

**Minutes  
Town of Atlantic Beach, North Carolina  
Town Council Meeting  
Tuesday, February 22, 2005**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Tuesday, February 22, 2005 at 6:00 p.m. in the Council Meeting Room.

**Members Present:** Mayor Eddie Dawkins; Mayor Pro Tem Doug Creech; Council Members Harry Archer, Jim Bailey, and Christie Roberson

**Members Absent:** Tom Doe

**Others Present:** Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Scott Kilpatrick, Police Chief; Marc Schulze, Public Works Director; Lee Smith, Planning Director; Leslie H. Eldredge, Town Clerk

**CALL TO ORDER AND ROLL CALL**

Mayor Dawkins called the meeting to order at 6:00 p.m. All Council members were present except Councilman Doe, who was out of town.

**PRAYER AND PLEDGE OF ALLEGIANCE**

Mr. Herbert Pate led the assembly in the prayer and Pledge of Allegiance.

Mayor Dawkins welcomed Jim Bailey as the newly-appointed Councilman.

Councilman Creech, seconded by Councilwoman Roberson, moved to excuse Councilman Doe from the meeting. Motion carried unanimously, 4-0.

**APPROVAL OF THE AGENDA**

Councilman Creech moved to approve the agenda as presented. Councilwoman Roberson seconded, and approval was unanimous, 4-0.

**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. Request for Tax Refund (\$46.67)**

Tax Collector Laura Buda submitted the following request for tax refund:

- |    |                |          |                                  |
|----|----------------|----------|----------------------------------|
| a. | Cox III, James | \$ 46.67 | Land is located in Morehead City |
|----|----------------|----------|----------------------------------|

**2. Tax Releases (\$381.48)**

The Tax Collector submitted the following tax releases for approval (all were for the year 2004 except Walter Knapp, which was for 2003):

- |    |                      |             |                                   |
|----|----------------------|-------------|-----------------------------------|
| a. | Cheatham, Brenning   | \$ 718.04   | Incorrect owner                   |
| b. | Herring, Kenneth     | \$ 39.06    | Billed in error                   |
| c. | Knapp, Walter        | \$ 9.15     | Incorrect owner                   |
| d. | Lamberth, William    | (\$ 299.39) | Reversal of release made Jan 2004 |
| e. | Page, Gene           | \$ 63.25    | Billed in error                   |
| f. | Stancill, Offie J.   | \$ 14.95    | Billed in error                   |
| g. | Thompson, Richard L. | \$ 3.19     | Billed in error                   |

**3. Tax Collection Report for January 2005 (FYI Item)**

Ms. Buda submitted the tax collection report for January 2005 which showed that \$365,483.82 had been collected. The year-to-date collection total at the end of January was \$1,881,213.24.

**3. Authorization to Advertise and Post Tax Liens (\$53,358.52)**

In accordance with NCGS Section 105-369(a), the Tax Collector submitted a list of all taxpayers owing taxes for the tax year 2004, which are liens on real property. As of February 14, 2005 the amount was \$53,358.52. In accordance with that same statute, Ms. Buda requested authorization to post and advertise tax liens on March 4, 2005.

**4. Resolution No. 05-02-02, "Resolution Designating Bank Depositories and Authorizing Signatures for Bank Depositories for the Town of Atlantic Beach, North Carolina"**

NCGS Section 159-31 requires that the governing board of each local government designate one or more financial institutions as official depositories. On February 7, 2005 the Town Council adopted Resolution No. 05-02-01, "Resolution Designating Bank Depositories and Authorizing Signatures for Bank Depositories for the Town of Atlantic Beach, North Carolina," which designated the Town's official depositories for monies and also designated

the Mayor Pro Tem, Town Manager, Tax Collector and Town Clerk as the Town officials who are authorized to accept, sign and endorse checks and other financial instruments on behalf of the Town. Since that time, the Mayor Pro Tem was appointed Mayor by the Town Council and another Councilman was appointed Mayor Pro Tem; therefore, a new resolution is necessary to reflect the new names and signatures.

Councilman Archer moved to approve the Consent Agenda as presented. Councilman Creech seconded, and the Consent Agenda was approved by a unanimous vote of 4-0. **(Clerk's Note:** Copies of the list of delinquent taxpayers and Resolution No. 05-02-02 are incorporated herein by reference and hereby made a part of these minutes.)

## **CITIZEN REQUESTS/COMMENTS**

**James N. Willis III, 104 Atlantic Beach Causeway, Atlantic Beach, NC:** Mr. Willis thanked the Town Council for rescheduling its meeting for this evening because it allowed him to attend the Carteret County Board of Commissioners meeting held on Monday night (the Council's regular meeting night). He said he hopes it sets a precedent. Mr. Willis announced that the first sand for beach nourishment was brought to the Atlantic Beach on February 11, 1987 at 10:52 a.m. and since that time, two more beach nourishment projects have taken place. He expressed his appreciation to the Town Council for beach nourishment. Mr. Willis said that he heard today that the Triple "S" pier has been sold and will be developed as a condominium complex. Many people in that area of town use the Triple "S" as beach access, and he hopes the Council will pay special attention to the proposed development and ensure that this beach access is kept open for citizens in that part of town.

## **ACTION AGENDA**

### **1. Request to Schedule a Public Hearing Regarding Proposed Revisions to Chapter 18, Zoning, Section 18-204, *Ground Sign* – Planning Director**

Planning Director Lee Smith asked that a public hearing be scheduled on the rewrite of the ground sign ordinance. After the joint Town Council and Planning Board work session on January 12, 2005, several additional items were identified that needed to be addressed with regard to the ground sign ordinance. Staff revised the ordinance and copies were provided to the Council and the Planning Board. The Planning Board reviewed the revised ordinance at its February 1, 2005 meeting and made one small revision, *i.e.*, deletion of the reference to the permit fee at the end of the ordinance. (Permit fees are already contained in the fee schedule which is adopted annually as part of the budget ordinance.) The Planning Board voted

unanimously to forward the revised ordinance to the Town Council with a positive recommendation.

Councilman Creech, seconded by Councilman Bailey, moved to schedule a public hearing for Monday, March 21, 2005 at 6:00 p.m. regarding proposed revisions to Chapter 18, Zoning, Section 18-204, *Ground sign*, of the Atlantic Beach Town Code. Approval was unanimous, 4-0.

## **2. Planning Board Report – Planning Board Chairman**

Tom Outlaw provided the Planning Board report, as Chairman Joe Tarascio was unable to attend this evening's meeting. Mr. Outlaw said that the Planning Board met on February 1, 2005 and approved the minutes of its January 11, 2005 meeting. The Board also approved the revised ground sign ordinance which is now going to public hearing. Patrick Young from Holland Consulting Planners, consultants for the Town's Land Use Plan, was present at the February Planning Board meeting to continue the review and update of that plan. The Planning Board is reviewing approximately 30 pages of natural areas (marinas, wetlands, estuarine shorelines, underground storage tanks, etc.). The Planning Board also held a public meeting to receive citizen input regarding the plan, and now is considering about 20 to 25 ideas, including sewer and beach nourishment. Each Planning Board member prioritized the list of ideas, and will receive a tally of the top 10 at a future Planning Board meeting.

## **3. Planning Board Appointments – Town Clerk**

The Town Clerk reported that there are currently two vacancies on the Planning Board due to Ellen Womer's resignation and the appointment of Jim Bailey to the Town Council. Ms. Womer's term of office expires on December 31, 2005 and Mr. Bailey's on December 31, 2007. Ms. Womer is the County-appointed ETJ (extraterritorial jurisdiction) representative on the Planning Board.

Councilman Creech nominated Vada Palma to fulfill Mr. Bailey's term and Councilman Archer endorsed her nomination. Council voted in favor of the nomination unanimously, 4-0.

Councilman Archer nominated Trace Cooper as the ETJ representative and recommended that his name be submitted to the County Commissioners. Discussion ensued regarding whether or not the Town of Atlantic Beach still had an ETJ. The consensus was that the Town no longer had an ETJ and the Town Code should be amended to reflect that all members of the Planning Board are appointed by the Town Council.

Councilman Archer withdrew his nomination of Trace Cooper, reserving his right to reintroduce Mr. Cooper's name at a future meeting. He then moved that the Town Attorney

evaluate the Town's extraterritorial jurisdiction representative designation as it relates to the North Carolina General Statutes and that he provide the Council with his findings as it relates to the seventh position on the Planning Board. Councilman Bailey seconded the motion, which carried by unanimous vote of 4-0.

#### **4. Hazard Mitigation Plan – Planning Director**

Mr. Smith explained that in 2000, FEMA (Federal Emergency Management Agency) and the North Carolina Division of Emergency Management (NCDEM) required that states and local communities adopt hazard mitigation plans. The Town's proposed plan (included in the meeting packets) follows the regulations and guidelines that were prescribed by FEMA and NCDEM. The plan has been submitted to the state, and the state approved it and forwarded it to FEMA. Before FEMA will approve the plan, it must receive a resolution of adoption whereby the Town Council adopts the plan. Once it receives this resolution, FEMA will complete its review of the entire package.

Councilman Archer moved that the Town Council adopt Resolution No. 05-02-03, "Resolution of Adoption – Town of Atlantic Beach Multi-Hazard Mitigation Plan." Councilman Creech seconded, and the motion carried by unanimous, 4-0, vote. **(Clerk's Note:** A copy of Resolution No. 05-02-03 is incorporated herein by reference and is hereby made a part of these minutes."

#### **5. Parking Meters – Town Manager**

As Council requested at its last meeting, staff has documented the costs associated with the maintenance and enforcement of the parking meters at the Circle and ascertained Fred Bunn's plans regarding parking at any of the properties he has recently acquired. Based on the 2004 summer season, the Town received approximately \$107,390 in revenues compared to \$27,590 expended for maintenance and enforcement. To date for FY 2004/05 (first seven months of FY 2004/05), \$53,275 in revenues has been collected while \$115,000 has been budgeted for the year. Mr. Bunn indicated in a telephone conversation with Mr. Cooper that he has no plans to provide parking on the lands that he now owns in the Circle area, so the Town would not be in competition with him for parking revenue.

Councilwoman Roberson said that she had spoken with Councilmen Creech and Bailey about parking meters, and they all agreed it would be nice to get rid of the parking meters. She said if the Town kept the meters, it should charge the same rate as last year. She proposed removing meters from the Circle area, East Drive and West Drive, but leaving them on the oceanfront and at New Bern Avenue. This would be a sort of phasing out of meters for the future, and also a proactive concept by the Council to see if it would be a good enticement to, and welcoming feature for, the Circle.

Councilman Creech liked the idea, and confirmed with the Public Works Director that this concept would not extend the time frame for putting the meters up. Mr. Schulze said it would probably only take about three working days to put the meters up.

Councilman Archer felt that Councilwoman Roberson's idea was worth reviewing, but cautioned the Council against removing the meters on East and West Drives and leaving them on the oceanfront because there might be complaints from the business owners on the Circle. He suggested removing meters from the oceanfront to encourage business for the Circle merchants and leaving perimeter parking at the Circle. He felt the current parking meter schedule rates and times should be left as is. Councilman Archer asked about Mr. Bunn's statement that he had no plans to provide parking on his Circle properties, specifically, did that mean he would not lease those properties to another person and allow parking lots to be put there. Mr. Cooper said he did not ask that particular question of Mr. Bunn, and Councilman Archer asked that this important point be clarified.

Councilman Bailey asked how it would affect the budget if the parking meters were removed. Mr. Cooper replied that the budget would be about \$60,000 short. There would be a reduction in seasonal employees hired by the Police Department if the meters were removed. Councilman Bailey said that if the meters were removed, he would expect there be a limit on the number of hours one could park in those parking spaces, which would necessitate police enforcement of those limits.

Councilwoman Roberson commented that she learned from the Police Chief that the Town is under a new identification program for writing tickets and it will be a little more costly and time-consuming to track the violators, which she felt was another negative aspect of parking meters. She wondered how parking would be regulated at New Bern Avenue if the meters were removed, because those residents feel very strongly that parking meters help prevent parking problems in that area.

Councilman Creech stated that in the past several years, Circle businesses actually had more problems with their 30-minute parking spaces than they did anything else because people would park their cars in those spaces and leave them. If meters were removed, people would park as close as they could to the oceanfront and oceanfront businesses would never have parking spaces for customers in front of their businesses. He felt that meters on the oceanfront and the 30-minute spaces actually help control parking by keeping traffic flowing and cars rotating through the Circle.

Councilman Archer said that parking meters are for traffic control and when the Council members discuss this topic again, they will all be in agreement that the parking meters should remain as they are, with the same times and rates as last year.

Councilwoman Roberson pointed out using parking stickers again this year might help defray the discomfort of the Circle businesses.

It was the consensus of the Council to discuss parking meters again before the summer season starts, probably at its March work session. The Town Attorney reminded the Council that the Town ordinances require adoption of a parking schedule that identifies streets where parking meters will be located, hours and dates of operation, and meter rates.

### **TOWN MANAGER'S REPORT**

### **TOWN ATTORNEY'S REPORT**

### **MAYOR/COUNCIL REQUESTS/COMMENTS**

Councilwoman Roberson said that dead chrysanthemums had been on the Causeway and on some islands since last fall, and the trees have never been cut back so that new growth will take sprout. She would like this taken care of. Mayor Dawkins agreed with her.

Mayor Dawkins said that the most effective things in the Christmas Parade are the bands, and the key time to book them are the months of January and February. He is concerned that the Town does not have any bands booked yet. Mr. Cooper replied that invitations have been sent to many bands, and Mayor Dawkins said he hoped this would be pursued aggressively.

### **CLOSED SESSION**

#### **Consult With Town Attorney re Matters Protected by the Attorney-Client Privilege or Potential Litigation Pursuant to NCGS Section 143-318.11(a)(3)**

Councilman Creech moved that the Council enter closed session pursuant to North Carolina General Statute Section 143-318.11(a)(3) to consult with the Town Attorney regarding matters protected by the attorney-client privilege or potential litigation. Councilwoman Roberson seconded, and the motion carried unanimously, 4-0.

Mayor Pro Tem Dawkins called for a break in the proceedings at 7:15 p.m. The meeting was reconvened at 7:20 p.m. and the Council entered closed session immediately.

The Council reconvened to open session at 8:00 p.m.

**ADJOURNMENT**

There being no further business before the Town Council, Councilman Archer made a motion to adjourn the meeting. Councilman Creech seconded, and approval was unanimous, 4-0. It was 8:01 p.m.