

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, September 10, 2024 - 6:00 PM

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



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## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by Mayor Pro Tem LeCompte and Pledge of Allegiance.

### PRESENT

Mayor Lynn Barbee  
Mayor Pro Tem Deb LeCompte  
Council Member Joe Benson  
Council Member Mike Hoffer

### ABSENT

Council Member Jay Healy

### ALSO PRESENT

Town Manager Bruce Oakley  
Finance Director Debbie Hall  
Town Clerk Kim Ward  
Town Attorney Noel Fox

Mayor Barbee said Council's thoughts are with Council Member Healy as he lays his brother to rest.

### ADOPT THE AGENDA

Mayor Barbee said a closed session was added to the end of the agenda to discuss an attorney-client matter.

### **ACTION:** Motion to adopt the agenda

Motion made by Mayor Barbee

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

*Motion passed 4-0*

### CONSENT AGENDA

1. Budget Amendment/Transfer
2. Set a Public Hearing for October 8, 2024 – Subdivision of 4 Lots Located at 1231 Saint Joseph Street  
Applicant: Black Lotus Properties, LLC
3. Disaster Debris Monitoring and Consulting Services

4. Approval of Council Meeting Minutes

**ACTION:** Motion to adopt the consent agenda

Motion made by Mayor Barbee

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

*Motion passed 4-0*

**SPECIAL PRESENTATIONS**

5. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, introduced Tyler Smith of Brunches CB, who presented information about a proposed new event. The all-day paddle and parking lot party on October 26 is planned to be an annual fundraiser taking place at Brunches CB, and the restaurant is requesting that the Town's parking lot behind the building be closed off for a home base. The event will kick off with a paddleboard race at 8:00 AM and continue with an oyster roast, pig pickin', games, live music, a silent auction, and raffles, and the Island Men golf cart parade will travel through the festivities. Mr. Smith said the goal is to raise \$100,000, with 40% of the money going to Folds of Honor and 60% benefiting 5 local charities.

Mr. Murphy said the event has gone through the Event Committee, and staff is recommending that Council approve it.

**ACTION:** Motion to approve the CB Paddle & Parking Lot Party as presented

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Mr. Murphy said there is no site plan yet for the parking lot area, but it will be sent to Council when it's complete.

Mr. Murphy also introduced Jackie Wikander and Alannah Keeler of the Pleasure Island Chamber of Commerce, who presented information about a new series of events on the second Saturday of every month during the shoulder season. This month's event will feature live music at the Boardwalk, and the Chamber is encouraging local businesses to offer something new and exciting each month.

Mr. Murphy reviewed upcoming events:

- Dragon Boat Regatta – September 21 at the Boat Basin (kickoff party September 20 at SeaWitch)
- Bring Your Own Pool Party – September 21 at Kindred
- Pleasure Island Community Blood Drive – September 24 at Rec Center
- Police Department Bike Rodeo – September 29 at Rec Center
- Pets in the Park – October 5 at Lake Park
- Beachin' Car Show – October 12 at Lake Park

- Pink Tide 5K Walk of Pleasure Island – October 12 at Lake Park
- Fresh and Raw Tour – October 12 at Shuckin’ Shack
- Pleasure Island Surf Fishing Challenge – October 18-20 at Fisherman’s Lot

6. Manager’s Update

Mr. Oakley gave an update on various projects:

- The Town received a Coastal Area Management Act (CAMA) grant for handicap-accessible parking and a walkway to the beach at 1810 Canal Drive.
- Staff is hoping to present some ideas for Marina Phase II soon. Staff worked with the Centennial Committee for the “I Heart CB” sign location for photo ops. It should be installed early next year. This structure will not have to be removed during storms.
- The Boardwalk bathroom project will go out to bid on September 19.
- The Ocean Boulevard sidewalk project is still planning to start in October.
- There will be a quarterly open house event at the end of October for stormwater. An exact date has not yet been scheduled.
- There were a lot of utility cuts and potholes on Canal Drive, and they are being repaired today and tomorrow.

Mr. Oakley said a new part of the Manager’s Update will be an update from Community Development Director Jeremy Hardison.

Mr. Hardison reported the following:

- Since August 8, there have been 36 permits (renovation, repair, grading, additions, fence) issued, 7 residential new construction, and 9 certificates of occupancy. Code enforcement received 25 complaints; 13 were resolved and 8 were not related to code enforcement.
- Two homes were demolished: 309 Cape Fear Boulevard and 925 Carolina Sands Drive.
- Two new businesses have opened: Face First Aesthetics and Acne Clinic at 703 Saint Joseph Street and Juarez Auto Repair at 306 North Lake Park Boulevard.
- Three applications for new businesses have been submitted: Riko’s Thin Crust Pizza at 1000 North Lake Park Boulevard, Axis Fitness at 902 North Lake Park Boulevard, and Surfs Up Mini Golf at 1360 Bridge Barrier Road.
- There are two community meetings coming up: Bike/Ped Committee Open House on September 26 and a Flood Resilience Workshop on November 6. Both will be at Town Hall.

**PUBLIC COMMENT**

Chris Hudson of 603 Ocean Boulevard, owner of Shorebreak Outfitters, asked Council to consider adding a beach vendor permit for his business to set up canopies on the beach for visitors. Mayor Barbee asked staff to look into it.

**PUBLIC HEARINGS**

7. Conditional Zoning to Consider an Addition to a Bar at 3 Cape Fear Boulevard  
Applicant: Ant Bates Motel, LLC

Applicant Ant Bates Motel, LLC, applied for a Conditional Zoning (CZ) application for an addition to The Silver Dollar, an existing bar/tavern in the Central Business District (CBD). The establishment provides on-premise wine, beer, and liquor. According to the ordinance, if alcohol is served on-premise and the establishment does not meet the criteria for a standard restaurant, it is classified as a bar. The Alcoholic Beverage Control (ABC) Commission stipulates that a restaurant must have food sales constituting at least 30% of sales to avoid being classified as a bar. A bar and any additions made to the bar is allowed through the approval of a CZ district in the CBD.

The applicant is proposing to construct a second story on an existing bar. The proposal includes the addition of a staircase, a second-floor enclosed area (837 square feet), an open deck area (648 square feet), and updating plumbing, mechanical, and electrical. The proposed height of the building is 21 feet; the maximum height in the CBD is 50 feet.

The existing building is a commercial building built in 1945. It meets the current lot coverage and setbacks requirements. The addition proposed is within the current footprint. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area. Where properties are located within the CBD, parking requirements may be waived if public parking spaces adequate to meet the requirement are located within 500 feet of the use.

The project is in general conformity with the 2020 Land Use Plan, and staff recommends approval of the project as proposed. The Planning and Zoning Commission voted 5-1 last month to recommend approval.

Senior Planner Gloria Abbotts presented the details. She reviewed the current use, site photos, adjacent properties, floor plans, and criteria that Council shall consider when voting. Ms. Abbotts said the proposed addition will be similar to the second floor of nearby Sunny Daze Smokehouse, which has a covered bar area with seating as well as open decking.

As part of the application process, a community meeting is required. The applicant held the required meeting on June 17, 2024. Ms. Abbotts said no one attended, so there were no concerns or changes to the plans, although some people reached out with questions that were answered via email or phone.

#### Staff-proposed conditions

1. All Federal, State, and Local ordinances shall be met
2. Building is in an AE 10 flood zone; renovations must be below 49% of the value of the building
3. Sloped railing shall be used on second floor
4. Use of non-combustible materials
5. Alleyway shall be free of obstructions and debris

Council may include additional standards.

**ACTION:** Motion to open the public hearing on this matter

Motion made by Mayor Barbee

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

Hoffer

*Motion passed 4-0*

Mayor Barbee recognized former Mayor Dan Wilcox, who represented the applicant. He said the project will not obstruct the views of nearby business The Tropical but will instead improve views by offering something to look at other than a bare roof.

Council Member Hoffer asked if the proposal changes the footprint of the building. Mr. Wilcox said there is no use change or footprint change proposed.

Mayor Barbee asked if construction will take place during the off-season. Mr. Wilcox said this is estimated to be a 4-month project that would end by February if work can begin soon.

Council Member Hoffer asked if there are still no plans to reopen the kitchen. Mr. Wilcox said no, the kitchen will basically become a storage area and there are no plans to do any food service.

No one else requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Mayor Pro Tem LeCompte said she sees this project as a plus for the Boardwalk.

Mayor Barbee said when buildings build up it feels like there is more room and opens things up, so he is supportive of the proposal.

Council Member Hoffer said he sees no reason to oppose the plans.

**ACTION:** Motion that whereas in accordance with the provisions of NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for an addition of a bar located at 3 Cape Fear Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding areas are mitigated by the approved conditions

Motion made by Mayor Barbee

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

*Motion passed 4-0*

8. Hearing on Preliminary Assessment Resolution to Improve the 1500 Block of Spot Lane and to Adopt a Capital Project Ordinance

On July 11, 2024, property owners (Wilmington Beach Investment Corporation) adjacent to the 1500 block of Spot Lane submitted a petition to improve right-of-way to access their lots for development. In 2014, the Town finished the Wilmington Beach Pavement Project. The area was not included at that time because of permits with potential wetlands. The area is not accessible to do vegetation. The unimproved right-of-way in this area is 50 feet wide and 570 feet in length. There are 14 lots owned by the same entity, which is the applicant. The current tax value of each lot is \$3,500. Lots in this area with improved street frontage have a current tax value of \$175,000.

Council may adopt a final assessment resolution directing that the project or portions thereof be undertaken. The improvements consist of the following for the 1500 block of Spot Lane:

- a. Engineered design for the 570 feet (length) x 20 feet (width) of pavement to connect to South Carolina Avenue and Texas Avenue
- b. Install water and sewer mains
- c. Install storm water management
- d. Install fire hydrant

The preliminary numbers of the improvements totaled \$1,088,913. Historically when the Town has paved streets, there has been an assessment of two-thirds (66.7%) of the total cost of the improvement, to be assessed upon the property receiving the improvements.

Mr. Hardison presented the details. He said there would be an option to pay the assessment in 7 equal annual installments at 6% per annum. He said the Town contribution from the General Fund would be \$362,971. Mr. Hardison showed aerial views of the area from 2010, 2011, and 2023 and reviewed a proposed timeline for the project.

Council Member Benson asked about the wetlands. Mr. Hardison said the hydrology in that area as well as the jurisdictional wetlands of the U.S. Army Corps of Engineers have changed.

Council Member Hoffer questioned why the lots are valued so low. Mr. Hardison said they don't have access to a street, and if you can't access and build on your lot the value, which is determined by the County, is decreased. Council Member Hoffer cited 3 lots at the end of Birmingham Avenue that also don't have access and utilities but are valued at \$158,000 each. Mr. Hardison said those are straight off a gravel road, and the assumption would be their value is higher because they have easier access and it's not a completely wooded area.

**ACTION:** Motion to open the public hearing on the preliminary assessment resolution before us and to approve the 1500 block of Spot Lane

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Hiram Tucker, a representative of applicant Wilmington Beach Investment Corporation, said the most recent lot sales in the area have been \$350,000 and \$400,000, and they are anxious to get the lots on the market and provide some tax base.

No one else requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Council Member Hoffer mentioned the valuation again, questioning how this happened and saying he feels like the Town is getting shortchanged. Mayor Barbee said the County sets the value.

Another applicant representative asked to speak.

**ACTION:** Motion to reopen the public hearing

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Thomas Tucker of Wilmington Beach Investment Corporation, also known as Tucker Bros. Realty Co., said nearly 4 years ago those lots were valued at \$78,000 each, and they have no idea why the value was reduced.

Mayor Barbee asked how long they have been paying taxes on these lots. Mr. Tucker said since 1951 or 1952.

**ACTION:** Motion to close the public hearing

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Mayor Barbee said they've been paying taxes on those lots longer than he's been alive.

Council Member Hoffer said he wouldn't complain either if he owned lots that suddenly dropped in valuation, but this scenario reminds him of the previous Augusta Avenue situation where he felt like that property was stashed in a Conservation zoning designation for many years to keep taxes down and then it was flipped into Residential at the last second for development, which was a red flag to him.

**ACTION:** Motion that whereas in accordance with the provisions of NCGS, the Town Council adopts the preliminary assessment Resolution No. 24-2314 and its terms directing the project to be undertaken and the capital project Ordinances No. 24-1236 paving and stormwater and No. 24-1237 water and sewer

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Council Member Hoffer said the one-third/two-thirds policy goes way back: If you owned a lot in Wilmington Beach back when everything was paved and assessed, you paid two-thirds and the Town paid one-third. He said it's important for the community to know this has been the deal for a long time.

Mayor Barbee said if you do the math, this is a big net positive financially for the Town.

**ITEMS OF BUSINESS**

9. Approval of Financing Terms Resolution

The Town requested bid proposals from 7 lenders for financing the acquisition of a Broyhill Load and Pack can machine for \$233,964 with a 3-year and 5-year term. Based on the responses, a 5-year term is a better fit for the Town's budget. The Town received the following proposals in response to the RFP:

Lender	Interest Rate	Financing Term	Total Debt Principal and Interest	Pre-Payment Penalty	Closing Cost
Atlantic Union	4.26%	5 years	\$255,833.12	None	None
Truist	4.32%	5 years	\$264,313.82	None	None

The debt service payment for the equipment was appropriated in the FY 24/25 annual budget.

Ms. Hall presented the details. She recommended the proposal from Atlantic Union.

Council Member Hoffer asked Ms. Hall to remind the public what a can machine is. Ms. Hall said it's a machine that runs on the beach strand to pick up trashcans and bring them to the Bridge Barrier Road facility to dump. She said the Town will be selling one of the older can machines or getting trade-in value for it.

**ACTION:** Motion to approve Resolution No. 24-2313 accepting the terms of the proposal from Atlantic Union Public Finance for a 5-year term for the can machine

Motion made by Mayor Barbee

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

*Motion passed 4-0*

**COUNCIL COMMENTS**

Mayor Pro Tem LeCompte read a Facebook post about the events of September 11, 2001, with statistics on the number of lives lost that day. She asked that everyone remember how united our country became that day.



Council Member Benson asked if the Florida Avenue park access was open. Mr. Oakley said it was accessible but closed for parking. Council Member Hoffer also asked about the status of the new broom tractor that is supposed to sweep the Hatteras ramp. Mr. Oakley said the Town has ordered a new tractor with a brush attachment.

Council Member Hoffer asked Town staff to monitor the Boardwalk area to make sure carnival staff are cleaning up and not leaving anything behind for the Town to deal with when they leave. He also mentioned that the elementary school asked if they could be notified when traffic-control assistance will not be available during pickup and dropoff hours if it is known in advance. Council Member Hoffer stressed that they were not complaining and understood that there would be times when resources were stretched thin. He also said he and Bike/Ped Committee Chair Rodney Kidd will be attending the BikeWalk NC Summit on September 29 and will report back about what they learned.

Mayor Barbee asked Mr. Oakley if he is setting up a meeting with the residents of 6th Street and Raleigh Avenue about stormwater concerns. Mr. Oakley said they are meeting on Thursday. Mayor Barbee asked if staff was using the hotbox for filling potholes. Mr. Oakley said the Town is currently having trouble staffing the machine. Mayor Barbee also asked that staff address the parking issue on Harper Avenue during the off-season.

#### **CLOSED SESSION**

**ACTION:** Motion to go into closed session to discuss an attorney-client matter in accordance with NCGS 143-318.11(a)(3)

Motion made by Mayor Barbee

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

*Motion passed 4-0*

Mayor Barbee called the meeting back to order.

**ACTION:** Motion to change the following parking lots so they no longer accept resident parking passes in order to be consistent with the Town's Beach Renourishment Evaluation Report (BRER) for Coastal Storm Risk Management (CSRM):

- Harbor Master Lot
- Woody Hewett Lot
- Hamlet/Fayetteville Lot
- Community Building Lot
- Marina Lot
- Palms Lot

Motion made by Mayor Barbee

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

*Motion passed 4-0*

#### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 7:30 PM.