

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, September 13, 2022 - 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 Pastor Tyler Simmons of First Baptist Church and Pledge of Allegiance.

### 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

Town Clerk Kim Ward

Town Attorney Noel Fox

### ADOPT THE AGENDA

Mayor Barbee suggested moving the closed session to the beginning of the meeting. Council Members indicated agreement.

**ACTION:** Motion to adopt the agenda

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*

### CONSENT AGENDA

1. Starfish Grant

Council Member Benson said this was for public access at the end of Starfish Lane at Canal Drive, which is at no cost to the Town. He asked if the project would begin before, after, or concurrent with projected stormwater improvements for that street end. Mr. Oakley said this would be a concurrent project.

Council Member Benson asked if the Town has signatures from both adjacent property owners. Planning Director Jeremy Hardison said the Town has one signature but is still working with the other property owner.

Council Member LeCompte said there is a cost to the Town because the grant requires a 25% match. Mr. Parvin said that is correct.

Council Member Hoffer said he'd like more clarity on the item, particularly why signatures from neighboring property owners are necessary. Mr. Parvin said the right-of-way there is 25 feet wide and a pier would have to be 15 feet from any adjacent property. He said if it's closer than 15 feet Coastal Area Management Act (CAMA) requires a waiver, and rebuilding it completely would require signatures from both property owners. Without one of the signatures, the pier could be located closer to the signing property so there is a distance of 15 feet or more from the property that won't sign. Council Member Hoffer asked if the Town can proceed without the pier if the matter can't be worked out between the two property owners. Mr. Parvin said if staff can't work through the logistics, the project will have to come back before Council.

Mayor Barbee asked if Council is comfortable moving forward with the item. Council Benson said he would like to strike the item until the Town gets clarification from property owners as to where the pier will go. Mr. Parvin said the matter of the pier is a permitting requirement, not a grant requirement, so it doesn't need to be resolved before approving the resolution to move forward with the final grant application.

2. Emergency Operations Plan
3. Budget Amendments/Transfers
4. Approval of Council Meeting Minutes from August 9 and 23 and September 1, 2022

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

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*

#### **CLOSED SESSION**

5. Closed Session – Attorney/Client

**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 Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

Mayor Barbee called the meeting back to order.

**ACTION:** Motion to pass Resolution No. 22-2270

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*

Mayor Barbee read the resolution, which authorizes the Town to obtain a public right-of-way over property by either voluntary acquisition or condemnation. This is regarding real property in the general vicinity of the paved area connecting Florida Avenue to Georgia Avenue.

**SPECIAL PRESENTATIONS**

6. Presentation by Girl Scout Gold Award Candidate Madeline Fischer

Madeline Fischer is working on her Girl Scout Gold Award, the highest honor a Girl Scout can earn. She is working with Ocean Cure to promote beach accessibility and would like to have a wheelchair washing station at the beach. She also wants to develop and disseminate a QR code system to make it easier to sign up online to volunteer to sweep the beach mat.

Council Members praised these efforts.

**ACTION:** Motion that Town Council support Madeline Fischer in her Girl Scout Gold Award project as she's described and work with Town staff to achieve that

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*

7. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, reviewed upcoming special events:

- Dragon Boat Regatta – September 16-17 at the Marina
- Surf Movie – September 23 at the Boardwalk
- Youth Fishing Tournament – September 24 at Kure Beach Pier
- Art in the Yard – September 24 at various locations
- Pets in the Park – October 8 at Lake Park
- Beachin' Car Show – October 15 at Lake Park
- Oktoberfest – October 29-30 at the Boardwalk

Patrick Conley and Darren Keeler, both with Shuckin' Shack, spoke about a proposed celebration for the restaurant's 15<sup>th</sup> anniversary that would benefit the Leukemia & Lymphoma Society. Mr. Conley said Shuckin' Shack would like to ask the Town to block off five parking spots in front of the building for an October 22 fundraiser that would include music and an oyster roast.

Mr. Keeler said this segment of the Fresh & Raw Tour would include live music all day from local singers/songwriters, culminating with headliners Warren Garrett and CJ Solar. He said all Shuckin' Shack locations are featuring this traveling show starting next Thursday.

Council Member Benson asked what the request to the N.C. Department of Transportation (DOT) would look like. Mr. Oakley said the request may have already been made, and he thinks DOT is OK with it. Mr. Conley said DOT is good with the request as long as the restaurant has Town approval and a letter from the Police Department. Mr. Oakley said the Police Department has approved the request.

**ACTION:** Motion to approve the allocation of five parking places in front of Shuckin' Shack for the Fresh & Raw Tour

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*

Fire Chief Alan Griffin said the United States Lifesaving Association (USLA) has asked the Town to host its South Atlantic region lifeguard competition in July 2023. The Town previously hosted the event in 2014. He said this would be a midweek event that would bring in about 200 competitors from 18 lifeguard programs.

**ACTION:** Motion to approve Chief Griffin's request to host the USLA South Atlantic lifeguard competition in 2023

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*

Chief Griffin said the Fire Department will hold its annual BBQ fundraiser on October 22, and the event will include raffling off an e-bike worth \$2,000. He said raffle tickets are currently available for \$10 each.

Council Member LeCompte said the Town had a wonderful summer full of events and activities, and she thanked the Parks & Recreation Department for stepping up as well as volunteers who assisted. Mr. Murphy said the events and activities would not be possible without volunteers.

## 8. Manager's Update

Mr. Oakley gave an update on various projects and events.

### Observances

October 9-15 is Fire Prevention Week, and the Fire Department has various educational activities planned for the community.

October is Breast Cancer Awareness Month, so firefighters may be wearing more pink than usual as part of the annual tradition.

#### Parking

Staff is reviewing recent recommendations from the Parking Committee, and Pivot Parking will also give input. Staff will present recommendations to Council at the next workshop, and the October regular meeting will include a proposed parking plan for Council to review.

#### Carolina Beach Avenue South

Council asked staff to look into speed limits and bike lanes, so there are proposals going to the Technical Review Committee (TRC) next month for review. The next step will be for staff to come back at Council's next workshop or regular meeting with a proposal and preliminary cost estimates.

Council Member Benson asked if there are any thoughts on what the speed limit might be. He asked if council may have more than one option to consider. Mr. Oakley said he will bring Council the TRC recommendation, and there can be a blank resolution that may be filled in with the speed limit approved by Council.

Council Member Hoffer asked if the Bike/Ped Committee can look at this next week. Mr. Oakley said yes.

#### Boardwalk Bathroom

The Town has submitted an application to CAMA to construct a two-story restroom on the Boardwalk where the existing facility is. The proposed structure would have a bigger footprint. The Town does not expect it to get approved but will appeal to try to get a variance with the Coastal Resources Commission (CRC) in December. Once that occurs, the Town can move forward with design and budgetary issues.

Council Member LeCompte said the Town needs to really push Americans with Disabilities Act (ADA) accessibility and the availability of the beach mat right there.

Council Member Hoffer asked if the intent is to not tear down the current facility but improve what is there. Mr. Oakley said the goal is to start a completely new structure.

Council Member LeCompte said the Town needs to consider expediency and cost.

#### Marina

The south phase is almost done. The docks are built, and the Town is just waiting for them to be delivered. The east phase will start this fall ahead of schedule.

#### Lake Park Boulevard and Hamlet Avenue Signal Installation

The latest schedule from DOT shows this is not going to happen right away; the projected final completion date is October 2023. The project is moving forward but is out of the Town's hands. There is a long wait to get light poles.

Mayor Barbee mentioned the request for signal changes at Cape Fear Boulevard to give pedestrians a head start. He said the hope is to get this done in October, but there is a delay regarding the availability of necessary components. He said this should be done by next summer for sure.

Mayor Pro Tem Healy asked if there is any time frame on the left-hand turn into the State Park. Mr. Oakley said there is no update, but he will look into this.

Mayor Pro Tem Healy asked if there is a time frame for the Marina docks to arrive. Mr. Oakley said he thought they were going to be here today, so it should be anytime.

Council Member LeCompte said the crosswalk signal at Lake Park Boulevard and Cape Fear Boulevard in front of Pleasure Island Rentals is not working. She said it never gives a walk signal. Mr. Oakley said he will contact DOT about this tomorrow.

Council Member Benson asked about the lake dredge application for a permit from the U.S. Army Corps of Engineers for site retention of 5,000 cubic yards. Mr. Oakley said there were some routine questions, and the Town is working with an engineer to get them completed. Council Member Benson said it can take up to six months for a decision. Mr. Oakley said this is correct.

Council Member Hoffer asked about Florida Avenue. Mr. Oakley said the Town has separated paving from stormwater, received stormwater bids, and selected a contractor. He said the Town is working on a schedule to get started with stormwater and then will seek bids on paving.

#### **PUBLIC COMMENT**

Olin Furr of 440 Oceana Way asked if the eminent domain decision made as a result of the closed session means the application for the CBYC LLC fence will be discarded. Mayor Barbee asked Ms. Fox if he should answer this question. Ms. Fox said the Town will not answer any questions regarding this matter. Mr. Furr said people are concerned about that application and what it means, and blocking off a road and driveway for a resident didn't make sense to neighbors in the community. He said he hopes Council will ensure this does not happen.

Jimmy Sanderford of 418 Marina Street, representing the Oceana Marina HOA, thanked Council for what they did for the neighborhood. He also mentioned roads and suggested doing reclamation in the area because of the high water table. Mr. Sanderford said reclamation involves grinding up the road, putting in cement, compacting it, and paving it on top.

Joe Starks of 203 Florida Avenue thanked Council for doing the right thing with the right-of-way and fencing. He said this action restored confidence in taxpayers.

Jen Starks of 203 Florida Avenue thanked Council for exercising eminent domain on the property discussed during the closed session. She said it is greatly appreciated by residents in the community.

Kerry Machovec of 309 Georgia Avenue said she will finally be able to sleep due to the decision after the closed session. She thanked Council and said the issue had been weighing on her. Ms. Machovec said she appreciates the steps Council took tonight to take back the road.

Mel Machovec of 309 Georgia Avenue, who owns the house that would be affected by the proposed fence, said he appreciates Council stepping up. He said he hasn't slept in days.

## **PUBLIC HEARINGS**

9. Conditional Zoning to Consider a Hotel with a Restaurant and Bar Located at 205, 207, and 209 North Lake Park Boulevard and 204 Harper Avenue in the Central Business District  
Applicant: Jefferson C. Woodall, Architect

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

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*

On behalf of the owners, Architect Jefferson C. Woodall has applied for a Conditional Zoning (CZ) application for a four-story hotel with a rooftop bar, restaurant, and retail located at 205, 207, and 209 North Lake Park Boulevard and 204 Harper Avenue in the Central Business District (CBD). Hotels and bars are permitted by CZ in the CBD; restaurants and retail are permitted by right. Therefore, the entire project must be approved by CZ.

The proposed project would have 42 hotel units in a locally owned and operated boutique property by the same developers of The Hive in Wilmington. The subject property consists of a single-family home and the former site of Welcome Inn. The ground floor would consist of a covered parking structure, hotel entrance, and commercial space. The second floor would have 12 sleeping rooms, a pool, a pool bar, and green space. The third and fourth floors would each have 15 sleeping rooms. The rooftop would consist of a café/bar. The commercial spaces would be open to both hotel guests and the public.

Senior Planner Gloria Abbotts presented the details, including displaying photos showing existing conditions of the property and surrounding uses. She said the property owners received a Conditional Use Permit in 2016 for renovation, but due to health issues they could not continue with the improvements.

Ms. Abbotts said the proposed cabana roof and railings would go over the 50-foot height limit. She said hotels have an exception for any appurtenances 10 feet or less in height. Appurtenances are items required for the operation and maintenance of a building, including parapet walls, skylights, ventilation equipment, domes, flagpoles, cooling towers, housing for elevator equipment, stairways, tanks, fans, air conditioning and heating equipment, and similar operational devices.

Ms. Abbotts went over CZ guidelines and the CZ process and shared information about the required public meeting on July 1, when the developers met with adjacent property owners and stakeholders and noted concerns; the developers accommodated a neighbor's concern with an easement for access.

Ms. Abbotts said stormwater retention will be on site. She reviewed criteria the Commission must consider when voting and conditions of the project. She said staff recommends approval of the project.

Prior to unanimous approval by the Planning and Zoning Commission last month, Ms. Abbotts said the Commission added three conditions to the proposal: additional landscaping, transparent railing, and limiting walkable surface to 50 feet.

Wilmington Attorney Matt Nichols, who is assisting the applicant in representing the developers, highlighted a few details of the proposal and introduced Kaylie O'Connor and Robert Rosenberg, principals of Wilmington Development Group. He said Ms. O'Connor has lived in the Town since 2008.

Ms. O'Connor said she and Mr. Rosenberg developed the locally owned and operated property The Hive, which has 15 suites and opened in 2019 in downtown Wilmington. She said The Hive has a 4.7 rating on Google, has 83% direct bookings, and is the preferred lodging for film and TV productions. Ms. O'Connor said with the newly proposed project in the Town, they hope to convey a surf retro vibe.

Mr. Woodall reviewed floor plans and other details of the proposal.

Mr. Nichols said the proposal is consistent with the Town's Master Development Plan and the Town's 2020 CAMA Land Use Plan. He said granting CZ approval would offer the following benefits:

- Revitalization of an outdated property
- Significant improvement to streetscape along a portion of North Lake Park Boulevard
- Offers high-quality accommodations for guests and visitors
- Provides retail and restaurant options for Town residents and visitors
- Promotes economic development, tourism, and job creation within the CBD

Adam Zazzali of 807 Carolina Sands Drive, who owns the property directly adjacent at 203 North Lake Park Boulevard where his business Satellite Army is located, said this looks like a great project. He said he has concerns about stormwater runoff, flooding, and heavy construction going on so close to his building, which was constructed in 1945. Mr. Zazzali said when he moved his company to the building in 2008, there was more than ample parking everywhere in the area. He said he wonders what traffic will be like after the hotel is complete and how the project will impact the streetscape plan for the area. Mr. Zazzali said he just wants to be able to continue conducting business in the way his company has for almost 15 years. He said he asked for a cutout where a vehicle could go but never heard back. Mr. Zazzali said his business needs to be able to get a vehicle or two close to his building so staff can come and go with equipment.

Planning and Zoning Commission Chairman Wayne Rouse said he would answer any questions Council has about the Commission's discussion and vote on the project. Mayor Barbee asked him to elaborate about the conditions the Commission added. Mr. Rouse said the Commission added additional landscaping on the south side to make it clear there's not a path there, which would deter walking in between buildings, plus it would look nice from the road. He said the Commission wanted transparent



railing due to the proposed project exceeding the height limit. Mr. Rouse said this would reduce the appearance or illusion of height to people's eyes. He said he lives three blocks away from the project and doesn't have a problem with it, but he would like to see developers work with long-standing business owner Mr. Zazzali if possible.

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 Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

Mayor Pro Tem Healy asked about the self-retaining runoff part of the proposal. Charles Cazier of Intracoastal Engineering, civil engineer for the project, said there have been six soils tests on the site, and the project will use an underground retainer system to allow runoff to infiltrate into the ground. He said overflow would likely enter the Town sewer system via Lake Park Boulevard, although that design is not complete. Mr. Cazier said it would be designed to a level that meets State and Town requirements.

Mayor Pro Tem Healy said The Hive has a proven track record, and he likes the idea of a Town resident giving back to the Town.

Council Member LeCompte said this will be a beautiful addition to the Town, and she is happy to hear the project will retain live oaks. She said she would like to suggest that the property owners and neighbors work out issues amongst themselves. Council Member LeCompte said there is not a single business in the CBD that has assigned parking without purchasing property for their own parking. She said if the Town gives a parking space to one business owner, then every business owner will ask for a parking space.

Ms. Fox said granting an easement as proposed is not something that she or Town staff would recommend.

Council Member Hoffer said he likes the project and is not concerned about traffic because once people park at the hotel, their cars will likely stay there. He said he's worried about Mr. Zazzali and his small business getting swallowed up. Council Member Hoffer asked developers to work with him to help him keep access. He said this should've been worked out before now.

Ms. Fox said the applicant has adhered to the CZ process. She said developers may address the issue with their neighbor if they want, but the project is at the end of the process.

Council Member Benson asked if the matter should come back in two weeks after Council has considered parking for next year, including the possibility of harvesting spots from Harper Avenue. He

said the issue with the neighbor may be addressed in a parking setting, but he doesn't think Council is in a position to tell the applicant what to do with someone else.

Ms. Fox said she wasn't suggesting that Council doesn't have the authority to impose conditions, but she was just pointing out that the way the CZ process works is that if the Town imposes conditions and the applicant doesn't agree to them, then the project goes away.

Council Member LeCompte said she personally would rather see the two parties work this out privately than for Council to impose another condition. Other Council Members indicated agreement.

Mayor Barbee said Mr. Zazzali has reasonable concern about the proximity of construction to his property, but he thinks the project having insured contractors should alleviate any worries. He said he understands Mr. Zazzali's need for access and asked the parties to work something out together because he doesn't feel comfortable imposing an easement. Mayor Barbee said the project will help with downtown revitalization.

Council Member Hoffer said he concurs and asked the parties involved to sort this out.

Mayor Barbee said both parties are well-respected members of the community and can figure this out.

**ACTION:** Motion that whereas in accordance with the provisions of North Carolina General Statutes, Council does hereby find and determine that the adoption of the Conditional Use District to allow for a four-story hotel with a rooftop bar at 204 Harper Avenue and 205, 207, and 209 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans, and the potential impacts of the surrounding area are mitigated by the approved conditions set forth by staff and Planning and Zoning

Motion made by Council Member LeCompte

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

*Motion passed unanimously*

Mayor Barbee asked if the Town will need to factor the hotel and its new two-way driveway and traffic flow into the existing Harper Avenue streetscape plan. Mr. Oakley said yes, this entrance will affect it.

10. Hearing on Preliminary Assessment Resolution to Improve the 1000 Block of South Second Street

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

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*

During the June Council meeting, a petition was heard to improve the 1000 block of South Second Street. Council wanted more information on the impacts to wetlands the improvements would have, as well as the cost associated with mitigation.

The amount of wetlands impacted is 0.03 acres or 1,306 square feet. Mitigation would cost \$14,187.83 to fill through the U.S. Army Corps of Engineers permit program. This is calculated at a 4:1 mitigation-to-impact ratio. Credits are dealt in 0.1-acre increments at \$7,093.91/0.1 acre. This amends the estimated total cost from \$571,047 to \$504,235. Two-thirds of the improvement cost will be assessed with the option to pay the assessment in seven equal annual installments at 6% per annum. The Town contribution from the General Fund would be \$168,078, bringing the per lot cost to \$56,026.

Mr. Hardison presented the details, including a project timeline that shows construction in spring/summer 2023. He said this item was not presented during budget discussions for the current fiscal year, so there is no line item set aside for this project. He said the Town would have to create that, consider this in the FY 23/24 budget, or choose to do nothing and let the developer move forward without Town involvement.

Woody Burnette of 7413 Capstone Drive in Raleigh said he bought the property in 2008. He said there was not access to his property then or now, and his neighbor across the street also can't get to his property. Mr. Burnette asked Council to approve this because he has owned the property and paid taxes for 15 years and would like some help.

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 Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

Council Member Benson said he believes the Town has a responsibility to taxpayers to provide services, and accessibility is one of them. He said now that details are available, he is ready to move forward.

Council Member LeCompte said she doesn't think the Town should deny access to anyone's property, but her concern is the Town has to pay the \$504,000 upfront and then get reimbursed, and that is not in the current budget.

Mayor Barbee said it sounds like everyone likes the project but doesn't know where to get the money.

Finance Director Debbie Hall said the Town funding the money upfront would work if it is reimbursed before the end of that fiscal year.

Mr. Burnette said he would sign a promissory note drafted by the Town's legal counsel. Ms. Fox said there is security to ensure the Town is repaid, so that's not the issue. She said Council needs to adopt a

resolution tonight that specifies the percentage of costs and the duration for which the Town is seeking repayment. Mayor Barbee asked if Council can amend the proposed resolution with payment terms. Ms. Fox said Council can amend the duration of the payment terms but not the percentage.

Mayor Barbee attempted to make two motions that he revised based on Ms. Fox's suggestions that they be more specific about the time frame.

**ACTION:** Motion to consider approving the preliminary assessment resolution to improve the 1000 block of South Second Street, whereas the property owners will pay two-thirds of the cost and the Town will pay one-third, where the owners will pay their sum within one year of the completion of the project

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*

## ITEMS OF BUSINESS

### 11. Ocean Boulevard Sidewalk

Mr. Parvin said the Town held workshops on August 10 and 24 to get comments on the proposed sidewalk on Ocean Boulevard. He said funding is included in the State's budget this year, so the Town is trying to move forward with an engineering and design plan.

Questions and comments collected at the workshops, which were attended by over 30 participants, included:

- Sidewalks are essential to safety
- South side
- Concrete
- Communication during the project (landscaping/irrigation)
- Multi-use path vs. sidewalk
- Who will maintain the area?
- Parking?
- Stormwater?
- 14 feet from edge of the road to edge of sidewalk

Mr. Parvin said the Town is looking to get permission to move forward and finalize plans to include a stormwater plan for the sidewalk, which will be 6 feet wide and on the south side of Ocean Boulevard.

Council Member Hoffer said he has never considered parallel parking along the street and doesn't recall that being discussed. Mr. Parvin said people can park in the grass of an undesignated right-of-way. Mayor Barbee said this should be an item for the Parking Committee in general.

Council Member Hoffer said he agrees with the residents who said the speed limit should be reduced to 25 mph. He said the Town should proceed with a plan that connects to the Greenway as well as existing sidewalks. He said the Town made developers build sidewalks in the area in the 2000s with the

idea that eventually they would connect to a larger system, so he hopes that will be included in the plan.

Mayor Pro Tem Healy asked if there is a preference for a sidewalk vs. a multi-use path. Mr. Parvin said long-range plans call for a multi-use path, but the neighborhood wants a sidewalk.

Council Member Hoffer said his recommendation is to proceed and see what the preliminary price is.

**ACTION:** Motion to move forward with engineering/design of the sidewalk on the south side of Ocean Boulevard that is 6 feet wide

Motion made by Council Member Hoffer

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

*Motion passed unanimously*

12. Text Amendment to Amend Chapter 16. Article VI. Sec. 16-207 and Sec. 16-1 to Add “No Commercial Through Traffic” Language

A petition was delivered to Council in August 2021 signed by residents of the Ocean Heights neighborhood that requested to restrict through traffic from using Ocean Heights streets as a shortcut or access through the neighborhood. The item was discussed at the July Council workshop, where Council directed staff to draft proposed language for review to restrict commercial through traffic in the Ocean Heights neighborhood.

The Ocean Heights neighborhood was platted in 1949 to include 132 lots designed to access both Dow Road and North Lake Park Boulevard. The subdivision was located in the unincorporated area of the County, not in the Town limits, when it was approved. The area was left undeveloped until the late 60s. In 1963, DOT constructed a high-rise bridge. As part of the project, Lake Park Boulevard was extended to the new bridge and a new section of Dow Road was created through the Ocean Heights neighborhood to connect to the original Dow Road. DOT bought 18 lots for the road improvements. This created 26 lots that were located on the east side of Dow Road and disconnected from the neighborhood.

Through the 70s, the majority of the Ocean Heights neighborhood on the west side of Dow Road was developed as manufactured housing. The west side of Dow Road was developed as non-residential. Commercial development took off when the Town annexed the area and put in water and sewer. The development of the neighborhood remained unchanged until a developer bought 28 lots in the neighborhood in 2006, removed many of the manufactured homes, and built three duplexes before the economic downturn. Another developer bought the remaining 25 lots and built duplexes in 2017.

Mr. Hardison presented the details. He said the neighborhood borders are between Old Dow Road, Dow Road, and Bridge Barrier Road. He said there are now three entrances to the neighborhood, and it has 19 exterior lots and 53 interior lots. The interior streets are public and maintained by the Town, and the speed limit is 25 mph.

The proposed ordinance would eliminate through traffic for commercial vehicles in the Ocean Heights residential portion of the neighborhood. The Town does not currently have any areas that prohibit commercial through traffic. Part of the amendment is to adopt a definition of commercial vehicles. The proposed commercial vehicle definition is consistent with the State definition.

Council Member Hoffer asked if there is a pitfall here because the ordinance is only as good as enforcement will be. He asked if the Town passes this and enforcement is light whether there is some way this will bite the Town.

Mayor Pro Tem Healy said it sets a precedent for other developments to do the same thing.

Mayor Barbee said the Town is creating the ordinance so enforcement can happen at all. Mr. Oakley said it may be tough to enforce and could lead to a lot more requests.

Mayor Barbee said these roads may eventually get tagged in GIS as routes that prohibit commercial traffic. Mr. Parvin said this is possible, according to the Wilmington Urban Area Metropolitan Planning Organization (WMPO).

Mayor Pro Tem Healy asked if the Town has signs for this. Mr. Hardison said staff will have to order them.

**ACTION:** Motion for approval to amend Chapter 16. Article VI. Sec. 16-207 and Sec. 16-1 to add “no commercial through traffic” language in the Ocean Heights subdivision

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 said this is a crowded little neighborhood, and he has empathy for the residents.

### 13. Committee Appointments – Bike/Ped and Marketing

Council made the following committee appointments:

- Bike/Ped: Rodney Kidd
- Marketing: Dorrene Stanley

Mayor Barbee thanked everyone who applied and asked them to continue applying. He said it takes time, but membership will turn over and future opportunities will arise.

### **COUNCIL COMMENTS**

Council Member LeCompte thanked Mr. Oakley for entertaining her idea to let residents affected by recent flooding park in Town lots overnight to keep their cars out of floodwaters. She said she'd like to ask Council to make that a standing policy when there is flooding on the North End. Mayor Barbee asked her to bring this up as part of Council's parking recommendations. Council Member LeCompte

thanked Operations and the Police Department for being on top of the flooding, which happened quickly and involved the ocean breaching the rocks.

Mayor Pro Tem Healy mentioned that the CBD Master Development Plan was last done in 2008 and asked how often it is updated. Mayor Barbee said this is up to Council. Council Member LeCompte said she was on the steering committee for the 2008 plan. Mayor Barbee said Council should discuss this further during a future workshop.

Council Member Hoffer asked about clearing of a lot at Sixth Street and Augusta Avenue. He asked if the owner has applied for a building permit. Mr. Hardison said no, the owner applied for a clearing permit. Council Member Hoffer said it seems odd that you can apply for a clearing permit on land that is zoned Conservation. Mr. Hardison said this is just zoning terminology and is not a State or Federal designation. He said single-family development is allowed within the district and that there are no wetlands, the land is high, and there are no protected species or anything else environmental on the property. Council Member LeCompte said the lot is in the County, not the Town. Mr. Hardison said any development would have to meet the Town's landscaping ordinance.

Council Member Hoffer said he would like to have a discussion about rights-of-way and rights of use at a future workshop. Mr. Oakley said there will be some discussion of this during the September workshop item about residential parking districts.

Council Member Hoffer asked everyone not to forget about DOT plans for repaving Lake Park Boulevard in 2025.

Council Member Benson said he is looking forward to getting numbers regarding Carolina Beach Avenue South and moving toward a decision.

Council Member Benson asked if the State is testing wells and water quality for contaminants this month. Mr. Parvin said the Town is constantly doing testing with the State. Council Member Benson said there is usually an annual report in September. Mr. Oakley said he is not sure when this water quality report is coming, but he will share it with Council when available.

Council Member Barbee praised Town staff and citizen involvement and said we live in the best place there is.

#### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 9:30 PM.