

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, August 10, 2021 - 6:30 PM

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



MINUTES

CALL TO ORDER

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Dorrene Stanley and Pledge of Allegiance.

PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

Mayor Pierce said a closed session would be added to the agenda.

ACTION: Motion to adopt the agenda

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

CONSENT AGENDA

1. Set a public hearing for September 14, 2021 to amend Article XII to consider adopting updated standards for Planned Unit Developments. Applicant: Town of Carolina Beach
2. Set a public hearing for September 14, 2021 to Article III & Article IX to consider adopting updated standards for Private Parking Lots. Applicant: Town of Carolina Beach
3. Set a public hearing for September 14, 2021 to amend Article IX to consider amending mixed use commercial-residential standards to accommodate standalone residential structures. Applicant: Cape Fear Four, LLC
4. Set a public hearing for September 14th, 2021 to consider amending the Land Use Plan for the Mixed Use Commercial classification to allow standalone residential buildings within a Mixed Use commercial-residential development. Applicant: Cape Fear Four, LLC

5. Year-End Budget Transfers
6. Budget Amendments for Carryovers
7. Budget Amendments/Transfers for FY22
8. Approval of Meeting Minutes from 7/13/2021 and 7/27/2021

Council Member Garza asked about the \$59,319.74 appropriation to cover the final lease payment on Motorola radios for Police and Fire. Finance Director Debbie Hall said there was a down payment in addition to a five-year lease, for a total of six payments, but the Town only budgeted for the five regular payments due to an oversight regarding the down payment. Council Member Garza said it is necessary to go through contracts to avoid surprises.

Council Member Barbee asked if the Town owns the Motorola equipment now. Ms. Hall the final payment would satisfy the lease, resulting in ownership.

Council Member Garza praised the carryover totals going back into the General Fund and Utility Fund. He said he would like to see how much the Town overspent on unbudgeted items. Mr. Oakley said this can be discussed at the upcoming workshop. Council Member Garza asked for a three-year history if possible.

ACTION: Motion to adopt the consent agenda

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mayor Pierce welcomed past Mayor Joe Benson, who was in the audience. She also praised the Ocean Rescue lifeguards for recent recognition as United States Lifesaving Association Division C national champs for small beach towns and No. 8 in the nation. She said they would be at the next workshop for a formal presentation.

SPECIAL PRESENTATIONS

9. Presentation by Pleasure Island Habitat Regarding Heritage Trees

Bryant Bass, president and a founding member of Pleasure Island Habitat, presented ideas about preserving heritage trees on the island. The initiative, called Habitat for Trees, will donate trees to be planted on Town property. They are asking both Carolina Beach and Kure Beach to identify areas where heritage trees may be planted. There will be no cost to the Town. He was joined by fellow board members Deb LeCompte, Jasmine McKee, and Melanie Boswell.

Mayor Pro Tem Healy said he supported the initiative.

Council Member Barbee said he was excited to see positive action about trees on the island.

Council Member Garza suggested that the group meet with Mr. Oakley and get Town input from the Land Use Plan map to identify weak and strong spots. He also recommended that they keep an eye on Senate Bill 436 because it could support efforts in the long term.

Mayor Pierce expressed appreciation for the group's work.

ACTION: Motion to support the Habitat for Trees program

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

10. Presentation by the Wilmington MPO

Nick Cannon, Transportation Demand Management Coordinator for the Wilmington Urban Area Metropolitan Planning Organization (WMPO), presented the Cape Fear Change in Motion 2020 plan.

Short-Range Transportation Demand Management (TDM) Plan

1. Identifies strategies that mitigate traffic congestion and diversity mode use in the WMPO region
2. Short-range strategies = one to five years
3. Overall goal to reduce Vehicle Miles Traveled (VMT) by 10 percent in five years

Mission statement: to provide WMPO Area residents with the resources and offer motivation to choose healthy, sustainable, and effective multimodal transportation to reduce stress on the road network and increase alternative methods of mobility

Development Process

1. Convening the Go Coast Committee and review of TDM element in Cape Fear Moving Forward 2045
2. Review of Cape Fear Moving Forward 2045 survey responses and additional public survey for Cape Fear Change in Motion 2020
 - Specific questions about biking, walking, carpool, and public transit
 - How WMPO Area residents get around now vs. how they want to get around in the future
3. Public comment
4. Prioritizing strategies

Mr. Cannon reviewed community feedback and statistics.

Strategies

Seven strategies were outlined as viable opportunities to decrease traffic congestion and diversify mode use in the next one to five years.

- Alternative work schedules
- Bike-share program

- Carpool and vanpool
- Consulting for telecommunicating opportunities
- Fostering a bicycle- and pedestrian-friendly culture
- Improved TDM-focused collaboration
- Personalized commuter plans

Mr. Cannon went over the benefits, challenges, and application of each of the seven strategies.

Scorecard: Members of the Go Coast Committee created a Strategy Scorecard to grade each strategy on its ability to show great success. The Scorecard ranks each strategy's feasibility and impact using the considerations of:

- Ease of implementation
- Cost
- Existing conditions
- Demand
- Impact on traffic (benefit)
- Impact on VMT (benefit)

Primary Priority

- Alternative work schedules
- Consulting for telecommunicating opportunities
- Fostering a bicycle- and pedestrian-friendly culture

Secondary Priority

- Bike-share program
- Carpool and vanpool
- Improved TDM-focused collaboration
- Personalized commuter plans

Strategy Work Plans

- Each strategy is given accountable and measurable work plans to guide strategy success.
- TDM Coordinator is responsible for monthly and quarterly review of these work plans.
- Updates will be provided regularly to the Go Coast Committee, Technical Coordinating Committee, and WMPO Board.

Plan Implementation

1. Adoption by the WMPO Board
2. Present plan to WMPO member jurisdictions
3. Adhere to the strategies work plan
 - Marketing/outreach
 - Establish and maintain relationships with partners
 - Go Coast events
 - Data collection
4. Regular review by TDM Coordinator and the Go Coast Committee

Other TDM-Oriented Services

In addition to these seven strategies, Go Coast can assist with locally identified TDM-oriented initiatives.

- Information/marketing
- Ordinances and development conditions
- Other comprehensive programs

Council Member Garza said recommendations and solutions should be specific to each municipality, so he suggested that Mr. Cannon speak to Town staff. He said something at the County level would not work and encouraged Mr. Cannon to find ways to think outside the box to get input.

Mayor Pro Tem Healy said it would be great if WMPO had a parking solution. He said this plan appears to be more tailor-made for a larger city. Mr. Cannon said he thinks there are opportunities to work with smaller towns that are growing to help get ahead of potential future problems with congestion.

Council Member Garza recommended that Mr. Cannon leverage information from the Town's traffic study that was done three years ago. He said traffic mitigation was a need for the Town and wished Mr. Cannon luck with WMPO's endeavors.

Mr. Cannon said WMPO's Technical Coordinating Committee includes Town staff members, so he encouraged Council to identify those members and share ideas.

Council Member Shuttleworth said he wanted to put in a pitch for density to encourage walking and bike riding and having fewer people on the road. He said this should be kept in mind for the future.

11. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator for the Town, reviewed special events for August/September:

- Carolina Beach Market – May 15-October 2 (Saturdays) at Lake Park
- 35th Annual Beach Music Fest – August 14
- Whomporama – August 21 at Hamlet Access
- Dragon Boat Regatta – September 17-18 at Carolina Beach Marina
- Teal Hearts 5K Race – September 25
- S.H.A.R.E. King Mackerel Tournament – September 25-26
- Fireworks continue weekly on Thursdays through September (except for Friday on Labor Day weekend)
- Family Night continues weekly on Tuesdays through the end of August
- Movies at the Lake series continues weekly on Sundays through Labor Day, then on Saturdays through September

Mr. Murphy said the Town is in negotiations with Netflix series "Florida Man" for the Surfside East and Surfside West partial parking lots for the shoot on the beach strand on August 16. He said the

production will continue filming at private residences and the SeaWitch Motel on August 17-18. He said the Surfside lots are directly adjacent to the SeaWitch Motel.

Carolina Beach resident Lisa Wilkins presented a new event request for the Beachin' Car Show on Sunday, October 10, at the lake. She said part of the proceeds will go to Little Pink Houses of Hope, and the event is proposing to have two food trucks, vendors, and cars lined up on the street side so people can walk on the concrete to view them. She also brought up the possibility of offering helicopter rides during the event, which she acknowledged could be a sore subject. She said cars may be loud at times, but the event is being proposed for only a four-hour window from 10:00 AM to 2:00 PM.

Ms. Wilkins said the event could bring a lot of people to the area, and it's free for those who want to attend. She said money would come from the participants paying a registration fee to show their cars, and trophies would be available to winners.

Council Member Garza asked Ms. Wilkins if she had put on a car show in the past. Ms. Wilkins said no, but she has organized many other types of events. Council Member Garza asked about any problems she anticipated besides noise and encouraged her to reach out to nearby residents. Ms. Wilkins said she had no other major concerns.

Mayor Pierce asked how many cars would participate. Ms. Wilkins said she would like to see about 100. Ms. Wilkins said revenue would also come from vendors, and the registration fee could grow as the event, proposed to be annual, grows in future years.

Mayor Pierce said she doesn't have a problem with the car show but would not be in favor of the helicopter rides.

Council Member Garza and Mayor Pro Tem Healy said they agreed.

Mr. Murphy said he thinks it will be a great event for the island.

Ms. Wilkins said a DJ would provide musical entertainment.

ACTION: Motion to approve the Beachin' Car show October 10 as presented to staff less the helicopter

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mr. Murphy said the organizers of a few events reached out asking the Town to consider lowering parking rates for events renting lots in the shoulder season. He said the peak rates are now in effect through the end of October.

Mr. Oakley said a recurring event that was not charged in the past before Mr. Murphy began working in his current position brought up the issue because organizers were charged last year. Mr. Oakley said unless Council directed otherwise, the Town would continue to charge.

Mr. Murphy said the event in question is the Surf Fishing Tournament, which takes place toward the end of October. He said they were charged about \$2,000 last year.

Council Member Shuttleworth asked if the Town is charging all other events the same amount. Mr. Murphy said yes. Council Member Shuttleworth said there needs to be consistency among all events, so the Town should either charge or not charge everyone.

Mr. Oakley said staff can review the matter and bring it back before Council at the upcoming workshop.

Council Member Barbee said Maureen Ferguson Lewis wanted to remind Mr. Murphy that Pets in the Park is on Saturday, October 9. Mr. Murphy apologized for not bringing it up and promised to give the event a lot of attention at the September Council meeting.

Council Member Garza said the upcoming weekend is going to be extremely busy due to the Beach Music Festival, and he wanted to know if the Town would remind residents and visitors about possible issues with traffic and parking. Mr. Murphy said yes.

12. Manager's Update

Town Manager Bruce Oakley gave an update on various projects and events.

Stormwater and Flooding

Recent conditions:

- 10 inches of rain within a few days
- Record rainfall Wednesday morning
- Flash flooding Saturday morning
- Ground saturation/highwater table

Mr. Oakley said staff was overwhelmed but did everything possible to address the issues, which were reported at 23 locations.

Mr. Parvin said because much of the rainfall happened over the weekend, the situation became overwhelming for on-call staff. He said the Town is looking at options for increasing resources when something like this is upcoming.

Council Member Barbee asked what the Town's responsibility is versus the property owner's responsibility for ponds such as the one by Publix.

Mr. Parvin said there are some ponds that the Town maintains, but the one by Publix is not one of them. He said that pond does have to be inspected and was inspected and passed in May. He said there was a clog in one of the pipes that occurred since then, but once the Town let the owners know about it they were very proactive. He said if there is an issue outside of the inspections, the Town usually finds out about it when there is heavy rainfall.

Council Member Barbee asked how often the ponds are inspected. Mr. Parvin said the pond by Publix undergoes an annual inspection.

Mr. Parvin said 9 projects have been completed with 13 upcoming projects, including 8 through American Rescue Plan funds. He said stormwater and getting projects completed are priorities for the Town.

Council Member Garza asked if staff responds to those who report issues. Mr. Parvin said when someone puts in a service request, they can ask for a phone call or email back.

Mayor Pro Tem Healy asked how long an inspection takes, such as for the Publix pond. Public Works Director Brian Stanberry said the Town pays someone to perform the inspection, which takes about 30 minutes. Mayor Pro Tem Healy asked why this is only done once per year. Mr. Stanberry said prior to a rain event the Town will look at ponds, and this is done more often than once per year but not at the level of an annual inspection.

Council Member Shuttleworth said many of the 23 reported issues were due to clogged pipes. Mr. Stanberry said that's what happens after every rain, and they have to be cleaned out. Council Member Shuttleworth said there are other stormwater issues besides clogged pipes that he didn't see on the list. Mr. Stanberry said the list represents the complaints that came in and the ones to which staff responded.

Council Member Shuttleworth said it gets frustrating for Council Members when they hear from residents that they are not getting a response from staff when reporting issues.

Council Member Garza recommended that staff use recent data about stormwater issues to develop a checklist for potential clogs. He said the Town should reiterate to residents that they should be on the lookout for clogged drains so they can remove leaves and take other measures to help the situation.

American Rescue Plan: Premium Pay Essential Employees

- \$1,500: First Responders/Utility and Public Works
- \$1,000: Essential Support and Public Interaction
- \$500: Essential Support (Remote Work/Limited Interaction)
- \$100: Seasonal and Part-Time Employees

Mr. Oakley said that in addition to the American Rescue Plan funds being used for stormwater, the Town is proposing to use \$150,000 in American Rescue Plan funding to pay staff members who had to work during the COVID state of emergency and were exposed to potential risks. He said the Town must wait for further guidance from the federal government before using the funds in this manner, and the Town will have to present Council with a detailed budget and tracking system to ensure the money is spent exactly as outlined. Mr. Oakley said the Town received the money on Friday but can't spend it until there is a specific plan that is adopted by Council. He said this will be discussed more at the upcoming Council workshop.

Manager's Update

- COVID-19 – emergency paid leave
- Legislative update
 - State Rep. Charlie Miller – 2021 budget appropriations
 - Ocean Boulevard sidewalk – \$485,000
 - Carolina Beach Avenue North paving – \$650,000
 - Lake dredge – \$2,000,000
 - Coastal storm risk management – \$4,750,000
 - Park improvements/State Park turn lane (discussions about these possibly being included)
- Ward and Smith – former U.S. Rep. Mike McIntyre
 - Coastal storm risk management
 - Senate and House approved appropriation bills – \$11,550,000 (2022 budget)

Council Member Barbee asked if the emergency paid leave is necessary due to concerns about staff members coming to work sick. Mr. Oakley said yes and added that it is particularly beneficial for new staff members who don't have any sick time accrued and would otherwise have to go without pay.

Mayor Pierce asked if there is still a possibility of renourishment funds this year. Mr. Oakley said yes, according to the U.S. Army Corps of Engineers, and that it has been sent to the U.S. Office of Management and Budget as the highest priority. Mayor Pierce said her understanding is that the Town would have an answer in the next couple of weeks, and Mr. Oakley confirmed this. Mayor Pierce said she is pleased with the work Mr. McIntyre is doing for the Town on the State level.

ACTION: Motion to reinstate the emergency paid leave

Motion made by Council Member Shuttleworth

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Council Member Garza asked about bids for the Hamlet project. Mr. Oakley said the Town did not receive any bids and therefore changed some of the requirements, such as removing some of the pre-bid qualifications. He said the deadline is August 19.

Council Member Shuttleworth asked what the stumbling blocks are with the Hamlet bids. Mr. Oakley said those who bid on this project are going to be smaller operations. Council Member Shuttleworth asked which prerequisites will be waived during this round. Mr. Parvin said he could get a specific list together later, but overall the requirements were hefty for a small project. He said staff plans to have a presentation of the recommended bid during the next Council workshop later this month and that he was hopeful and confident there would be bids this time. Council Member Shuttleworth asked what staff's last estimate for the project is. Mr. Parvin said \$629,000.

Council Member Garza asked about the time frame for the Hamlet project. Mr. Parvin said he hopes to get it built this year and that the plan is to award a bid at the next workshop with constructing starting shortly thereafter and a finished project by next season.

Council Member Garza asked if the Town had come up with creative ways to let property owners know that they can avoid the \$1.50 administrative fee for receiving paper utility bills. Mr. Oakley said after discussion with Ms. Fox and research, staff determined the Town was not legally authorized to charge the fee so that was never implemented.

Council Member Barbee asked if Council could get an update on stormwater projects at the workshop every month. Mr. Oakley said yes.

Council Member Shuttleworth asked staff to consider a basic design for the Hamlet project similar to the \$250,000 plan for Mike Chappell Park. He said the Boardwalk area needs public bathrooms badly and that it could be easier to find bids with a simpler plan. Mayor Pierce said the Town could always add on to a basic design in the future.

Council Member Garza asked about the citation process for the Beach Patrol staff because his understanding was that those citations would help to pay for these new positions. Mr. Oakley said the Beach Patrol staff members currently call the Police Department if there is an issue, but the Town is trying to develop a way to change this. He said the while the Beach Patrol does have the right to write citations, there is a technology issue that is keeping this from being implemented.

Council Member Shuttleworth asked about the portajohns on Cape Fear Boulevard because he thought they were going to be located on the Federal Emergency Management Agency (FEMA) lot. Mr. Oakley said there was some miscommunication about where the portajohns were supposed to go on the lot and that they could be relocated. Mayor Pierce said this is all the more reason the Town needs to get more bathrooms built.

Mayor Pierce recognized former Mayor Dan Wilcox, who had joined the audience.

PUBLIC COMMENT

Wayne Rouse of 508 Monroe Avenue said after meeting with leadership at the Police Department and other staff recently he learned there was a great need for a canine officer. He said he approached some citizens about helping with this effort and was able to raise \$12,000 for this purpose. He asked Council to thank the following donors:

- Ked Cottrell of Pleasure Island Animal Hospital
- Pleasure Island Disaster Relief Fund
- Jeff Hogan of Celtic Creamery
- Missy and Ryland Mason of RW Mason Roofing
- Island Women
- Pleasure Island Revitalization Association (PIRA)

Mayor Pierce said she appreciates Mr. Rouse organizing this effort, and she asked Mr. Oakley to put together thank-you notes for the donors.

Richard Cecelski of 941 Carolina Sands Drive, Director and Founder of Carolina Ocean Studies, an organization that offers environmental education and boating cruises for school groups, said he

wanted to talk about the marina project. He asked that the Town include his organization in preparation for the bid package. He said captains at the marina have a lot of ingenuity and experience that will help create solutions for the process. He said hopes they can meet on a monthly basis during the early stages of the project.

Dorrene Stanley of 1201 Saint Joseph Street said the backyard of her residence flooded recently due to the construction of a new home at 102 Summer Salt Lane. She said stormwater was not properly channeled or mitigated by builder Todd Piper, who is a member of the Town's Planning and Zoning Commission. Ms. Stanley said Mr. Piper brought a sump pump and diverted the stormwater runoff to the street, which was already inundated with water. She said he told her he had decided to cut a trench on the Town right-of-way instead of installing a drain. Ms. Stanley said when she questioned his authority to do this without Town approval, Mr. Piper said he would do what he had to do to mitigate the water because the Town never responds to builders or contractors. Ms. Stanley said she thinks Mr. Piper abused his position as a Planning and Zoning Commissioner. She said she is asking that the Town terminate his seat on the Commission and added that she and her neighbors are demanding that the Town investigate this matter and take appropriate action.

Mayor Pierce said Council would discuss this matter with Mr. Oakley.

No one else requested to speak.

PUBLIC HEARINGS

13. Amend Chapter 40, Zoning Ordinance to address gated communities and drives.
Applicant: Town of Carolina Beach

ACTION: Motion to open a public hearing to amend Chapter 40, Zoning Ordinance to address gated communities and drives

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mr. Hardison presented the details.

Gated Communities and Drives

Gates

- Fire Department requests regulations
- Zoning ordinance is silent; no regulations
- Currently two gated communities (Oceana/Spinnaker Point and Waterview)

Council Member Garza asked if Hidden Hills is gated. Mr. Hardison said the community has a gate that is just there for safety reasons. He said it is not automatic, and they don't keep it locked or closed.

Mr. Hardison outlined the proposed ordinance, which was reviewed and recommended by the

Technical Review Committee (TRC) and unanimously approved by the Planning and Zoning Commission. The ordinance would not allow gates in a public right-of-way. A vehicle turnaround shall be provided before the gate entrance, and the gate shall be setback a minimum of 60 feet from the curb line or end of the abutting street. All gates will be required to open away from, not toward, a vehicle entering the development. Pedestrian access shall be provided. The gate entrance shall be illuminated. Emergency access shall be approved by the Fire Marshal and meet fire code standards. The proposed ordinance addresses opening gate width requirements and would exempt the Town for closing streets and facilities for maintenance or safety reasons, such as Canal Drive for flooding reasons or Freeman Park for severe weather.

The Land Use Plan does not address gates directly. The proposed amendment would not conflict with the plan if the Town would like to address standards and create an allowance. The change would only regulate new gated communities that are permitted in the future; existing communities would not have to retrofit.

Dorrene Stanley of 1201 Saint Joseph Street asked if the whole system is for emergency purposes only. Council Member Shuttleworth said the proposed amendment would allow a private gated community to be created if it meets certain requirements, and the Town would be exempt if access was needed for safety purposes. He said the intent is to ensure gated communities are developed in a safe manner.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mayor Pierce said she is OK with the proposed amendment.

Council Member Barbee said if this is for public safety purposes, then he doesn't have a problem with it.

Mayor Pro Tem Healy said it makes good sense.

ACTION: Motion to amend Chapter 40, Zoning Ordinance to address gated communities and drives as presented

Motion made by Council Member Garza

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mr. Hardison asked that certain language be added to the motion.

ACTION: Motion for approval, whereas in accordance with the provisions of NCGS, the Council does hereby find and determine that the adoption of the following ordinance amendment to amending Chapter 40 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Garza

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

ITEMS OF BUSINESS

14. Adopt a Resolution of Intent to close 20' on the east side of the 1400 block of Croaker Ln right-of-way

The petition submitted by Kristen Dunn is to close the 20-foot feet right-of-way on the east side of the 1400 block of the Croaker Lane right-of-way. The area to be closed includes 6 lots that face Croaker Lane and 1 corner lot on Ocean Boulevard.

Mr. Hardison presented the details.

Proposal is to close 20 feet on the west side

- 90-foot right-of-way
- 7 lots adjacent to Croaker Lane (east)
- West side owned by federal government and where the Town has installed Greenway
- 400 feet deep, dead ends into buffer zone

400 Croaker Lane

- Paved in 2008
- Installed water/sewer lines
- Stormwater
- Fire hydrant
- Cleanouts
- Meters
- Installed on west side
- Power and fiber optics

Council Member Shuttleworth asked if there are utilities within the 20 feet. Mr. Hardison said yes. Council Member Shuttleworth said if the Town vacates, the applicant will have public utilities on their property, so he wanted to know if it will be encumbered with a utility easement or some other mechanism for Town access. Ms. Fox said the Town would have to reserve an easement for the public infrastructure, but today is just about whether to adopt a resolution. Council Member Shuttleworth asked if acceptance of the resolution would mean vacating or if there would be an additional process. Ms. Fox said a public hearing would be required and that Mr. Hardison would go through the process.

Wilmington Beach

- 1913
- 16x7 block area
- (18) 50-foot rights-of-way
- (5) 90-foot rights-of-way
- In 1955, the federal government purchased 5 of the 50-foot rights-of-way to create Military Ocean Terminal Sunny Point (MOTSU)
- Total of 12 rights-of-way that are greater than 50 feet
- Lots were platted 50-foot-by-100-foot lots

Process for Street/Alleyway Closures

- Petition or request for street/alley closing (Mr. Hardison went over comments presented at the TRC meeting)
- Resolution of intent to close
- Publication of resolution of intent to close and notification to adjoining property owners
- Public hearing following 4 weeks of advertising
- Record at Register of Deeds the resolution ordering street closed
- Ownership of the right-of-way after closure

Mayor Pierce asked if there is an issue that would make someone request this closure. Mr. Hardison said the petitioner wanted to add a deck to a home under construction and that the current ordinance would not allow for them to meet the setback. Mayor Pierce said the Town has spent a lot of time talking about having to gain easements where there are utilities, so she's not sure why the Town would give that away. Mr. Hardison said it's not an ideal situation and that it may become necessary to police the easement because the property owners treat this as part of their yard.

Council Member Shuttleworth said the biggest issue is the Town doesn't have many 90-foot rights-of-way, especially not heading north and south. He said it's not something that's ever going to be widened and developed because it's a dead-end street that is a block long, but the cumbersome part is that it's burdened with utility easements and the Town would need to find a way to protect its ability to access that infrastructure.

Mayor Pro Tem Healy said it's all about the utility easements. He said he thinks this sets a bad precedent going forward but that if easements weren't involved he'd be fine with it.

Council Member Garza said even if it wasn't for the easement, he would not be in favor of the closure because there are a lot of roads in that area and if you do it for one you create a precedent for others.

Council Member Shuttleworth said a typical right-of-way is 50 feet instead of the 90 feet for Croaker Lane. He said that is a lot of space and it's already developed, and it's not a dead end that will be connected somewhere. He asked if it's typical to be able to put an easement here. Ms. Fox said yes and that Council would have to find at the end of this process that the abandonment of that right-of-way was not contrary to the public's interest.

Matt Dunn of 905 Ocean Boulevard and husband of Kristen Dunn, who submitted the petition, said they are building a new home and wanted to put a small deck on the Croaker Lane side of the

structure. He said in order to meet setback guidelines, they would have to extend their property and that asking for a variance would be too challenging. Mr. Dunn said they have no problem moving forward with an easement for the utilities and that they have lived next to the property for 15 years.

Mayor Pierce asked how many houses would be affected. Mr. Hardison said 7. Mayor Pierce said that's a lot of property owners for going through the easement process, and one could disagree with an easement. She said she is concerned about the precedent this would set and that she felt it was important to look at the bigger picture.

Mr. Dunn said his wife notified everyone on the street of the petition.

Council Member Barbee said he has no problem with what the Dunns are trying to do, but he is struggling with being able to say closure is not contrary to public interest. He said it would be difficult to say giving away a space with public utilities is not contrary to public interest.

Council Member Shuttleworth said most residential lots are developed and most utility entities require easements. He said it's not uncommon to see utility easements and public utilities placed in those easements on private property.

ACTION: Motion that we deny the request of the intent to close 20 feet of the east side of the 1400 block of Croaker Lane

Motion made by Mayor Pro Tem Healy

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza

Voting Nay: Council Member Shuttleworth

Motion passed 4-1

15. Committee Appointments

Council voted by private ballot on committee appointments for expiring and vacant terms. Mr. Parvin said there was a tie, so he distributed another ballot that Council marked and returned.

Council appointed the following positions:

- Beautification Committee: Scott Pate
- Board of Adjustment: Jullena Jones Shelley, Paul Levy, Amanda Nestor, and Keith Bloemendaal
- Operations Advisory Committee: Butch LeCompte
- Marketing Advisory Committee: Lexi Pate
- Parks and Rec Committee: Charlie Thomas (honorary), Jason Kesler, Bill Nadeau, and Jessica Guinn
- Planning and Zoning Commission: Melanie Boswell
- Police Advisory Committee: Lou Messina and Lynn Conto

Mayor Pierce congratulated the new appointees and thanked everyone who applied.

Council Member Garza asked staff to send an email thanking everyone who applied and asking those not appointed to continue to be involved.

Council Member Barbee encouraged those not appointed to go to meetings and fully participate. He said the only difference is that they don't get to vote.

NON-AGENDA ITEMS

Council Member Garza

- There has been a lot of rainfall in the past week, and it is hurricane season. Residents should be prepared. Staff will do the best job possible to mitigate stormwater issues. Thanks to staff members for what they do.
- House Bill 781, which allows open containers in certain business districts, would be helpful now that the COVID-19 Delta variant is on the rise. It is unknown what the next 60 days will hold, so this could give structure.
- Senate Bill 436, which supports tree ordinances, is something to watch because it could be beneficial for the Town.
- What is the cutoff point for beach renourishment to happen this year? Mr. Oakley said he thought it was beyond that point.
- What is the status of responses to letters to Canal Drive residents? Mr. Oakley said he has spoken with several of the property owners but has not yet heard back from others. He said he and Ms. Fox will be meeting with Coastal Area Management Act (CAMA) tomorrow to discuss some of the Canal Drive issues.
- Police are doing the best they can to curb illegal fireworks.
- Committees and upcoming new Council Members should take the opportunity to share goals and missions and build a relationship.

Council Member Barbee

- Thanks to Mr. Oakley and Mr. Parvin for coming to the Carolina Beach Inlet Association meeting. Communication with boat captains will be important for the marina project. The captains will be flexible if they know what's happening.
- Residents want to know the process for getting speed bumps. Staff should look at what other places do and develop best practices so Council Members can respond to those inquiries.

Mayor Pro Tem Healy

- It will be important to talk to captains on a regular basis to get their input regarding the marina project.

Council Member Shuttleworth

- What is the status of the proposed draft of the tree ordinance? Mr. Oakley said Mr. Hardison brought the issue back to the Planning and Zoning Commission, and this will be discussed at the next Council workshop.

Mayor Pierce

- The tree ordinance is a concern, and Council looks forward to seeing what staff is putting together.

CLOSED SESSION

ACTION: Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143-318.11(a)(3). Matters being discussed include:

18 CVS 3151 Town of Carolina Beach vs. Carolina Freeman LLC

18 CVS 3152 Town of Carolina Beach vs. B&F Enterprises LLC

18 CVS 3153 Town of Carolina Beach vs. DRDK LLC

18 CVS 3154 Town of Carolina Beach vs. Freeman Beach LLC

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mayor Pierce called the meeting back to order.

ACTION: Motion to give direction to the Town Attorney and the Finance Director to work together in the collection of the Wilmington Beach assessments

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

The meeting adjourned at 9:15 PM.