

Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, November 21, 2005

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, November 21, 2005 at 6:00 p.m. in the Council Meeting Room.

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

Members Absent: Mayor Eddie Dawkins and Councilwoman Christie Roberson

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

CALL TO ORDER AND ROLL CALL

Mayor Pro Tem Doug Creech called the meeting to order at 6:03 p.m. Councilman Creech stated that Mayor Dawkins was in rehabilitation for his broken ankle and he was doing well.

PRAYER AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Town Attorney Derek Taylor requested that one of the Council members give consideration to the possibility of a closed session immediately following the open session for purposes under the NC General Statutes 143-318 to discuss the terms and conditions of the potential purchase of the property that has become available to the Town with the address of 917 West Fort Macon Road.

Councilman Doe made a motion to add the closed session to the end of the Agenda for the purposes Attorney Taylor had addressed. Councilman Jim Bailey seconded the motion; vote was unanimous 4-0.

Councilman Jim Bailey asked the Town Manager, Chuck Cooper, to give us an update on dredging during the Town Manager's report.

Councilman Archer made a motion to place approval of Resolution 05-11-01 as Item # 1 on the Agenda. The motion was seconded by Councilman Bailey, vote was unanimous 4-0.

Councilman Doe made a motion to approve the agenda as modified. Councilman Archer seconded, vote was unanimous 4-0.

CONSENT AGENDA

All items listed below are considered to be routine and will be enacted by on 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 October 2005 (FYI)

Ms. Buda submitted the tax collection report for October 2005 which showed that \$113,511.20 had been collected. The year-to-date collection total for 2005 at the end of October was \$590,402.74.

2. Tax Releases (681.11)

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>
Weaver, Edward E	1069	\$ 218.48	2005	Incorrect value
Bogue View Trailer Court	2605	\$ 49.37	2005	Incorrect value
Barwick, James F	2862	\$ 13.71	2005	Located in Morehead City
Sherwood, Charles E	55071	\$ 6.96	2005	Billed in error
Sundowner Motel	145952	\$ 82.80	2005	Incorrect owner
Myers, Danny	347935	\$ 21.19	2005	Located in Newport
Webb, Rick	401691	\$ 120.18	2005	Billed in error
Garrett, Larry	403109	\$ 31.12	2005	Billed in error
Martin, Lee	403110	\$ 26.31	2005	Billed in error
Taylor, Reece	403277	\$ 13.41	2005	Billed in error
Paramore, Rex	403302	\$ 32.91	2005	Billed in error
Garner, Les	406122	\$ 64.67	2005	Double billed-Acct# 2605
	TOTAL	\$ 681.11		

3. Request for Tax Refund (12.77)

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

a. Huffines, Jimmy Sr. \$12.77 Value adjusted per Carteret County

4. Town Council Meeting Minutes-October 17, 2005

The Town Manager requested approval of these meeting minutes.

5. ASCAP Agreement

This document was provided to Council by Derek Taylor, Town Attorney during the November 14, 2005 Work Session for their review. The Council is now being requested to approve the ASCAP Agreement.

Councilman Doe moved for the adoption of the Consent Agenda. Councilman Bailey seconded the motion. The vote was unanimous, 4-0.

CITIZEN REQUESTS/COMMENTS

1. General Comments

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

Mr. Willis stated it appeared that he was requesting time on the agenda to request time to put an item on the next meeting but he was not. There was a mix up with communication. The item for tonight is the "Mystery of the Non-Request".

Kyle Taylor, son of Town Attorney Derek Taylor arrived at 6:15 p.m. to accept an award for making Eagle Scout. Mayor Pro Tem Doug Creech presented him with a plaque and Proclamation 05-11-01. (**Clerk's Note:** A copy of Proclamation 05-11-01 is incorporated herein by reference and hereby made a part of these minutes.)

2. Comments on Town of Atlantic Beach Density Issues and proposed Zoning Ordinance Amendments

Donna Graff, 211 West Bogue Blvd., Atlantic Beach, NC

She owns a townhouse at 211 West Bogue Blvd. She was very concerned about the density issues and whether or not there would be any grandfathering in the proposal. She stated she wanted it to be understood correctly that the citizens would be protected in case of a fire or a hurricane and that they would not be restricted in any way whatsoever for re-building.

Councilman Doe assured her he would not vote for a change that would not include a grandfather clause. Mayor Pro Tem Creech said that was pretty much the consensus of the Council. Mrs. Graff's friends from Dunn, NC, who own the property beside her, were present and concerned also. Councilman Doe stated this would not deal with existing single family dwellings and that they could put back what they already have on their property.

Alan Shelor, 100 Sound Drive, Atlantic Beach, NC

He stated he was concerned with the existing structures in our Town being protected in some manner. He stated this proposal needed to be looked at under a microscope. The Town needs something in writing which is very easy to understand. He said that the Town was on the right track with this proposal. The bottom line is the citizens need to be able to build their places back on their property. Councilman Doe stated this ordinance is not supposed to cure past situations, it is for today. He said there would not be anything in the ordinance that would affect the conforming structures in this Town. Alan Shelor stated that was all the citizens were asking for.

Steve Janowski, Ball & Associates, Greenville, NC

Mr. Janowski was here tonight to give the Council some reflections and comments about the new group housing ordinance that we were proposing from a prospective of redevelopment. One of the things he had been doing was looking at different pieces of property and laying things out under the current orders to RA-3. The buildings tend to become longer and they get stacked up, then you have one set of buildings looking at the back set of another. He wanted to encourage the Council on how they would like to handle the language. We would definitely have better parking and better views. He was a voice in favor of the ordinance from an esthetic prospective. Councilman Doe stated we are mainly addressing the overall density now.

Gerald Barfield, 502 Henderson Blvd., Atlantic Beach, NC

He stated he doesn't want to be caught without grandfathering. He knows there are pros and cons for both sides, but to truly look and understand all the aspects of what we're doing. The condotel issues are something he feels we need to keep an open mind about. Condotels have been done up and down the East Coast for years. Councilman Doe told him that condotels are covered in a different part of this ordinance. He stated the grandfathering will apply to only existing situations. The date would be adjusted for some time down the road so the citizens could finish any work they needed to.

Ron Schrimper, 305 W. Atlantic Blvd., Atlantic Beach, NC

He stated his wife and he are non-voting taxpayers that own property here. He stated he had observed many changes in Atlantic Beach, mostly favorable. He remembered an old term paper he had written years ago that was full of red marks because he had misused the word affect and effect. He said we need to concentrate on the effect of our community. He stated

we needed to slow down density and growth until wastewater issues are addressed. We all know we have outgrown septic tank technology. He firmly believes we should stop the building permits immediately until the infrastructure is in place. Increased density would eventually come.

Councilman Archer recognized Ron and Freddie Schrimper as long time friends and thanked him for coming tonight.

ACTION AGENDA

1. Adoption of Resolution 05-11-01-Town Planner

Lee Smith, Town Planner asked the Council to make a motion to adopt a resolution to support the submission of a pedestrian plan grant application to NCDOT. Councilman Archer made a motion to adopt Resolution 05-11-01 supporting the submission of a grant application to the North Carolina Department of Transportation to seek funding for the development of a pedestrian circulation plan for the Town of Atlantic Beach, North Carolina. Councilman Bailey seconded motion, vote was 4-0, unanimous.

2. Planning Board Report-Planning Board Chairman

Joe Tarascio, Planning Board Chairman stated on the real item they discussed was to continue work on the Land Use Plan. He also apologized to the citizens of the Town of Atlantic Beach that the Planning Board did not have any language in the ordinance that was sent to them dealing with grandfathering. The Planning Board was focused on new developments and not on anybody having to forfeit their homes. He believed that the record in Atlantic Beach for all of its boards clearly demonstrates that this Town has never tried to take anyone's property from them or make them forfeit their property. He agreed it needed to be in writing and he will accept the responsibility for it not being.

3. Public Hearing-Re-Zoning Requests (2800 West Fort Macon Road, 208 Tryon Street, 203 Money Island Drive, 500 Money Island Drive, and 500 East Fort Macon Road)- Planning Director

Lee Smith informed the Council of five separate requests of re-zoning.

Town Attorney, Derek Taylor suggested the Council split up each request and open and close on each Public Hearing separately.

Mr. Smith decided to explain the changes for each piece of property. First one being, 2800 West Fort Macon Drive changing from a RC to a RA-3. The property is known as Jungleland.

Councilman Tom Doe made a motion to recuse Councilman Jim Bailey from the meeting during the vote on 2800 West Fort Macon Drive. Councilman Archer seconded, vote was 4-0, unanimous.

Councilman Doe made a motion to enter into Public Hearing for the 2800 West Fort Macon re-zoning. Councilman Archer seconded, vote 3-0.

Andy Harris, Attorney for Scott Miles

Attorney Harris stated that Jungleland had been operating for over thirty years now. It has become more of a burden than what the owner is receiving from the property. The owner wants the zoning changed so he can find other uses for his property.

Steve Joyner, 200 Fairview St., Atlantic Beach, NC

Mr. Joyner stated he owns the adjoining property to Jungleland. He was concerned that if the re-zoning does pass, that the Council considers the differentiation between Bogue View Shores (a single family development) and a high density proposed development area we would go to. He said back in 1985 there was a Deed of Dedication issued to Bogue View Shores from Jungleland property owners in perpetuum for Jungle Drive, which is the e-grass area behind Jungleland. The property owner still owned the property on both sides of Jungle Drive. There was a fence directly on both sides of Jungle Drive. These fences were highly discussed and in agreement before this Council at that time. It was said that these fences were to be maintained as a buffer zone for noise. The fence on his side of the road has been kept up by him and his neighbor. He was not opposed to some other buffer besides the fence. His concern was that a proper buffer zone be maintained to differentiate between the two types of neighborhoods. He wanted to be assured by the Council that they would keep that in mind when and if they do so choose to re-zone this property. He was also concerned about the storm water run-off problem. He also asked the Council to consider the type of sewage system they would plan to put there in the future. He was not here to speak in opposition to what was planned but to speak in concern of development.

Councilman Doe stated he doesn't believe there was anything in the ordinance that addressed buffers. Mr. Joyner stated to his knowledge there was a legal agreement worked out about the situation with this property.

Jim Bailey, 517 East Fort Macon Road, Atlantic Beach, NC

Councilman Bailey stated that he and Mr. Joyner had a discussion about the strip of land between the easement for the road and Mr. Joyner's property. They had talked about taking

that strip of land and maintaining a fence there. Councilman Bailey would really like to work this out with having a buffer in the form of a fence. In terms of storm water run-off, he was real sensitive to that issue. It would be his intention to work on the storm water issues with the property so it doesn't run downhill to Mr. Joyner. As far as sewage treatment, it would have to be a package plant. There just isn't any other option in this Town at this time. To clarify one thing, he stated that even though RA-3 allows a number of things, it is his intention to do a multifamily development on that property.

Derek Taylor, Town Attorney, asked Councilman Bailey if Jungle Road was a part of the easement. Councilman Bailey stated he wasn't sure. He stated it is an easement. Mr. Joyner gave Derek Taylor a copy of the Deed of Dedication.

Councilman Doe made a motion to go out of Public Hearing. Seconded by Councilman Archer, the vote was unanimous, 3-0.

Councilman Doe stated that our Planning Board had worked very hard sorting through these various requests in order to decide what is best for the Town. Recently, there had been some discussion and debate on how we find the right balance between the commercial and residential property. He stated if we do not get a handle on this situation policy wise, we could find ourselves in a situation we wouldn't want to be in.

Councilman Doe made a motion to approve the re-zoning request for 2800 West Fort Macon Road from RC to RA-3. It was seconded by Councilman Archer, vote was unanimous, 3-0.

Councilman Doe made a motion to reseal Councilman Jim Bailey to the Council. Seconded by Councilman Harry Archer. The vote was unanimous, 3-0.

Lee Smith, Planning Director, stated the second re-zoning issue was 208 Tryon Street, changing it from a RC to a RA-2 zone.

Councilman Doe made a motion to go into Public Hearing. Seconded by Councilman Bailey. The vote was unanimous, 4-0.

Edith Mason, Attorney for David Bradley

The property is owned by David and Myra Bradley. The property that was being re-zoned has two addresses. It was one tax parcel but it was the piece on Money Island Drive. The actual address was 202 Money Island Drive, 208 Tryon Street was already RA-2. The property on Money Island Drive currently has a duplex on it. The property behind is zoned RA-2 and it doesn't have any structures built on it. The property surrounding the parcel that they are asking to be re-zoned is all in residential use. Changing the zoning on this piece of property

would allow it to continue to be used as residential and would be consistent to the properties that are adjoining it.

Alan Shelor, 100 Sound Drive, Atlantic Beach, NC

Mr. Shelor spoke in favor of changing Money Island to a residential zoning. It would make it more of a family neighborhood.

Councilman Doe made a motion to go out of Public Hearing. Seconded by Councilman Archer. The vote was unanimous, 4-0.

Councilman Doe made a motion to approve the re-zoning request for 202 Money Island Drive from RC to RA-2. Seconded by Councilman Bailey. The vote was unanimous, 4-0.

Lee Smith, Planning Director stated the third piece of property was 203 Money Island Drive. The request was to go from RC to RA-3.

Councilman Doe made a motion to go into Public Hearing. Seconded by Councilman Archer, the vote was unanimous, 4-0.

Edith Mason, Attorney for David Bradley

This property was a vacant lot with nothing on it. It was surrounded by residential use.

Councilman Doe made a motion to go out of Public Hearing. Seconded by Councilman Bailey, the vote was unanimous, 4-0.

Councilman Doe made a motion to approve the re-zoning request for 203 Money Island Drive. It would be changing from RC to RA-3. Seconded by Councilman Archer, the vote was unanimous, 4-0.

Lee Smith, Planning Director stated the fourth piece of property for re-zoning was 500 Money Island Drive. The request was to go from RC to RA-3. Most people would probably know the property as Sportsman's Pier.

Councilman Archer made a motion to go into Public Hearing. Seconded by Councilman Doe, the vote was 4-0, unanimous.

Edith Mason, Attorney for David Bradley

This piece of property was addressed a little bit different than the other pieces of property. This property was a conforming property in the RC zone. It adjoins RA-3 which was why they requested re-zoning to RA-3. The modification of the septic easement has already been dealt with. There has already been subdivision approval for dividing the property into three lots.

The density use now is almost 100% impervious surface. This situation would be much improved if changed to a RA-3 zone. The traffic situation would improve. The tax value would increase. There is a sewer system already in place. Ten units would be the maximum number of units we could build on the property. There had been complaints to the owner about blockage of the beach for emergency vehicles. That issue would be resolved as well if the property was re-zoned. The public interest expressed a lot of sentiment for the pier. The use of the property as a pier is not economically feasible anymore. The beach re-nourishment is not a good thing for piers. There is just no water. The public beach access would not change.

Councilman Bailey asked Attorney Edith Mason if the constraint on the property was a sewer constraint. Attorney Mason stated it was also a size constraint. With the setbacks, impervious surface requirements, and the sewer having only a maximum of twenty-four bedrooms, they don't see anything that could change that. It simply won't allow any more than ten units.

Judith McPherson, 221 Moonlight Drive, Atlantic Beach, NC

Mrs. McPherson stated that the public accesses would still be there but people would have to park in front of people's houses. There would no longer be a parking lot to park your car and use the beach.

Mickey Stokes, 414 East Glenn Drive, Atlantic Beach, NC

He was affected because he didn't get any sand because of the piers and now they were going to change it. As an owner of rental property, he wonders why people would come to Atlantic Beach with the piers and Jungleland gone. We can already see that Emerald Isle's property value is escalating because they are doing things to attract people. We need to be very concerned about getting rid of activities that would draw people.

Councilman Doe made a motion to go out of public hearing. Seconded by Councilman Bailey, the vote was unanimous, 4-0.

Councilman Doe made a motion to approve the re-zoning request for 500 Money Island Drive. The change would be from a RC to RA-3. Councilman Doe stated that the motion only had to do with the zoning. Seconded by Councilman Bailey, the vote was unanimous, 4-0.

Lee Smith, Planning Director stated the fifth piece of property was 500 East Fort Macon Road. The zoning would change from RC to RA-3. The Sportsman's Pier sign is on this property.

Councilman Doe made a motion to go into Public Hearing. Seconded by Councilman Archer, vote was unanimous, 4-0.

Edith Mason, Attorney for David Bradley

Attorney Mason stated the reason Tom Outlaw voted against re-zoning this property on the Planning Board was because he was concerned about losing community property on Fort Macon Road. She said the property was too small to do anything with.

Councilman Archer made a motion to go out of Public Hearing. Seconded by Councilman Doe, the vote was unanimous, 4-0.

Councilman Doe made a motion to approve the re-zoning request for 500 East Fort Macon Road from RC to RA-3. Seconded by Councilman Archer, vote was 4-0, unanimous.

Derek Taylor, Town Attorney stated it was asked that the issue on modification of the easement to the fishing pier property was a separate non-zoning issue. The owner had asked that the matter be put in with the re-zoning but could be tabled and dealt with at another time.

Councilman Doe stated the issue just showed up on the table tonight and he would like to put off dealing with it tonight. He said it was normal for Council to deal with things this quickly.

Attorney Taylor stated this was supposed to have been a part of the original packet. He said it was entirely in the control of the Council to table the matter or deal with it tonight.

4. Public Hearing-Purchase of 915 West Fort Macon Road-Council

Chuck Cooper, Town Manager stated the Town Council has called for a Public Hearing to discuss the purchase of property at 915 W. Fort Macon Road. The property has the potential to be used by the Town for public purposes to include: (1) development of a Town sewer treatment system, (2) development of storm water impoundment and treatment areas, and/or (3) development of Town facilities to address overcrowding and aging infrastructure. The purchase of this property would be executed through an installment note. The expected purchase price is \$4 million dollars.

Councilman Doe asked Town Attorney, Derek Taylor to elaborate on what the potential of the property would be since this is happening very quickly. Attorney Taylor stated that most people knew that Food Lion had moved across the street which had left a large empty building. The issue is there is now a large parcel of land at Atlantic Beach that has now become available. The Town had given consideration to the purchase of this because it is one of the largest pieces of land left on Atlantic Beach. It has multiple purposes, and there would be an evaluation of the property to how it would best serve the Town.

Councilman Doe added that the engineering studies that had been done over the number of years, indicates that this property may be suitable for treated waste water.

Councilman Bailey made a motion to go into Public Hearing. Seconded by Councilman Archer, the vote was unanimous 4-0.

Ron McPherson, 221 Moonlight Drive, Atlantic Beach, NC

Mr. McPherson stated he did not come to talk tonight, but it looked like this property may facilitate a city wide sewer system. He would like to speak in favor of purchasing the property. He said if we do not get our sewage situation fixed he felt that one the federal government agencies would come and tell the Town they can't build anything else until you take care of the sewage issues.

Mayor Pro Tem Doug Creech stated he wanted everyone to understand that this would not make us have a sewer system. It would be only one part of the puzzle to work towards a sewer system.

Councilman Archer said we were very fortunate to put our hands on 7.5 acres of land. He thanked the owners for giving us the privilege of trying to buy the land.

Ron Schrimper, 305 West Atlantic Ave, Atlantic Beach, NC

Mr. Schrimper asked what happened to the bond issue that was approved for sewer. The Council told him it was dead and it all starts over.

Herbert Pate, 123 Pond Drive, Atlantic Beach

Mr. Pate stated he thinks this is the best break that has come Atlantic Beach's way in a long time. He said it was a great opportunity and another one might not come along for a very long time.

Councilman Doe made a motion to go out of public hearing. Seconded by Councilman Bailey, the vote was unanimous 4-0.

Councilman Archer made a motion to direct the Town Manager, Chuck Cooper and Town Attorney, Derek Taylor to move forward with the negotiation and purchase of 915 West Fort Macon Road. Seconded by Councilman Doe, the vote was unanimous 4-0.

Mayor Pro Tem Doug Creech asked for a break in the proceedings at 8:00 p.m. The meeting reconvened at 8:10 p.m.

5. Request for Time on the Agenda-Capt. Jim Willis

Captain Willis informed the Council he was present at the very first board meeting for the Town of Atlantic Beach. Captain Willis told the story of a time of when he and an old friend had met back in 1942 to play near the boardwalk. As they played there, he looked up and saw a little boardwalk. He estimated he had walked that boardwalk as a child around 6,000 times from the ages of 6 to 14. Around a year or two ago, he had mentioned to the Council something called the “non-request”. He told them that Fred Bunn had requested something from the Council which they were going to grant but they would give him more than he had asked for. The other item Mr. Bunn had not asked for, he called the “non-request” item. Captain Jim went to the chalkboard to describe the issue to the Council and citizens. He stated the boardwalk he spoke of had an unusual history and it’s involved with the Mettrety Easement. Back in the early seventies the Mettrety family owned Ziggy’s and the vacant lot. The Mettrety’s built Ziggy’s over onto this boardwalk. The Town caught them. The Mettrety’s asked them to let them give them an easement on the east side of our property that would equal the amount of land they encroached on, which they did. It is now called the Easement of the John Mettrety property. The only problem is nobody knew how wide the easement was. The document conveying this doesn’t exist. For years everyone thought the Mettrety Easement covered the whole boardwalk. The mystery is how we find out how wide this easement really is. They did tell us that at the beginning of the easement it was 264.45 feet from Lot 10. That really doesn’t indicate anything. The width of the easement is 4.15 feet. Rather than just releasing the Mettrety Easement they also leased more land to Fred Bunn. The question was who claimed to own this boardwalk. The Town had held an implied easement in trust for the boardwalk that was granted them by Atlantic Beach and Bridge Company back in 1934. Captain Jim searched the title back to Buddy Cooper. Buddy Cooper owns the property which is encumbered by the easement to the general public and it looks like the Town had tried to give to Fred Bunn.

Mayor Pro Tem Doug Creech told Captain Jim that we did not give Fred Bunn the easement. Derek Taylor, Town Attorney, stated he had not done an investigation on the title to the boardwalk, because the Town was the seller and not the buyer. All we did was use a statutory capability to swap the easement which is to give us the right to use the strip of land. We just wanted to preserve the public access.

Councilman Doe suggested that Captain Jim might have missed a piece of the puzzle. He remembered there being a dedicated access and the boardwalk was to be moved to the extreme west.

Captain Jim stated he thought in order to get a swap it would require legislative action.

6. Triple S Shores Street Dedication-Planning Director

Lee Smith, Planning Director stated this item came before the Planning Board as a For Your Information (FYI) type request. It is the parcel where the Triple S Motel sits. The individual has looked at redeveloping and would like to go back to the original eight lot subdivision that was there for that block. At some point in time, the Town had abandoned Ocean Boulevard. The owner would like to re-dedicate that street back to the Town. Councilman Doe asked if the people who are making the request understand they need to bring the road up to State standards. The developer stated there had not been anything done to that property since it was re-dedicated back. The road is now a parking lot. The road will be re-surfaced and given back to the Town as a new road.

Councilman Jim Bailey stated he thought when a road was withdrawn from dedication it went to the adjoining land owners which doesn't appear to be the case here.

Derek Taylor, Town Attorney, said he was not aware of how the street was abandoned. He had not done any title work and did not know how it was done originally.

Councilman Bailey was against accepting a street not subject to NCDOT standards because the Town would be subject to maintain it if we accept it.

Councilman Archer stated we needed to consult with our Attorney about legal matters regarding the street.

The Council decided to not take on the matter until they could consult with Derek Taylor, Town Attorney.

7. Crystal Coast Promotion-"Welcome Banners"-Town Manager

Chuck Cooper stated that the Mayor of Emerald Isle and Carteret County Tourism Development Authority Chair requests that the Town consider the placement of "Welcome Banners" that promote the "Crystal Coast" brand. The intent is to have the county participate to enhance the name recognition for the Crystal Coast as a unified marketing area and therefore improve tourist efforts.

Town Manager, Chuck Cooper stated the banners would be displayed on the Causeway.

Councilman Doe was against buying banners for the Town. He said he would go along with buying a few if that is the general consensus of the other members.

Councilman Bailey asked if the Town needed new banners.

Councilman Archer answered no. We have more banners than any other Town in Carteret County.

Councilman Bailey stated they hold off on purchasing these banners until the time they are ready to buy new banners for the Town.

Gerald Barfield, 502 Henderson Boulevard approached the Council stating that as far as the re-dedication of the street at Triple Motel, they are trying to give the street back to benefit the Town. He asked for the Council to please keep in mind the possibility to use the area for a public beach access.

TOWN MANAGER'S REPORT

Chuck Cooper, Town Manager, told the Council that on Wednesday the dredging permit was submitted to CAMA. We will be contacting them on November 28, 2005. It could take up to 180 days.

Councilman Bailey made a motion to move the work session meeting from December 5, 2005 to November 28, 2005. Seconded by Councilman Doe, vote was unanimous 4-0.

Councilman Bailey stated he would like more information regarding the flood insurance issue Donna Turner, Inspection Director was checking into. He wanted to know what the impact would be if we take out the two foot free-board.

TOWN ATTORNEY'S REPORT

Town Attorney, Derek Taylor stated that November 28, 2005 would be the last work session before we change Mayor and Council. The general procedure for the transition to move forward is to take care of all old business at the December 19, 2005 meeting with the old Council. Once all old business has been done, the new Council will be seated and they will take over.

MAYOR/COUNCIL REQUESTS/COMMENTS

The Council made no comments at this time.

CLOSED SESSION

Consult with Town Attorney re: (1) Pursuant to NCGS 143-318-11(a) (5) negotiating the terms and price of real property at 915 W. Fort Macon Road.

Councilman Bailey moved that the Council enter into closed session with Mayor Elect Tootsie Vinson being allowed to be present during the closed session, seconded by Councilman Doe. The vote was unanimous, 4-0. It was 9:00 p.m.

A motion was made by Councilman Bailey to go out of closed session and back into open session, seconded by Councilman Doe, the motion carried unanimously 4-0. It was 9:30 p.m.

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 Mayor ProTem Creech and carried unanimously, 4-0. It was 9:35 p.m.