

2. Budget Amendments No. 1 & 2

Budget Amendment No. 1 transferred \$2,903.83 from the Assistance to Firefighters Grant revenue line, to the expense line in the Fire Dept. called Assistance to Firefighters Fund Grant. The reason for the transfer is the grant was awarded during the FY 2004-05 on 11/05/05. Grant allows one full year for monies to be spent. Turnout gear has been ordered but not delivered during the FY04-05 time frame, carrying remaining grant balance to FY2005-06.

Budget Amendment No. 2 transferred \$169,800.00 from the Homeland Security Grant revenue line, to the expense line in the Police Department called Homeland Security Grant for a new police boat.

(Clerk's Note: A copy of Budget Amendment Nos. 1 & 2 is attached and hereby made a part of these minutes.)

Councilman Creech made a motion to accept the Consent Agenda, seconded by Councilman Doe, which carried by unanimous 4-0 vote.

CITIZEN REQUESTS/COMMENTS

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

On the reconfiguration of E. & W. Drives, Mr. Willis stated, we need to keep in mind the title of these streets still rest in the State of NC. We may need to contact them and make sure they are still on board.

ACTION AGENDA

1. Closing on Town Properties.

Mr. Cooper stated, in preparation for scheduling the closing date with FMB Inc. for the sale of the "Circle" properties and payment of the remainder of the \$1,810,000.00 due the town, Mr. Cooper and Mr. Taylor met to review the contract to see if there were any remaining steps before closing. They determined there were three things, two which have been done. The third being to approve the alteration of East and West Drive. Mr. Taylor drew up an encroachment agreement that would be needed in order to do so. Mr. Cooper asked that the Council members approve the final item three tonight.

Councilman Doe asked Attorney Taylor if East, West and Atlantic are town streets in a public dedication or town property in town ownership or state streets in a public dedication or state streets in a state owned property.

Attorney Derek Taylor said it is not a town property, the Town doesn't own them. We would have to go through the same process as Central Dr. if there was going to be a closure. We need to grant a license, which is what this encroachment agreement is.

Councilman Doe was totally on board with the closing project but feels we need to re-visit parking again. The day will come when we no longer would have our beach accesses. We need to work on this now. We need to turn our funds back into infrastructure. How do we replace our parking that's being lost? We would hope that Mr. Bunn and Council would work together on solving these issues.

Councilman Archer made a motion to reclude Councilwoman Roberson from voting on any items relating to the Circle and that she is excused from this Council while the discussion is taking place. Councilman Doe seconded the motion. Motion carried 3-0 unanimously.

Councilman Creech was in agreement with moving forward.

Councilman Archer concurred with Councilman Creech. He was extremely excited about things and suggested we put a smile on our faces and move forward.

Attorney Taylor stated for the record that this will not be and cannot be the dedication of a public property for a private purpose and the Council does have the right to say yes or no to the contract.

Councilman Creech made a motion to approve the alteration of East and West Drives as indicated on the Grove Development plan map and to schedule the closing on the Town properties as covered in the contract with FMB, Inc. Councilman Archer seconded the motion.

Councilman Doe asked if Council wanted to vote tonight or wait until Councilman Bailey is here. Council decides they want to vote. Motion was made by Councilman Creech, seconded by Councilman Archer. Motion carried by 2-1 vote, with Councilman Doe voting in the negative.



Town of Atlantic Beach

MEMORANDUM

TO: Mayor and Town Council

DATE: August 15, 2005

FROM: Chuck Cooper
Town Manager

RE: Closing on Town Properties

In preparation for scheduling the closing date with FMB Inc. for the sale of Town (the "Circle") properties and the payment of the remainder of the \$1,810,000 due the Town, I asked Town Attorney Derek Taylor to review the FMB contract to determine any remaining steps necessary to complete this transaction. Derek and I subsequently met on Friday July 29 with Fred Bunn, Cecil Bradley and Lee Smith to go over his summary of contract requirements (see copy of Derek Taylor contract summary and original contract).

Our review of Derek's summary contract document and the resulting discussions indicated that three items needed completion prior to closing. These three items and their current status are:

1. Completion of the Storm Water permitting process – Permit received from the N.C. Division of Water Quality by FMB on August 1, 2005.
2. Approved Grove development plans – Approval received from the Town of Atlantic Beach Planning Board at the August 2, 2005 meeting (see Planning Board agenda and FMB development plan and parking plan maps).
3. Approved alteration of East and West Drive to include expanded boardwalk area – This was included in the original and all subsequent development plans and approval of this final remaining contract item is sought at this Council session (see above maps for reference).

I am requesting that the Council approve this final item #3 so the Town and FMB can schedule the closing on the four Town properties at the earliest convenient date. At that time the Town will receive \$ 1,737,600 (\$1,810,000 less \$72,400 progress payments to date).

A motion would be in order to approve the alteration of East and West Drive as indicated on the Grove development plan map and to schedule the closing on the Town properties as covered in the contract with FMB, Inc.