

Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, December 19, 2005

The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, December 19, 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 and Jim Bailey

Members Absent: Councilman Tom Doe and Councilwoman Christie Roberson

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; Scott Kilpatrick, Police Chief; Mayor Elect Tootsie Vinson; Joe Tarascio, Chairman of Planning Board; Sabrina Simpson, Deputy Town Clerk

CALL TO ORDER AND ROLL CALL

Mayor Dawkins called the meeting to order at 6:02 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE

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

Mayor Dawkins presented Mr. Pate with a plaque recognizing his appointment as 2005 Grand Marshal of the Atlantic Beach Christmas Parade.

A motion was made by Councilman Bailey to excuse Councilman Doe and Councilwoman Roberson from the meeting tonight. It was seconded by Mayor Pro Tem Creech, vote was unanimous, 3-0.

A motion was made by Councilman Bailey to add a closed session to the end of the agenda tonight. Seconded by Mayor Pro Tem Creech, the vote was unanimous, 3-0.

APPROVAL OF THE AGENDA

Councilman Bailey asked that the freeboard issue be removed from the agenda in the interest of time. A motion was made by Mayor Pro Tem Creech to remove freeboard from agenda and approve agenda as re-written. Seconded by Councilman Archer, vote was unanimous 3-0.

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 November 2005 (FYI)

Ms. Buda submitted the tax collection report for November 2005 which showed that \$371,770.06 had been collected. The year-to-date collection total for 2005 at the end of November was \$962,172.80.

2. Tax Releases (665.02)

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>
Phelan, Carl	348224	\$ 75.14	2005	Billed in error
Lucas, Robert V	392774	\$ 506.51	2005	Incorrect value
Knox, Benny	403050	\$ 19.48	2005	Billed in error
Grantham, Norm	403316	\$ 17.34	2005	Billed in error
Jinkins, Rick	404456	\$ 46.55	2005	Billed in error
	TOTAL	\$ 665.02		

3. Town Council Meeting Minutes-November 14, 21 and 28, 2005

The Town Manager requested approval of these meeting minutes.

4. Budget Amendments and Transfers (FYI)

Budget Amendment #5 increased the insurance proceeds revenue line, which was offset by increasing the Police, Fire and Public Services expense lines.

Budget Amendment #6 was to cover unemployment insurance claims in Fire and Lifeguards, for fuel expenses in Public Services Solid Waste, and for unexpected additional fees for Fire staff physicals. \$7,473.00 was appropriated from the fund balance for these increases.

(Clerk's Note: A copy of Budget Amendment Nos. 5 and 6 are attached and hereby made a part of these minutes.)

Budget Transfer 1: Transferred from the Administrative Services-Governmental Body salary line item \$6,080.00 to the professional services line item to cover temporary contracted administrative position until hired as part-time employee. Brought on as employee to save monies above and beyond salary that was being paid to the temporary staffing agency.

Budget Transfer 2: Transferred from the Administrative Services-Finance workers compensation line item \$600.00 and other insurance line item \$300.00 for a total of \$900 to the dental line item to cover dental expenses allowed under benefit plan.

Budget Transfer 3: Transferred from Administrative Services-Governmental Body election of town board line item \$1,035.00 to dental insurance, other insurance, dues and subscriptions line items.

Budget Transfer 4: Transferred from Police-Enforcement salary line item \$10,000.00 to part-time salaries line item to cover salary of part-time boat patrolman from budgeted, though unused, full-time boat patrolman.

Budget Transfer 5: Transferred from Planning part-time salary line item \$2,000.00 to contract services line item to cover transcription of Planning Board and Board of Adjustment minutes which has been contracted to an outside source.

Budget Transfer 6: Transferred from Public Services-Roadways capital outlay line item \$9,500.00 to the grading/gravel, drainage, paving/patching, and contracted services line items to cover permanent repairs with hot asphalt to streets and repair drainpipes that cross private property but drain Town roadways.

(Clerk's Note: Copies of all the budget transfers are attached and hereby made a part of these minutes.)

5. Tootsie Vinson Resignation from the Board of Adjustment

(Clerk's Note: A copy of Mayor Elect Tootsie Vinson's resignation from the Atlantic Beach Board of Adjustment is attached and hereby made a part of these minutes.)

6. Triple S Shores Street Dedication

Planner Lee Smith enclosed a memorandum, letter for Carolina Engineers and a map for the Council to review in regards to re-dedicating Triple S Shores Street back into the town system.

Councilman Archer made a motion to approve the Consent Agenda. Mayor Pro Tem Creech seconded and the vote was unanimous, 3-0.

CITIZEN REQUESTS/COMMENT

Captain Jim Willis, 104 Atlantic Beach Causeway, Atlantic Beach, NC

Captain Jim stated as of tonight he had forgiven M. G. Coyle of the old vendettas he held against him. He also asked the Council for forgiveness from any ill will. He was applauded.

ACTION AGENDA

1. Planning Board Report-Planning Board Chairman

Joe Tarascio, Planning Board Chairman said the Planning Board had a relatively short meeting. They approved a subdivision on Lee Drive and also discussed the changes the legislature had made of how votes are to be tallied during a meeting.

2. Public Hearing-Revised Zoning Amendments-Planning Director

Councilman Bailey made a motion to go into public hearing. It was seconded by Mayor Pro Tem Creech, the vote was unanimous, 3-0.

Lee Smith, Planner stated the Planning Board had looked into the lot development standards and condotels a lot in the past few months. He stated that based on the public input and work sessions most of the revisions have been made. They have been posted on the Town's website. He opened the floor up to any questions anyone might have.

Councilman Bailey asked Mr. Smith if in the pre-existing condominium development project, the grandfathering included everything prior to the date of adoption. Mr. Smith assured him that a "date of adoption" would be put in the ordinance.

Mayor Pro Tem Creech said he thought the Council had decided that the RC zone went from 8,600 square feet to 8,000 square feet. Councilman Archer and Councilman Bailey stated they had discussed it but never decided anything definite. Mayor Pro Tem Creech stated he had some complaints regarding the 8,600 square feet.

a) Public Hearing-Zoning Code of Ordinances of the Town of Atlantic Beach, North Carolina related to Area, Height and Placement Regulations

James Willis, III, 104 Atlantic Beach Causeway, Atlantic Beach, NC

Captain Jim stated the Town needed to decide on a population and density cap. The Town Council could decide and then turn it over to Mr. Smith. He felt the Town needed to do this first before dealing with all the other issues they are addressing.

Ron McPherson, 221 Moonlight Drive, Atlantic Beach, NC

Mr. McPherson was concerned with the change in impervious cover. He asked if the Council had decided to go with 25% instead of 30%. Councilman Archer stated that both had been discussed but the Council was leaning toward 25%. Mr. McPherson said that 25% was too restrictive, even more restrictive than CAMA. He asked the Council if the Town was in such bad shape storm water wise that we would have to do this. Councilman Bailey stated he was the one pushing 25% because that is the State's standards and he thought it would be good to be consistent with them. He reminded Mr. McPherson that even though they are proposing 25%, you can go back to 40% if you have an engineered storm water plan.

John Lotspih, 203 Winston Ave, Atlantic Beach, NC

Mr. Lotspih stated he owns 6,250 square feet and right now he could build on his land the way the ordinance is but when and if it changes he couldn't. He could also put three RV's in his backyard if it changes but no duplexes. He stated he keeps hearing members of the Council say they have received calls from people wanting to do this but he couldn't recall anyone coming to a public hearing and saying they wanted it.

Joe Osborne, 137 Bowen St., Atlantic Beach, NC

Mr. Osborne encouraged the Council to go back and look at these changes closely. Impervious on both residential and commercial are both important. He does not think bedrooms should be counted. He stated we should not be doing more than we need to.

b) Public Hearing-Condotel

Richard Stanley, Attorney from Beaufort, representing Pelican Roost Developers

Attorney Stanley stated they had started back in May with negotiations with Mr. James Peele over his property on Henderson Ave. At that time there were not any regulations concerning the conversion of motels into condotels. They had submitted copies of the building blueprints of what they were proposing to do as early as July, to Lee Smith, Town Planner and Derek Taylor, Town Attorney. All they wanted to do was change the ownership from one owner to individual owners and not change the use from a motel, which was obviously what a condotel is. There are three lots that are less than an acre. He said they can not meet the Town's density requirements. Based on the fact of there not being any rules and regulations in all of their conversations with Attorney Taylor and Mr. Smith, they have closed on the property.

They have 2.7 million dollars invested in this property. As late as November 7, 2005 they had submitted their architectural drawings and their condominium declaration to Mr. Smith and Attorney Taylor. They are proposing either onsite or offsite managers. They feel that changing the rules during the middle of the game was unfair and they were asking specifically that these properties be grandfathered in so they could proceed.

Councilman Bailey asked Mr. Smith how this would effect the Council's plan to change the ordinance. Mr. Smith stated there are provisions in the ordinance that talk about the conversion of an existing hotel or motel to a condotel. You have to follow those provisions. There are some things you get a small exemption from such as parking standards. As far as the underlying density that stays the same. What Mr. Smith wanted everyone to understand was that the underlying density from conversion of a hotel to a condotel or condo unit, the density standard that was suggested in these revised ordinances are exactly the same as we have right now, which is forty units per acre. We do have standards in place. We have been aware of their proposal and have talked to them about it. As we have worked through this process, one of the biggest items has been the onsite maintenance so we can be certain it runs as a hotel and does not turn into condos as a way of skirting the density issues.

Councilman Bailey stated we had talked about our concern being not to create a vehicle for a motel to turn into a long term ownership residence.

Attorney Taylor said he thought the intent was to close a potential loophole for future situations of this nature. Mr. Stanley's application was that he didn't like the densities that he could get from the multi-family so he was going to build a hotel at a higher density capability, knowing a few months down the road he was going to convert that over and be able to keep the density that he has. Attorney Taylor stated we needed to make the standards the same for someone who wants to build a condo or a hotel that way there was no back door through. Mr. Stanley is correct because of what the philosophy of what this ordinance is; it would affect his property as written unless this Council saw fit to say that the application that had been submitted by this organization can be evaluated under the old ordinance.

Councilman Archer asked Mr. Stanley of the current status of the Pelican Roost project.

Mr. Stanley stated he had been contacting Mr. Smith by e-mails and letters. He stated he would like to do some painting but no changes to size have been made.

Councilmen Bailey, Archer and Mayor Dawkins agreed that Mr. Stanley's situation qualifies as pre-existing. Attorney Taylor stated when the vote takes place that it would have to be drafted properly so it would be understood it would be grandfathered. We would need to put some language into the motion to make sure it would not be a problem.

Mayor Pro Tem Creech made a motion to go out of public hearing. Seconded by Councilman Archer, the vote was unanimous, 3-0.

Mayor Dawkins asked concerning the zoning amendments, what were the decisions of the Council.

Councilman Bailey made a motion to table the zoning amendments until the next scheduled Town Council meeting. Seconded by Councilman Creech, the vote was unanimous, 3-0.

3. Verizon Water Tower Lease-Town Manager

Town Manager, Chuck Cooper requested the Council approve the contract with Verizon by approving Resolution #05-12-01 "Intent To Lease Space On Water Tower to Cellco Partnership (Verizon Wireless)".

Councilman Archer made a motion to approve Resolution 05-12-01. Seconded by Councilman Bailey, vote was 3-0, unanimous. Attorney Taylor pointed out that some of this facility would be on the ground in addition to on the water tower itself. He would also have to fill in some of the blanks on the contract before it is sent off.

TOWN MANAGER'S REPORT

The Town Manager had nothing to report.

TOWN ATTORNEY'S REPORT

The Town Attorney had nothing to report.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilman Bailey thanked Mayor Eddie Dawkins for a job well done as Mayor of Atlantic Beach. He also thanked Councilman Archer for his years of service.

Councilman Creech stated he was sorry to see Councilman Archer leave the Council. He said he was happy that Mayor Dawkins was staying on as a Councilman and would be able to vote.

Councilman Archer stated that during his professional and public service career, he had received many awards but the one that means the most to him and his family was the privilege to serve the Town as their Councilman. He was extremely proud of what had been accomplished by Mayor Dawkins and the Council. He said he would also be proud of our new Mayor and old friend Mayor Elect Vinson. He thanked all the department heads for their

dedication and hard work. He likewise, thanked the public for their input that keeps the government of Atlantic Beach as transparent as a piece of plastic. He stated there are no hidden agendas here. His motto was “service above self” and he would continue to serve Atlantic Beach. He expressed on behalf of his lovely wife, Janie, Harry III, Elizabeth and the five grandchildren their hearts are open and thank everyone for allowing him the privilege to have served.

Mayor Eddie Dawkins commented he had enjoyed his time as Mayor. He had received a lot of help and support from his fellow Council members. He commended Councilman Archer for the fine job he had done. He stated he looked forward to the next few years.

ORGANIZATIONAL MEETING

1. Certification of Election Results-Deputy Town Clerk

The certified election results of the October 11, 2005 municipal election are as follows:

The Mayor’s race was between Harry Archer and Joyce “Tootsie” Vinson.
Harry Archer received 175 votes, or 45% of the votes.
Joyce Vinson received 216 votes, or 55% of the votes.

Joyce Vinson won the Mayoral election with 55% of the votes cast

Town Council seats were contested among Jim Bailey, Doug Creech, Eddie Dawkins, Tom Doe, Kim Garner, Christie Roberson, Ruth Barnes and Kenneth Hurst.

Doug Creech received 284 votes, or 18% of the total.
Jim Bailey received 282 votes, or 18% of the total 1566 votes.
Eddie Dawkins received 261 votes, or 17% of the total.
Tom Doe received 245 votes, or 16% of the total.
Christie Roberson received 234 votes, or 15% of the total.
Kim Garner received 129 votes, or 8% of the total.
Ruth Barnes received 126 votes, or 8% of the total.
Kenneth Hurst received 5 votes, or 0% of the total.

Council seats were therefore won by Doug Creech, Jim Bailey, Eddie Dawkins, Tom Doe and Christie Roberson.

(Clerk’s Note: A copy of the Certification of Election Results are attached and hereby made a part of these minutes.)

2. Oaths of Office-Darlene Leonard, Clerk of Superior Court

A. Mayor Tootsie Vinson

B. Council Members Jim Bailey, Doug Creech, and Eddie Dawkins

Darlene Leonard, Clerk of Superior Court, administered the Mayor's oath of office, and then swore in the Council members as a group.

(Clerk's Note: A copy of the four oaths of office are attached and hereby made a part of these minutes.)

The Council took a break at 7:10 p.m.

The Council returned from break at 7:20 p.m.

Mayor Tootsie Vinson presented Ex-Mayor, current Councilman Eddie Dawkins and Harry Archer with plaques for their dedication and time of service to the Town of Atlantic Beach.

Mayor Vinson read Councilwoman Christie Roberson's resignation letter into the record.

(Clerk's Note: A copy of the resignation letter is attached and hereby made a part of these minutes.)

Councilman Eddie Dawkins made a motion to accept the resignation of Councilwoman Roberson. Seconded by Councilman Creech, vote was unanimous 3-0.

3. Selection of Mayor Pro Tem-Mayor and Council

Councilman Jim Bailey nominated Councilman Doug Creech to serve as Mayor Pro Tem for Town of Atlantic Beach. Seconded by Councilman Dawkins. Councilman Jim Bailey made a motion to close nominations and select Councilman Creech as Mayor Pro Tem. Councilman Dawkins seconded. The vote was unanimous, 3-0.

4. Establishment of 2006 Meeting Schedules

A motion was made by Mayor Pro Tem Creech to approve the 2006 Meeting Schedule for the Town of Atlantic Beach Town Council, the Atlantic Beach Planning Board, and the Atlantic Beach Board of Adjustment. Seconded by Councilman Bailey, the vote was 3-0, unanimous.

5. Board Appointments

Mayor Vinson informed the Council of the need for appointments for the Board of Adjustments and the Planning Board.

Councilman Bailey made a motion to pass on making nominations for the Board of Adjustments tonight. Seconded by Councilman Bailey, vote was unanimous, 3-0.

Councilman Bailey made a motion to re-appoint Norman Livengood, Trace Cooper, Larry Burke and Tom Outlaw to the Planning Board. Seconded by Mayor Pro Tem Creech, vote was unanimous, 3-0.

6. Designating Bank Depositories and Authorizing Signatures-Town Manager

Councilman Jim Bailey made a motion to approve Resolution No. 05-12-02 "Designating Bank Depositories and Authorizing Signatures for Bank Depositories for the Town of Atlantic Beach". Seconded by Mayor Pro Tem Creech, vote was unanimous, 3-0.

CLOSED SESSION

A motion was made by Councilman Dawkins to go into closed session NCGS 143-318.11(a) (3) to consult with the Town Attorney to give instructions concerning a judicial action titled Atlantic Beach vs. DeMichelle. Seconded by Mayor Pro Tem Creech, vote was unanimous, 3-0. It was 7:30 p.m.

Mayor Pro Tem Creech made a motion to end closed session. Seconded by Councilman Dawkins, vote was unanimous, 3-0. It was 7:46 p.m.

ADJOURNMENT

There being no further business before the Town Council, Mayor Pro Tem Creech made a motion to adjourn the meeting. It was seconded by Councilman Bailey and the vote was unanimous, 3-0. It was 7:47 p.m.

Submitted by:

Sabrina Simpson, Deputy Town Clerk

Town Council Meeting
December 19, 2005
Page 11 of 11

These minutes were approved at the January 17, 2006 meeting of the Atlantic Beach Town Council.

Tootsie Vinson, Mayor