

**Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, June 20, 2005**

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, June 20, 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; Marc Schulze, Public Works Director; Lee Smith, Planning Director; Donna Turner, Inspections Director; Adam Snyder, Fire Chief; Kim Glover, Admin. Asst.

CALL TO ORDER AND ROLL CALL

Mayor Pro Tem Doug Creech called the meeting to order at 6:00 p.m. Mayor Dawkins was absent.

PRAYER AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Councilwoman Roberson moved to approve the Agenda, seconded by Councilman Doe. Motion carried unanimously 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. Tax Releases (\$151.80)

The Tax Collector submitted the following 2005 tax releases for approval:

a. Charles W. Sharpe	\$151.80	Value incorrect
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2. Tax Collection Report for May 2005 (FYI Item)

Ms. Buda submitted the tax collection report for May 2005 which showed that \$4,704.33 had been collected. The year-to-date collection total for 2004 at the end of May was \$1,949,147.85.

3. Budget Transfers (FYI Item) and Amendment

1. Transferred \$1,000.00 from the Fire Dept. Supplies line item and \$1,000.00 from the Fire Dept. Misc. line item to total \$2,000.00 into the Rescue Supplies line item to cover service contract with Medtronics.
2. Transferred from the Planning Department Contracted Services line item \$1,500.00 and from the Misc. line item \$100.00 to total \$1600.00 into the CAMA Land Use Land line item for final payment on Phase I of 2005 CAMA Land Use Plan.
3. Budget Amendment No. 14 increased the Fire Dept. Vehicle Maintenance expense and Insurance Proceeds revenue line by \$3,192.00 for wave runner repairs reimbursed by liability insurance.

4. Town Council Meeting Minutes Approval

Mr. Cooper advised the Council that the Town Council Minutes from December 20, 2004 through May 16, 2005 would be reviewed at the June 20, 2005 meeting.

Councilman Archer made a motion to approve the Consent Agenda. Councilman Bailey seconded, motion carried unanimously 4-0.

CITIZEN REQUESTS/COMMENT

ACTION AGENDA

1. Approval of FY05-06 Budget and Budget Ordinance 05-06-01-Town Manager

Mr. Cooper reminded the Council that the public hearing for the Fiscal Year 2005-06 budget was held on June 6, 2005. The specific ordinance that needed to be approved to put this ordinance in place needed to be voted on at tonight's meeting. He asked if the Council had any questions about it. There were no questions by the Council.

Councilman Doe voiced his disapproval of this year's budget by reading from a letter he composed for the Council. **(Clerk's Note:** A copy of the letter written by Councilman Doe is incorporated herein by reference and hereby made a part of these minutes.)

Councilman Archer congratulated the members of the Atlantic Beach Town Council, department heads and staff for diligently working among themselves in order to bring a realistic budget to us. He was very proud that the Town was able to maintain the tax rate it was at right now in order to serve the citizens of Atlantic Beach.

Councilwoman Roberson stated this was the sixth year there had not been any tax increase. She said our Town would be able to proceed with new projects without raising taxes. There were many other ways to generate money for this Town.

Councilman Bailey agreed with Councilman Doe about spending too much. He was concerned that it might appear that we are spending it all at one time. Even so, as he looked through the budget there appeared to be very little he would cut.

Councilwoman Roberson clarified that she was paying more for her water bills and solid waste than she was for her taxes. She felt the Council was trying to pin down where the money is going and how to save money. She said by us having a strong tax base it will draw new citizens.

Councilman Creech stated he was looking at the future for the Town. He felt it was not just the Circle that would be generating funds but the whole town. In 2006 we would be getting a new tax evaluation that would shock the whole Town. He thought the budget itself was fine.

Councilman Archer moved to adopt Ordinance No. 05-06-01, "An Ordinance Making Appropriations for the Fiscal Year 2005-2006 Annual Budget". Councilwoman Roberson seconded the motion. Mayor Pro Tem Doug Creech called for the vote on Councilman Archer's motion, and the budget was approved by a vote of 4-1, with Councilman Doe voting in the negative.

(Clerk's Note: A copy of Ordinance No. 05-06-01 is incorporated herein by reference and hereby made a part of these minutes.)

2. Planning Board Report-Planning Board Chairman

Lee Smith, Planning Director, gave the monthly report on the Planning Board Activities as Chairman Joe Tarascio was unable to attend this evening's meeting.

For the past year, the Board had been working on the CAMA Land Use Project. They went ahead and closed out Phase I of the CAMA Land Use Plan. The Planning Board received the grant award to start on Phase II.

Councilman Doe stated he had some questions about the minutes from the Planning Board's April 6, 2005 meeting. On page 4, last paragraph, he said he hoped that the Board goes into the storm water and drainage issues extensively. He commented he hoped that the Phase II plan reflected this concern and need. On page 5, was referenced a catalog of all sorts of things and he hoped that the beach preservation plan was incorporated into this. Councilman Doe had spoke with Mr. Cooper to get some agreements in place with the Corps. After several meetings, it appeared the Corps went deaf after the project was over. He felt it was a waste of the Town's time to try and work with the Corps without any agreements. We need to either work with the Corps or go in our own direction. On page 5, last paragraph, he felt at some point in time we would have to say no more conversion of commercial property to residential property. It would be a mistake to have a town with the absence of commercialism.

Mr. Smith stated that the transition of commercial to residential property had been an issue as long as he had been there. It would be a key component of the Land Use Plan as well. The storm water and drainage issues would not be the responsibility of the Land Use Plan. The Land Use Plan was to identify issues and needs and to set a course to accomplish those.

Councilman Archer stated that we had to have a storm water plan to move forward with our central wastewater system. The Council had already requested of the Planning Board that this study be so commenced and looked into in order to get it moving. Mr. Smith was correct in saying that the CAMA Plan was a way of identifying the problems. In reference to page 3, (April 6, 2005 minutes) Archer asked to remove the last sentence of paragraph 2. He said it was not factual. He does not want IMG to think the Town was operating within their perimeters.

Councilman Creech instructed that the Council could not change the Planning Board's minutes.

Town Attorney, Derek Taylor, stated that the Planning Board could bring up the changes at their next meeting and put it in a subsequent set of minutes.

Councilwoman Roberson asked Mr. Smith if the Board was moving toward a vision statement.

Mr. Smith responded yes and he requested everyone to send him ideas.

Councilman Archer cautioned Mr. Smith and the Planning Board to be very concise and realistic because when the CRC reviewed this plan, they would hold us to what we state we want to accomplish. They do pay attention to everything.

3. Request for Public Hearing-Rezoning of 305 Lee Drive-Planning Board Chairman

Lee Smith, Planning Director, forwarded a citizens request for a public hearing related to the rezoning of the property at 305 Lee Drive. The Council was asked to schedule this hearing for its regular meeting on July 18, 2005.

Councilman Doe asked Derek Taylor, Town Attorney, if the issue of Lee Drive involves spot zoning. Attorney Taylor informed the Council that spot zoning was not illegal and when it came time to making a determination whether or not we should do the rezoning, we needed to consider that. He stated that the Council should make determinations of whether this zoning was appropriate for that area and look at everything that could be done in that zone when deciding on the rezoning issue.

Councilman Doe made a motion to call for a public hearing on July 18, 2005. The motion was seconded by Councilman Bailey. The motion carried unanimously 5-0.

4. Resolution No. 05-06-02, "Resolution for the Municipal Agreement between the Town of Atlantic Beach and the N.C. Department of Transportation" -Town Manager

Mr. Cooper, Town Manager reminded the Council that the NCDOT is providing \$75,000 additional funding for sidewalk construction beyond the original grant of \$125,000 already approved by Council resolution. This grant by NCDOT for the construction of sidewalks in the western part of town is covered by the attached Municipal Agreement WBS: 30429. The NCDOT requests that the Town Council pass the attached resolution indicating its approval of this agreement.

A motion was made by Councilman Doe to approve Resolution No. 05-06-02 and seconded by Councilman Archer. The motion carried unanimously 5-0.

(Clerk's Note: A copy of Resolution No. 05-06-02 is incorporated herein by reference and hereby made a part of these minutes.)

5. CAMA Minor Permit Contract-Town Manager

Mr. Cooper informed the council of the need to approve the renewal of our agreement with CAMA to provide minor assistance for FY 2005-06.

Councilman Doe stated his recollection of the position of the Council being that yes they were willing to re-visit the issue. They were also waiting on a package or some kind of good case argument on why they should change their minds. The question had also been left open on how we get the money anywhere near the service that is being done. These are still concerns of his.

Councilman Archer asked if Mr. Cooper had heard anything from Ted Tyndall. His response was no.

Councilman Archer reminded the Council of their meeting with Ted Tyndall. He had some problems with the arrangement between CAMA and the Town as it related to the percentage of time our staff was using among themselves. At the meeting with Mr. Tyndall, he stated that the \$1800.00 we received was totally unrealistic in 2005. He believed that this is a service to the builders and developers. He agreed that it was wise to approve the contract with CAMA.

Councilman Bailey stated he had led the charge to vote against it but had since changed his mind.

Councilman Archer moved to renew the CAMA Minor Permit Contract for one year. Councilman Bailey seconded and the motion carried unanimously 5-0.

6. CAMA Grant-Town Manager

Mr. Cooper stated that the Town submitted a preliminary proposal to CAMA to help fund the acquisition of emergency beach access on the eastern end of Atlantic Beach. Our initial proposal had received favorable consideration by CAMA and we are now requested by CAMA to move to the next application phase. The grant is typically 75/25.

Councilman Bailey made a motion to move forward with the identification of available properties and continue the grant application process related to the acquisition of emergency beach access in the Henderson Boulevard section of the Town. Councilman Archer seconded. Vote was carried unanimous 4-0.

Councilman Doe was concerned that this access would be a secure emergency access only. Mr. Cooper stated this access would be a gated and locked access.

7. Audit Contract-Town Manager

Mr. Cooper requested we move forward with our contract with Carter, Williams & Scarborough, and L.L.P. to provide audit services to the Town of Atlantic Beach for FY2005-06.

Councilman Doe asked how long Mr. Cooper would want to continue working with this particular company. Mr. Cooper stated it would be hard for him to switch companies this year but maybe in a year or two.

A motion was made by Councilman Archer to approve the renewal of our contract with Carter, Williams & Scarborough, and L.L.P. to provide independent audit services to the Town of Atlantic Beach for FY 2005-06. It was seconded by Councilwoman Roberson. Motion carried unanimous 5-0.

TOWN MANAGER'S REPORT

Mr. Cooper told the council he had received as of today, from the Bogue Blvd residents, a document of some of the issues they encountered during the flooding. He asked that the Council read the letters and give him their feedback. Also in one additional document, there is an absentee homeowner who lives out of the country, whose permanent residence is 316 E. Boardwalk, who had asked for the Council to look at his flooding situation and see if they had any suggestions on improvements.

(Clerk's Note: A copy of the letters was provided for the Council members to review individually and are incorporated herein by reference and hereby made a part of these minutes.)

TOWN ATTORNEY'S REPORT

Attorney Taylor had nothing to report.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilman Bailey asked if anybody had received any feedback with the meters down.

Councilman Creech said it appeared to be business as usual and Councilman Archer said all he had heard was thank you.

Councilman Doe reported that the beach access at Dunes Ave. and Club Colony had slick concrete from the sand and he requested to get it cleaned up and keep it that way. Also, he would like to see a handicapped access there. Councilman Doe stated what had happened on Wilson and Boardwalk should never have happened. He said we do not remember our history. He stated we have to re-work our perk areas from the Circle to Wilson Ave. so that we can contain and perk out the water behind the dunes.

Councilwoman Roberson agreed with what Councilman Doe said. She informed the Council that the Town received a check for \$500.00 from Buddy Davis for beautification. Mr. Davis asked when we would be taking down the meter poles. Mr. Davis asked that Councilwoman Roberson bring up the concept of 30 minute parking spaces. She commended the Public Works Department on keeping the trash picked up. She stated she heard a lot of bad language while at the Circle.

Councilman Archer asked Marc Schulze how it was going with proceeding with the right-of-way clearings. Mr. Schulze said it was finished.

ADJOURNMENT

There being no further business before the Town Council, Councilman Creech made a motion to adjourn the meeting. Councilman Bailey seconded, and approval was unanimous, 5-0. It was 7:20 p.m.