

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, September 08, 2020 – 6:30 PM

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



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## MINUTES

### CALL TO ORDER

Mayor Pierce called the meeting to order at 6:30 PM. She recognized former Carolina Beach Mayor Bob Lewis in the audience.

### 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

Town Clerk Kim Ward

Town Attorney Noel Fox

### INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pierce gave the invocation, followed by the Pledge of Allegiance.

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

### CONSENT AGENDA

1. Set a Public Hearing for October 13, 2020, to consider a Conditional Use Permit for a Day Care Facility located at 105 S. Dow Road. Applicant: Seaside Chapel
2. Set a Public Hearing for October 13, 2020, to Consider a Text Amendment to Article III & XVIII to prohibit Floating Structures in public trust waters. Applicant: Town of Carolina Beach
3. Approval of Meeting Minutes from 7/28, 8/11, and 8/20

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

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

### SPECIAL PRESENTATIONS

4. WMPO Presentation

Abby Lorenzo, Senior Transportation Planner for the Wilmington Urban Area Metropolitan Planning Organization, presented the highlights of the Cape Fear Moving Forward 2045 Metropolitan Transportation Plan that is scheduled to be adopted at the October WMPO Board meeting

## Cape Fear Moving Forward 2045 Metropolitan Transportation Plan

### Presentation Overview

- About the WMPO and its requirements
- The plan development process
- The final plan
- How to support the plan

### About the Wilmington Urban Area Metropolitan Planning Organization (WMPO)

- Formed in 1978
- Approximately 280,000 in population
- 494 square miles
- 13-member Board includes representative from each member jurisdiction (2 from Wilmington), the Cape Fear Public Transportation Authority, and NCDOT Board of Transportation

### Responsibilities of the WMPO

- Federally required to provide regional transportation planning utilizing a continuing, cooperative, and comprehensive (3Cs) process which serves as the basis of the expenditure of federal transportation funding
- Update and maintain the metropolitan transportation plan every 5 years
- Prepare an annual work plan (UPWP)
- Assist in the prioritization of transportation projects for the development of the STIP/MPO TIP
- Coordinate the activities of the WMPO Board and TCC

### Metropolitan Transportation Plans

#### Federally required to:

- Provide a regional multi-modal transportation needs analysis
- Consider regional demographics and land use
- Public involvement
- 20-year minimum planning horizon
- Fiscally constrained
- Serves as the basis for MPO TIP/STIP

### Plan Development Process

The WMPO's MTP development process began in December 2017 with the appointment of a Citizen Advisory Committee by the Board. A 4-month public involvement and outreach period was held, offering a mapping tool and transportation survey to gather public opinion. The plan development process included work with subject matter experts, analysis of existing conditions and future innovative technologies, and the preparation of a financial forecast.

## New Requirements and Considerations

- FAST Act requirements
  - Additional planning factors
  - Inclusion of Inter-city transit providers and tourism
- Performance-based approach
- Innovative technologies
- Resiliency
- Environmental Justice

## Public Participation

Public outreach phase 1 was held for four months. Two tools were developed to solicit comments and feedback on what citizens of the region wished to see in their transportation system in the future. There were 2,287 public survey responses, 4,554 votes on map comments, and 563 unique public comments on the interactive map.

## Modal Elements Development

Modal subcommittees were comprised of subject matter experts that were tasked with developing modal goals and objectives that laid the groundwork for project scoring criteria and modal policies. Regionally critical project lists were developed from a compilation of project suggestions from public comment, member jurisdictions, and WMPO adopted plans. The combination of scoring criteria and regionally significant project lists allowed for a ranked project list to be developed.

## Financial Forecast Development

While the modal subcommittees developed the modal elements, the development of a financial forecast was ongoing. FHWA required the forecast to be realistic and based on historical funding sources.

## Fiscally Constraining the Plan

- Step 1: Develop comprehensive mode-specific project list.
- Step 2: Reduce list by applying base scenario projected funding.
- Step 3: Increase list by adding alternative funding.

## Alternative Funding Sources

- A funding gap of \$7 billion was identified based on identified regional project needs and forecasted funding
- Alternative funding sources utilized in North Carolina and other parts of the U.S. were researched, including taxes, fees, grants, and bonds
- Alternative funding sources explored by the Board:
  - Quarter-Cent Sales Tax
  - Quarter-Cent Sales Tax for Transit
  - Motor Vehicle License Tax
  - Motor Vehicle License Tax for Transit
  - Vehicle Registration Fee
  - Vehicle Rental Tax
  - Bicycle Registration Fee

- Transportation Bonds
- Tolling
- The Board supported the tolling of Cape Fear Crossing, allowing for the forecasted toll revenues to be utilized for fiscally constraining a portion of the project in the plan

#### TDM Strategies

Other opportunities to address the large gap in future funding verses needs include TDM and TSMO strategies. Transportation Demand Management is the deployment of strategies to reduce congestion by the redistribution of trips over space and time. Strategies recommended and encouraged by the plan include telecommuting, carpool/vanpool, and employer shuttles. The plan identifies 17 strategies, with different timeframes and difficulty to implement.

#### TSMO Strategies

Transportation Systems Management and Operations strategies are strategies to optimize the performance of the existing transportation network. The plan recommends and supports the implementation of 13 strategies.

#### Public Review of the Draft Plan

Staff compiled the numerous developed sections of the plan to produce a draft. The draft plan was released for public review and comment on February 26. Two in-person regional open houses were held in early March in Hampstead and Leland. Due to COVID-19 restrictions, the remaining 3 were canceled and the outreach period was extended until May 15. Three additional virtual open houses were held in early July. Of the comments received, 113 were addressed by staff, and 3 resulted in Board-approved changes to the plan.

#### Final Plan Outcomes

Number of fiscally constrained projects by mode:

- 91 public transportation
- 82 bicycle and pedestrian
- 79 roadway
- 28 aviation
- 10 ferry and water transportation
- 7 freight and freight rail

#### Your Role in Supporting the Plan

- Consider during development review, CIP planning, and local plan development
- Promote WMPO initiatives
- Participate in all efforts to develop the 2050 plan

5. Events - Request for discounted Freeman Park daily passes by the Pleasure Island Surf Fishing Challenge Group

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, presented several events requests.

The Pleasure Island Fall Surf Fishing Challenge will be October 16-18, 2020. Last year, Lanier Parking provided this event with a set number of passes for Friday-Saturday (1:00 PM -1:00 PM) and 50 day passes for Saturday-Sunday (1:00 PM-1:00 PM). Following the event, they returned the unused day passes to Lanier, along with payment for all the passes sold. The Pleasure Island Fall Surf Fishing Challenge group is requesting Council approval for the same number of passes this year at the same discounted rate of 50 percent off. This could previously be done at the Town Manager's discretion, but due to an ordinance change it must now be approved by Council. Event liaison Gary Hurley from Fisherman's Post also spoke briefly.

**ACTION:** Motion to give the Town Manager discretion as he sees fit with a strong emphasis that he continue to do what they have done in the past for the Surf Fishing Tournament

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

6. Events - Request to approve Trash to Treasure Event at CB Lake Park

The Pleasure Island Chamber of Commerce submitted an application for an event featuring a large one-day yard sale on November 7, 2020, at Carolina Beach Lake. The event will be similar to the Carolina Beach Market. Greg Reynolds of the Chamber said a pet-related event was originally planned for this time frame, but after the pandemic the organization began looking for something that would be more compatible with COVID-19 restrictions and guidelines. He said if it works well, it will become an annual event.

**ACTION:** Motion to approve the Pleasure Island Chamber of Commerce Trash to Treasure Event at Carolina Beach Lake

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

7. Events - Island Men Golf Cart Rally and Fundraiser 10/24/20

The Island Men group has submitted a special event application for a Golf Cart Rally and Fundraiser on October 24 that would consist of a parade of decorated golf carts driving through an established route and ultimately being judged by a panel just outside the Boardwalk Gazebo. After the parade, plans call for everyone to disperse into restaurants or retailers for an evening out. Roy Lee Carter and Bob Lewis from Island Men gave a presentation about the group's background, mission, budget, and charitable endeavors as well as an overview of the event.

**ACTION:** Motion to approve the Island Men Golf Cart Rally and Fundraiser on October 24, 2020

Motion made by Council Member Garza

Voting Yea: UNANIMOUS

Mr. Murphy said the Rec Center has opened to members only with capacity limits. Council Member Garza asked if it would be possible to add a computer terminal inside to encourage those who have not yet responded to the Census to do so. Mr. Murphy said there has already been discussion about setting up a tent outside but added that an indoor terminal could also be considered.

## 8. Manager's Update

Mr. Oakley updated Council on current and future projects. He said the efficiency study is wrapping up after the organization handling it had been on site for a couple of weeks. He said a report should be available in the next few weeks.

Mr. Oakley said the search for Police Chief Chris Spivey's replacement would enter the recruitment phase this week, and the next steps would be narrowing down candidates and interviews.

Mayor Pro Tem Healy asked if the efficiency study report will be a public document. Mr. Oakley said yes.

Council Member Barbee asked about lake dredge progress. Mr. Oakley said he has talked to two engineers, and an RFP would be going out soon.

Council Member Barbee said a resident had mentioned to him that the sign for Mike Chappell Park had been damaged. Assistant Town Manager Ed Parvin said he was not aware of this and that staff would look into it.

### **PUBLIC COMMENT**

Council Member Barbee read a letter he received from Chuck and Cindy Dunn, who offered support for proposed speed limit reductions and mentioned the idea of adding "park ahead" signs north and south of Mike Chappell Park on Dow Road.

Mayor Pierce read a letter she received from Valerie and Paul Brockman of 206 Ocean Boulevard, who expressed safety concerns about pedestrians along Ocean Boulevard. They offered support for proposed speed limit reductions and mentioned the need for a sidewalk and bike lane with a crosswalk at Lake Park Boulevard. Mayor Pierce said a multi-use path on Ocean Boulevard is on the Bike/Pedestrian Plan, and the Town is still awaiting NCDOT approval and funding.

### **PUBLIC HEARINGS**

#### 9. Consider adopting the 2020 CAMA Land Use Plan Update (LUP)

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

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

Planning Director Jeremy Hardison gave a rundown of the process and timeline for coming up with the Land Use Plan update. The most recent step was a public open house on August 20 at Carolina Beach Lake Park. Mr. Hardison said once Council adopts the update, the plan will then go to the N.C. Division of Coastal Management for certification by the Coastal Resources Commission, which could happen within three to four weeks.

**ACTION:** Motion to open public comment

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

No one asked to speak, so Mayor Pierce closed public comment.

**ACTION:** Motion to adopt Resolution 20-2232 to adopt the 2020 CAMA Land Use Plan

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

Council Member Garza asked staff to send a note of thanks to the committee for their long-term commitment to the project.

**ITEMS OF BUSINESS**

10. Approve the preliminary plat approval for Hidden Hills Phase II Subdivision

Mr. Hardison presented an overview of the request. The applicant, Ann Freeman, is requesting preliminary plat approval for Hidden Hills Phase II Subdivision located on the west side of St. Joseph Street, east of Portside Village. Hidden Hills Subdivision has an approximate total area of 13 acres. 6.4 acres were approved for 10 lots in 2005. Two of the lots have been combined for a total of 9 lots. Seven of the lots have been developed. Phase II will consist of 6 lots for a total of 15 lots for the subdivision. The lots will be between 23,000-73,000 sq. ft. There is an existing access (Hidden Hills Drive) to the subdivision to St. Joseph Street and with a 42' private right-of-way. The applicant proposes to extend the existing 42' Oak Outlook Way right-of-way 225' to the south. The pavement will match the existing width of 22'. There will be a 40' x 120' hammerhead at the end of Oak Outlook Way for turnaround access. A small portion of the proposed lots is in a flood zone and wetlands, but the structures will be located on high ground and no wetland disturbance will occur. There are two existing fire hydrants to service the subdivision. Water and sewer will be extended to service the lots. An additional light pole will be added and street trees for every 50' of lot frontage. Existing vegetation can be used and is encouraged. Sidewalks were not required for Phase I, and none are being proposed for Phase II. Single-family dwellings are permitted by right in the R-2 zoning district. The minimum lot size is 7,000 square feet, and setbacks for structures in this district are 25 feet from the front, 10 feet off the rear, and 7.5 feet from the side yard, except on corner lots where 12.5 feet will be required. Maximum height for structures is 50 feet for this district. The maximum lot coverage per lot will not exceed 40 percent and is within the allowable density for the R-2 zone.

Planning and Zoning Commission recommended approval of the Hidden Hills phase II preliminary subdivision with staff recommendation.

Planning staff recommends approval of this preliminary plat subject to the following conditions. Final plat may not be submitted for approval until all conditions, revisions, changes, and submissions are made:

1. Approval letter from the Division of Water Quality for Stormwater Control.
2. Approval letter from the Division of Land Quality for Sedimentation and Erosion Control.

3. Street trees shall be installed according to preliminary plat submittal. Existing vegetation can be used for this requirement.
4. The accurate locations and descriptions of all monuments, markers, and control points.
5. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer.
6. Section 12-130 (Planning and Zoning Commission may require the subdivider to construct a concrete sidewalk on one (1) side of all frontage streets and on one (1) or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Planning and Zoning Commission).
7. Lot coverage for any lot located within the subdivision shall not exceed 40 percent maximum lot coverage.
8. Designate on plan location of all open space, recreation area, and stormwater pond and designate ownership.
9. Grading, surfacing, curb, and gutters, sidewalks, street lighting, street trees, sewage disposal facilities, stormwater drainage facilities, and other utilities shall be installed and certified by a surveyor and/or engineer or Performance Guarantee provided prior to recordation of the final plat.
10. Planning and Zoning Commission may recommend a street stubout for Oak Outlook Way extension to the adjacent south parcel.
11. Any wetlands disturbance shall receive Army Corps of Engineer approval.

**ACTION:** Motion to approve the preliminary plat approval for Hidden Hills Phase II subdivision  
Motion made by Council Member Shuttleworth  
Voting Yea: UNANIMOUS

11. Adopt a resolution to decrease the speed limit on Dow Rd and Ocean Blvd. Applicant: Town of Carolina Beach

Mr. Parvin presented the details of the proposed speed limit reductions. He said NCDOT has stated they are in favor of the reductions if the Town agrees to enforce them. The resolution calls for the reduction in the speed limit on Dow Road between Tarboro Avenue and Ocean Boulevard from 55 mph to 45 mph and on Ocean Boulevard between Dow Road and Spot Lane from 45 mph to 35 mph.

Mayor Pro Tem Healy said he supports the reductions but does not feel they address the safety issue at the crosswalk at Dow Road and Harper Avenue. Council Member Garza suggested adding speed monitoring stations on each side of the crosswalk. Mayor Pierce asked staff to ask for permission to do that as well as add "crosswalk ahead" signs and "park ahead" signs near Mike Chappell Park.

Council Member Shuttleworth asked if the Town of Kure Beach had given any input to the speed limit reductions. Council Member Barbee said they are aware of the intent, but there was some confusion about the details that had to be straightened out.

Council Member Barbee asked how the public would be informed of the speed limit change. Police Chief Spivey said there would be flags on the new speed limit signs for a month or two, and law



enforcement would be practicing education via warnings during a period of learning from six to eight weeks. Mayor Pierce said the intent is not to create a speed trap or write more tickets.

**ACTION:** Motion to adopt Resolution 20-2231 supporting the reduction of the speed limit on Dow Road between Tarboro Avenue and Ocean Boulevard from 55 mph to 45 mph and on Ocean Boulevard between Dow Road and Spot Lane from 45 mph to 35 mph

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

## 12. Discussion of Town Mural Design

Mayor Pro Tem Healy said the postcard-type mural would now be 8 by 16, reduced from the previous plan of 16 by 32. He said it will take three weeks to paint, and two builders are doing the installation with maintenance already paid for via private funding. He said 43 residents have signed up to help paint and that he considers it a great community project.

Council Member Barbee asked if there is a rendering of the images that will be on the mural. Mayor Pro Tem Healy said there is not one at this time. Council Member Garza said he has heard that some people are opposed to this, and he wants everyone to be aware that the mural might need to be upgraded every four to five years. Mayor Pro Tem Healy said the mural can be easily taken down at any time if it becomes a problem. Mayor Pierce asked that Mr. Oakley be kept informed of the mural progress so he can see what it looks like as it progresses to ensure the ethnicities of the people portrayed are representative of something that is going on Town property.

Council Member Shuttleworth said he is in favor of murals on private property but is worried that a mural with images of people on public property could pose conflict. He said because of this, he cannot support the project. He said he would be in favor of something that had a text-only message such as "Welcome to Carolina Beach."

Mayor Pierce said she is willing to give the project a shot but wants to emphasize that the mural might need to be moved if it becomes a problem.

**ACTION:** Motion to approve the mural in front of Town Hall

Motion made by Mayor Pro Tem Healy

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

Voting Nay: Council Member Shuttleworth

(Motion passes 4-1)

## 13. Committee Appointments

Council made the following committee appointments via written ballot:

- Bike/Ped – Ricky Niec
- Board of Adjustment – Reappoint Wayne Hartsell and Patrick Boykin
- Freeman Park – Reappoint Alex Torres and new appointment Christina Lopez
- Marketing – Reappoint Brad Bradley and Tom Ulring

- Parks and Rec – Reappoint Duke Hagestrom and Alex Torres and new appointments Danielle Kurtz and Maureen Lewis
- Planning and Zoning – Reappoint Debra LeCompte and Wayne Rouse and new appointments Ethan Crouch and Todd Piper
- Police Advisory – New appointments George Acker, Amanda Amyot, Joe Benson, and Arthur Hughes
- Operations Advisory – Scott Cornelison

All standing committee appointments will serve 3-year terms.

Mr. Oakley said COVID-19 guidelines will now allow committees to meet in person, but they can also continue to meet virtually if they choose.

Mr. Parvin said because the Planning and Zoning Commission meets this week, he would like to keep the current board in place until October so the new members can undergo some training.

Council Member Barbee encouraged those who applied but were not appointed to show up and participate in the committee meetings because they are all very open to public input.

Mayor Pierce asked Ms. Ward to poll committee chairmen to find out whether they want to meet in person or virtually.

#### **NON-AGENDA ITEMS**

Council Member Barbee asked if two golf carts are allowed in one parking spot. Mr. Parvin said some spots are already marked off to contain two golf carts, and others would be fine if one golf cart is not blocking the other without the other's knowledge. Council Member Garza asked staff to be sure Lanier Parking is on the same page so there are no tickets written for this.

Mayor Pro Tem Healy mentioned the possibility of the Town losing wheelchair access mats due to turtle nesting concerns from the N.C. Wildlife Resources Commission. He urged everyone to reach out to State representatives to ask them to allow the mats to continue to provide beach access for handicapped individuals. Council Member Shuttleworth said he also wanted to ask people to reach out and ask that the mats be permitted.

Mayor Pro Tem Healy said he liked Council Member Garza's earlier suggestion to put a Census terminal at the Rec Center. Council Member Shuttleworth said even though he completed the Census for his household months ago, he has had two Census workers show up at his house and received six subsequent cards in the mail.

Mayor Pro Tem Healy said a resident had asked him about whether there were any recent efforts to eliminate plastic bags within the Town. Ms. Fox said this is at a standstill because there is no enabling legislation. Council Member Shuttleworth brought up the Town smoking ban, and Ms. Fox said there is also no enabling legislation for this matter but that once the State grants that then the Town is ready to make that happen. Council Member Garza suggested the Town take steps to get ahead of the game with the plastic bag ban as well. Mayor Pierce asked if New Hanover County had passed a smoking ban

on public property, an issue the County recently discussed. Ms. Fox said no because that issue had to go back to the Board of Health. Mayor Pierce asked if that were to be approved if it would affect the Town, and Ms. Fox said the way it was drafted would affect the Town, which was part of the problem that resulted in it going back to the Board of Health. Mayor Pierce asked staff to keep their eyes on that matter.

Council Member Shuttleworth said the U.S. Army Corps of Engineers has been working on realignment of the Carolina Beach Inlet channel and that nature has set the course for that with movement to the south. He said this is a good thing that will result in easier dredging.

Mayor Pro Tem Healy thanked the Police Department for how they handled a recent hostage situation within the Town. Mayor Pierce thanked Police Chief Spivey for keeping the Town safe.

### **ADJOURNMENT**

**ACTION:** Motion to adjourn at 8:00 PM

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS