

# CAROLINA BEACH

Town Council Workshop

Tuesday, September 26, 2023 - 9:00 AM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



---

## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 9:00 AM.

### PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

### ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

### DISCUSSION ITEMS

1. Employee Recognition

Mr. Parvin recognized Parks and Recreation Director Eric Jelinski for 10 years with the Town and introduced new Harbor Master Jarrett Anderson.

2. Resolution Authorizing the Town to Apply to the Wilmington Urban Area Metropolitan Planning Organization for Surface Transportation Block Grant Program

Mr. Parvin said the Town is working with the Wilmington Urban Area Metropolitan Planning Organization (WMPO) on an agreement that would allow the Town to have construction dollars for the Saint Joseph Street multi-use path. Resolution 23-2296 authorizes the Town to submit an application to WMPO in the amount of \$1,465,950 for the Surface Transportation Block Grant program.

**ACTION:** Motion to approve the resolution authorizing the Town to apply to the Wilmington Urban Area Metropolitan Planning Organization for Surface Transportation Block Grant program

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

Council Member Hoffer asked how much will be left in the original amount of money to put toward construction after design is done. Mr. Parvin said he will have to follow up with that figure.

Council Member Hoffer asked if the fact that the N.C. Department of Transportation (DOT) has already granted funding for the design of this project means there is a good possibility of getting money for construction. Mr. Parvin said yes, but the Town just has to go through the process, which is the purpose of today's agenda item.

Council Member Benson asked if there are any encroachment issues or other potential problems at the DOT staffing level that may hold up this project. Mr. Parvin said he is almost positive everything has been worked out and the project can move forward.

Council Member Benson asked about options for the Saint Joseph Street and North Lake Park Boulevard intersection. Mr. Parvin said there is a preferred option that he can share. Mayor Barbee said that option is right in/right out with a chicane as Saint Joseph Street comes off North Lake Park Boulevard. Mr. Oakley said he will forward all options.

### 3. Discussion on Sidewalk Cafes

Current permits for sidewalk cafes expire on December 31, so Council must make any changes before businesses begin applying for new annual permits.

Planning Director Jeremy Hardison gave an update on the current ordinance involving sidewalk cafes. He said there were 13 permitted in 2023, and the allowance was created in 2006 when there was only one. Mr. Hardison said the option of having a sidewalk cafe, which is an encroachment located in public space, has become more attractive to businesses over the years.

#### Requirements

- At 12:00 AM, all tables, chairs, barricades, stanchions, and platforms used in the operation of the sidewalk cafe shall be removed.
- The area of the sidewalk cafe shall be reopened to the public and shall not be considered part of the premises of the eating and/or drinking establishment.
- A sidewalk cafe may open at 7:00 AM each day.

Mr. Hardison said during the COVID-19 pandemic Council eased up on these regulations, which resulted in overnight encroachments when a few businesses left out their tables and chairs. He said staff plans to enforce the current ordinance unless Council indicates otherwise.

#### Requirements for Boardwalk encroachments

- Permitted encroachments may take place adjacent to the business structure and shall not exceed the width of the business structure.
- Allow for a minimum of 4.5 feet of area for unobstructed pedestrian travel.
- In no instance shall an encroachment exceed more than one-quarter the width of the Boardwalk with the exception of the oceanfront Boardwalk.
- The oceanfront Boardwalk may encroach up to 6 feet from the facade of the building.

Requirements for business in the Central Business District (CBD) not located on the Boardwalk

- Encroachments may be allowed on adjacent sidewalk if a minimum clearance of 3 feet is provided for pedestrian travel.
- A 2-foot buffer zone from the face of the street-side curb shall not be included as part of the accessible area for pedestrians.

Mr. Hardison said the current ordinance does not address sidewalk cafes on corner lots.

Requirements for alcoholic beverages

- The premises of the encroachment shall be clearly delineated with stanchions indicating the boundaries patrons must stay within while in possession of alcoholic beverages in open or unsealed containers.
- The consumption of alcoholic beverages shall only occur while patrons are seated at tables.
- Congregating of patrons in or around encroachment areas shall be prohibited. Alcohol consumption outside of the premises or while standing shall be a violation of Section 18-2 – Drinking in public.
- No alcohol shall be served after 11:30 PM, and all sidewalk cafes shall be closed by 12:00 AM. Any person consuming alcoholic beverages in a sidewalk cafe after such hours shall be subject to Section 18-2 – Drinking in public.

Mr. Hardison summarized the main issues as the following: corner lots in the right-of-way, barriers, and moving the cafe at 12:00 AM.

Mayor Pro Tem Healy said there are various types of stanchions used for the sidewalk cafes. He said some municipalities put medallions on the ground of the sidewalk instead, which would look better.

Council Member LeCompte said businesses that stay open until 2:00 AM have nowhere to put tables and chairs at 12:00 AM. Mayor Barbee asked what the impetus was for this rule. Mr. Hardison said the purpose was to give Town staff easy access to clean and maintain the sidewalk early in the morning.

Mr. Oakley said the Town could look into issuing stanchions that are all uniform, but medallions may be a better way to go. Mayor Barbee said the Police Department should have input about which option is easier to enforce. He said people can bump into stanchions, causing them to move, so he likes the idea of medallions.

Mr. Parvin said his understanding is that per Alcohol Law Enforcement (ALE), the area must be enclosed if alcohol is being served, so medallions would not work in those scenarios. Some Council Members questioned this, saying they have seen medallions at establishments that serve alcohol in other municipalities. Mayor Barbee said the Town needs to investigate whether medallions would work where alcohol is served.

Mayor Barbee said he would like to see corner tables at corner lots go away because they stick out and impede pedestrians. Mr. Parvin said possible options for corner lots that abut more than one setback area are that the more restrictive setback would apply, removal of the table, or the least restrictive

setback would apply. He said staff can go to the Technical Review Committee (TRC) and come back with options.

Mayor Barbee said the benefits of sidewalk cafes are huge and they give a different vibe to the area, but some tweaking of regulations is necessary to clean up things.

Mr. Parvin said staff can talk to Public Works to find out how the overnight rule can work better. He said possible options are later removal or letting tables and chairs stay out overnight. Mr. Oakley said the Town can look into changing the rule to 2:00 AM instead of 12:00 AM. Mayor Pro Tem Healy suggested considering one dedicated day per week for cleaning of the sidewalks so businesses won't have to bring in tables and chairs every night. Mayor Barbee said if Town employees have to move items that belong to businesses, they should be indemnified from any damages that occur. Mr. Oakley said the Town can look into requiring that sidewalk cafes be dismantled every Sunday night for Monday morning sidewalk cleanup. He said another option is changing the ordinance to say tables and chairs should be taken in "upon closing."

Council Member Hoffer asked if there is a regular schedule for powerwashing the sidewalk. Mr. Parvin said that will be part of TRC discussion.

Mayor Pro Tem Healy asked if any of the rules regarding signs on houses had changed because he has a large campaign sign that previously wasn't allowed. Mr. Hardison said he thinks the maximum is 20 square feet. Mr. Parvin said the Town doesn't regulate the message, just the size, which is limited for residential properties. He said what Mayor Pro Tem Healy is describing sounds like it's over the limit.

Mayor Pro Tem Healy asked if powerwashing of the sidewalk would be done if the business doesn't pull in its furniture. Mr. Oakley said the Town can either not do it or cite the business. Mayor Barbee said the Town could charge them to move their items.

Mayor Barbee asked if this issue will go before TRC in October to reach Council in November. Mr. Hardison said it's not a zoning ordinance so it doesn't have to go to the Planning and Zoning Commission, and it's not under the same statutory requirements for advertising public hearings.

Mayor Barbee asked Council Members to tell affected business owners what is being considered and encourage them to share ideas.

#### 4. Manager's Update

Mr. Oakley gave an update on various projects:

- Project open house: This will take place today 4:00-6:00 PM.
- Boardwalk bathroom: Preliminary plans were to start work in January, but the engineer working on the design said some geotechnical work will be necessary, which could push out construction by up to 60 days, going into tourist season. In that case, construction may have to wait until after Labor Day. Council Member LeCompte asked if in the interim the current bathrooms could be cleaned, painted, and equipped with stainless-steel fixtures the Town

already has. Council gave consensus to delay construction if it cannot be completed before summer begins.

#### 5. Committee Appointment – Police Advocacy Committee

Council made the following committee appointment:

- Jeannette Mobley – Police Advocacy Committee (term expires June 30)

Mayor Barbee said there were 11 applicants for this role, so he encouraged people to keep applying and go to meetings, which are open to the public.

#### **COUNCIL COMMENTS**

Council Member Hoffer gave an update on the meeting he and Mayor Barbee had with DOT officials. He said the 2025 Lake Park Boulevard paving project may not actually happen that year, but the Town will need a plan to give to DOT by next spring for them to review and get in line for paving. Council Member Hoffer said they thoroughly reviewed all aspects of Lake Park Boulevard, including changing angled parking from 60 degrees to 45 degrees. He said DOT officials will give information in a week or two about what can and can't be done. Council Member LeCompte asked for notes from the meeting.

Mayor Barbee said DOT will not design any parking changes, so the Town will have to pay an engineering firm to do this. He said there was just discussion at the meeting and no decisions.

Council Member Benson said he wants to know which street segments will be paved during this fiscal year. He also asked about options for the Lake during the second phase of the dredging project, including the possibility of a fountain. Mr. Oakley said he will report back to Council as the second phase gets closer and he knows what's leftover.

Mayor Pro Tem Healy thanked all the candidates who showed up for today's workshop (none were in attendance). He said he got a call from downtown business owner Chad Davis asking if the Town would consider having free parking on Black Friday. Mayor Pro Tem Healy said he thinks it would be a nice gesture.

**ACTION:** Motion to have free parking in all Town spaces with the exception of the Surfside lots on Thanksgiving Day and Black Friday

Motion made by Mayor Pro Tem Healy

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

Council Member LeCompte said a business owner received a parking ticket while unloading alcohol in the section of Raleigh Avenue between North Lake Boulevard and Canal Drive. She said she would like to propose establishing a 30-minute delivery lane for businesses in this area. Mayor Barbee said this will have to go to TRC. Council Member LeCompte said she also wants the Town to look into making the access road north of the ABC store right out only. Mr. Oakley said this is a DOT decision because there is a DOT driveway permit there, but the Town can ask DOT to look into it.

Mayor Barbee asked Ms. Hall for a status update about the audit. Ms. Hall said the auditors are still emailing questions and working through everything with the Town. She said she should have preliminary documents for review within the next week or two, and things are still on target to have the audit filed no later than October 31. Mayor Barbee expressed appreciation for Ms. Hall and said most people don't know how much work goes into an audit.

Council Member LeCompte reminded everyone that Thursday is Gail McCloskey Day and asked people to participate in community service projects in honor of the former longtime President of the Pleasure Island Chamber of Commerce, who passed away this year.

#### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 10:10 AM.