

Minutes
Town of Atlantic Beach, North Carolina
Town Council Work Session
Monday, March 7, 2005

The regularly scheduled work session of the Atlantic Beach Town Council was held Monday, March 7, 2005 at 6:00 p.m. in the Council Meeting Room.

Members Present: Mayor Pro Tem Doug Creech; Council Members Harry Archer, Jim Bailey, Tom Doe and Christie Roberson

Members Absent: Mayor Eddie Dawkins

Others Present: Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Scott Kilpatrick, Police Chief; Marc Schulze, Public Works Director; Lee Smith, Planning Director; Adam Snyder, Fire Chief; Donna Turner, Director of Inspections; Leslie H. Eldredge, Town Clerk

CALL TO ORDER AND ROLL CALL

Mayor Pro Tem Creech called the meeting to order at 6:00 p.m. All Council members were present except Mayor Dawkins.

APPROVAL OF THE AGENDA

Councilman Archer moved to approve the agenda as presented. Councilwoman Roberson seconded, and the agenda was approved by a unanimous vote of 5-0.

To accommodate the Town Attorney's schedule, Mayor Pro Tem Creech moved the Town Attorney's Report to be the first agenda item.

7. Town Attorney's Report

At the beginning of the meeting, Mr. Taylor had provided the Council members with copies of a proposed ordinance to amend the Town Code to eliminate the extraterritorial jurisdiction (ETJ) member of the Planning Board appointed by the Carteret County Board of Commissioners and to replace that member by the addition of one in-town member appointed by the Town Council, thereby establishing the Planning Board membership as being comprised of seven in-town representatives, each to be appointed by the Town Council. He recommended that the Council schedule a public hearing for March 21 to receive public comment on the proposed ordinance.

Councilman Archer moved that the Council schedule a public hearing on the proposed ordinance amendment regarding Planning Board membership for March 21, 2005 at 6:00 p.m. Councilman Doe seconded and approval was unanimous, 5-0.

Councilman Archer asked the Town Attorney to contact the County Manager to let him know that the appointment of an ETJ representative to the Atlantic Beach Planning Board would not be an agenda item for the County Board of Commissioners in the future.

Mr. Taylor was excused from the meeting at 6:07 p.m. to fulfill a family obligation. Mayor Pro Tem Creech then turned the meeting over to the Town Manager.

1. Rural Transportation Planning Organization – Planning Director

Planning Director Lee Smith explained that the North Carolina Department of Transportation (NCDOT) requires metropolitan areas to coordinate transportation activities and encourages rural areas to do the same. This is usually accomplished through a Transportation Planning Organization. Carteret, Craven, Jones, Onslow and Pamlico Counties make up the Down East Rural Transportation Planning Organization (RPO). As a municipality, the Town of Atlantic Beach has the ability have a seat on the Down East RPO, and that organization has asked the Town if it would like to activate that seat. Mr. Smith said that the way that transportation and improvement grants are handled, it would be advantageous for Atlantic Beach to join the Down East RPO because municipalities that participate in an RPO might get preference for grant monies. Morehead City, Emerald Isle, Pine Knoll Shores and Bogue currently participate in the RPO. The RPO is set up so that the Town Manager or his designee serves as a municipality's representative and in most cases, the Town Planner serves as designee.

In response to a question posed by Councilman Doe, Councilman Archer stated that Carteret County's newly-appointed Transportation Board is a functioning body for the County. The RPO, which is basically a transportation committee for the East Carolina Council of Governments (COG), is not in competition with the County Transportation Board. The counties in the RPO are also in the COG, and NCDOT attempts to coordinate with the COG.

Councilman Bailey asked if, once Atlantic Beach was a member of the RPO, would the Town have to submit any proposed plans to the RPO, and what would happen if the RPO turned down those plans? Mr. Smith replied that the RPO might recommend not forwarding a plan to NCDOT, but the RPO cannot prevent the plan from being submitted. By proxy, the RPO is already doing that, because the Town is not a member of the RPO at this time and therefore not participating.

A resolution authorizing participation in the Down East RPO will be brought to the Town Council under the Consent Agenda on March 21, 2005.

2. Parking Meters – Town Manager

Mr. Cooper said that the updated Schedule of Parking Fees in the meeting packets contained the same rates and times as the old schedule, but some of the parking spaces had changed.

Councilwoman Roberson reminded the Council that she had proposed the concept of eliminating meters on Atlantic Boulevard and East and West Drives. Councilman Doe offered an historic perspective on parking meters. When the meters were first installed in 1993-94, they were only installed on Atlantic Boulevard. He likes Councilwoman Roberson's alternative approach and felt it would work well. If there were always some free parking spaces in the Circle area, parking stickers could be eliminated. He likes the idea of having 30% to 40% free spaces that would be filled on a first come, first served basis.

Councilman Archer has mixed feelings about the parking meters. Parking meter revenues are used for items in and around and dealing with the Circle such as lighting, street improvements and lifeguard services. He has been told that Fun 'n' Wheels and the putt-putt golf course will not be operating this summer. This will decrease the lighting in the Circle area and the Town may have to provide lighting for safety, even if it is only temporary. The Town needs the revenues from the meters, he said, and he thinks the Town should keep the parking meters and operate them in the same manner it did last year.

Councilwoman Roberson suggested removing parking meters from Central Drive, East Drive and West Drive, and leaving them on Atlantic Boulevard.

Councilman Doe shared Councilman Archer's concern regarding parking meter revenues, and offered another proposal: all parking south of Atlantic Boulevard would be free, and all parking north of Atlantic Boulevard would be metered.

Council discussed elimination of the 30-minute parking spaces. There are currently 32 30-minute spaces. Councilman Doe pointed out that 30-minute spaces were not an issue until parking meters were installed on all streets instead of just Atlantic Boulevard. Mayor Pro Tem Creech said that there were more police calls the last two years on the 30-minute spaces than anything else. If the meters are removed from Central, East and West Drives there would be enough free parking to justify elimination of the 30-minute parking spaces, he said.

Council's consensus was to remove the meters from Central, East and West Drives, eliminate the 30-minute spaces, and keep the rates and hours the same for the remaining streets that have metered parking. Mr. Cooper said he would revise the parking schedule accordingly and bring it to the Council for adoption on March 21.

The Police Chief informed the Council that the Division of Motor Vehicles has waived its \$1.00 fee per tag to collect parking violation fines.

3. Fire Department – Town Manager

A. Replacement of Rescue-2 Pickup Truck

Mr. Cooper explained that this is the truck used for water rescue on the beach. It is eight years old and is losing its usefulness. Chief Snyder had planned to include this expenditure in his FY 2005-06 budget request but a series of breakdowns and the vehicle's rapidly declining condition has accelerated the need for replacement prior to the summer season. They went to the State Contract site and obtained a price that was \$4,500 lower than the next best local rate.

The last two trucks had been paid for by the Volunteer Fire Department, but they are unable to help this time. The proceeds from the Atlantic Beach King Mackerel Tournament have been low the past two years due to hurricanes. The volunteers also contributed \$35,000 a year and a half ago to help replace the department's ambulance.

This truck was replaced in 1990 and again in 1998, so it lasts an average of eight years, reported Chief Snyder. This vehicle is an essential piece of equipment for the Fire Department, used for everything from hydrant maintenance to fire inspections to water rescue to everyday activities. It is used to transport patients off the beach all summer long and eliminates a lot of mileage on the higher-priced vehicles such as the \$400,000 piece of apparatus in the department. It is a frequently used utility truck.

Everything specified for this vehicle is specially designed for the department's needs, said Chief Snyder. It will have an extended cab to hold and store \$40,000 to \$45,000 worth of EMS equipment so that lifesaving measures can be applied immediately. It will have a long bed so that patients on backboards can be loaded and transported on the truck with the hatch closed. The truck has a powerful engine because it tows the jet ski on and off the beach, and runs emergency traffic down the beach all summer in and around the crowds. Downsizing the number of lifeguards last year increased the call volume; the truck is used to respond to those calls and is constantly on and off the beach. Beach driving is harsh and hard on a vehicle. For example, the average 4-wheeler used by the lifeguards only lasts four years.

Councilman Doe asked where the money for the truck would come from, and Mr. Cooper said it is not in the budget. Councilman Doe asked how many miles were on the existing truck. Chief Snyder said 45,000 and while that might not seem like a large number, it was hard driving, in salt and sand constantly. The truck is rusting out and wearing out; the entire steering mechanism and driveshaft needs to be replaced. The truck has been used in four wheel drive so frequently that the gearshift is stripped. About a month ago, one of his

personnel stopped to assist a motorist. He placed the truck in park but since the gearshift is stripped, the truck slipped out of park, went into reverse, and smashed into a boat trailer. If the boat trailer had not been there, the truck would have landed in the sound. Such a safety issue is of great concern to him. When Fire Department personnel respond to a call or offer assistance, they must be 100% sure that the truck is operational. The last thing the Town needs is for the truck to slip out of gear and roll over someone.

Councilman Doe asked if the proposed truck was gas or diesel, and Chief Snyder replied that it is gas-powered. Councilman Doe said he could understand rust problems at 45,000 miles but he could not understand operational or engine problems at that mileage. Councilman Archer stated that the Town needed to buy a lift or build a garage pit or start using pressure washers to maintain this type of equipment. Chief Snyder assured the Council that every piece of equipment is thoroughly washed immediately upon return from every call on the beach.

Councilman Archer asked why Chief Snyder felt he needed a Silverado 2500HD instead of a Silverado 1500 4x4 or GMC Z-71 with a long bed. The Chief said he was looking at the power of the vehicle, because it needed to drag a trailer in soft sand. The actual price of the truck was only about \$17,000, he said, but the necessary extras (long bed, etc.) increased the price to \$20,951. Other necessary items (for example, radio and emergency light system) brought the total price to \$24,489.

The Town Manager told the Chief to take the truck to a Dodge dealer, have it completely checked out, and get an estimate for repairs necessary to bring it up to standard for using on the beach.

Councilwoman Roberson suggested calling Trent in New Bern to ask about GMC vehicles because GMC vehicles have a good reputation. Chief Snyder had obtained quotes from all the local Carteret County dealers, but had not contacted Trent. The State Contract dealer is Bobby Murray Chevrolet in Raleigh.

Councilman Archer asked Chief Snyder if he had checked sources for grant money, and Chief Snyder said he had. The only grant possibility would be the Assistance to Firefighters Grant, but utility vehicles are last on their list of awards. He is unaware of any grant money ever being given for the purchase of a utility vehicle.

Councilman Archer asked that other vehicles be looked at under the State Contract, such as those he mentioned earlier.

The Council will leave it to the Town Manager and Fire Chief to determine what needs to be done to acquire a truck.

B. Grant Application

The Atlantic Beach Fire Department has the opportunity to apply for a grant from the Federal government for needed equipment that requires a minimal 5% match on the part of the Town. The Assistance to Firefighters Grant Program is part of Homeland Security. Chief Snyder provided a list of equipment, including personal protective equipment, that he would purchase if the grant is awarded to Atlantic Beach. The total grant request is \$84,961. The Town is requesting \$68,561 and its 5% responsibility would be \$3,428.05. The money would apply to the FY 2005-06 budget. The Volunteer Fire Department is requesting \$16,400 and its 5% responsibility would be \$820.

Mr. Cooper hopes that the Council will look favorably upon this request. Action (motion) may be taken at the March 21, 2005 Council meeting.

4. Town Manager's Report

A. FY 2005-06 Budget Planning

Mr. Cooper provided the Council members with a preliminary schedule of budget activities. Budget packages and preparation instructions will be distributed to department heads on March 14. After working through the process with department heads, Mr. Cooper will provide the Council members with a budget for discussion purposes the week of April 18-22. The budget workshop process would take place from April 25 to May 13. The final budget would be presented to the Council at its May 16 meeting and Council would schedule a public hearing for June 6. It is anticipated that the budget ordinance would be adopted by the Town Council on June 20.

Mr. Cooper explained some key elements of change proposed to this year's budget process. Budget worksheets will be downloaded into Excel for easier initial data entry, management of revisions and adjustments, and presentation capabilities. The budget will be presented in summary and detail levels for Council consideration of appropriate levels of "certification" to create the most efficient process possible. The accounting process will continue at the detail level for management control purposes. In addition to the traditional budget information by department and account number, Mr. Cooper is asking each department head to provide a breakdown of the major functions within their departments by full-time equivalents (FTE) and services delivered. This should provide a better tool to determine the relationship between the "services we provide the citizens" and "the costs of those services" and therefore the ultimate "value" that these services provide/do not provide. Mr. Cooper has also instructed each department head to look for ways to streamline and/or create more efficiency in their departments through improvements in organization structure, service deliver planning and execution, and overall budget requests.

B. Wastewater Treatment Facility

Mr. Cooper reminded the Town Council that one of the key strategic goals identified at the January 15, 2005 retreat was the development of a plan to address wastewater treatment in the Town of Atlantic Beach. Council members' packets contained materials that document the steps taken in the past and the current state of those efforts, including (1) timeline of events from February 1985 to November 2004 relating directly to wastewater issues, (2) excerpt from the February 2, 2004 Council work session minutes pertaining to the status of the IMG contract, (3) Executive Summary of Events as of January 30, 2004 prepared by former Town Attorney Neil Whitford and IMG Executive Summary dated August 2002, (4) Finance Officer Wastewater Project Expenditures Report dated January 28, 2004, and (5) Town Clerk summary of Council meetings relating to the wastewater project from March 2001 to January 2004. Mr. Cooper said that this project needs to be addressed in a unified manner and a project manager needs to be assigned.

Councilman Creech stated that the Council needs to appoint people to a Sewer Committee. Mayor Dawkins and Councilmen Bailey and Archer should compose the committee, with the Town Manager heading the committee. Councilman Creech was speaking on behalf of Mayor Dawkins, who had already confirmed with Councilmen Bailey and Archer that they would serve.

Councilman Doe concurred with the committee. He thought the Council had agreed to keep the effluent within the Town limits. The Rose Group said the Town merely needed six acres for effluent disposal, but did not give specifications on the buffers that might be required. He would like to see this question answered completely. Councilman Creech said that the Town Manager must work with The Rose Group regarding buffers. Councilman Doe agrees with Planning Board Chairman Joe Tarascio that if stormwater is addressed, nonfunctioning septic systems will function and it will not be necessary to have a Town-wide sewer system. The sewer system could be a "needs area" system.

Councilman Bailey would like the Town Manager to work on identification of property within the Town limits suitable for effluent disposal. The Manager stated that partnering with the right consulting firm on the wastewater project is essential.

5. Sand Nourishment – Councilmen Archer and Doe

Councilmen Archer and Doe requested placement on the agenda so they could bring the entire Council up-to-date on the status of the sand nourishment project and the "punch list" of items needing repair and/or replacement. One punch list had been provided by the Town and another by the Corps of Engineers.

There were two items on the Town's punch list that concerned Councilman Doe. One was the washboarding on West Drive, and the other was significant deterioration of the Boardwalk due to large vehicle traffic during the project. He felt the Corps should compensate the Town for the loss of lifespan of those public facilities. Councilwoman Roberson said that the Town had given the Corps of Engineers permission to travel on those public facilities, and asked how the Town could weigh the benefit of free beach nourishment against items such as West Drive and the Boardwalk. Councilman Doe countered with the comment that the Town was doing something for the Corps, *i.e.*, accepting the dredging spoils. Councilman Bailey asked if there was any agreement that the Corps would leave everything in, or restore it to, the condition in which they found it. He added that if such issues were not covered from the beginning, it is hard to get anything done about them now. Mr. Cooper said he did not think there was such an agreement.

Councilman Archer stated that the contractual agreement was between the Corps and contractor Bean Stuyvesant. The Corps had made it very clear at the first briefing that they would be analyzing everything going on during the beach nourishment project. They would see that any damage incurred was repaired or replaced, and the contractor agreed to that with the Corps. Mr. Schulze and Mr. Cooper have worked closely with the Corps and Bean Stuyvesant, almost on a daily basis, and a number of items on the punch list have already been corrected.

One of the major items brought to the Corps' attention was tilling of the soil that had been placed on the beach. The Corps decided it would only till from a certain marker to a certain marker, and not till the entire 4.6 miles of beach. Councilman Archer brought this to the Council members' attention because he wanted them to be prepared in case they received any calls from the constituency, or heard of any injury. All the pipes for the project were welded and when they were dismantled, the pipes/ and welding beads had to be cut to be dismantled. As a result, many shavings, welding beads and pieces of scrap metal were left on the beach. He and Councilman Doe had asked that tilling not be performed until the Town of Atlantic Beach was advised of the start date. However, the tilling was done over a weekend with no notification provided to the Town. Councilman Archer said that no one knows what went down into the sand when it was tilled, and he hopes that nothing will come up that would injure anyone.

The Corps bears the responsibility, said Councilman Archer, and the Corps will not release Bean Stuyvesant until the Town Council concurs that everything is okay. He commended Mr. Cooper and Mr. Schulze for working on the punch list with the Corps of Engineers and Bean Stuyvesant. With regard to the two items raised by Councilman Doe, he said he does not know how one would determine what rippling effects have taken place on West Drive when over 300 18-wheelers traveled the road, or how to determine the damage to the Boardwalk with the amount of equipment that was in that area. If the Town is not satisfied,

Council needs to come up with a solution to determine “injury” to the Town and place a value on damage to the Boardwalk, etc.

Councilman Archer asked everyone to report to the Town Manager or the Public Works Director anything that s/he sees that is of concern to him or her.

Councilman Doe stated that the Council should either decide that this is a lesson for the future and let the issue go, or authorize the Town Manager and Public Works Director to negotiate financial compensation with the Corps of Engineers and Bean Stuyvesant to offset the damage. Councilman Archer said that the base under West Drive was inferior to begin with. The Town would have to bring in an expert to assess the street for compensation purposes. He would not press this particular issue. However, he does believe that the Town of Atlantic Beach should determine the damage to the Boardwalk. He is certain that Bean Stuyvesant has budgeted for minor repairs.

Councilman Doe asked the Town Manager and Public Works Director to negotiate with the Corps and Bean Stuyvesant regarding damage to the Boardwalk.

6. Mayor/Council Requests/Comments

Councilman Doe said he is sorry that he was not here for Councilman Bailey’s first meeting, and he is looking forward to working with him.

Councilman Archer asked Planning Director Lee Smith and Director of Inspections Donna Turner to provide a 2-3 minute briefing on the Coral Bay Ridge situation. Mr. Smith said a couple of permits were applied for, but they have stopped issuing permits until they hear from the Army Corps of Engineers regarding the Corps’ determination of the new wetlands line. Ms. Turner said that a bulkhead permit was issued. According to the survey, the lot on which it was built was not in the wetlands. Councilman Doe confirmed with Mr. Smith and Ms. Turner that all actions taken by Town staff with regard to permitting were legal and based on the law and the information provided by the developer, including surveys and maps. Ms. Turner said that everything with regard to the situation is now being handled by the Corps of Engineers and CAMA. The Town of Atlantic Beach staff had relied on signed, sealed and delivered documents for a professional engineer licensed by the state that showed the lot was not in the wetlands, she stated. This development was originally approved in 1998. The property was not certified until 2002. Ms. Turner suggested that there should be a “catch net” there in the future, *i.e.*, only one year should be allowed between approval and certification.

8. Adjournment

There being no further business before the Town Council, Councilman Doe made a motion to adjourn the meeting. Councilman Archer seconded, and approval was unanimous, 5-0. It was 8:35 p.m.