

**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Work Session**  
**Monday, June 6, 2005**

The regularly scheduled work session of the Atlantic Beach Town Council was held Monday, June 6 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; Marc Schulze, Public Works Director; Donna Turner, Inspections Director; Lee Smith, Planning Director; Sabrina Simpson, Deputy Town Clerk; Adam Snyder, Fire Dept. Chief; Kim Glover, Admin. Asst.

**CALL TO ORDER AND ROLL CALL**

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

**APPROVAL OF THE AGENDA**

Councilman Doe made a motion to adopt the agenda with two additions:

1. Executive session at the end of the meeting to discuss status of legal action with Attorney.
2. The addition of the topic of channel dredging and a discussion leading to action.

In explanation, his second item, dredging was on the agenda and the Mayor chose to remove it. Councilman Doe stated that our Town Charter is clear and simple on the Mayor's duties; he/she is to chair meetings and vote in ties. He said that no where in our Charter or State laws is the Mayor empowered to mandate or control the Town Council's agenda or decide what would or would not be debated. As to the Mayor's vote, until there is a motion or a second, there can be no tied vote.

Councilman Doe requested the Council's support in allowing the discussion of a subject that was of immediate and legitimate concern to a large number of people in the Town. He could not comprehend a set of facts that would allow him to refuse to hear any of his fellow members of Council if they said they needed to talk about something and they needed to talk now. He felt that the Council would not choose to muzzle him. He also requested a second to his motion to adopt the agenda with the addition of two items, the executive section and channel dredging.

Councilman Bailey seconded the motion to approve the agenda. He stated that Ted Tyndall would be arriving around 6:30 p.m. to discuss the CAMA Minor Permit Contract. Councilman Doe amended his motion to include Councilman Bailey's comment.

Mayor Dawkins asked the Council if there was any discussion on what Councilman Doe had said. Councilman Roberson was concerned with the fact that citizens had attended this evenings meeting for other issues besides the budget which is the matter for Public Hearing. Councilman Creech suggested we do a citizens comment section before the Public Hearing. The motion to approve the agenda carried unanimously 5-0.

### **CITIZEN'S COMMENTS**

**Katherine Abbott, 314 E. Boardwalk, Atlantic Beach, NC:** Ms. Abbott was upset about the five inches of water in everybody's yard because the Town failed to keep the pumps clean. She said she had lived here for thirty years and the situation was not any better.

**Karen Koenig, 404 E. Terminal Ave., Atlantic Beach, NC:** Ms. Koenig stated she was three hours late for work because she could not get out of her driveway due to standing water. She felt it was a band aid situation where she lives. She reminded the Council of fecal coli form in the water. Also, the sand needs to be filled in where the dune was breached.

**Vada Palma, 116 Island Quay, Atlantic Beach, NC:** Ms. Palma stated she wanted to speak for her old friends on W. Bogue Blvd. They were elderly people who could not be at the meeting tonight. They wanted her to speak on their behalf and tell the Council they had been under three feet of water at one time. Ms. Palma was here tonight to plead for some business owners on the circle. She stated that because of the incredible transition the Circle had undergone, the citizens were concerned they had lost their parking spaces. She wanted the Council to consider having some courtesy parking for the business owners.

**Capt. Jim Willis, 104 Atlantic Beach Causeway, and Atlantic Beach, NC:** Capt. Willis stated after Hurricane Hazel they built a dike around his area to keep water from flooding everything he had. He stated the dike had held very well. However, during the last rain we had, a car came by and created a swell, breached the dike and flooded the place next door.

Councilman Archer stated the staff had been working on the storm water mitigation problems and will continue to do so.

Councilman Doe made a motion to go into public hearing. The motion was seconded by Councilman Creech. The motion carried unanimously, 5-0.

## **Public Hearing-Fiscal Year 2005/06-Town Manager**

**Capt. Jim Willis, 104 Atlantic Beach Causeway, Atlantic Beach, NC:** Capt. Willis showed with his applause that he approved of the budget for the FY of 2005/06.

Councilman Doe made a motion to go out of public hearing. The motion was seconded by Councilman Archer. The motion carried unanimously, 5-0.

### **1. CAMA Minor Permit Contract**

Mayor Dawkins stated the Town Manager, Chuck Cooper, had been asked by a Council member to bring this matter before the Council at this session for additional discussion.

Councilman Bailey expressed he was the Council member that asked for this matter to be put back on the agenda. He said he had made the decision at the last meeting to not renew the CAMA contract without all the facts. He stated that Ted Tyndall had come to the meeting tonight to provide the Council with more details so the Council could make a more informed decision.

Ted Tyndall stated the majority of beach towns do have the CAMA program. He said CAMA was intended to regulate development with a one stop process and was intended to consolidate the process. It was not designed to be a revenue generator, but a convenience to the Town citizens. The Minor CAMA Permit was intended to process those projects that were high ground development. It means there is no other State or Federal permits required. Mr. Tyndall informed the Council that CAMA had training sessions available for the local government officials and they would pay for their attendance. There were templates for the computer for all local governments. The paperwork that would have to be done for a permit would be on the computer and all one had to do was in fill in the blanks. Mr. Tyndall felt that Kellie and Donna did an excellent job implementing the CAMA program and he recommended that the Town stayed in the program.

Councilman Doe thanked Mr. Tyndall for coming down from Raleigh. He stated that the Town's inspection department was over tasked and we do not have the money to go out and get help. Councilman Doe reminded Mr. Tyndall of the fact that CAMA failed to respond quickly enough when the Town and one of its employees were spread all over the newspaper.

Ted Tyndall stated he spoke with the media and tried to resolve the situation. He said he had the utmost respect for Donna and Kellie and was sorry for what had happened.

Councilman Doe would like to see Chuck Cooper, Town Manager do a cost analysis for the next meeting in order to make a decision.

Councilwoman Roberson said the night of the discussion she did not clearly understand where the staff was coming from. She would like for Mr. Cooper to discuss this matter with Donna and Kellie on whether the matter should be brought to Council.

Councilman Archer asked Mr. Tyndall if Raleigh looked at the costs of the overhead. Mr. Tyndall said he would take the concern back to Raleigh. Councilman Archer said it needs to be more realistic. He would like to see CAMA come up with an online application.

Councilman Creech commented that every town had a problem now and then. He had a lot of citizens speak highly of Donna and Kellie for providing their services so they do not have to hunt down CAMA.

Mayor Dawkins was in agreement with Councilman Creech's comments.

Mayor Dawkins and the Council thanked Mr. Tyndall for coming down from Raleigh.

## **2. Parking**

Mayor Dawkins asked the Council for discussion regarding the parking issue.

Councilman Archer stated that the Council had debated and discussed this issue on many numerous occasions. He said we had a plan that worked well with the parking stickers. He had many comments from citizens of Atlantic Beach in favor of the parking stickers. Councilman Archer said we need to assist our business owners this year since this will probably be the last year for meters.

Councilman Archer made a motion to remove the parking meters at the Pavilion parking lot, Atlantic Avenue and the dirt parking lot across from the Crab's Claw. We would leave the CAMA lot meters and New Bern Avenue in order to take those funds to utilize the repair of the bathrooms and traffic flow. He stated it was not a political move on his part. He would also like to see the posts sawed off and removed from the premises.

Mayor Dawkins asked if it would be the pleasure of the Council to vote on the parking issue.

Town Attorney, Derek Taylor, asked if everyone understood what the motion would be. He stated that the work session meeting doesn't have to be strictly a work session. Issues can be voted on during that time.

Councilwoman Roberson seconded the motion made by Councilman Archer.

Councilwoman Roberson was concerned that if we cut down the meters it could confuse the parking. She would also like to consider having thirty minute parking spots for businesses.

Councilman Creech stated he would like to leave the poles in the dirt lot to show people where to park. The expense of cutting down the poles could wait until another time. He said he had always been for getting rid of the parking meters. He agreed with Councilman Archer that we need to keep the meters at the beach accesses to be able to govern parking. He stated we need to keep the handicapped parking places.

Councilman Doe stated that he had heard for four years now, we were not going to have parking meters. He said he could not stand behind cutting down the poles in case we may need them in the future. He stated the council needed to re-visit parking permits or thirty minute parking. He was also concerned if we do away with the meters, the budget would suffer more.

Councilman Roberson stated we had been going through this for six years. She said we had discussed this issue about the budget and found out it would not effect it. She stated she wanted to take a stand for taking down the parking meters and the poles that go with them.

Councilman Bailey stated he thought the meters on Atlantic Avenue helped the businesses because they provided turnover.

Mayor Dawkins called for a vote on the motion to remove the meters at the Pavilion and Atlantic Avenue, the dirt lot at the Crab's Claw and to leave meters at the CAMA lot and New Bern Avenue to maintain the bathhouses and traffic flow. Also, included the posts sawed off and removed from the premises. The vote was 3-2. Councilwoman Roberson, Councilman Archer and Councilman Creech for the motion. Councilman Doe and Councilman Bailey voted in the negative.

Mayor Dawkins called for a break in proceedings at 7:30 p.m.

The meeting reconvened at 7:42 p.m.

### **3. Intersection Safety Survey**

Mr. Cooper stated that Councilman Doe had reminded him that the Council had asked for a survey of sight distance problems and intersections. He said the Police Department had done the survey and forwarded it Marc Schulze, Public Works Director. He stated that the Public Works group is ready to start cutting shrubs and working on the intersections.

#### **4. Sale of Town Land**

Mr. Cooper informed the Council of the receipt of a letter and several other background documents from Mr. Zachary Taylor requesting consideration of the sale of Town land located generally behind the Post Office off West Fort Macon Road.

Councilman Doe asked the Council if anyone knew the pros and cons of buying swampland. Councilman Bailey and Attorney Taylor said he could put a pier on it. Councilman Archer agreed that Mr. Taylor probably wanted the land for piering rights.

Mayor Dawkins said the plan was to cut out the undergrowth so it could dry out for piering rights.

Councilman Doe stated he hoped the Council recalled the presentation of using the land for a nature reserve.

Councilman Archer stated he had no problem with Mr. Taylor's motive and suggested we hold onto the property, thank him for his offer and look into what we could use it for.

Attorney Taylor said if we do not do this as a "swap", it would have to be bid out.

#### **5. Council Meeting Minutes (December 2004-May2005)**

Chuck Cooper, Town Manager, stated the approval of the minutes for the time period of December 20, 2004 through May 16, 2005, would be requested under the Consent Agenda on June 20, 2005.

#### **6. Town Manager Performance Evaluation**

Mr. Cooper asked the Council to set up a date for an initial review and evaluation performance. Councilman Doe said he would like to set the date for the meeting as a closed session without any staff or attorney present. The date was set for June 27, 2005 at 6:00 p.m. in the boardroom.

#### **7. Homeland Security Grant**

Mr. Cooper informed the Council that the grant came in as the full amount with no match required. The award was in the amount of \$169,800 and the boat was now being built.

## **8. Dredging**

Councilman Doe reminded the Council of the e-mails they received regarding the feeder channels. He stated he told Mr. Cooper the reason he wanted the subject of dredging put on the agenda was he had hoped Mr. Cooper would come to the meeting with a plan. Councilman Doe asked the Council for their support in getting action/costs options for dredging the feeder channels.

Councilman Bailey recommended the Town apply for a 1000 cubic yard permit because those permits were easy to get.

Mayor Dawkins stated he was concerned that this suggestion would not make the public happy. The Town had no where to put the spoils. The Mayor felt we also needed to get grant money for this. He stated if you follow the buoys, even at low tide, a fairly large boat can still make it through the channel. He said there were a number of citizens and taxpayers that stated if it isn't broke do not try to fix it.

Councilman Creech stated he did not want to band aid this issue anymore. He would like to see it done right.

Councilman Creech and Councilman Bailey agreed the Town should get the permit because it would be good for six months and we would have it in case we needed it.

The Town Council instructed Mr. Cooper to seek a permit.

## **9. Closed Session**

**Consult with Town Attorney regarding Matters Protected by the Attorney-client Privilege of Potential Litigation Pursuant to NCGS Section 143-318.11 (a) (3).**

Councilman Doe moved that the Council enter closed session in accordance with the North Carolina General Statue Section 143-318.11 (a) (3) to consult with the Town Attorney regarding matters protected by the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure or judicial action or potential litigation. Councilman Creech seconded, and the motion carried unanimously, 5-0. It was 8:25 p.m.

Councilman Creech made a motion to go back into open session. Councilman Doe seconded and the motion carried unanimously, 5-0. It was 8:55 p.m.

## **10. Adjournment**

There being no further business before the Town Council, a motion was made by Councilman Doe to adjourn the meeting. It was seconded by Councilman Creech. The vote was unanimous 5-0. It was 9:00 p.m.