



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Work Session Meeting**  
**125 W Fort Macon Road and**  
**Electronically via Zoom**  
**Wednesday, June 17, 2022**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Wednesday, June 17, 2022 at 10:00 a.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 Austin Waters; Councilmembers: Renea Baker, Joey Dean, Joseph Starling

**Members Absent:** Danny Navey

**Others Present:** David Walker, Town Manager; Katrina Tyer, Town Clerk; Michael Simpson, Fire Chief; Sabrina Simpson, Admin Services; Michelle Eitner, Planning Director; Elisabeth Webster, Planner

**CALL TO ORDER**

Mayor Cooper called the meeting to order at 2:02 p.m.

Councilmember Dean made a motion *to excuse* Councilmember Navey due to a death in the family. Seconded by Councilmember Baker. Vote was unanimous, 4-0. Motion carried.

**APPROVAL OF AGENDA**

Mayor Pro Tem Waters made a motion *to remove* Item #6 Water Utility Long-Range Needs Report/Engineering Review from the agenda due to Marc Schulze being ill and unable to attend the meeting. Seconded by Councilmember Dean. Vote was unanimous, 4-0. Motion carried.

**DISCUSSION OF TRASH ON BEACH**

Councilmember Dean addressed the amount of trash on the beach and paid parking areas at the Circle after the Memorial Day weekend. He said it looked like it became a sport to throw trash on the ground. He wanted to know if there was any way to ticket or enforce not littering. He suggested having a mid-day clean-up of the beach and trash cans. He hopes the camera project will aid in this enforcement.

Manager David Walker noted public works staff hauled off two bucket trucks full of trash that weekend.

**PROPOSED UDO AMENDMENTS (CIRCLE DISTRICT)**

Planner Michelle Eitner expressed her thankfulness to the board for the past six and a half years she served as planner. This is her last Council meeting.

**ZTA 22-2 Residential Use Text Amendment**

This amendment was initiated due to the proposed development at 108 West Terminal. During the Joint Council and Planning Board Major Site Plan public hearing on April 5 a citizen brought up inconsistencies in our UDO with definitions for a "townhome" and a "quadraplex." As a result of that meeting, staff proposed a text amendment to residential uses reviewed by the Planning Board on June 7. They determined that there had not been an issue with this before the 108 West Terminal major site plan application and if the intent of the amendment is to allow the project, then the ordinance should be amended to allow townhouses in the CIR (Circle) district and clarify the definitions. The Planning Board unanimously denied the proposed amendment and requested that staff present a new amendment at their July meeting that would allow townhouses in CIR.

Mayor Cooper explained the UDO reads that a duplex has to be on a single lot, the inconsistency is that townhouses from a legal prospective, is a dwelling that is sold with the land under it. The definitions are an issue because townhomes are not allowed to be built in the CIR, they are allowed in other districts in town, which is why others have been built. There was discussion on the State building code and their definition of a townhouse and the building requirements applied to them.

Options discussed were to clarify the definitions, allow townhomes in the Circle District, or eliminate townhomes. Council would like to encourage stricter residential codes where they can. Consensus was to look at applying different rules for the outlying residential Circle area. Planning staff will prepare a proposed amendment to present to Council for review.

### **Possible Side Setback Implementation in CIR**

Recent discussions have led staff to look into the implementation of side setback requirements in the CIR (Circle) District. Staff agrees that this would be a good way to reduce impact of adjacent development, especially in areas of the district that are primarily residential. Zero side setbacks are good for nonresidential development in downtown or business districts, but are difficult to administer with residential (single-family, duplex, and townhouse) development because the fire code does not apply to those structures. Staff recommends considering one or more of the following:

- 5ft side setback when the abutting property is residential
- 5ft side setback when the subject property is residential
- 5ft side setback, unless the both the subject and abutting properties are nonresidential, in which case the side setback is reduced to zero.
- Additional required landscaping and/or fencing when the abutting property is residential when the subject property is mixed-use or nonresidential (this is already required between different types of districts, but not within a district between different types of uses)

There was discussion to ensure protection of current property owners and making the homes that abut East and West Drive under a separate subzone. Planning staff will prepare a proposed amendment to present to Council for review.

They also discussed amending setbacks in the Cottage District, changing them from five feet to seven feet or requiring the setback to be larger based on the height of the structure. Planning staff will also work on this amendment.

Break 11:31am  
Resume 11:36am

### **REVIEW AND APPROVAL OF FIRE LADDER TRUCK PURCHASE**

Chief Simpson stated the current fire truck has reached its service life of 20 years, mainly due to rust and corrosion from salt air and the beach environment. We have spent over \$70,000 in repairs in the last five years. Due to the environment, we must have an aluminum ladder, which adds to the proposed costs. Councilmember Starling wanted to ensure the 78-foot ladder was enough to cover all of the taller structures being built in town.

Councilmember Starling made a motion *to approve* Resolution 22-06-01, Resolution authorizing the purchase of a 2024 E-One HP78' Ladder Truck from Fire Connections Inc of Rocky Mount, NC for \$1,258,568 through the H-GAC Purchasing Program as authorized under NCGS 143-129(e)(3). Seconded by Mayor Pro Tem Waters. Vote was unanimous, 4-0. Motion carried.

Councilmember Starling made a motion *to approve* the purchase contract with Fire Connections Inc through the H-GAC Purchasing Program for \$1,258,568, commit fund balance for the pre-pay option to purchase in the amount of \$1,201,933, and authorize funding for a performance bond in the amount of \$4,804. Seconded by Councilmember Baker. Vote was unanimous, 4-0. Motion carried.

### **UPDATE ON BOARDWALK DESIGN AGREEMENT**

Mayor Cooper stated Attorney Taylor has reviewed the agreement with Kutonotuk out of Charlottesville, VA and we have sent our comments back to them. Hopefully approval can be at the next meeting. They are requesting approximately a \$200,000 design fee, for the \$2 million boardwalk. We should be able to start the public input and design meetings in July. Phase 1 is still scheduled to begin this winter.

Mayor Cooper also noted, Redbird, a public wastewater treatment facility company has stepped in to purchase the Sugarloaf system instead of Baker and Smith. They are requesting a contract with the Town allowing the Town to determine and sell allocation to the Causeway property owners.

### **TOWN MANAGER REPORT**

Mr. Walker reminded everyone to attend the ribbon cutting and open house of the new Public Safety Complex on July 13 from 4-6pm following the work session.

**MAYOR COUNCIL COMMENTS**

Councilmember Starling apologized for missing the last work session and then for participating via Zoom for the regular meeting due to COVID. He feels staff should go ahead and receive the full 8.5% COLA on July 1, not split up over six months. He would like this amendment discussed at the next meeting.

Councilmember Dean asked about the status of the Circle parcels we are considering purchasing. Mayor Cooper explained we are applying for a land acquisition CAMA Grant.

**ADJOURN**

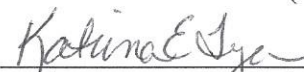
There being no further action taken or business before Council the meeting stood adjourned. The time was 12:27pm.

These minutes were approved at the June 27, 2022 meeting of the Atlantic Beach Town Council.


TOWN OF ATLANTIC BEACH

ATTEST:

(seal)

  
Katrina Tyer - Town Clerk



  
A. B. Cooper, III - Mayor