

Minutes

Town of Atlantic Beach, North Carolina Town Council Meeting Monday, October 17, 2005

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, October 17, 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 Tom Doe

Members Absent: Christie Roberson

Others Present: Chuck Cooper, Town Manager; Derek Taylor, Town Attorney; Scott Kilpatrick, Police Chief; Marc Schulze, Public Works Director; Lee Smith, Planning Director; Joe Tarascio, Chairman of Planning Board; Kim Glover, Admin. Asst.

CALL TO ORDER AND ROLL CALL

Mayor Dawkins called the meeting to order at 6:00 p.m. Councilwoman Roberson was unable to attend this evening's meeting.

PRAYER AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

A motion was made by Councilman Creech to add a Closed Session as Item # 5 on the Agenda. There was a second by Councilman Bailey. Motion carried unanimously, 4-0.

There was a motion by Councilman Doe to have Budget Amendment #3 removed from the Consent Agenda and moved to Item #1 on the Action Agenda, and then to approve the revised Agenda. Seconded by Councilman Creech this carried by unanimous vote 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 Collection Report for September 2005 (FYI)

Ms. Buda submitted the tax collection report for September 2005 which showed that \$109,602.90 had been collected. The year-to-date collection total for 2005 at the end of September was \$476,891.54

2. Tax Releases (2,175.46)

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

<u>NAME</u>	<u>ACCOUNT#</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
AT&T Communications	8000907	\$ 0.45	2005	Minimum bill
Carolina American Tours	8000906	\$ 1.77	2005	Minimum bill
Hudnell, Joseph R	2272	\$ 338.68	2005	Billed in error
King, W C	42672	\$ 23.65	2005	Incorrect owner
Harrison, Brenda C	48477	\$ 12.62	2005	Double billed
Averett, James	342365	\$ 18.47	2005	Billed in error
Isley, Frank	364009	\$ 6.33	2005	Double billed
C & G Properties	394259	\$ 745.12	2005	Incorrect owner
Vann, Leland L	801	\$ 98.69	2005	Incorrect value
Smith, Betty T	1792	\$ 30.37	2005	Incorrect value
Bell, Charles E Jr	22062	\$ 45.08	2005	Billed in error
Sparkwell Holdings LLC	361955	\$ 368.00	2005	Incorrect owner
Simon, Charlene	404551	\$ 8.94	2005	Double billed
Jenkins, William H	2087	\$ 31.55	2005	Incorrect value
Merritt, Lawrence M Jr	2091	\$ 31.60	2005	Incorrect value
Kelley, Gordon R	47915	\$ 211.12	2005	Incorrect value
Thomas, Mildred C	384403	\$ 203.02	2005	Incorrect value
	TOTAL	\$ 2,175.46		

3. Request for Tax Refund (197.38)

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

- a. Vann, Leland L. \$197.38 Value adjusted per Carteret County

4. Budget Amendment No. 4

Budget Amendment No. 4 for \$750.00 provides more funds in the Safety Program line item from a Safety Grant through the League of Municipalities for the purchase of traffic cones, benefiting both the Fire and Public Services Department.

(Clerk's Note: A copy of Budget Amendment No. 4 is attached and hereby made a part of these minutes.)

5. Town Council Meeting Minutes-September 19, 2005 and October 2, 2005.

The Town Manager requested approval of these meeting minutes.

A motion was made to approve the Consent Agenda by Councilman Doe and seconded by Councilman Creech. The motion carried unanimously 4-0.

CITIZEN REQUESTS/COMMENTS

1. General Comments

Capt. Jim Willis, 104 Atlantic Beach Causeway, Atlantic Beach, NC

Capt. Willis stated with all the money the Town would be making with Fred Bunn, we should be able to hire a new Town Clerk. He said he did not receive his Sunshine List this month. He also stated that the Council should set a date tonight for the new Town Council to be inaugurated. He also requested to be put on the agenda for the next Town Council Work Session meeting to discuss "non-request issues". The Council informed him to go through the proper channels to do so.

Councilman Harry Archer, 411 West Boardwalk, Atlantic Beach, NC

Councilman Archer congratulated all his colleagues who will continue to serve after the election on October 11, 2005. He felt it was a clean and hard campaign. He wanted to thank everyone on behalf of him and his family for all the years of support. They are all very grateful to everyone. In every contest there has to be a winner and he congratulated Tootsie Vinson on her Mayoral victory. He said he would continue to serve the Town of Atlantic Beach in the future.

2. Comments related to Re-zoning at 2800 West Fort Macon Road, 208 Tryon Street, 203 Money Island Drive, 500 Money Island Drive, and 500 East Fort Macon Road

Town Manager Chuck Cooper stated that due to the rescheduling of the Public Hearing on the re-zoning requests to the November 2005 Council Meeting, the Council would take public comments with the provision that any comments offered would be carried forward to the formal Public Hearing on these re-zoning requests.

Planner Lee Smith stated there had been several requests for re-zoning. The applicants went to the Planning Board and received approval to approach the Town Council. An audience member interjected by asking who wanted the re-zoning done and Mr. Smith said it was Mr. Bradley of Sportsman's Pier. Mr. Bradley would like the pier re-zoned to residential. Councilman Doe stated the transition appears to be moving more toward residential. An audience member asked for copies of the paperwork. Councilman Doe informed the gentleman to go to the Town's website and he could obtain all the information he needed there.

Becky Elkins, 303 Glen St., Atlantic Beach, NC

Mrs. Elkins stated she had concerns of the land being re-zoned. She's afraid that Atlantic Beach could turn into another Myrtle Beach. She doesn't want her view of the ocean obstructed with condos and was afraid it would hurt her income. She stated she would never want to see the piers disappear. There are too many people of all ages who enjoy our piers. She wanted to go on record stating she was not in favor of removing the pier. She said she tried to get a permit to have her parking lot paved and the Town wouldn't let her, so how could they be thinking about putting condos up there? She was in favor of the pier being used as a landmark by the Town. Councilman Creech informed her the pier is not owned by the Town but by Mr. Bradley.

Vada Palma, 116 Island Quay Court, Atlantic Beach, NC

Mrs. Palma informed the Council that insurance on a pier is very expensive and she was surprised Mr. Bradley had been able to keep it afloat after all these storms. She stated that unless you own front row property, you could expect for your view to be obstructed eventually.

ACTION AGENDA

1. Budget Amendment #3

Due to the large amount of money involved with this budget amendment, Chuck Cooper, Town Manager explained to the Council that the Fire Department had received the Assistance

to Firefighters Grant and the matching portions will be paid with funds previously budgeted under Capital Outlay for the hose that the grant will now be purchasing.

(Clerk's Note: A copy of Budget Amendment No. 3 is attached and hereby made a part of these minutes.)

Councilman Doe made a motion to approve Budget Amendment #3. Councilman Archer seconded and the vote was unanimous, 4-0.

2. Planning Board Report –Planning Board Chairman and Planning Director

Joe Tarascio, Planning Board Chairman, stated his comments would be brief tonight and he didn't have anything to report.

Lee Smith, Planning Director informed the Council and citizens that he had put together a visual slideshow that would explain the three proposed re-zoning amendments. Mr. Smith read aloud the details of the slideshow to the Council and citizens.

(Clerk's Note: A copy of the Planning Board's Comparison of Current and Proposed Zoning Amendments presentation is attached and hereby made a part of these minutes.)

Mr. Smith asked if there were any questions, which there were none.

Mayor Dawkins stated we needed to go into public hearing.

Councilman Doe made a motion to go into public hearing. Councilman Archer seconded the motion and the motion carried unanimously, 4-0.

3. Public Hearing-Zoning Amendments-Planning Director

Norwood Jackson, Atlantic Beach, NC

Mr. Jackson stated he came in and talked with Mr. Smith about the proposal. He said that the septic and parking issues would take care of a lot of things. He stated he felt like this proposal would serve its purpose better in a big town.

Alan Shelor, 100 Sound Drive, Atlantic Beach, NC

Mr. Shelor said he didn't understand why things needed to be re-done. He commented it would de-value the property and the market value would go down.

David Bradley, 500 Money Island Drive, Atlantic Beach, NC

Mr. Bradley commented that the setback increase was a concern of his.

Jerry Ballantine, 220 Old Causeway Road, Atlantic Beach, NC

Mr. Ballantine stated he had lived at Atlantic Beach for only two years. He had just purchased some property and stated if the amendment goes through, he would lose the value of his property. He said the amendment tends to favor wealthy developers. He was hoping the Council would vote no. Councilman Doe asked Mr. Ballantine if the Council delayed action for one year, would that help him. Mr. Ballantine said yes.

Lew Ramsey, 118 Bowen St., Atlantic Beach, NC

Mrs. Ramsey stated we have a mixed use town. She felt this ordinance would hurt property owners. She agreed with Mr. Ballantine. She felt our biggest problem was waste water and we needed to work on getting the sewer situation worked out.

John Lotspih, 203 Winston Ave., Atlantic Beach, NC

Mr. Lotspih stated he had lived in Atlantic Beach a long time. A one year delay would not help him at all. Mr. Lotspih gave Councilman Doe a copy of his comments to be put into the record.

(Clerk's Note: A copy of John Lotspih's comments is attached and hereby made a part of these minutes.)

Jim Piner, 302 Davis Blvd., Atlantic Beach, NC

Mr. Piner said that this proposal was not good. He stated the same issue came up years ago and he asked who asked the Planning Board to look at this again. Councilman Creech told him the Council did. He asked the Council to use good judgment.

Eddie Briley, 225 Moonlight Drive, Atlantic Beach, NC

Mr. Briley said he had been watching what's going on for a long time. He stated he would like to see more focus on developing a better plan for storm water and sewer.

Ernie Wilson, 130 Old Causeway Dr., Atlantic Beach, NC

Mr. Wilson spoke out against the amendment. He stated that at the last rain his garage was full of water. Even so, he felt his property would become unmarketable if the amendment passed.

Joe Tarascio, 113 Hoop Hole Creek, Atlantic Beach, NC

Mr. Tarascio stated if this amendment passed or not, it's okay with him. Last time the Planning Board put this out there nothing ever happened. He said that Jim Piner's trailer park would benefit greatly from this new ordinance. He stated we can't keep doing things the same way we have been doing them.

Councilman Creech made a motion to come out of Public Hearing. Councilman Archer seconded and the motion carried unanimously 4-0.

Mayor Dawkins called for a break in the proceedings at 7:37 p.m. The meeting was reconvened at 7:50 p.m.

4. 2006 July 4th Celebration-Town Manager

Chuck Cooper, Town Manager stated this was a follow-up on the testing of fireworks shot from Brandt Island on October 12, 2005. Mr. Cooper said that the show was hard to see from the Circle. He stated the Town of Beaufort commented they had trouble seeing the show, also. Mr. Cooper would like to see another test using bigger shells.

Councilman Doe suggested doubling the budget, having a regular show at each venue and then have a joint finale. He said he would be willing to meet with the people in charge of the show and see if they could come to some agreement.

Councilman Archer stated that the show was a complete failure and would like to see another test.

Councilman Doe again offered to be the source of intervention for the Town.

Mayor Dawkins said that what he witnessed the other night just would not work. It would be a complete failure.

Councilman Bailey suggested the Council let Councilman Doe meet with the company and bring back a report.

A motion was made by Councilman Bailey for Councilman Tom Doe to communicate with Eddie Myers to set up another fireworks test. Councilman Archer seconded, vote unanimous, 4-0.

5. Sidewalk Contract Award-Town Manager

Mr. Cooper, Town Manager, informed the Council of the recommendation for the award of the contract to begin construction on the West Fort Macon Road sidewalk project. The project is being funded through a grant from the N.C. Department of Transportation. Three bids were received with the winning bid being submitted from Empire Construction Company, Inc. in the amount of \$276,100. The additional costs are estimated at \$41,000 and would come from the Town's Powell Bill reserve fund.

Mayor Dawkins stated he had received a phone call from the N.C. Department of Transportation about taking a picture with the Town Council. He said he would make contact with them about setting up a time.

Councilman Archer stated that he saw a lot of problems with using Empire Construction. First one being, a reference in the letter when Empire Construction performed additional work not covered by the original contract. Second, the NCDOT manager stated he had both good and bad experiences with Empire Construction. He also found them to be aggravating at times due to the understaffing of employees. Councilman Archer didn't think we needed to provide "babysitters" for the crew, since the letter referenced the construction crew to be without a supervisor with clear authority over the workers from time to time. It also bothered him that the Town needed to be engaged during the course of construction so as to make sure that the work is executed to the satisfaction of the Town, hence "babysitting" again. Councilman Archer said he called Morehead City and Emerald Isle and they had used Johnston Construction Company and they were pleased with their work.

Councilman Doe stated that Councilman Archer had brought important issues to the Council. He suggested we re-visit the issue at the next work session.

Councilman Doe made a motion to table the issue of using Empire Construction for the sidewalk project. Seconded by Councilman Archer, motion carried unanimously, 4-0.

TOWN MANAGER'S REPORT

1. Hurricane Ophelia Recovery Status

Mr. Cooper informed the Council that we are well underway for reimbursement from FEMA. The first pass for debris collection had been made and they are now working on the second.

2. Christmas Parade Grand Marshal

Mr. Cooper stated the Council needed to be thinking about who to choose for Grand Marshal for the Christmas Parade on December 2, 2005 at 7:00 p.m.

TOWN ATTORNEY'S REPORT

Derek Taylor, Town Attorney had nothing to report.

MAYOR/COUNCIL REQUESTS/COMMENTS

1. Councilman Doe informed the Council that he had attended a Sail America 2006 meeting. He thinks we will all be proud to be a part of it.
2. Councilman Bailey requested the discussion of storm water, dredging and sewer at the next work session meeting. Ann Batt, from the audience, requested a dredging update tonight. Chuck Cooper stated we are moving to the permitting stage of the dredging issues and that we were on the timeline.

CLOSED SESSION

Councilman Creech moved that the Council enter close session in accordance with North Carolina General Statue Section 143-318.11(a) (3) to consult with 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. The motion also included North Carolina General Statue Section 143-318.11(a)(6) to discuss a personnel matter. Councilman Bailey seconded, and the motion passed by unanimous, 4-0, vote. The Council entered Closed Session at 8:30 p.m.

Councilman Bailey made a motion to go back into open session. Seconded by Councilman Creech, the motion passed unanimously 4-0. The Council reconvened at 9:00 p.m.

ADJOURNMENT

There being no further business before the Town Council, Councilman Creech made the motion to adjourn the meeting. It was seconded by Councilman Archer and the vote was unanimous, 4-0. It was 9:10 p.m.