



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**125 W Fort Macon Road and**  
**Electronically via Zoom**  
**Monday, April 24, 2023 – 6:00pm**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, April 24, 2023 at 6:00pm 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: Joey Dean, Danny Navey, Joseph Starling

**Members Absent:** Councilmember Renea Baker (via Zoom)

**Others Present:** John O'Daniel, Town Manager; Katrina Tyer, Town Clerk; Derek Taylor, Town Attorney; Sabrina Simpson, Admin Services Director; Sarah Currie, Finance Director; Jennifer Ansell, Planning Director; Marc Schulze, Public Works Director; Mike Simpson, Fire Chief; Police Chief Jeff Harvey; Tony Engrassia, Board of Adjustment Alternate

**CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Mayor Cooper called the meeting to order at 6:00 p.m. Councilmember Navey led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Councilmember Starling made a motion *to remove* Item 6 Resolution 23-04-01: Resolution Supporting the Town of Atlantic Beach's Grant Application to the Parks and Recreation Trust Fund for Phase 1 of the Atlantic Beach Boardwalk Renovation Project and Commitment of Matching Funds from the agenda and *to schedule* a special meeting to discuss the boardwalk project, related funding and to possibly approve the Resolution, further discuss the proposed budget and discussion on the paid parking rates for Friday, April 28, 2023 at 10:00am and *to approve* the agenda as amended. Seconded by Mayor Pro Tem Waters. Vote 4-0.

Councilmember Navey made a motion *to excuse* Councilmember Baker due to travel. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 4-0.

**CONSENT AGENDA**

- a) Finance Report
- b) Budget Amendments
- c) Budget Transfers
- d) Tax Collection Report
- e) Tax Releases and Refunds Report
- f) Notice of Surplus Equipment Disposal (Dump Bed and Claw Truck)
- g) Approval of Debt Book Contract for term 5/31/23-5/30/26
- h) Minutes: 3/20/2023 Retreat; 3/27/2023

Councilmember Danny Navey made a motion *to approve* the Consent Agenda as presented. Seconded by Councilmember Dean. Vote was unanimous, 4-0. Motion carried.

**CITIZEN REQUESTS/COMMENTS**

Shannon Fields (via Zoom) has questions about the oceanfront parcels sold to James Bunn and the adjoining properties. Mayor Cooper advised Council will have a closed session with our attorney on this item after the regular meeting to discuss the town's position.

**DISCUSSION OF PROPOSED AMENDMENT TO EASEMENT AGREEMENT BETWEEN FMB AT THE GROVE, LLC AND THE TOWN OF ATLANTIC BEACH (Festival Easement)**

Mayor Cooper reminded Council the Town and FMB at the Grove have a festival easement for the center lot on the Boardwalk. He stated that FMB has proposed a revised easement that would limit the use of that space to three musical events per year. He questions their definition of 'musical events'. Councilmember Baker is concerned with the limitation of three events, knowing we have the beach music festival already. Attorney Taylor confirmed the easement as it currently exists, allows us to have unlimited events and that has been brought to the forefront with the potential purchase of the lots, which impacts the sales of

the other surrounding lots to private individuals.

Attorney Taylor advised we may want to acknowledge that our music festivals include the sale of t-shirts, beer, and other concessions so those activities are not to be considered commercial, which is prohibited per the Declaration of Covenants on the eastern lots we are trying to purchase. He also cautioned Council to remember the Town will not always be working with just Fred Bunn, ownership changes.

When Mayor Cooper spoke with Mr. Bunn, he understood they are looking for the Town to agree not to have food trucks or music nightly, competing against businesses that already provide live outdoor music and food. He does not feel the intent is to change the events we currently have, just to prevent daily events. Mr. Bunn's wife, Gina, was in the audience and expressed their concerns about the Town competing with existing businesses.

Councilmember Starling suggested we could consider not purchasing the two west-end parcels since we are not under a contract yet. Mayor Pro Tem Waters agreed we could put the stage in the existing festival easement location.

Councilmember Navey agrees that we need some clarification before we agree to the Proposed Amendment. He feels our events usually help businesses.

O'Daniel asked about the timeline for buying the second two parcels. Attorney Taylor said it is May 1, but he feels we can get an extension so there is not a breach of contract.

Mr. Bunn's brother passed away this week, so he was unable to attend tonight's meeting. It was the consensus of Council to delay this discussion until Mr. Bunn can attend and provide clarity and feedback.

**TOWN MANAGER REPORT**

None

**MAYOR/COUNCIL COMMENTS**

None

Councilmember Starling made a motion *to enter* Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with attorney to protect the attorney-client privilege. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 4-0. Motion carried. The time was 6:36pm.

Mayor Cooper advised the audience Council was going to be in closed session regarding the recent purchase of oceanfront lots by James Bunn. The Town understands everyone's concerns and is convening with the Town attorney to determine the Town's role. Mayor Cooper asked everyone to email him or the Town Clerk with their name and contact information so they could be contacted if we had a statement.

The audience left the boardroom leaving the Mayor, Council, Town Attorney, Town Manager and Town Clerk present. The time was 6:43pm.

Councilmember Navey made a motion *to exit* Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with attorney to protect the attorney-client privilege. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 4-0. Motion carried. The time was 7:42pm.

**ADJOURN**

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:42pm.

These minutes were approved at the May 22, 2023 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)  
  
Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH

  
A. B. Cooper, III - Mayor