

**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**Monday, August 20, 2007**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, August 20, 2007 at 6:00 p.m. in the Council Meeting Room.

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

**Members Absent:** None

**Others Present:** Dave Harvell, Town Manager; Derek Taylor, Town Attorney; Marc Schulze, Public Services Director; Donna Turner, Inspections Director; Landin Holland, Town Planner; Jessica Fiester, Planning Tech; A.K. Miller, Police Chief; Adam Snyder, Fire Chief; Joey Starling, Inspector; Laura Buda, Tax Collector; Sabrina Simpson, Administrative Services Director; Kelly Nash, Town Clerk; W. K. Dickson (Dan Dawson, Raymond Cordon and Judy Weisman) and Dale Holland of Holland Consulting..

**CALL TO ORDER AND ROLL CALL**

Mayor Vinson called the meeting to order at 6:00 p.m.  
Kelly Nash, Town Clerk took roll call.

**PRAYER AND PLEDGE OF ALLEGIANCE**

Mr. Herbert Pate led the assembly in the Lord's Prayer and Pledge of Allegiance

**APPROVAL OF THE AGENDA**

Councilwoman Barnes made a motion to approve the agenda as written. Motion was seconded by Councilman Tarascio. Vote 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.**

Councilman Bailey made a motion to accept the Consent Agenda. Motion was seconded by Councilwoman Barnes. Vote was unanimous, 5-0.

**1. TAX COLLECTION REPORT FOR JULY, 2007:**

The Tax Collection Report showed that \$0.00 was collected for month ending July, 2007 and that a zero (0) balance is due on 2007 taxes.

**2. BUDGET TRANSFERS:**

N.C.G.S. Section 159-15 allows the Town's Budget Officer (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:

1. Budget Transfer 1: Transfer of monies in Police Department from LGERS Reimbursement to Police Department Employee Development for the purpose of covering police chief interview accommodations, travel expenses, meal expenses and July professional services by Eastern Carolina Council.

2. Budget Transfer 2: Transfer of monies in Fire Department from Administrative Professional Services to Fire Department-Other Insurance for the purpose of covering unbudgeted legal fees.

3. Budget Transfer 3: Transfer of monies in Planning Department from Salaries, FICA/Social Security, 401K, Retirement, and Health/Life/Std. Insurance to Planning Department Contract Services for the purpose of contracted services with Holland Consulting for planning consultations and training.

4. Budget Transfer 4: Transfer of monies in Fire Department from Workers Compensation to Fire Department – Other Insurance for the purpose of covering increased cost of liability insurance to VFIS.

5. Budget Transfer 5: Transfer of monies in Administrative Services/Finance from Public Services-Salaries; Public Services-FICA/SS; Public Services-401K; Public Services-Health/Life/STD to Administrative Services/Finance Salaries, FICA/SS, 401k, Retirement, Health/Life/STD for purposes of covering salary and benefits for new Finance Officer. Monies being transferred from positions that have been phased out since July 1, 2007.

6. Budget Transfer 6: Transfer of monies in Public Services from Administrative Workers Compensation; Fire Workers Compensation; Public Services Workers Compensation to Public Services Workers Compensation for purposes of covering increased cost of workers compensation insurance to NCLM and to add small buffer for new claims.

### **3. TOWN COUNCIL MEETING MINTUES:**

June 18, 2007 and July 16, 2007

|                                  |
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| <b>CITIZEN REQUESTS/COMMENTS</b> |
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**Jim Willis, III – 104 Atlantic Beach Causeway, Atlantic Beach, NC:**

Mr. Willis commented on the 1975 Environmental Protection Agency Report and asked what is the status of Rachel Nobles, with UNC Institute of Marine Sciences, DNA study. Mr. Dan Dawson with W.K. Dickson responded to Mr. Willis' question by stating that they are waiting for a significant rain event to take place.

**Mr. Eddie Briley – 225 Moonlight Dr., Atlantic Beach, NC:**

Mr. Briley questioned the approved rescue truck for the fire department by making comment as to the cost if the town does not have the money and why the immediate need for the piece of equipment.

**Mr. Billy Brewer – 200 Atlantic Beach Causeway, Atlantic Beach, NC:**

Mr. Brewer commented on an article from The Gam regarding dye in septic tanks. He is convinced that the canals and creeks are contaminated. He suggested that the town study Morehead City's water system. He also commented on the tax increase stating that a 41% tax increase is a lot of burden on Atlantic Beach citizens. He stated that he thought a wastewater system is great, but the town needs to get an updated, current report.

Councilman Bailey advised that conversations have been held with a lot of other municipalities in regards to cooperative sewer – but the town has not received a lot of feedback on this issue.

**Mr. Joe Goodson – East Boardwalk, Atlantic Beach, NC:**

Mr. Goodson advised that he has resided on East Boardwalk since 1935 and he loves it and opposes the intent to close a portion of East Boardwalk.

**Mr. Ken Ide – 415 B Club Colony, Atlantic Beach, NC:**

Mr. Ide stated that he moved to Atlantic Beach for love of the beach. He stated that the rules, regulations, and ordinances are only as good as enforced. He commented on several issues that he feels are not being properly enforced: 1. Leash law – a lot of dogs running loose; 2. glass containers – sees a lot of them; 3. fireworks on the beach – this should not be.

**Mrs. Catherine Abbott – 314 E. Boardwalk, Atlantic Beach, NC:**

Mrs. Abbott stated that she is also opposed to the intent to close a portion of East Boardwalk and that a lot of the other residents are opposed to it also.

**Mrs. Tiffany Woodard, 308 Club Colony, Atlantic Beach, NC:**

Mrs. Woodard commented that she is disturbed that a thirty five (35) year old report is being published with nothing current to follow.

**Mr. Andy Blade – 124 East Boardwalk, Atlantic Beach, NC:**

Mr. Blade advised that he is opposed to the intent to close a portion of East Boardwalk. He feels that the residents shouldn't have to defend their community in this respect and had no idea that the closing was going to take place.

**Mr. Floyd Bledsoe – 127 East Boardwalk, Atlantic Beach, NC:**

Mr. Bledsoe stated that he is opposed to the closing of East Boardwalk. He feels too much studying is being done and that things should be left the way they are.

At this time, with no further public comments, Mayor Vinson closed the Public Comment segment of the meeting.

**PRESENTATIONS**

**1. CERTIFICATE OF APPRECIATION – Employee Recognition**

**Presented by: Mayor Vinson**

Mayor Vinson presented Capt. A.K. Miller of the Atlantic Beach Police Department with a Certificate of Appreciation for his position of Acting Police Chief.

**2. FINANCIAL/INVESTMENT/CASH REPORTS:**

**Presented by: Sabrina Simpson**

Mrs. Simpson gave the financial report for the month of July, 2007. She advised that there were not any budget amendments for this past month and the current Certificate of Deposits will not mature until November/December, 2007. She also noted that the finances are still working in dual fiscal years (FY06-07 and FY07-08).

**3. POLICE DEPARTMENT MONTHLY REPORT:**

**Presented by: Acting Chief Miller**

Chief Miller gave an overview of the previous month's activities in the police department. He noted that for the month of July there were a total of 390 9-1-1 calls received by dispatch; 1,953 calls officers responded to; and 6,269 total calls (emergency and non-emergency) received by dispatch.

**4. ROYAL CHANNEL NO WAKE ZONE:**

**Presented by: Acting Chief Miller**

Chief Miller advised that after receiving concerns about the No Wake Zone at the Royal Channel he researched Town Ordinance 15A NCAC10F .0302 and advised that the police department is in the process of moving the No Wake buoys to conform with the town ordinance.

**5. PLANNING BOARD REPORT:**

**Presented by: Jessica Fiester, Planning Director**

Miss Fiester reported on the status of the Tom Doe Memorial Beach Access; a rezoning request from Mr. Ward for inclusion in the CDD. The formal request will be presented at the September Planning Board meeting. The Zoning map update, a meeting needs to be scheduled with town attorney regarding the ETJ line and she has received the revisions on the CAMA Land Use Plan. The department has not received any feedback yet.

At this time, Mayor Vinson stated that back in the winter, meetings were held with W.K. Dickson in regards to storm water studies. Atlantic Beach submitted their first application for qualification on request for grant monies for storm water study. The Mayor announced that Atlantic Beach was deemed eligible and in turned was granted approval of a grant request for \$50,000 to fund a storm water planning study. This is a matching grant with Atlantic Beach matching the grant with \$50,000 of Town funds and \$5,000 of in-kind contributions with employee participation in the program.

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

**6. WASTEWATER/STORM WATER UPDATES:**

**Presented by: W.K.Dickson/Town Manager**

Dave Harvell, Town Manager advised that representatives of W. K. Dickson will be giving an updated status on the storm water/wastewater issues.

Mr. Dan Dawson, Mr. Raymond Cordon and Judy Weisman of W.K. Dickson took the floor to give a presentation on the Storm water and Wastewater Master Plan Update. The agenda for the presentation was as follows: 1. Schedule of Tasks; 2. Public Input and Survey Results; 3. Storm water; 4. Wastewater; 5. Comments and Discussion.

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

Mayor Vinson called for a five (5) minute recess at 8:12 p.m.  
The meeting reconvened at 8:24 p.m.

**ACTION AGENDA**

**1. Request to Award Contract to VT Specialized Vehicles/Hackney of Washington, North Carolina for the Purchase of a 2008 Rescue Truck:**

**Presented by: Chief Snyder**

Chief Snyder took the floor to explain that the fire department's current 1990 F700 Rescue Truck is in dire need of replacement due to safety concerns. He further explained the process that has taken place thus far in regards to the presentation of the need for a replacement at the 2007 Goal Setting Retreat; the approval to proceed with the bidding for purchase of a replacement rescue truck at the May 9, 2007 Budget Work Session and the actual bidding process that took place in August, 2007. He stated that he is before Council at this time to request the awarding of the contract to Hackney of Little Washington, North Carolina for the construction and purchase of a 2008 Hackney Rescue Truck.

Chief Snyder also noted that he had included in his packet of information a letter from Walter B. Jones, Member of Congress, who expressed his full support on the department's request for federal assistance with the purchasing of the apparatus.

**(Clerk's Note: A copy of the Purchase Rationale and letter from Walter B. Jones is hereby attached and therefore made a part of these minutes.)**

Councilwoman Barnes stated that citizens are concerned about the amount being spent on this piece of apparatus and questioned why the fire department feels the need for a replacement at this time.

Town Manager, Dave Harvell responded by stating that he actually drove the current truck earlier this day and his observations were that his head was hitting metal overhead, the truck does not meet the needs for the current safety issues and it cannot hold all the necessary equipment that this type of truck is required to contain.

Councilman Tarascio asked the question of Chief Snyder that upon responding to calls that require this truck, is the truck itself safe for responding.

Chief Snyder stated that the current truck is not safe for responding to the type of calls it is having to respond to.

Councilwoman Barnes again questioned the cost by inquiring about when the town will be burdened with the repayment.

Chief Snyder responded by advising that the town will not be burden with the expense until the FY 08-09 Budget Year with the first payment set to begin in 2009.

Councilman Bailey made a motion to award the contract of the 2008 Rescue Truck to Hackney out of Little Washington, NC. Motion was seconded by Councilman Tarascio. Vote was unanimous, 5-0.

**2. Request to Adopt the Unified Development Ordinance Citizen Participation Plan:**

**Presented by: Mr. Dale Holland/Jessica Fiester, MPA**

Miss Fiester explained that adequate citizen participation in the development of the UDO is essential to the preparation of a document responsive to the needs of the citizens of the Town of Atlantic Beach. She proceeded to state that Mr. Dale Holland with Holland Consulting was on hand to explain and answer any questions that Council may have in regards to the UDO.

Mr. Holland took the floor and stated that in order for the statement that Ms. Fiester just made as to the reason for a UDO to become a reality and to ensure input a citizen participation program needs to be utilized by the town.

He advised that the Planning Board will be the lead department working with the town's planning consultant to ensure that the final product will be an ordinance suitable for adoption by the town. Mr. Holland proceeded to go through the schedule that would be utilized for the plan.

**(Clerk's Note: A copy of the Citizen Participation Plan for Preparation of a Unified Development Ordinance is hereby attached and therefore made a part of these minutes.)**

Councilman Warren made a motion to approve the Unified Development Ordinance Citizen Participation Plan. Motion was seconded by Councilman Bailey. Vote was 4 in favor, 1 opposed. Councilwoman Barnes in the opposing.

**3. Request to Schedule Public Hearing on the Adoption of the Proposed Official Zoning Map:**

**Presented by: Jessica Fiester, MPA**

Miss Fiester stated that in the months of June and July, 2007 an advertisement had been listed in the newspaper for citizens to review the zoning map for accuracy. She advised that approximately ten (10) individuals reviewed the map in her office and receiving no complaints from those individuals or anyone else she was requesting Council to schedule a public hearing on the adoption of the map as the town's official Zoning map.

Councilwoman Barnes made a motion to schedule a public hearing on the Adoption of the Proposed Zoning Map. Motion was seconded by Councilman Bailey. Vote was unanimous, 5-0. Motion was carried.

**4. Public Hearing on Proposed Ordinance 07-08-01; Amendment to Zoning Ordinance Chapter 18; Article XIV; Section 18-336:**

**Presented by: Landin Holland/Jessica Fiester, MPA**

Councilman Bailey made a motion to go into Public Hearing on Proposed Ordinance 07-08-01; Amendment to Zoning Ordinance, Chapter 18; Article XIV; Section 18-336. Motion was seconded by Tarascio. Vote was unanimous, 5-0. Motion was carried.

**James Willis, III – 104 Atlantic Beach Causeway, Atlantic Beach, NC:**

Mr. Willis advised that he has been attending Council meetings for forty two (42) years and that he is opposed to the proposed ordinance.

**Billy Brewer – 200 Atlantic Beach Causeway, Atlantic Beach, NC:**

Mr. Brewer commented that he is in favor of the proposed ordinance.

**Andrew Blade – 124 East Boardwalk, Atlantic Beach, NC.:**

Mr. Blade commented that he is concerned with the speed of expediting things.

**Floyd Bledsoe** – waived his right to speak at this time.

Councilman Tarascio made a motion to go out of public hearing. Motion was seconded by Councilman Bailey. Vote was unanimous, 5-0. Motion was carried.

Councilman Bailey stated that what had been said at this night's meeting regarding this ordinance is reflective of what he had been hearing from the citizens.

Councilman Bailey made a motion to approve proposed Ordinance 07-08-01; Amendment to Zoning Ordinance; Chapter 18, Article XIV; Section 18-336. Motion was seconded by Councilwoman Barnes. Vote was unanimous, 5-0. Motion was carried.

**5. Request to schedule Public Hearing on Proposed Ordinance 07-09-01; Amendment to Chapter 11; Nuisances; Article IV, Noise; Section 11-82, Noises Expressly Prohibited:**

**Presented by: Jessica Fiester, MPA**

Miss Fiester explained that the proposed ordinance would be amended to include certain weekend days and times to the current Noise Ordinance for the purposes of construction.

Councilwoman Barnes made a motion to schedule a public hearing on Proposed Ordinance 07-09-01. Motion was seconded by Warren. Vote was unanimous, 5-0. Motion was carried.

**6. Resolution 07-08-01; Resolution Authorizing Agreement with GovDeals for Internet Auction of Government Surplus Items:**

**Presented by: Dave Harvell, Town Manager**

Mr. Harvell explained that GovDeals is an internet tool that assists municipal and county governments in the selling of its surplus property. He advised that proposed Resolution 07-08-01 grants the Town Manager the authority to enter into a Seller's agreement with GovDeals for the purpose of selling surplus properties

Councilman Tarascio made a motion to approve Proposed Resolution 07-08-01; Resolution Authorizing Agreement with GovDeals for Internet Auction of Government Surplus Items. Motion was seconded by Councilman Bailey. Vote was unanimous, 5-0. Motion was carried.

**7. Resolution 07-08-02; Resolution by the Town Council of the Town Of Atlantic Beach, NC Prescribing Procedures For Disposing of Personal Property Valued At Less Than \$5,000.00:**

**Presented by: Dave Harvell, Town Manager**

Mr. Harvell explained that Proposed Resolution 07-08-02 is to establish procedures as provided by G.S. 160A-266(c) and Resolution 07-08-01 for disposing of personal property valued at less than \$5,000.00.

Councilwoman Barnes made a motion to approve Proposed Resolution 07-08-02. Motion was seconded by Councilman Tarascio. Vote was unanimous, 5-0. Motion was carried.

**8. Resolution 07-08-03; Resolution Approving Changing the Speed Limit on Mobile Drive from 25 MPH to 15 MPH:**

**Presented by: Chief Miller**

Chief Miller explained that the need and recommendation for the reduction in the speed limit on Mobile Drive came after the police department received numerous complaints from citizens and evaluated the speed of traffic on this particular road at various time of the day. It was determined that for the safety of the residents in this area the need for a reduction in the speed limit was warranted.

Derek Taylor, Town Attorney advised that this should be adopted by way of an Ordinance. Town Clerk, Kelly Nash stated that it would be adopted as Proposed Ordinance 07-08-02; Ordinance Approving Changing The Speed Limit On Mobile Drive from 25 MPH to 15 MPH pending Council approval.

Councilman Bailey made a motion to adopt Proposed Ordinance 07-08-02; Ordinance Approving Changing The Speed Limit On Mobile Drive from 25 MPH To 15 MPH. Motion was seconded by Councilman Dawkins. Vote was unanimous, 5-0. Motion was carried.

**9. Resolution 07-08-04; Resolution for Placement of a Six (6) Month Moratorium on New Designated Driver Applications:**

**Presented by: Chief Miller**

Chief Miller stated that the request for approval of this resolution was based on the pending review and amendments being prepared to the present Taxicab and Designated Driver ordinance that is presently in place.

Councilman Tarascio made a motion to adopt Proposed Resolution 07-08-04. Motion was seconded by Councilman Dawkins. Vote was 4 in favor, 1 opposed. Councilwoman Barnes in the opposing. Motion was carried.

**10. Resolution 07-08-05; Resolution of Intent To Close A Portion of East Boardwalk Drive:**  
**Presented by: Jessica Fiester, MPA**

Miss Fiester stated that the town has received a request by Ocean King, LLC to close the outlet of East Boardwalk Drive in an effort to facilitate the development of the Ocean King Condominiums. She further stated that Ocean King, LLC is currently preparing to request approval of their proposed development from the Planning Board; however, the current design is contingent upon the closing of East Boardwalk Drive.

Miss Fiester explained that the request would involve the rerouting of East Boardwalk Drive to East Atlantic Avenue and property owners who utilize the existing outlet to East Boardwalk would be routed north to East Atlantic through a twenty (20) or twenty-six (26) foot easement to be established at the rear of the Summers End Hotel property.

She proceeded to state that attached resolution would need to be adopted by Council in order for a public hearing to be scheduled at the September Town Council Meeting.

Mr. Landin Holland, Planning Consultant to the Town advised that he has a scheduled meeting with Mr. A.B. Cooper, Jr. and fire department personnel to work out the details for emergency services in that area.

Councilwoman Barnes made a motion to adopt Resolution 07-08-05 and upon adoption schedule a public hearing on Resolution 07-08-05 at the September Town Council Meeting. Motion was seconded by Councilman Dawkins. Vote was 2 in favor, 3 opposed. Councilmembers Bailey, Warren and Tarascio in the opposing. Motion was denied.

**TOWN MANAGER'S REPORT**

Dave Harvell, Town Manager stated that the dredging for the Royal Channel has been completed.

**TOWN ATTORNEY'S REPORT**

Derek Taylor, Town Attorney had no report at this time.

**MAYOR/COUNCIL REQUESTS/COMMENTS**

Councilman Tarascio stated that he wanted to make sure that a followup was done with Mr. Snead in regards to his the availability of his two (2) lots. He also presented a challenge to certain individuals to show a legal, "anti-propaganda" way that the tax rate can be adjusted and to figure out the significance of  $200 = 15$ ;  $150 = -14$ ;  $250 = 31$ . The clue that Councilman Tarascio gave to help find the significance of the problem was to start at the top with 41 and 47 and no equal mark in between.

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Councilman Bailey made a motion to call for a Special Meeting to be held on Monday, August 27, 2007 at 1:00 p.m. Motion was seconded by Councilman Warren. Vote was unanimous, 5-0. Motion was carried.

**CLOSED SESSION**

**ADJOURNMENT**

There being no further business before the Town Council, Councilman Dawkins made a motion to adjourn the meeting. Motion was seconded by Councilmember Barnes. Vote was unanimous, 5-0. It was 10:05 p.m.

Submitted by:

\_\_\_\_\_  
Kelly L. Nash, Town Clerk

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

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Joyce Vinson, Mayor