

Minutes
Town of Atlantic Beach, North Carolina
Town Council Work Session
Monday, April 4, 2005

The regularly scheduled work session of the Atlantic Beach Town Council was held Monday, April 4, 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, Tom Doe and Christie Roberson

Members Absent: None

Others Present: Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Leslie H. Eldredge, Town Clerk

CALL TO ORDER AND ROLL CALL

Mayor Dawkins called the meeting to order at 6:02 p.m. All Council members were present.

APPROVAL OF THE AGENDA

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

1. Ordinance No. 05-04-01, “An Ordinance to Repeal the Moratorium on Ground Signs Advertising Off-Premises Matters in the Town of Atlantic Beach, North Carolina” – Town Manager

Mr. Cooper told the Council the ordinance before them was merely an FYI item at this time and Council would be placed under the Consent Agenda on April 18, 2005. On March 21, 2005 the Town Council adopted Ordinance No. 05-03-02 which rewrote Section 18-204 of the Town Code to address the adverse effects of signs as they related to the safety of the motoring public and aesthetics of the Town while recognizing the right of private property owners to use their properties in reasonable manners.

While Section 18-204 was being revised, the Council placed a moratorium on ground signs advertising off-premises matters through May 17, 2005. Now that the revisions to Section 18-204 have been adopted, the moratorium is no longer necessary.

2. Medium Rescue Provider Certification – Fire Chief

Mr. Cooper spoke on behalf of Fire Chief Adam Snyder, who was unable to attend the work session. He said this was another FYI item to let Council know that the Atlantic Beach Fire Department had received notification from the North Carolina Association of Rescue and

Emergency Medical Services, Inc. regarding the Fire Department's Medium Rescue Provider certification. The Atlantic Beach Fire Department is the first fire department in Carteret County to receive this certification in medium rescue, and it is very prestigious. The Department attained this certification without any expenses to the Town.

3. Finance – Town Manager

A. Budget Transfer (FYI Item)

NCGS 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.

A transfer in the amount of \$500 was made from the Governing Body's Telephone & Postage line item to the Advertising line item to cover publishing expenses for the remainder of the fiscal year for legal notices required pursuant to the North Carolina General Statutes.

B. FY 05-06 Budget Templates Preview

Mr. Cooper provided the Town Council with the FY 05-06 Budget Worksheet formats for one representative department (Administrative Services Department) to illustrate the documents that Staff plans to use during this year's budget process. They included:

- a. Department / Summary Account View (Department Level)
- b. Department / Summary Account / Activity View (Department Level)
- c. Activity Views (includes Activities 1-4 for this Department)
 - (i) Activity / Summary Account View
 - (ii) Departmental Activities / Deliverables View
 - (iii) Activity / Summary Account / Object View
- d. Expansion, Equipment and Capital Outlay Needs

Initially what Staff did is pull information from the accounting software system as if they were beginning to prepare the budget the same way as last year, so the information is still in the same account number sequence. That sequence was then sorted into a new department

structure and associated new activities. Basically, the activities for Administrative Services are Finance, Town Clerk, Governing Body and General Administrative Support. Then the activities were broken down into specific deliverables, *i.e.*, the services that are provided to the citizens or in support of the actions of other departments in the Town. As part of this process, Staff is overlaying all the detailed objects of expenditure with summary level accounts in an attempt to better categorize. For example, salaries, FICA, insurance, overtime, and Christmas bonus are presented as the "Personal Services" category so the reader may see the true cost of what it costs to deliver a staff person to the Town. This was also done with Purchased Services; Supplies; Property, Land and Equipment; and Other and Special Projects. Staff is still accounting for everything on a daily basis at the same level of detail as exists now, so there is no loss of information.

4. Staggered Terms for Council – Town Manager

Mr. Cooper explained that Mayor Dawkins had asked that Staff research the procedures that would be necessary to institute staggered terms for the Town Council, and the Town Clerk had provided the Council with this information in their packets. Under North Carolina General Statutes Section 160A-101(4), this can be accomplished in one of two ways: (1) a local act submitted to the General Assembly to amend the Town's charter, or (2) adoption of an ordinance to amend the Town's charter.

The deadline for submission of local acts has already passed for the current legislative session. There are two ways to adopt an ordinance to amend the Town charter: (1) make it subject to a vote of the people and therefore effective only if approved by a vote of the people, or (2) do not make it subject to a vote of the people. However, if it is not subjected to a vote of the people, it would still be subject to a referendum petition.

Council could amend the Town Charter to allow for staggered 2-year terms. This would result in an election every year, which would be very expensive for the Town. Two-year terms could also result in less continuity and stability on the Council, since there is a possibility that new Council members would be elected every year. This constant change could affect the effectiveness of the Council.

Under a staggered 4-year term system, elections would still be held every two years; however, the number of seats up for election would vary. Four-year terms allow for more continuity and stability on the Council.

The Town Attorney announced that at this late date, the only way to institute staggered terms at this year's election is to adopt an ordinance to amend the charter *not* subject to citizen vote, and hope that no referendum petition is received. The Council would publish its intent to adopt an ordinance to amend the charter, call for a public hearing, hold the public hearing, go

through the process of publishing what it has done, and then the ordinance becomes effective only in time for the upcoming election. However, if the public decides it wants to vote on the proposed amendment, it may turn in a petition requesting such a vote. If a valid petition were received, there would not be enough time for that vote to be held in order to make the charter amendment effective for this election. The Council's only option at this time is to follow the procedure outlined by the Town Clerk as "Amendment of Town Charter by Ordinance – Not Subject to Citizen Vote." If the Council begins the process at its next meeting by adopting a resolution of intent and scheduling a public hearing, follows the process as outlined, and does not receive a referendum petition, it could just make the change in time for this year's election.

The Town Clerk's research is as follows:

**AMENDMENT OF TOWN CHARTER BY
ORDINANCE – NOT SUBJECT TO CITIZEN VOTE**

1. Council adopts a resolution of intent to consider an ordinance amending the charter to implement any of the optional forms (of government) set out in NCGS 160A-101. The resolution of intent must describe the proposed charter amendment(s) briefly but completely and with reference to NCGS 160A-101.
2. At the same time the resolution of intent is adopted, Council calls a public hearing on the proposed charter amendment. The date of the public hearing may not be more than 45 days after adoption of the resolution.
3. The public hearing notice must be published at least once not less than 10 days prior to the public hearing date. The notice must contain a summary of the proposed amendment.
4. After the public hearing, but not earlier than the next regular Council meeting and not later than 60 days from the public hearing, the Council may adopt an ordinance amending the charter to implement the amendment proposed in the resolution of intent.
5. Within 10 days after adoption of the ordinance, a notice must be published stating that an ordinance amending the Town Charter has been adopted. The notice must summarize the contents and effect of the ordinance.
6. After publication of the notice of adoption of the ordinance, the people have 30 days in which to file a referendum petition. The referendum petition must be addressed to the

Town Council and filed with the Town Clerk no later than 30 days after publication of the notice of adoption of the ordinance.

- a. A referendum petition must bear the signatures and residence addresses of 10 percent of the number of voters registered to vote in Atlantic Beach. There are currently 1266 active voters with correct addresses registered with the Board of Elections.
 - b. If a valid referendum petition is received, the Council must submit the adopted ordinance to a vote of the people in a special election.
 - c. The date of the special election shall be at least 60 days but no more than 120 days after receipt of the petition.
7. If no referendum petition is received within 30 days after adoption of the ordinance, the ordinance is put into effect.
 8. Any amendment affecting the election of city officers must be adopted and approved at least 90 days before the first election for mayor or council members held thereunder.
 9. Charter amendments must continue in force for at least 2 years after the beginning of the term of office of the officers elected thereunder.
 10. The Board of Elections requires a minimum notice of 90 days to add a ballot item to an upcoming election, or to schedule a special election.
 11. The Town Clerk files a certified true copy of the adopted Charter amendment with the Secretary of State and the Legislative Library.

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3. The public hearing notice must be published at least once not less than 10 days prior to the public hearing date. The notice must contain a summary of the proposed amendment.
4. After the public hearing, but not earlier than the next regular Council meeting and not later than 60 days from the public hearing, the Council may adopt an ordinance amending the charter to implement the amendment proposed in the resolution of intent.
5. At the same time the ordinance is adopted, the Council shall adopt a resolution calling for a special election for the purpose of submitting the ordinance to a vote. The date fixed for the special election shall be not more than 90 days after adoption of the ordinance.
 - a. The resolution must specify the details of the election and must be delivered to the Board of Elections.
 - b. The resolution shall call upon the Board of Elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted.
 - c. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not be held during a time period 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for the Town.
 - d. Legal notice of the special election shall be published no less than 45 days prior to the special election. The Board of Elections is responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held (in this case, the Town of Atlantic Beach).
6. The proposition to approve the ordinance is printed on the ballot in substantially the following form:

“Shall the ordinance (describe the effect of the ordinance) be approved?

() YES

() NO”

The ballot must be separate from all other ballots used at the election.

7. If a majority of the votes cast is in the affirmative, the plan contained therein is put into effect. If a majority of the votes cast is against the proposition, the ordinance is void and of no effect.
8. Any amendment affecting the election of city officers must be adopted and approved at least 90 days before the first election for mayor or council members held thereunder.
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Mayor Dawkins said that he strongly believes it is in the best interest of Atlantic Beach to have staggered terms.

Llewellyn Ramsey, 107 Bowen Street, Atlantic Beach, NC: Ms. Ramsey reminded the Town Council that she had been a member of the Council in the 1970s and the members all had four-year terms and all were eligible for re-election every four years. One of the first things she worked on, and got the Council to agree on, was staggered terms. Staggered terms provided continuity on the Council, she said, and that is what that Council wanted. Years later, when the Council amended the Town charter to do away with voting districts in Atlantic Beach, it also did away with staggered terms. She believes that with all the development and changes in the Town of Atlantic Beach and Carteret County, there needs to be continuity on the Council, and she is in favor of staggered 4-year terms.

Councilman Doe said he served on the last Council that was under staggered 4-year terms. He agrees with Ms. Ramsey that the Council should make the change, but not now. Do it after the election, he said, so there is no perception of “fixing things” one particular person’s way.

Councilwoman Roberson also agreed with Ms. Ramsey, but also agreed with Councilman Doe that it is the “right idea but the wrong time.”

Councilman Creech was against staggered terms at first, but now feels he was mistaken. He thinks it can and should be done now, and does not feel that it would be viewed as self-serving. He felt the mayor’s position should be kept at two years. Ms. Ramsey cautioned that people will be angry if the Council makes the change after the election by an ordinance not

voted on by the people. She felt the Council should either make the change by ordinance now without putting it to the vote of the citizens, or make the change later after the election and have the citizens vote on it.

Councilman Archer commented that several people had spoken to him in favor of staggered terms. He feels it should be done by ordinance, and believes that the Mayor should also serve for four years.

Councilman Bailey said that as a citizen, he would think staggered terms are great. As a Council member, he would have a hard time having the current seated Council institute 4-year terms. He would rather see the public vote on the issue so it does not look self-serving. He agreed with Councilman Creech that it should be done now, not after the election, if this Council wants to make the change. Councilman Doe believed that the change has to come from this Council, but wondered when it should be done. He believed it should be done fully in the open and if there is a public problem, let the public make the decision. Councilman Bailey replied that it should be done now, but that it might be perceived incorrectly by the public.

Ms. Ramsey cautioned the Council members that no matter what path they chose, they needed to act as a fully united Council.

A straw poll of the Council members showed that they were all in favor of amending the charter by ordinance, keeping a 2-year term for the low vote-getter at each election, keeping a 2-year term for the mayor, and changing the other terms to staggered 4-year terms.

5. Town Manager's Report

Mr. Cooper proposed implementing the following actions with regard to the Finance Officer position: (1) do not fill the Finance Officer position and make permanent his current dual Town Manager and Finance Officer role, (2) organize the Administration Department and Finance Department into a single new Administrative Services Department supporting all business services for the Town, (3) adjust the salaries of individuals (total impact approximately \$10,000) within the new Administrative Services are to properly reflect their roles and responsibilities, and (4) realize a net \$70,000 savings from current budgeted personnel requirements.

He made these recommendations based on the following observations and assumptions: (1) the proposed salaries more appropriately align the new Administrative Services roles with the experiences, skills and overall value to the organization of the individuals in these roles, (2) for those salaries directly resulting from increases in financial duties, these increases will be linked to the continuation of the proposed organization and

assignment of these functions, and reverts if the Financial Officer position is determined to be required in the future, (3) current staff has accepted the additional responsibilities since the departure of the former Finance Director in 2004 without complaint and has done an admirable job in managing the Town's financial and administrative functions, (4) the Town has effectively cut the use of outside consultants down to a bare minimum and managed the year-end process with limited outside assistance, and (5) the current budget for personnel-related expenses (salaries, overtime, FICA, retirement, 401(k), Christmas bonus and insurance) in the Administrative function is \$345,138. This will be reduced to \$275,120 after the re-alignments and proposed salary adjustments – a net savings of \$70,000.

It was the consensus of the Town Council that the Town Manager should move forward with his proposal.

6. Mayor/Council Requests/Comments

At the March 21, 2005 Town Council meeting, Councilman Doe had stressed the importance of installation of sand fence as the next step after beach nourishment and said he would bring a more formalized proposal to the Council at this meeting. He introduced George Brearey, a business associate with whom he has worked on sand fencing in the past. They had put together a package to send to oceanfront property owners, including (1) a cover letter that introduces Mr. Brearey, (2) a flier that describes and describes the sand fence issue and states the cost (\$2.50 per foot of property), and (3) a purchase order card for those who are interested in participating voluntarily. Councilman Doe said that Mr. Brearey will need approval from the Town Council for the sand fence proposal, a double set of labels from the tax office with oceanfront property tax bill addresses so he can mail the package to those owners, and a waterfront map of the entire beach that shows the lots and street addresses. In the past the public sector took care of public lands, stated Councilman Doe, comprised of beach accesses, street rights-of-ways, and all properties that are public domain. There is about 1,000 feet of public property on the Circle, he said, and approximately 1,430 feet of accessways, etc. The total expense for the Town would be \$2,500. If the Town participated fully, its portion would be \$5,500 or \$5,600. All of the Council members were in agreement that this project was a good idea.

Councilwoman Roberson commented that the Town Manager has moved forward with cleaning up the Causeway and making a beautification effort. She met with him to talk about what could be done to get a "fresher look" for the Town even though there is no money for beautification. One thing that could be done, she said, is to paint the seawall. What the Town does with regard to beautification leads to community involvement. Since the parking meters will not be installed and East and West Drives, she thought the meter posts should be removed. The Town Manager said that the Public Works Director is investigating the most efficient and least expensive cost to remove the posts. Most of the cost of removal pertains to

putting them back up if the Council decides it wants the parking meters reinstalled in the future, said Mr. Cooper,. It was the consensus of the Council members to wait until a cost estimate is received before they decide whether or not to have the posts removed.

Councilman Archer asked the Town Attorney for an update on the Durham Avenue ADA-compliant access. He has been receiving questions from people about the facility. Mr. Taylor replied that he has been performing the necessary title search; unfortunately, former Town Attorney Neil Whitford's associate, Melissa Berryman, said that they cannot locate their prior research. Mr. Taylor suggested that before a final determination is made with regard to the matter, as a matter of respect to the property owners on either side of the access, the Town should discuss it with them to make them aware of what is going on. The legal aspects should be resolved very soon, he said.

Councilman Creech stated that comments are comments and do not merit discussion. Every comment that was made tonight was discussed, he said.

7. Town Attorney's Report

The Town Attorney had nothing to report.

8. Adjournment

There being no further business before the Town Council, Councilman Creech made a motion to adjourn the meeting. Councilman Archer seconded, and approval was unanimous, 5-0. It was 7:57 p.m.