



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**125 W Fort Macon Road and**  
**Electronically via Zoom**  
**Monday, May 22, 2023 – 6:00pm**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, May 22, 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: Renea Baker, Joey Dean, Danny Navey, Joseph Starling

**Members Absent:** None

**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; Police Sergeant Wilkinson; Morgan Gilbert, Parks & Rec Director

**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**

Mayor Pro Tem Waters made a motion *to approve* the agenda as prepared. Seconded by Councilmember Baker. Vote 5-0.

**CONSENT AGENDA**

- a) Finance Report
- b) Budget Amendment (Mini Golf Rate Change)
- c) Budget Amendments (note: Beach Nourishment Fund Balance Reallocation)
- d) Tax Collection Report
- e) Tax Releases and Refunds Report
- f) Approval of 2023/24 Phase II Vegetative and C&D Debris Removal Contracts with State Tree Services, Inc. (Primary) and CTC Disaster Response, Inc. (Secondary)
- g) Approval of New Cingular (DBA AT&T) Cellular Lease – Fourth Amendment
- h) Approval of Updated Audit Engagement Letter with Thompson, Price, Scott, Adams & Co., P.A. for the FY ending 6/30/2023 Town of Atlantic Beach Financial Audit
- i) Acceptance of Brooks Dredging and Marine Construction, Inc. bid in the amount of \$68 per cubic yard for dredging approx. 3,193 cubic yards within Royal, Money Island, New Causeway and Causeway Channels and approval of Contract
- j) Acceptance of Extension of Special Lease Agreement between NCDOT and TOAB (Bridge Abutment)
- k) Minutes: 4/12/23WS; 4/24/23WS; 4/24/23

Mayor Cooper briefly reviewed the items on the Consent Agenda for the audience. Councilmember Navey made a motion *to approve* the Consent Agenda as presented. Seconded by Councilmember Starling. Vote was unanimous, 5-0. Motion carried.

**CITIZEN REQUESTS/COMMENTS**

None.

**FY2023-24 PROPOSED BUDGET – Public Hearing and Adoption**

Town Manager John O'Daniel introduced the budget public hearing, noting that it has been advertised.

Mayor Cooper entered the Public Hearing to provide in person and online via Zoom comments, the time was 6:05pm.

No comments. Mayor Cooper exited the Public Hearing, the time was 6:06pm.

Mayor Cooper stated he would like to see the Recreational Water Quality Testing funding added back to the budget. He has spoken with Dr. Rachel Noble about shared funding for the next round of testing. They are able to fund \$10,000 if the Town can match it with \$8,000. He has reviewed the past year's findings and feels one more year of the study is needed so they can provide quality research data and determine options for fixing issues. This year the program wants to look at the stormwater

weirs and the water that runs from them. They have students in town and are eager to begin the project.

He would like Council to consider a budget amendment to transfer \$8,000 from the stormwater fund to cover these tests and hopes to have it approved at the next work session.

Councilmember Navey recommended that if the next round of testing does not find any issues, then we could space the testing out to every few years instead of annually.

O'Daniel briefly mentioned the proposed amendment to Appendix D of the Fee Schedule to remove the Act as an Agent No Trespassing Sign fee. This item was not included in the proposed budget. It has not been used by the Police Department in many years, so we are asking to remove it as a fee.

Councilmember Starling made a motion *to approve* Ordinance 23-05-01, An Ordinance Approving the FY2023-24 Budget, amending Appendix D of the Fee Schedule (Police) to remove the Act as Agent No Trespassing Sign fee. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 5-0. Motion carried.

Mayor Cooper thanked John for all of his work after being new to the team. He reminded the audience that inflation affects the government too.

### **115 W FORT MACON RD REDEVELOPMENT, PHASE II – MAJOR SITE PLAN REVIEW & APPROVAL**

Planning Director Jennifer Ansell reviewed and requested approval of Major Site Plan (MSP-22-3) for 115 West Fort Macon Road Redevelopment, Phase II, the former Hi-Lites property adjacent to the Public Safety & Administration Complex. Ron Cullipher, P.E., The Cullipher Group, PA, on behalf of AB Sandals Ventures, LLC, submitted an application for Phase II Major Site Plan to construct a 6,156 square-foot retail store at 115 West Fort Macon Road, which is currently comprised of two parcels. Major Site Plan approval is required for any nonresidential development within the Commercial Circle zoning district. On April 4, 2023, the Planning Board recommended approval of Phase II of the Major Site Plan with the condition that the applicant work with the Fire Department to address concerns regarding the line of sight to the intersection of West Fort Macon Road and Atlantic Beach Causeway from Town Hall. After the Planning Board meeting, Cullipher met on-site with the project architect, Lee Dixon, Fire Chief Michael Simpson, and Deputy Chief Casey Arthur. They determined moving the building to the southern property line approximately five feet would be the best solution to preserve the sight line, the building would be approximately 20 feet from the northern property line. This required a variance from the street setback requirements in the CIR district. The Board of Adjustment met on April 25, 2023, and unanimously approved a variance to allow an increase in the required maximum 15-foot front setback, a reduction in the building fenestration requirements on the south elevation due to the proximity of the alleyway with the revised structure placement, and an exemption from the required street plantings which will further preserve the line of sight. At the May 2, 2023, Planning Board meeting, the Board voted unanimously to approve the Phase II site plan submittal with the Board of Adjustment variance changes.

Councilmember Navey asked Chief Simpson if these changes met their needs and Chief Simpson confirmed. Councilmember Navey also inquired about the location of the dumpster. Jennifer showed the location on the plans and confirmed the dumpster would be screened.

Mayor Pro Tem Waters asked about the previously discussed flashing traffic light on Ft. Macon Road. Chief Simpson stated it would cost the Town approximately \$150,000, but the proposed new location of the building will take care of the line of sight concerns.

Councilmember Navey made a motion *to approve* Major Site Plan (MSP-22-3) for the Redevelopment of 115 West Fort Macon Rd. Seconded by Councilmember Baker. Vote was unanimous, 5-0. Motion carried. Council thanked Cullipher and his client for working with the Town and the Fire Department.

### **PURCHASE OF LAND AT 141 AND 143 ATLANTIC BOULEVARD (western lots)**

Planning Director Jennifer Ansell requested Council ratify the Manager's signature on the Letter of Intent dated February 6, 2023, and approve the Town Manager to execute the Agreement to Amend the Letter of Intent to extend the settlement date to July 7, 2023, for Purchase of Land at 141 and 143 Atlantic Blvd.

Councilmember Dean made a motion *to ratify* the February 6, 2023 Letter of Intent and *to authorize* the Town Manager to execute the Agreement to Amend the Letter of Intent, extending the settlement date to July 7, 2023, for the Purchase of Land at 141 and 143 Atlantic Boulevard. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 5-0. Motion carried.

## **ORDINANCE AMENDMENTS TO CHANGE CIVIL PENALTY AMOUNTS**

O'Daniel reviewed and requested approval of ordinance amendments to increase civil penalty amounts. These amendments will make the fines more consistent with the recent parking fine increases.

Councilmember Baker made a motion *to approve* Ordinance 23-05-02: Ordinance Amending Chapter 1 General Provisions, Section 6 General Penalty; Enforcement of Ordinances; Continuing Violations; Chapter 4 Animals, Section 8 Large Animals and Other Livestock Prohibited on the Beach Strand; Chapter 10 Motor Vehicles and Traffic, Section 64 Rapid Acceleration; Chapter 11 Nuisances, Article IV Noise, Section 87 Penalties; and Chapter 15 Solid Waste Management, Article I In General, Section 5 Penalties. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

Mayor Pro Tem Waters made a motion *to approve* Ordinance 23-05-03: Ordinance Amending Chapter 5 Beach and Shore Regulations, Article I In General, Section 5-3 Regulation of vessels in waters of and adjacent to the town and Chapter 10 Motor Vehicles, Article IV Stopping Standing and Parking, Section 10-104 Penalty enforcement. Seconded by Councilmember Dean. Vote was unanimous, 5-0. Motion carried.

## **NEW BERN BEACH ACCESS RETENTION WALL**

O'Daniel reminded Council that at the retreat they discussed installing a retaining wall at the New Bern Beach Access near the property of 101 Club Colony Drive. Since the retreat, it was determined the wall needed to be engineered to meet CAMA requirements. We have cost estimates from The Cullipher Group for surveying and engineering in the amount of \$6,000 and the estimated materials to cost \$1,400. The property owner has agreed to pay half of the engineering costs.

Mayor Cooper explained the adjacent property owner cleared their lot, pushing some vegetation towards the access so when Town staff cleaned out the vegetation it may have weakened the ground and caused erosion, leading to this request for a retaining wall. There was discussion on the benefit to the Town installing the retaining wall and decided with the Town's beach access septic system near this location, it makes sense to address it. Mayor Pro Tem Waters feels like this is fixing a property owner-caused issue. Councilmember Starling thinks the retaining wall will help separate and protect our septic system.

Councilmember Starling made a motion *to proceed* with the New Bern Beach Access retention wall and *to approve* the related budget amendment to fund the project using GF Fund Balance, contingent upon the property owner contributing \$3,000 toward the cost of engineering as a cost-share. Seconded by Councilmember Baker. Vote was unanimous, 5-0. Motion carried.

## **INTERGENERATIONAL NATURE PLAY AREA – TOWN PARK at 915 W Fort Macon Rd**

O'Daniel discussed the NC State's Natural Learning Initiative for an Intergenerational Nature Play Area at the Town Park project and the related budget amendment using fund balance.

Councilmember Dean would like to discuss this more at the retreat, seeing how we just went through a very intense budget process with department cuts. Councilmember Baker agrees she is not comfortable shelling out \$30,000 of the Town's money for something Council as a group may not be ready to proceed with. She would like to have this tabled for more discussion, possibly at the June work session. Mayor Pro Tem Waters is not clear on what we are getting for \$30,000 and he feels there should be more discussion. It was discussed that NC State will submit a design only, we would still need engineer approval and to go through the construction process. We need to provide NC State with a maximum budget so they can design a project we can proceed with. Staff was asked to present pictures of design examples at the next work session.

Councilmember Baker made a motion *to table* the discussion on NC State Natural Learning Initiative Design Project for an Intergenerational Nature Play Area at the Town Park until the June 14 work session and to take a group site visit to the Town Park. The proposed contract will be considered for approval at the June 26 meeting with a budget amendment to fund the design project using GF Fund Balance. Seconded by Councilmember Starling. Vote was unanimous, 5-0. Motion carried.

## **BEACH WHEELCHAIR TRAILER DESIGNATED PARKING**

Councilmember Baker is seeking a dedicated parking space for the beach wheelchair trailer the AB King Mackerel Tournament purchased for the fire department. The fire department had four older wheelchairs and the tournament purchased four new wheelchairs. This trailer will be wrapped with the tournament logo, sponsor logos, and contact information for storing the wheelchairs. For visibility of the program and easy access for the lifeguards, she would like to see the trailer parked at the Circle on the concrete pad beside the westward alley outside of the festival easement area or directly in the festival easement area. She

knows we need permission from Fred Bunn to place the trailer on either of the proposed locations but would like Council's input first. If we are unable to get permission, we can look at the CAMA lot near the bathhouse.

It was the consensus of Council for the Town Manager to contact Mr. Bunn for permission to use the concrete pad for parking the trailer.

**TOWN MANAGER REPORT**

Thanked staff for a great Beach Music Festival week, everything was well planned and executed events.

**MAYOR/COUNCIL COMMENTS**

Council complimented staff on the successful and professional Beach Music Festival. Councilmember Navey also wants to remind everyone that Memorial Day weekend is a time for people to remember what this holiday is for, and that everyone who has been in combat dies just a little bit, so thank a Veteran as well as those who gave their life for their country – the ones who gave their tomorrow so we can have our today.

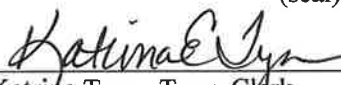
**ADJOURN**

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:01pm.

These minutes were approved at the August 28, 2023 meeting of the Atlantic Beach Town Council.

ATTEST:

TOWN OF ATLANTIC BEACH

(seal)  
  
Katrina Tyer - Town Clerk

  
A. B. Cooper, III - Mayor

