30) days."

Bryon McDonald: "Obviously we can prove that and I think the fact that it was even issued a permit on October 2nd in the past buyer's turn of that. There is definitely that the house can be saved, otherwise I don't think you would have issued a permit on the house on the 2nd of October of '06. But yes, we certainly don't want to buy a house that can't be fixed either. That's certainly the incentive or the checks and balances are in there. That's certainly not what we want either."

Derek Taylor: "But the issue is you understand it is before you get a C.O., because this thing has been sitting the way it has been sitting for so long. You, yourselves, are going to want somebody to tell you that you're going to get the C.O., because you're not going to get it without the engineer's...."

Bryon McDonald: "Correct, correct."

Mayor Vinson: "I've walked through this a long time with Donna and talked to her. Do you feel like that, I know you've done your job and you have done it well. If the Board were to grant this, would you have any kind of feelings that the Board let you down in doing your job?"

Donna Turner: "Absolutely not. No it would just be off my table."

Mayor Vinson: "Well I know we would rather have a house there than an empty lot, but at the same time you've been going like ten (10), eleven (11) years, so all of a sudden now, we're going to have a decision in thirty (30) days and that we're going to have a brand new house sitting there."

Donna Turner: "I would not be let down. I respect your judgment. If we save the house fine, but I want to see some work done. "

Bryon McDonald: "That's the goal, I think. Isn't that the goal that she wants, is something to be done?"

Donna Turner: "I've worked with it long enough. I respect the decision if that's what the Town wants. I'm happy with it. It's just another case off my desk."

Councilman Tarascio: "I'll make the motion. Because we live in the United States and property rights are a very valuable part of living in the United States, I make a motion that we allow a thirty (30) day period in which we will see siding and windows on this house. And that you will continue to make steady progress in the renovation of this house. Mostly so Mrs. Gregory can get some money out of it. That's my motion."

Derek Taylor: "Actually if you would form that motion to table this particular consideration of this particular ordinance until the next meeting and ask these folks to come back to report to this Board the progress they have and ask Ms. Turner to come forward and say whether or not she is satisfied with what progress has been made, then you can make a determination on the ordinance just as if it had been presented tonight."

Councilman Tarascio: "What he said."

Councilman Dawkins: "I seconded that."

Mayor Vinson: "I have a motion on the floor and a second, is there any discussion by the Board? All in favor of the motion. All opposed. Motion is carried, 4-1." (Councilwoman Barnes was opposed).

4. Storm water and Wastewater Project Update – Councilmember Bailey

Councilmember Bailey stated that there was not much to report, but he did want to thank the committee in their tireless efforts in gathering and analyzing all information gathered. He did suggest that a final timeframe be set for a final recommendation to Council.

5. W. K. Dickson Contract Amendment, “Extension of Master Agreement for Professional Engineering Support Services”, Task Order #5, “Public Beach Access Improvements for ADA Compliance”, and Task Order #6, “Water Treatment Plant Hypochlorite System Improvements” – Tommy Combs

Councilmember Bailey made a motion to accept the W.K. Dickson Contract Amendment for Extension of Master Agreement for Professional Engineering Support Services, seconded by Councilmember Warren. Motion was carried, 5-0.

Councilmember Bailey made a motion to accept Task Order #5, “Public Beach Access Improvements for ADA Compliance”, seconded by Councilmember Dawkins. Motion was carried, 5-0.

Councilmember Tarascio made a motion to accept Task Order #6, “Water Treatment Plant Hypochlorite System Improvements”, seconded by Councilmember Barnes. Motion was carried, 5-0.

TOWN MANAGER’S REPORT

No report at this time

TOWN ATTORNEY’S REPORT

Mr. Derek Taylor, Town Attorney presented a letter to Mayor and Town Council, Town Manager and Planning Director which states that the North Carolina State Bar Association’s Ethics Board has issued two (2) official ethics opinions concerning non-lawyers participating in quasi-judicial hearings representing an applicant (cases involving special use permits, variances, etc).

(Clerk’s Note: a copy of Mr. Taylor’s letter is hereby attached and therefore made a part of these minutes.)

MAYOR/COUNCIL REQUESTS/COMMENTS

Mayor nor Council had any comments at this time.

9. Closed Session

Councilmember Tarascio made a motion to go into Executive Session and to also have in attendance, Dave Harvell, new Town Manager, in accordance with the provisions of N.C.G.S. 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 917 West Fort Macon Road. Seconded by Councilmember Barnes. Motion was carried, 5-0. The Council entered Executive Session at 7:33 p.m.

Councilmember Dawkins made a motion to go out of Executive Session and back into Open Session. Seconded by Councilmember Barnes, vote was unanimous, 5-0. The Council reconvened to Open Session at 8:04 p.m.

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ADJOURNMENT

There being no further business before the Town Council, Councilman Tarascio made a motion to adjourn the meeting, seconded by Councilmember Bailey. Vote was unanimous, 5-0. It was 8:05 p.m.

Submitted by:

Kelly L. Nash, Administrative Assistant

These minutes were approved at the June 18, 2007 meeting of the Atlantic Beach Town Council.

Joyce Vinson, Mayor