



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council Meeting**  
**125 W Fort Macon Road and**  
**Electronically via Zoom**  
**Monday, November 27, 2023 – 6:00pm**



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, November 27, 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:** Katrina Tyer, Town Clerk; Derek Taylor, Town Attorney; Sabrina Simpson, Admin Services Director; Marc Schulze, Public Works Director; Mike Simpson, Fire Chief; Jennifer Ansell, Planning Director; Elisabeth Webster, Planner; Sarah Currie, Finance Director; Jeff Harvey, Police Chief; and Harry Archer Jr; Planning Board Chairman Neil Chamblee and Planning Board member Phil Jones. John O'Daniel (Town Manager) and Brad Rich (Carteret News-Times) available via Zoom

**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 amend* the agenda by removing the project approval for the New Bern Ave Beach Access retaining wall from Consent for further discussion at next work session. Seconded by Councilmember Dean. Vote was unanimous, 5-0. Motion carried.

**CONSENT AGENDA**

- a. Finance Report
- b. Budget Amendment #11
- c. Projects:
  - i. Approval of Contract with Withers Ravenel for Street Paving Assessment
  - ii. Approval of Camera Project Change Order #3 with NC Sound for Pole Mount Camera at Public Safety Complex
  - iii. ~~Approval of Proposal for ProGreen Turf & Landscaping to build a retaining wall at the New Bern Ave. Beach Access~~
  - iv. Approval to Proceed with Improvements to Moonlight Drive Boat Access including gravel, fencing, and parking bumpers
  - v. Approval of Proposal for Bogue Banks Marine Construction to demo and construct new finger pier at West Bogue Sound Drive Boat Ramp
- d. Tax Collection Report
- e. Tax Releases and Refunds Report
- f. Notice of Surplus Vehicles Sold (3 police vehicles)
- g. Approval of **Ordinance 23-11-01**: Ordinance Amending Chapter 5, Beach and Shore Regulations; Section 5-5.1 Moonlight Drive Boat Ramp and Parking; Pelican Drive Pier, Boat Ramp and Parking; West Bogue Sound Drive Boat Ramp and Dock
- h. Approval of **Resolution 23-11-01**: Resolution Approving the Posting of “No Overnight Parking of Vehicles or Boats from the Hours of 11:00 p.m. through 5:00 a.m.” signs and any other appropriate NO PARKING signage at the Moonlight Drive Boat Ramp and Parking; Pelican Drive Pier, Boat Ramp and Parking; and West Bogue Sound Drive Boat Ramp and Dock
- i. Minutes: 9/5/23 Joint

Councilmember Baker made a motion *to approve* the Consent Agenda as amended. Seconded by Councilmember Navey. Vote was unanimous, 5-0. Motion carried.

**CITIZEN REQUESTS/COMMENTS**

None, in person or online via Zoom

**FY 22-23 FINANCIAL AUDIT PRESENTATION**

Austin Eubanks of Thompson, Price, Scott, Adams and Co, P.A., previewed the Town’s audit report via Zoom. He reviewed expenditures, revenues, fund balance, etc. He introduced an item requiring the town to submit a response to the LGC addressing a Financial Indicator of Concern regarding the Water and Sewer Capital Assets Condition Ratio.

Mayor Cooper applauded staff for receiving the excellence award again this year and finishing with a healthy fund balance.

Councilmember Starling made a motion *to approve* the audit as presented. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 5-0. Motion carried.

**PUBLIC HEARING on CAUSEWAY SMALL AREA PLAN/COMMERCIAL CORRIDOR (COR) UDO TEXT AMENDMENTS and ZONING MAP AMENDMENT**

Planning Director Jennifer Ansell presented a summary of changes to the UDO within this amendment and the zoning map including new COR zones. COR-1 is mostly residential.

Mayor Cooper explained these amendments were drafted so that we do not lose the commercial character of the Causeway corridor. The amendments only apply to new developments. Tonight is the Public Hearing with discussion and possible adoption intended for a later date.

Entered Public Hearing at 6:28pm.

Taylor Smith, 113 AB Causeway, representing Crystal Coast Condominiums. She is located in COR-2 and is mostly concerned with noise that might travel down the canal from tall buildings and rooftop bars.

Ron Cullipher, Engineer, representing owners of five lots on the Causeway within COR-1. He knows there has been a lot of work on this amendment and the changes look good, but the sidewalk and septic rules still do not fit the residential intent. He asked to consider taking COR-1 out and developing a separate ordinance. He does not want to see parking on the waterside.

Jim Lynch 103, 105, 107, and 111 AB Causeway. He appreciates the opportunity to be heard. He asked that they give the planners some latitude to allow duplication of what he has already constructed on his other lots.

Mack Baker, 516 AB Causeway. Provided a handout to Council demonstrating a building without any access in the front, no garage parking, and no room for an outside elevator. It does not look good. Requiring commercial construction on the first floor is not feasible. He feels the 50-foot lots should not be required to have commercial use or provided the option for a special use. His lot is in a flood zone requiring a 6-foot elevation, he would have to raise his building four feet. To comply with handicap regulations, he would need to have a 400-foot ramp. He just does not think this is feasible for a 50-foot lot.

Steve Bond, 106 Moonlight Dr. He appreciates the improvements with the Moonlight boat ramp project. He asks that we post proper signage and repair the top of the seawall. He has witnessed some almost get in trouble.

Worth Baker, 116 Bayview. He agrees with Mack Baker. He owns the lot on the corner and feels having commercial there is just asking for wrecks. Even at 1.5 acres, there is not anywhere to park unless you move the building all the way back. He said he could not comply with the proposed ordinance without a special use. His lot will just have to sit there vacant. Mayor Cooper explained the most recent parking changes are more flexible than a month or two ago.

John Hamad, owns the hotel and has been here for 60 years. He came in 1971 for vacation and stayed. Only 171 people were living here at that time. He wants to know when we will have sewer, it has been talked about since 1971. He thanked Atlantic Beach for being his family's friend. Mayor Cooper answered that we have entered an agreement with a utility and the State has to approve it. We are hopeful that we will have a timeline in a few months. This is no longer if it will happen, but when.

Todd Humphrey, 117 West Fort Macon Rd, pastor at Crystal Coast Unity. He asked why the proposed sewer stopped at Bogue Sound Drive and not further east so his building could convert. Mayor Cooper explained it was designed to use the boundary within the commercial corridor. Curious how the signage ordinance would be changed as mentioned in the letter he received.

Al Roak, 200 AB Causeway. Asked where the wastewater was going. Mayor Cooper explained the colored areas on the proposed amended zoning map. He seemed pleased that it included his property. He questioned people fishing on the private property at the end of the Causeway by the bridge on the old Channel Marker property and asked if the Town could do something about it.

Closed the public hearing at 6:52pm.

Jennifer addressed the signage question and stated we want to encourage more pedestrian-friendly signage, eliminating A-frame and flag banner signage from the sidewalk. She also confirmed the waterfront parking requirement has been eliminated.

Council wanted time to consider the public comments. Councilmember Starling made a motion *to table* action on this item until the December 18 meeting. Seconded by Councilman Dean. Vote was unanimous, 5-0. Motion carried.

Mayor Cooper reminded Council to consider a future effective date, maybe July 1, 2024 to allow for sewer implementation.

**PELICAN DRIVE SIDEWALK ENCROACHMENT REQUEST**

Ron Cullipher presented on behalf of Billy Sparkman, Sparkman Construction. They would like to narrow the road so they can install the required sidewalk without disturbing the existing landscape vegetation or the town waive the requirement for the sidewalk. This street is wider than most from the old Jungleland development.

Attorney Taylor reviewed available options to consider depending on the desired outcome. Sparkman could request an encroachment agreement from the board of adjustment, which can be revoked by Council at any time. This would not be suggested since a sidewalk could be considered permanent. The town could entertain closing a portion of the street, but the closing has to meet a public purpose. He really recommends the developer submit a modification to the minor site plan.

Councilmember Navey does not know that we want to narrow a street for a sidewalk. Mayor Pro Tem Waters would like to look into the options of narrowing the road, narrowing the sidewalk, or removing vegetation further.

Public Works Director Marc Schulze was asked to meet with Cullipher and mark where the proposed sidewalk would be installed to save the vegetation. Council was asked to meet with Marc onsite to discuss further.

**2023 PARK SEASON SUMMARY**

Morgan Gilbert, P&R Director reviewed the park revenue and expenses from last season. There were fewer golfers therefore less revenue than in 2022, which could be due to the loss of the playground and a couple of tropical storms. Next year additional golf holes will need to be resurfaced.

**2024 PAID PARKING PROGRAM**

Mayor Cooper feels they may have rushed through the parking discussion at the work session and suggested they take a little time and talk to the preferred firm and others so that we know who we are working with to obtain the most revenue.

Mayor Pro Tem Waters wants to increase our parking revenue without negatively impacting our visitors or residents experience.

Attorney Taylor advised he had reviewed the proposed contract with Premium and advised Council to review the contract and understand the Town's expected costs.

It was the consensus for the firms to present their programs to Council at the December 13 work session in person or via Zoom and for Council to provide any questions they want addressed during the presentations to John.

**TOWN MANAGER REPORT**

None. He was not present due to sickness.

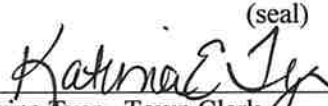
**MAYOR/COUNCIL COMMENTS**

None

**ADJOURN**

There being no further action taken or business before Council the meeting stood adjourned. The time was 7:26 pm. These minutes were approved at the January 22, 2024 meeting of the Atlantic Beach Town Council.

ATTEST:

(seal)  
  
Katrina Tyer - Town Clerk



TOWN OF ATLANTIC BEACH

  
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Danny Navey - Mayor