



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, June 27, 2016



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, June 27, 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; Michelle Shreve, Planner; John Harrell, Chief Inspector; Marc Schulze, Public Service Director; Arrington Moore, Management Assistant

CALL TO ORDER and PLEDGE OF ALLEGIANCE

Mayor Cooper called the meeting to order at 6:00 p.m. Mayor Pro Tem Navey 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) Tax Collection Report
- b) Tax Releases
- c) Financial Report
- d) Budget Amendments
- e) Budget Transfers
- f) Affirm selection of First Choice Benefits as health insurance carrier for FY16-17
- g) Board of Adjustment Appointments and Re-Appointments
- h) Town Council Meeting Minutes: 5/19/2016 WS and 5/23/2016

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

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

5. CITIZEN REQUESTS/COMMENTS

None. Vada Palma and Reporter Mike Shutak were the only audience members.

6. Resolution 16-06-01: Resolution of Sympathy Board of Adjustment member Eugene Walz

Former Board of Adjustment member, Eugene Walz passed away on June 10, 2016 in New York. The adopted Resolution will be sent to Mr. Walz's family.

Councilmember Briley made a motion *to approve* Resolution 16-06-01: Resolution of Sympathy Board of Adjustment member Eugene Walz. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

7. PUBLIC HEARING and Proposed Action: Rezoning of 608 W. Fort Macon Rd

Since the town-wide rezoning on August 24th, 2009, the parcel at 608 West Fort Macon Road had been considered R-1(C), conservation zoning district. Earlier this year, it was discovered to be left off of the zoning map, such that it is not colored-in to indicate a zoning district. This "scrivener's error" cannot be judiciously proven due to the lack of archived GIS data that was used to create this map, so rezoning procedures were followed. On June 8th, the Planning Board unanimously

not regulate the placement of septic systems on lots because the Carteret County Environmental Health Department adheres to State ordinances that delineate the placement of septic systems. In favor of the Health Department's regulatory supervision and the possibility of a typo in this ordinance, staff suggests that the text amendment process be initiated to change the location of this parenthesis.

Attorney Taylor reminded Council and staff to be careful that any changes to the ordinance do not affect any public water lines, drainage lines, etc. If the ordinance is changed allowing the lines in the setback issues, we may eliminate some of our access and future use. Public Works staff should be involved in the process.

Council advised the Planning staff to proceed with presenting this item to the Planning Board for review and approval.

TOWN MANAGER'S REPORT

Review of Request for Support of Public Beach Amicus Brief and Dedication of Support

The Town of Emerald Isle has retained Attorney Kilpatrick Townsend to draft a Joint Amicus Brief on behalf of all NC oceanfront counties and towns interested in participating. The deadline for filing briefs is July 27. They are seeking our agreement to sign on to the amicus brief, and if possible, to provide a token contribution to indicate support to this effort.

The case will answer these two questions:

1. Is the public entitled to use only the wet sand beach (below mean high water) OR is the public entitled to use the wet sand beach and the dry sand beach (up to the base of the dunes, as has been historical practice since time immemorial)?
2. Does an oceanfront property owner have the right to exclude the public (in whatever form of access they pursue – sunbathing, swimming, surfing, surf fishing, driving, playing, walking, etc.) from the dry sand beach in front of their home?

To date they have secured support from all 21 NC beach towns and all 8 oceanfront counties. Pine Knoll Shores, Indian Beach, Wrightsville Beach, Nags Head, Duck and North Topsail Beach support the Amicus Brief and have approved contributions. Governor McCrory's administration shows support and will submit their own brief(s).

Councilmember Archer made a motion *to approve* support of the Public Beach Amicus Brief and Dedication of Support in the amount of up to \$1000. Seconded by Councilmember Briley. Vote was unanimous, 5-0. Motion carried.

MAYOR/COUNCIL COMMENTS

ADJOURN

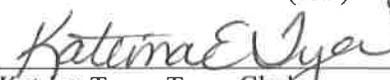
Council discussed the progress of the Skatepark and Miniature Golf and the possibility of a grand opening. No Trespassing signage will be posted during the continued construction.

There being no further action taken or business before Council the meeting stood adjourned. The time was 6:40 p.m.

These minutes were approved at the July 25, 2016 meeting of the Atlantic Beach Town Council.

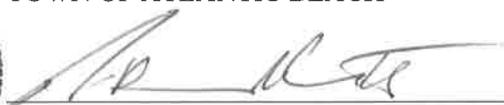
ATTEST:

(seal)


Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor