



**Minutes**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**Monday, September 26, 2016**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, September 26, 2016 at 6:00 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; Derek Taylor, Town Attorney; Katrina Tyer, Town Clerk; Sabrina Simpson, Administrative Service Director; Jeff Harvey, Police Chief; Adam Snyder, Fire Chief; Michelle Shreve, Planner; John Harrell, Chief Inspector; Marc Schulze, Public Service Director

#### **CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Mayor Cooper called the meeting to order at 6:00 p.m. Grant Richardson and members of Boy Scout Troop #130 led the assembly in the Pledge of Allegiance.

#### **APPROVAL OF AGENDAS**

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

#### **4. CONSENT AGENDA**

- a) Financial Report
- b) Budget Transfers
- c) Budget Amendments
- d) Budget Amendment – Fee Schedule Appendix B
- e) Tax Collection Report
- f) Tax Releases
- g) Surplus Sales on GovDeals – Office Equipment
- h) Approval of Change Order with Sunland Builders Inc. for Old Causeway stormwater project in the amount of \$247,052.72
- i) **Resolution 16-09-01:** Resolution Supporting Proposed County ¼ Cent Sales and Use Tax for Navigation Dredging
- j) Approval of Overnight Camping at the Circle for Cycle NC on October 8, 2016
- k) Town Council Meeting Minutes: 8/18/2016WS and 8/22/2016

**(Clerk's Note: a copy of Consent Agenda items are attached and therefore made a part of these minutes.)**

Mayor Cooper explained some of the consent items for the audience.

Councilmember Briley made a motion *to approve* the Consent Agenda. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

#### **5. CITIZEN REQUESTS/COMMENTS**

None.

#### **6. FUNDRAISING PRESENTATION AND REQUEST FOR VENDING APPROVAL**

Jake Bleck, Al Morris, Jack Woodard and Grant Richardson, residents of Atlantic Beach and members of Boy Scout Troop #130, spoke to Council requesting permission to sell donuts, popcorn, water and similar items on weekends in two hour blocks in parented supervised groups of four. They do not wish to compete with the Town's concession sales at the

Park. They are also requesting to sell bbq or hotdogs during the Beach Music Festival. The troop wishes to raise funds for a two week camping trip to Philmont Boy Scout Camp in New Mexico in 2018..

Mayor Cooper explained that if approved, they would coordinate individual selling opportunities through town hall.

Councilmember Briley made a motion *to approve* the selling of concessions by Boy Scout Troop #130 at certain Town events at the Boardwalk and the Town Park through 2017. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

## 7. ITEMS FOR REVIEW

### a) Proposed Fire Pits on the Circle Beach

Mayor Cooper led the discussion on the proposed fire pits. Council discussed the number of pits and locations to install them. They also discussed the materials which would be safe for burning and other safety concerns. Council discussed safety concerns with the Fire Chief Snyder and Police Chief Harvey.

Mayor Cooper accepted comments from the audience.

Phillip French, 509 W Boardwalk, inquired whether smoking was permitted on the beach and debated that our current ordinance prohibited smoking. Mayor Cooper instructed him this was off topic. He told Council of an out-of-state case where a non-English speaking and non-reading child jumped into a hot pit and ended up burned with multiple skin grafts. He sees allowing the pits as dangerous. He wanted to insure these would not be allowed during the busy summer months.

Mayor Cooper stated we are trying to mitigate the dangers by doing this in the off-season and following other town's policies that already allow fire pits.

Laurie Tatum, 109 Dogwood Street, stated she was concerned with the cleanup process. Mayor Cooper stated Town staff would clean out the pits as needed.

Councilmember Briley suggested adding reflectors to the pits to ensure they are seen on the beach. Signage will be installed providing the rules, operational hours and allowed burning materials. It was the consensus of Council to try a few out to see if people utilize them.

Councilmember Rivers made a motion *to approve* Ordinance 16-09-01: Ordinance Amending Chapter 8, Fire Prevention and Protection, Article 1, Section 8-2 Open Burning and Open-flame Cooking Devices. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

Councilmember Briley made a motion *to approve* the installation of four (4) fire pits, two (2) on each side of the lifeguard stand, from October 15 - March 15, operational hours from 9a.m.–11p.m. Seconded by Councilmember Rivers. Vote was unanimous, 5-0. Motion carried.

### b) Follow-up on Skatepark helmet/padding provisions enforcement

Mayor Cooper stated that he and Police Chief Harvey recently met with the Skatepark Committee and park users. Local skaters are willing and want to help enforce the helmet and pad rules. The plan is to enforce the rules with positive enforcement. If some refuse to follow suit, they will be ticketed and/or banned by the ABPD.

The committee feels specific hours for BMX users is no longer necessary, so the times could be removed.

## 8. PLANNING DEPARTMENT UPDATE

### a) Status of UDO update

Michelle Shreve, Planner, stated that CodeWright is submitting the Staff Review Draft of Module One of the UDO. This section of the technical reorganization and legislative update includes general provisions, procedures, enforcement, and the measurements and definitions that pertain to those sections. Those comments and revisions will be submitted to

CodeWright, integrated, and returned as the Public Review Draft, which will be presented to the Planning Board and Council.

As part of the UDO update, staff is proposing a text amendment to remove “dwellings, single-family attached” from Section 5.5 Table of Permitted/Conditional Uses and to remove “dwelling, attached” from Appendix Section A-3 Definitions. This use is permitted in every single-family residential district, despite the multi-family nature of the development.

The concept covered by this use type and definition is also covered by “townhouses”. These overlapping use types are conflicting as far as which districts they are permitted in. Removing single-family attached dwellings from the uses and definitions will help to clarify permitted development in residential districts. This is part of the work outlined in the Code Assessment that CodeWright is working on, but because of recent development proposals, this correction needs to be made sooner than Spring.

Staff requests that the Town Council call for a public hearing during the November 28th Town Council meeting to hear public comment on the proposed text amendment.

Councilmember Archer made a motion *to schedule* a public hearing during the November 28, 2016 Town Council meeting on the proposed text amendment to remove “dwellings, single-family attached” from Section 5.5 Table of Permitted/Conditional Uses and to remove “dwelling, attached” from Appendix Section A-3 Definitions. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

#### **b) Flood Plain Mapping Update**

Michelle stated the preliminary maps are available to online and the link is on the Town website and the Town’s Facebook. We will continue to reach out to property owners and residents to ensure that they know of these changes over the next year . There is a meeting with State floodplain mapping staff at the Civic Center on October 11th from 4-7pm. She encouraged Council, staff, and interested citizens to attend and hear about the changes from the source. We will have an information session here in Atlantic Beach, but it hasn’t been scheduled yet. Residents should contact their insurance agents for additional information.

#### **c) Division of Marine Fisheries – Proposed artificial reef at bridge abutment site**

Michelle attended a scoping meeting with several governmental agencies such as NOAA, CAMA, and USACE to discuss the possibility of implementing of an artificial reef next to or near the bridge abutment site. The Division of Marine Fisheries submitted three alternatives, each with varying pros and cons. Discussion between the representatives included navigation over the reef options at low tide, navigation around the reefs, and the benefit to the shore fishing community, which is the main goal of this project.

Option A is a grid of manmade reef units, like reef balls, closest to the bridge abutment, well within castable distance. It would not be possible to navigate over the reef at low tide, and the reef units may even be exposed. This is the most favored option, but impacts to boaters that cross under the bridge at that location was a concern.

Option B would allow for navigation under the bridge and over the reef at low tide, but would not be within castable distance, as it is seventy feet from the bridge abutment.

Option C would be constructed of 18” of crushed concrete, so the waters above it would be more navigable during low tide, but it would create less of a habitat for fish and other marine organisms than the reef units would.

She and Marc Schulze, Public Services Director, are more amenable to Option B to reduce the impacts to navigation but still increase the fishing potential in the area, but as the riparian rights in this location are with DOT, we are ultimately only advisory for this initiative. Michelle said they are looking to be move quickly with this project as their grant funding runs through the end of 2016.

The Town should be more involved than just advisory, we need to make sure Marine Fisheries knows of our bridge abutment plans and boat traffic. When we add floating docks there will be a conflict. It was the consensus of Council to

advise Marine Fisheries we are not interested in this round, but we may be interested in further discussions when we have more information of our bridge abutment plans.

**9. TOWN MANAGER'S REPORT**

Mr. Walker reported the summer parking revenues are the best of the past six summers. Beach driving begins October 1 and we have already been selling passes. The bid opening for the new Public Works facility is next week.

**MAYOR/COUNCIL COMMENTS**

None.

There being no further action taken or business before Council the meeting stood adjourned. The time was 6:57p.m.

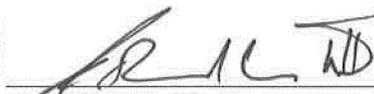
These minutes were approved at the October 24, 2016 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)  
  
Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH

  
A. B. Cooper, III - Mayor