



Minutes
Town of Atlantic Beach, North Carolina
Town Council – Work Session
Thursday, September 17, 2015 – 2:00 p.m.



A regularly scheduled work session of the Atlantic Beach Town Council was held Thursday, September 17, 2015 at 2:00 p.m. in the Council Meeting Room, 125 West Fort Macon Road, Atlantic Beach, North Carolina.

Members Present: Mayor A. B. Cooper, III; Mayor Pro Tem Danny Navey; Councilmembers: Harry Archer, Ann Batt, Eddie Briley, and John Rivers

Members Absent: None

Others Present: David Walker, Town Manager; Katrina Tyer, Town Clerk; Attorney Derek Taylor; Donna Turner, Inspections Director; Michael Simpson, Deputy Fire Chief; Jessica Fiester, Planning Director; Hope Carmichael, Attorney for Peppertree; James Badia, Regional Director of Ops. for Peppertree

CALL TO ORDER

Mayor Cooper called the meeting to order at 2:00 p.m.

Councilmember Archer made a motion *to approve* the agenda as presented. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

1. Receive Report from Peppertree Association per conditions of Resolution #15-05-02 on Buildings 1-14

Hope Carmichael, attorney for Peppertree-Atlantic Beach Association, Inc., provided Council with an update on the status of Buildings 1-14. The buildings are, and will remain, vacant per Council's request. The plan is still to demolish Buildings 1-14. They have submitted a plan to the Bankruptcy Court to demolish the buildings. All plans are subject to approval by the Court, but they hope to have plans completed by December. They have selected a contractor and secured a mechanism for funding.

The Town has not made an appearance in the Bankruptcy action. Attorney Carmichael suggested to Council they consider having Attorney Taylor submit something on behalf of the Town approving and supporting the demolition.

Councilmember Briley questioned the current sewer system ownership. Attorney Carmichael stated the sewer system is owned equally by Peppertree-Atlantic Beach Association I, II and III.

It is her legal opinion that the pool located at Buildings 1-9 will have to remain open because it is owned by all three phases as well.

Councilmember Archer made a motion *to continue in effect and to maintain conformity with* all of the conditions in Resolution 15-03-01 (Section C) and Resolution 15-05-02 until Buildings 1-14 are demolished. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

2. Appeal by Peppertree of Building Inspector's July 30, 2015 Order to Take Corrective Action on Decks, Balconies and Walkways on Buildings 15-25, Peppertree Atlantic Beach, 715 West Fort Macon Road

Peppertree-Atlantic Beach II Association, Inc. retained Hope Carmichael's firm for representation in the appeal of the Building Inspector's July 30, 2015 Order.

After Peppertree-Atlantic Beach II Association, Inc.'s insurance company was notified of the condemnation they issued a 30-day cancellation notice. During the 30-day period, Peppertree-Atlantic Beach II Association, Inc. made a voluntary decision to close all of the buildings effective August 17, 2015. The stairway stringers and stair treads were removed, barrier fencing was installed, the elevators were locked and signs were posted closing the buildings. Since that time they have acquired another liability policy, which will continue in effect until the buildings are repaired.

Peppertree-Atlantic Beach II Association, Inc. hired an engineer to work on a plan for replacement of the decks, balconies and walkways. The plans were delivered to the Town a few hours before the meeting. They hope to receive bids next week. The plan is to have the decks, balconies and walkways replaced and operational before May 1, 2016.

Ms. Turner stated she had not inspected the buildings. She won't know until the decks, etc. are torn down if the buildings are appropriate. Attorney Carmichael stated Peppertree's engineer has found the buildings to be sound.

The power is currently on in Buildings 15-25 and they would like to have it remain on. If the power is turned off and the heating and cooling system turned off, they will have to remove all of the furnishings at a huge expense.

Deputy Fire Chief Mike Simpson stated several of the buildings in 15-25 are equipped with a sprinkler system and suggested not cutting the power or water off to the buildings.

It was the consensus of Council to leave the power on in the buildings as long as they remain vacant.

Mayor Pro Tem Navey made a motion *to uphold and affirm* the Building Inspector's determinations in her July 30, 2015 Order to Take Corrective Action on Decks, Balconies and Walkways on Buildings 15-25; for all current safety actions taken *to remain* in place (buildings to remain vacant, signage posted on buildings, stairway stringers and stair treads removed, elevator locked, and barrier fencing placed around the buildings); and *to allow* the power and water to remain on until the November 19, 2015 Council work session when Peppertree-Atlantic Beach II Association, Inc. will return to report a firm plan of action (with engineered scope of construction and date for completion included) for replacement of the decks, balconies, and walkways associated with buildings 15-25 in a manner that complies with the Building Inspector's Order. Seconded by Councilmember Archer. Vote was unanimous, 5-0. Motion carried.

Mayor/Council Comments and Advisory to Staff

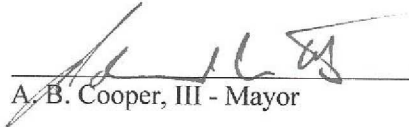
Councilmember Briley explained his questions about the sewer system are legitimate questions and concerns for the people involved.

There being no further action taken or business before Council the meeting stood adjourned. The time was 2:46 p.m.

These minutes were approved at the October 26, 2015 meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

(seal)


A. B. Cooper, III - Mayor

ATTEST:


Katrina Tyer - Town Clerk

