

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, May 14, 2024 – 6:00 PM

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



AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

CONFLICT OF INTEREST

Members of Town Council shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a member has a close familial, business, or other associational relationship. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct. (160D-109)

ADOPT THE AGENDA

CONSENT AGENDA

- [1.](#) Budget Amendments/Transfers
- [2.](#) Amend Grant Project Ordinance for ARP
- [3.](#) Proclamation Recognizing May 15 - June 15 as Tourette Awareness Month
- [4.](#) Approval of Council Meeting Minutes

SPECIAL PRESENTATIONS

- [5.](#) Events Update by Tim Murphy
- [6.](#) Manager's Update

PUBLIC COMMENT

Public Comment allows the public the opportunity to address Town Council. Please direct your comments to Council only. Speakers should restrict comments to no more than three minutes. Items or questions presented during this time will not be discussed by Council. However, the topic may be deferred to Town staff or a Town committee for follow-up. Please be sure to state your name and address, and speak directly into the microphone for those watching online.

PUBLIC HEARINGS

- [7.](#) Public Hearing to Receive Public Input on the 2024/2025 Budget
- [8.](#) Consider a Special Use Permit Modification for additional boat slips located at 401 Marina Street PID 313115.74.1321.000, 313115.64.9002 & 313115.64.8036 in the Marina Business & R-1B District. Applicant: CBYC, LLC

ITEMS OF BUSINESS

- [9.](#) Amend Grant Project Budget for Saint Joseph Bike Ped Project

COUNCIL COMMENTS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 5/4/24

SUBJECT: Budget Amendments/Transfers

BACKGROUND:

I have received several budget amendments and/or transfer requests. Transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendments and/or transfers. I have also attached a copy of the supporting documentation for the appropriations.

Appropriations:

Appropriate \$1,000 donation for the Police Department to account 10-510-033 Police Supplies to purchase water bottles for officers.

Appropriate \$1,000 donation for the Police K9 unit to account 10-510-048 Police K-9 Maintenance to offset training costs and supplies.

Transfers:

Transfer \$2,000 from account 10-510-040 Police Crime Prevention to account 10-409-030 General Fund Vehicle Lease to cover lease payments for new PD vehicle for the remainder of the fiscal year.

Transfer \$7,400 from account 10-430-012 Clerk Printing & Publishing to account 10-430-023 Clerk M&O Software to cover the implementation and support contract for Laserfiche.

Transfer \$5,000 from account 10-491-002 Planning Wages to account 10-491-064 Planning Board of Adjustments to cover the Attorney Fees for Planning BOA meeting.

Transfer \$10,635.84 from account 23-002-046 Phase C Professional Services (Revenue Bond) to account 23-014-074 WWTP Oxidation Ditch Project (Revenue Bond) to cover New Hanover County Landfill dumping fees for the material removed during the project.

Transfer \$20,000 from account 10-620-041 P&R Arts & Activities to account 10-620-074 P&R Capital over \$10,000 for construction of volleyball court adjacent to the Community Center.

BUDGET IMPACT:

Budget will not be impacted by the amendments or transfers.

ACTION REQUESTED:

Approve the budget amendments and/or transfers as presented by the Finance Director.



CAROLINA BEACH POLICE DEPARTMENT

1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
Tel: (910) 458-2540
Fax: (910) 458-2988



Item 1.

TO: Debbie Hall, Finance Director
Bruce Oakley, Town Manager

FROM: Chief C. V. Ward *C. V. Ward*

DATE: April 15, 2024

RE: Budget Transfer Requests

The Carolina Beach Police Department would like to request the following budget transfers:

- On 4/8/24, a donation was made in the amount of \$1000 for CBPD. We are requesting the transfer of those funds to 10-510-033 for the purchase of department water bottles.
- On 4/9/24, a donation was made in the amount of \$1000 for the CBPD K9 unit. We are requesting the transfer of those funds to 10-510-048 to offset training costs and purchases for the K9 unit.
- On 6/27/23, CBPD was awarded \$23,000 in grant money for FY23/24 of which a portion was designated for the purchase/lease/upfit of a new SIU vehicle. We are requesting the transfer of \$2000 to 10-409-030 to cover the lease payment of a new vehicle for the remainder of the fiscal year.

\$1000.00
From 10-335-000 Miscellaneous Revenue
To 10-510-033 Supplies

\$1000.00
From 10-335-000 Miscellaneous Revenue
To 10-510-048 K9

\$2000.00
From 10-510-040 Crime Prevention/DARE
To 10-409-030 Vehicle Lease Payments

Thank you for your consideration.

Debbie Hall

From: Kim Ward
Sent: Wednesday, April 24, 2024 1:15 PM
To: Debbie Hall
Subject: Budget Transfer Request

Debbie,

Will you please transfer \$7,400 from 10-430-012 (printing and publishing) to 10-430-023 (Maintenance and Repair Software) to cover the implementation and support contract for Laserfiche?

Please let me know if you have any questions.

Thank you,

Kim Ward

Town Clerk

Town of Carolina Beach
1121 N Lake Park Blvd
Carolina Beach, NC 28428
Phone 910-458-2992



Town of Carolina Beach



Interoffice

TO: Debbie Hall, Finance Director
FROM: Jeremy Hardison, Director of Planning & Development
SUBJECT: Budget Transfer
DATE: April 29, 2024

Respectfully request Budget Transfer for the following:

\$5000.00 from 10-491-002 TO: 10-491-064

Moving the requested funds will cover the Attorney Fee's for Planning/BOA Mtg.

Signature: Jeremy Hardison Date: 4/29/24

Thank You,
Andrea Deopp-Norris

(for Jeremy Hardison)

Lynn Barbee
Mayor

Joe Benson
Council Member

Deb LeCompte
Council Member



Jay Healy
Mayor Pro Tem

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428

BUDGET TRANSFER REQUEST

To: Debbie Hall, Finance Director

From: Mark Meyer, Public Utilities Director

Re: Budget transfer

Date: may 8th, 2024

Budget transfer amount: \$ 10,635.84

From: 23-002-046 (Phase C Professional Service) \$10,635.84

To: 23-014-074 (WWTP Oxidation Ditch Project)

Explanation: Cover the work WWTP Oxidation Ditch Project

Mark Meyer

Director of Public Utilities, Town of Carolina Beach

Lynn Barbee
Mayor

Joe Benson
Council Member

Jay Healy
Council Member



Deb LeC... **Item 1.**
Mayor Pro Tem

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

Town of Carolina Beach
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
Tel: (910) 458-2999
Fax: (910) 458-2997

To: Debbie Hall, Finance Director
Bruce Oakley, Town Manager

From: Eric Jelinski, Parks and Recreation Director

Date: 5/8/24

Re: Budget Transfers

I am requesting the below budget transfer for the FY 23/24 Parks and Recreation Department budget. If you have any questions regarding the below transfers, please let me know.

Account	Amount	Transfer to Account	Reason
10-620-041	\$20,000	10-620-074	Construction of volleyball court adjacent to the Community Center



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 5/14/2024

SUBJECT: Amend Grant Project Ordinance for ARP

BACKGROUND:

To prevent forfeiture of funds, the \$169,006.51 of unspent American Rescue Plan (ARP) funds must be committed (by contract) prior to December 30, 2024. This ordinance will amend the ARP stormwater project budget to add five additional projects that the Town will be able to complete prior to the deadline.

ACTION REQUESTED:

Approval of Ordinance No. 24-1224

ORDINANCE NO. 24-1224
A GRANT ORDINANCE TO AMEND THE BUDGET FOR THE
AMERICAN RESCUE PLAN WATER, SEWER & STORMWATER PROJECTS

The Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

SECTION ONE:

That the Fiscal Year 2023-2024 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the American Rescue Plan Utility Fund Grant Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
35-601-074	Florida Ave	\$ 250,000.00	\$ 243,674.42	-\$ 6,325.58
35-602-074	Spartanburg Ave	\$ 143,557.75	\$ 140,117.85	-\$ 3,439.90
35-603-074	Maryland Ave/Virginia Ave	\$ 47,945.02	\$ 47,945.02	-\$.00
35-604-074	Basin Road	\$ 90,000.00	\$ 7,690.00	-\$ 82,310.00
35-605-074	Eastern Hamlet	\$ 48,901.21	\$ 48,901.21	-\$.00
35-606-074	Seventh Street	\$ 75,395.00	\$ 75,395.00	+\$.00
35-607-074	Sumter Ave/Seventh St	\$ 60,047.25	\$ 16,429.92	-\$ 43,617.33
35-608-074	Greenville Ave	\$ 70,000.00	\$ 65,573.84	-\$ 4,426.16
35-609-074	St Joseph Pipe Replacement	\$ 83,840.59	\$ 54,953.05	-\$ 28,887.54
35-610-074	400 N 3 rd Stormwater	\$	\$ 11,006.51	+\$ 11,006.51
35-611-074	1400 Sea Ray Stormwater	\$	\$ 27,000.00	+\$ 27,000.00
35-612-074	1400 Bonito Stormwater	\$	\$ 28,000.00	+\$ 28,000.00
35-613-074	4 th & Monroe Stormwater	\$	\$ 23,000.00	+\$ 23,000.00
35-614-074	Birmingham & 6 th Strmwtr	\$	\$ 80,000.00	+\$ 80,000.00
35-600-005	FICA Tax	\$ 9,565.49	\$ 9,565.49	+\$.00
35-600-007	Retirement	\$ 13,877.36	\$ 13,877.36	+\$.00
35-600-010	(401) Law Enforcement	\$ 1,503.80	\$ 1,503.80	+\$.00
35-600-009	Premium Pay	\$ 125,039.00	\$ 125,039.00	+\$.00
TOTAL		\$ 1,019,672.47	\$1,019,672.47	\$.00

SECTION TWO:

That the Fiscal Year 2023-2024 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the American Rescue Plan by amending the following Utility Fund Grant Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
35-396-000	Transfer ARP Grant Funds From General Fund	\$1,019,672.47	\$1,019,672.47	+\$.00
TOTAL:			\$1,019,672.47	

SECTION THREE:

A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 14th day of May 2024

 Albert L. Barbee, Mayor

ATTEST:

 Kimberlee Ward, Town Clerk

From: Brian Stanberry <brian.stanberry@carolinabeach.org>
Sent: Friday, April 26, 2024 10:57 AM
To: Debbie Hall <debbie.hall@carolinabeach.org>
Cc: Ed Parvin <ed.parvin@carolinabeach.org>; Bruce Oakley <Bruce.Oakley@carolinabeach.org>
Subject: ARP Projects

Debbie,

In order to meet the requirements for the ARP fund expenditure timeline, I would like to fund some of our existing stormwater projects through the ARP fund , and in turn utilize the funds freed up by this change to fund the Basin Road project which is more complex and has a longer timeline. The following list of projects would need to be approved by Council as ARP eligible projects.

- 400 North Third Street Stormwater Installation Cost: \$11,006.51
- 1400 Sea Ray Stormwater Installation Cost: \$27,000.00
- 1400 Bonito Stormwater Installation Cost: \$28,000.00
- Fourth & Monroe Avenue Stormwater Installation Cost: \$23,000.00
- Birmingham & Sixth Stormwater Installation Cost: \$80,000.00

Let me know if you have any questions. Thanks for your assistance.

Sincerely,

Brian Stanberry
Director of Public Works
Town of Carolina Beach
910-458-8291 office
910-443-1837 mobile
brian.stanberry@carolinabeach.org



DISCLAIMER:
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 5/14/2024

SUBJECT: Recognize May 15 – June 15 as Tourette Syndrome Awareness Month

BACKGROUND:

Proclaiming May 15-June 15, 2024 as Tourette Syndrome Awareness Month

ACTION REQUESTED:

Proclaiming May 15-June 15, 2024, as Tourette Syndrome Awareness Month.

RECOMMENDED MOTION:

Support Proclamation 24-2306 proclaiming May 15 – June 15 as Tourette Syndrome Awareness Month.

Proclamation



Town of Carolina Beach
Town Council

PROCLAMATION NO. 24-2306

PROCLAIMING MAY 15 – JUNE 15, 2024 TOURETTE AWARENESS MONTH

WHEREAS, Tourette Syndrome is often accompanied by other mental health disorders such as attention deficit and obsessive compulsive disorder, learning disabilities, and anxiety; and

WHEREAS, Tourette Syndrome and tic disorders affect 1 in 60 children. More than 23,000 school age children in the State of North Carolina alone are dealing with Tourette Syndrome and although some of these cases are aided by medication, there is no standard treatment or known cure for the disorder; and

WHEREAS, there is an important need for more professional help with interest and expertise to identify, counsel, and treat people with Tourette Syndrome, a disorder that is often misdiagnosed and misunderstood; and

WHEREAS, positive actions to assist children and families living with Tourette Syndrome would result from a broadening of public and professional knowledge and acceptance of Tourette Syndrome; and

WHEREAS, the Tourette Association of America is actively providing services to families, educating medical professionals and teachers, and supporting research to better understand the signs and treatments of TS;

NOW THEREFORE BE IT RESOLVED that May 15 – June 15, 2024 will be recognized as “Tourette Syndrome Awareness Month” in Carolina Beach, as a special month to promote understanding, compassion, and acceptance for all of our fellow citizens who deserve and need our support to break the stigma that surrounds Tourette Syndrome.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee T. Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 5/14/2024

SUBJECT: Approval of Council Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from April 9 and 23, 2024.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, April 9, 2024 - 6:00 PM

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



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 Jay Healy
Council Member Joe Benson
Council Member Mike Hoffer

ALSO PRESENT

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

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda as presented

Motion made by Mayor Barbee

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

Motion passed unanimously

CONSENT AGENDA

1. Set a Public Hearing for May 14, 2024, to Consider a Special Use Permit Modification for Additional Boat Storage Spaces Located at 401 Marina Street PID 313115.74.1321.000, 313115.64.9002, and 313115.64.8036 in the Marina Business MB-1 and R-1B District
Applicant: CBYC LLC
2. Notice of Committee Member Expiration Dates
3. Room Occupancy Tax (ROT) Funding Reimbursement Approval Request
4. Budget Amendments/Transfers
5. 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 Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

SPECIAL PRESENTATIONS

6. Events Update by Tim Murphy

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

- Brandy Myers Memorial Playground Ribbon Cutting – April 10 at Lake Park
- Paddles for Pedals Pickleball Tournament – April 13 at Mike Chappell Park
- Fancy Pants Croquet Soiree – April 14 at Mike Chappell Park
- Tinted Turtle Trot – April 21 at Mike Chappell Park
- Island Women Flock of Food Trucks – May 4 at Lake Park
- Beach Wrestling Tournament – May 11 at the Boardwalk
- Carolina Beach Market – begins May 25 at Lake Park and continues every Saturday through September 28
- Movies at the Lake – begins May 26 and continues every Sunday through September 1
- Family Night – begins June 13 at Lake Park and continues every Tuesday through August 20
- Boardwalk Bingo – begins May 22 at the Gazebo and continues every Wednesday through August 28 (with the exception of July 3)
- Fireworks/Music – begins Friday, May 24, and continues every Thursday through the season with the exception of July Fourth (Wednesday, July 3) and Labor Day (Friday, August 30) shows

Regarding filming updates, Mr. Murphy said the Town has received an application for a project called “Merv.” He said the dates are still being finalized, but they are planning to set up on Cape Fear Boulevard and Lake Park Boulevard and will take over the hotel there for a few days. Mr. Murphy said they also would like to set up their base camp in the Rec Center parking lot, and staff is finalizing details to see if they can be accommodated. He said there will also be some filming at the Boardwalk and told everyone if they see a sign for a dog beach, it is fictional. Mr. Murphy said there are no plans for major road closures, but there may be some traffic control on Lake Park Boulevard. He said there will be updates as soon as specifics are available.

Mayor Barbee said the Centennial Celebration unofficially kicked off this afternoon with the unveiling of the first Venus flytrap statue.

Mayor Pro Tem LeCompte reminded everyone about the Seabreeze historical marker dedication ceremony on May 31. She said the event is free but asked people to RSVP so they can get an estimated head count.

Mayor Barbee said the official proclamation date for the Centennial Celebration is March 6, 2025. He thanked the Centennial Committee and Pleasure Island Chamber of Commerce for their work.

7. Proclamation for Safe Boating Week – May 18-24, 2024

The local US Power Squadron chapter requested that Council support National Safe Boating Week by issuing a proclamation setting May 18-24 as Safe Boating Week. Lt. David Parker of Cape Fear Sail & Power Squadron talked about the importance of wearing life preservers from dock to dock and showed an example of a self-inflatable version that boaters are much more likely to keep on all day than the bulky orange kind often stored on boats.

Mayor Barbee read Proclamation No. 24-2303 recognizing May 18-24 as Safe Boating Week.

8. Manager's Update

Mr. Oakley reviewed the calendar for the FY 24-25 budget:

- Community Input Public Hearing – April 9
- Budget Workshop – April 23
- Budget Workshop (if needed) – April 30
- Budget Open House – May 7
- Revenue and Expense Projections – May 14
- Budget Message and State of the Town Presentation – May 28
- Budget Adoption – June 11

Mr. Oakley also gave an update on various projects:

- Brandy Myers Memorial Playground: The entire 4th-grade class at Carolina Beach Elementary School has been invited to participate in the April 10 ribbon cutting.
- Lake dredge and stabilization: Dredging is complete, and final grading and sodding are now being done. The project will come to an end soon.
- Marina: Contractors are pulling electrical on the west side now, and that is the last item on the list. The project will be completed ahead of schedule.
- Ocean Boulevard sidewalk: The Town is having to re-engineer an aspect of the project and is waiting for the N.C. Department of Transportation (DOT). The hope is that work can begin soon.
- Paving projects: Work should begin sometime next week.
- Repairs on Carolina Beach Avenue North: Lowering of the meter boxes is now underway.

Council Member Hoffer asked about the mini paver. Mr. Oakley said the hot box is in place, and staff training will begin later this month. He said a demonstration for Council is planned.

Council Member Healy asked about the trash pickup robot. Mr. Oakley said a Coastal Area Management Act (CAMA) permit has been secured to use BeBot after big summer holidays. Mayor Barbee said this is sponsored by Keep New Hanover Beautiful, an affiliate of Keep America Beautiful, but the Town is supportive of the project.

Mr. Oakley said the first meeting of the Bike/Pedestrian Steering Committee is tomorrow, when work will begin on the updated Bike/Pedestrian Plan.

PUBLIC COMMENT

Erika Robertson of Lanier Landing Court spoke in support of Neapolitan's text amendment request. She

said this would help to enhance the cultural and economic fabric of the community and foster an environment where local businesses can survive and thrive.

Carroll Kratzer of 416 Spartanburg Avenue spoke in support of Neapolitan’s text amendment request. He said this would provide a place for people to have a glass of wine or beer on premises and help to enrich the culture of the Town.

Billy Cooley of 414 Atlanta Avenue said he is all for beer and wine. He said the stop sign at 5th Street and Atlanta Avenue cannot be seen at night due to a lack of reflectivity. Mr. Cooley requested a crosswalk on North Lake Park Boulevard near Town Hall. He also mentioned that he is not in favor of the proposed new hotel because he believes the scale is way off, the design is lazy, and it offers nothing special to reflect the character of the Town.

Jaci Ponzoni spoke in support of Neapolitan’s text amendment request. She encouraged the Town to help the owners figure out a path that will allow them to pour beer and wine and said the business is an asset to the community.

Natalie Gamble spoke in support of Neapolitan’s text amendment request. She said it’s important for the community to allow expansion of diverse small businesses and questioned the need for requiring more parking at a place where alcohol is served, suggesting that the Town instead encourage non-motorized transportation, taxis, and ride shares.

Dena Balbach of 110 Balbach Lane spoke in support of Neapolitan’s text amendment.

PUBLIC HEARINGS

9. Public Hearing to Receive Public Input on the 2024/2025 Budget

Council offered an opportunity for the public to express their interest in what they would like to see in the FY 24-25 budget to assist staff in preparing numbers to present at the May public hearing.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Paul Levy of 1606 Mackerel Lane said the parking lot at Alabama Avenue on the beach side is completely falling apart. He hopes the Town will find money for it in an upcoming budget.

Kristen Dunn of 907 Ocean Boulevard would like the Town to budget for Mark Hortsman to conduct a feasibility study to get big environmental grants. She said he has presented information to Council, but the public never heard anything else about it.

Cindy Dunn of 915 Tidewater Lane, Chairman of the Town's Beautification Committee, said she would like to see money for the committee to do general beautification projects around Town and the welcome sign.

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 Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mr. Oakley said the budget open house would be a good opportunity for the public to ask questions and make suggestions.

10. Zoning Map Amendment to Consider a Request to Rezone 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD)
Applicant: STLNC LLC

Applicant STLNC LLC has submitted a petition to consider rezoning 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD) zoning. The neighboring property to the east is under the same ownership, formerly Welcome Inn (205, 207, and 209 North Lake Park Boulevard), and is currently in the CBD. The applicant has requested the rezoning to have consistent zoning and land uses for the entire property so all business-related decisions and operations fall under the same zoning guidelines.

For consistency and the purpose of redevelopment, it is best practice for the entirety of a property to be within the same zoning district. Redevelopment of the property would require recombination of the property. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Section 40-45 of the zoning ordinance. Previously, 204 Harper Avenue had a single-family structure, and the adjacent common ownership parcels were formerly Welcome Inn. The adjacent use to the west is single-family, to the north is a multi-family structure, and across the street to the south is a hotel.

HISTORY

The property has been in the same ownership for over 50 years. The single-family house and Welcome Inn were built in the 1930s. In 2023, the structures were demolished after a new hotel was approved for the site in 2022. The hotel has not started construction, and the property was recently purchased. The permit for the hotel authorization will expire September 14, 2024.

The 1984 zoning ordinance and zoning map had both properties, 204 Harper Avenue and the property where Welcome Inn was, in the B-1: Central District. In 2000, 204 Harper Avenue was rezoned to MX, and the Welcome Inn property was rezoned to CBD.

DISTRICT PURPOSE AND PERMITTED USES

MX was established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of Town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas. Permitted uses include a mixture of single-family homes, 2-family dwellings, and small-scale office and institutional uses. Small hotels and motels and multi-family housing of modest density and size may also be permitted in this district.

CBD was established to accommodate, protect, rehabilitate, and maintain the traditional CBD and Boardwalk area of the Town. This area accommodates a wide variety of pedestrian-oriented commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism. The regulations of this district are intended to encourage the use of the land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the Town's infrastructure.

MX does allow for certain business uses such as standard restaurants and eateries, general retail, offices, and mixed-use commercial/residential but does not allow for more intense uses such as bars and taverns or commercial parking lots. MX is considered residential, and residents must abide by the standards of the noise ordinance for residential areas of a daytime level of 65dB(A) between the hours of 7:00 AM and 11:00 PM and the nighttime level of 55dB between the hours of 11:00 PM and 7:00 AM. CBD allows for a 75dB(A) daytime level between 7:00 AM and 11:00 PM and 65 dB(A) between the hours of 11:00 PM and 7:00 AM, except on Friday and Saturday when the daytime levels shall remain in effect until midnight.

DIMENSIONAL STANDARDS

MX requires setbacks and has a maximum lot coverage in all areas throughout the district. Much of the CBD has no setback or lot coverage requirements. Although the dimensional standards for both districts are different, a property in the CBD must have a rear and side setback that is the same as the residential zoning district it abuts. Landscaping standards are also required if a CBD parcel is adjacent to residential to mitigate the transition between the business and residential use.

LAND USE PLAN

The property is shown on the Future Land Use Map as Mixed Use Commercial and is described as a higher-density area with a mix of uses, within the district and individual buildings. Residential uses are allowed only on upper stories; ground floor is encouraged to be active. 4- to 5-story structures are possible, unless a property is adjacent to low- or medium-density residential with attractive street facades. NCGS 160D states that if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any Future Land Use Map in the approved plan, and no additional request or application for a plan amendment is required.

The Planning and Zoning Commission recommended approval of the rezoning from MX to CBD.

Planning Director Jeremy Hardison presented the details, including a review of the history of the property, surrounding uses, and permitted uses in each zone. He said to his knowledge, the current applicant has no intention of continuing with plans for a hotel on the site.

Mayor Barbee asked if the easement for the neighboring property is permanent. Mr. Hardison said it was granted when the Welcome Inn was there, and the proposed hotel honored it. He said the easement would remain in place unless the owner of the house agreed to terminate it.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Attorney Ned Barnes of 814 Carolina Beach Avenue North, who represents the applicant, reviewed ways he contends the proposed rezoning is consistent with the Land Use Plan. He said the rezoning would bring the property into conformity with adjacent lots that are zoned CBD, offering compatibility with the surrounding area, and it would not impact public services and safety. Mr. Barnes mentioned similar successful rezoning requests, such as Kindred Weddings & Events. He said there are no specific plans for the property right now, but the applicant hopes it can be zoned consistently as CBD.

Billy Cooley of 414 Atlanta Avenue said changing the property to CBD is a slippery slope that could ruin the residential nature of the area. He said approving the rezoning request without knowing what is planned for the property would be a mistake.

Melenni Balbach of 106 Balbach Lane said she would like to see the potential conflict of interest that was discussed in a recent news article resolved before any decisions are made.

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 Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mayor Barbee asked Ms. Fox to explain the legal criteria for Council Members regarding making disclosures or recusing themselves from what may be deemed a potential conflict of interest. Ms. Fox said Council Members have a duty to vote on a zoning amendment unless it offers a direct, substantial, readily identifiable financial impact or a close familial relationship with the applicant exists. No one spoke up, so Mayor Barbee said there is no conflict of interest.

Council Member Benson said comparing this request to Kindred is different because Council knew what was coming after the fact with Kindred. He said plans for this property are all hypothetical and wide open at this point.

Council Member Healy said he worries about expanding the CBD westward and that there has to be a stopping point.

Mayor Pro Tem LeCompte said those 4 pieces of property have been conveyed together since 1977.

Council Member Hoffer said he regrets going along with the rezoning request for Kindred and worries about an ever-marching-westward CBD. He said neighbors also have property rights, and they make life choices based on what is going on around them at the time of purchase. Council Member Hoffer said the applicant should build within the zoning they already have, and he's glad there is not a project planned for this property because Council should look at the request independent of any plans.

Mayor Barbee said he has some of the same concerns that have been mentioned.

Council Member LeCompte said the previous owner did not ask for a change of zoning when planning a hotel on the site.

Council Member Benson said maintaining the transition of the MX district is important.

Mayor Barbee said he assumes the adjacent property owner does not object to the rezoning request because he has not heard otherwise.

ACTION: Motion that whereas in accordance with provisions of the NCGS, Council does hereby find and determine that the adoption of the Zoning Map Amendment for 204 Harper Avenue 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 area are mitigated by the approved conditions

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Council Member Healy

Voting Nay: Mayor Pro Tem LeCompte, Council Member Benson, Council Member Hoffer

Motion failed 2-3

11. Text Amendment to Amend Chapter 40, Section 40-74 Dimensional Standards for Lots and Principal Structures
Applicant: North Pier Holdings LLC

Applicant North Pier Holdings LLC is applying for a text amendment to allow an elevator to exceed the 50-foot height limitation in the R-1 zoning district. The applicant owns 1800 Canal Drive, which is located within R-1. The condominium structures located on this lot were constructed beginning in 1984 and 1985 and consist of 2 cosmetically attached but structurally independent three-level piling-supported wood-frame buildings. Combined, the structures contained 42 individual residential units. To date, a building permit has been issued for the renovation and repair of the buildings and to add 4 penthouse units to the top of building 2, the reconstruction of breezeways, and the relocation of elevators and staircases. The proposed number of units overall decreased from 42 units to 40 units.

The reason for the proposed text amendment to the Town's building height is due to complications during the construction process and the existing non-conforming status of the building. The applicant added a 4th story onto one of the buildings, which increased the structure height from the existing 37 feet to 50 feet. According to the applicant, the text amendment was needed because it was discovered after the penthouses had been added that the elevator shaft would need to exceed 50 feet to be able to service the 4th-floor penthouses.

PROPOSAL

The applicant proposes changing this section to allow the height of a structure to exceed the maximum height allowed by up to 8 feet for multi-family structures in the R-1 zoning district if they have more than 35 units. The height allowance would pertain specifically to the installation or expansion of an elevator to accommodate the shaft and not equipment.

HISTORICAL CONSIDERATIONS

Prior to 2002, the Town allowed a building height of 35 feet with an additional allowance for roof pitch, chimneys, decks, walkways, or any other pertinent structure. In 2002, Council changed the allowable building height to no more than 50 feet (including all appurtenances) in some zoning districts for uniformity and ease of ordinance implementation by staff. Council agreed anything above 50 feet will require sprinkler systems and must be reviewed and approved under a Conditional Use Permit by Council.

LAND USE PLAN

The proposed text amendment is not in general conformity with the Town's 2020 Land Use Plan. The building height text amendment proposal is in opposition of the Redevelopment section of the 2020 Land Use Plan: "Increased building heights (especially in or near the downtown area) may conflict with the character of existing areas." Additionally, in the Family Friendly Community section of the Land Use Plan, lower structure heights are viewed as a contributing factor to a family-friendly community.

The Planning and Zoning Commission recommended denial of this text amendment proposal and 3 others that have since been dropped from the request. Town staff also recommends denying the proposed text amendment, but if Council is considering changing the ordinance then staff has provided some recommended amendments.

The applicant's previous request was for multi-family structures with more than 10 units in the R-1, T-1, and MF zoning districts, but it has since been amended to address concerns brought forth at the Commission's public hearing.

Planner Haley Moccia presented the details, including staff concerns:

1. Directly contradicts the historical standard for building height being limited to 50 feet, with the exception of some commercial zoning districts.
2. The use of "more than 35 units" is an arbitrary number. Based on the proposed ordinance, there is 1 existing building located in R-1 with more than 35 units.
3. Anything over 50 feet in the current zoning ordinance is required to be approved by Conditional Zoning (CZ). The ordinance they propose would allow the approval of an elevator to exceed 50 feet without CZ approval.

Council Member Benson asked if this matter has come before the Board of Adjustment. Ms. Moccia said the applicant sought variances for a few items, including building height, but the requests did not meet the 4 required criteria and were denied so now they are seeking to amend the ordinance.

Mayor Pro Tem Healy asked if this has to go back to the Commission since it has changed significantly from what that group already heard. Mr. Oakley and Ms. Fox said Council has discretion about whether it should go back to the Commission or be voted on tonight.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Attorney Sam Potter of Wilmington, who represents the applicant in their attempts to remedy the elevator issue, said they modified the request after hearing feedback and concerns from the Commission. He said the building height dilemma due to the elevator is the one issue that makes or breaks this project, and he asked Council to hear the request and act on it tonight rather than sending it back to the Commission. Mr. Potter said this all boils down to 5 feet and 4.75 inches due to a mistake made by the architect, and he contended that the text amendment would not pose a major impact on the surrounding buildings and people. He said granting the request would allow a path forward for reuse or renovation of existing structures and make the building safer and more accessible. Mr. Potter said the building will either have an elevator or it won't, and it's good policy for the Town to allow buildings to have an elevator.

Paul Levy of 1606 Mackerel Lane, who is on the Town's Board of Adjustment, said the rationale for rejecting the building height variance request can be found in the Town's record of that Board of Adjustment meeting.

Billy Cooley of 414 Atlanta Avenue said he and others who live in the area don't like the applicant putting signs up high that can be seen all the way down Canal Drive.

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 Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mayor Barbee the current proposal feels like spot zoning because it's limited to one property. Ms. Fox said it's not a rezoning, and any change would apply to the entire R-1 zone.

Council Member Healy said the applicant has made a significant investment in improving this property, and he thinks the elevator shaft will help the handicapped and elderly. He believes the current request shows that the applicant listed to Commission concerns.

Mayor Barbee said the main reason for limiting building height is density and keeping the number of units down, but this project does not add density and actually reduces it slightly.

Council Member Hoffer said tonight's request is significantly different from what he has been studying. He said the current proposal feels like they are asking to change the ordinance in such a way that it only applies to this one building, although it's not necessarily a deal breaker for him.

Council Member Benson said the proposal feels like a variance request.

Council Member Hoffer said an elevator would've served 3 levels within the height limit, but the project put in penthouses on the 4th floor.

Mayor Barbee said short-term rentals with elevators are hard to find, and although he doesn't like going over 50 feet, he feels like it will not be an issue in this instance because it's not blocking anyone's view. He said the applicant is putting a product on the market that benefits the community, and encouraging elevators is a good thing for the Town.

Council Member LeCompte said she appreciates rejuvenation of that property and not tearing it down, and she also understands the need for accessibility.

ACTION: Motion for approval that Council, whereas in accordance with provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to amend building height Section 40-74 Dimensional Standards for Lots and Principal Structures is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Mayor Barbee

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

Motion passed unanimously

12. Text Amendment to Chapter 40, Article III Zoning District Regulations, Article V Off-Street Parking and Loading Requirements; Parking, and Article IX Development Standards for Particular Uses to Amend Standards for Wine and Beer Shops
Applicant: Neapolitan Enterprises Inc.

Applicant Neapolitan Enterprises Inc. is proposing a text amendment to allow for wine shops and beer shops with on-premise alcohol sales as a use in the Marina Business (MB) district by right. The wine and beer shop on-premise use was adopted in April 2023 after an amendment was submitted by a private business. Prior to that, the ordinance only allowed for wine and beer shops with retail and off-premise sales of alcohol.

PROPOSAL

Neapolitan is located in MB. The business currently has an off-premise wine and malt beverage permit. The applicant is seeking an on-premise wine and malt beverage permit at this location. Neapolitan is currently permitted as a retail establishment. For allowances of on-premise wine and malt beverages, the current ordinance categorizes the use as either a standard restaurant or bar in MB. Wine and beer shops are currently not allowed in MB.

WINE SHOP

The applicant proposes to add wine shop (on-premise) to the table of allowed uses. The current ordinance allows for wine shops (on-premise) in the CBD, HB (Highway Business), and Neighborhood Business (NB) zoning districts. The Alcoholic Beverage Control (ABC) Commission created a new allowance for a wine shop to have limited sales of on-premise consumption. Wine shops must comply with all ABC standards and obtain proper permits. Per NCGS 18B, wine shop permits authorize the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container and/or dispensed from a tap for consumption off the premises. The holder of the permit is allowed to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed 40% of the establishment's total sale for any 30-day period. The limited consumption of on-premise wine would be subject to an audit by the ABC Commission. Wine shops (on-premise) are proposed to be permitted by right in MB.

BEER SHOP

The applicant would also like the ability to provide malt beverages on the premises in MB. Beer shops would need to obtain an on-premise malt beverage permit to allow for the retail sale of malt beverages for consumption on and off the premises. ABC regulations do not have the same limitations for a beer shop as a wine shop, and a beer shop would be allowed to offer malt beverages on the premises without any limitation or percentages to off-premise sales. The proposal is for beer shops to be permitted by right in MB. To reduce the impacts from the use on adjoining properties, restrictions were adopted in NB for any outdoor or indoor areas to be located three times the minimum setback yard from an adjacent property line or residential use. The applicant proposes to amend the standard to state any indoor or outdoor areas shall be located three times the minimum setback yard from any residential district.

The text amendment adopted in April 2023 consisted of defining both uses. Beer shops were defined as establishments substantially engaged in retail sale of malt beverages on and off premises subject to ABC Commission regulations. Wine shops were defined as establishments substantially engaged in retail sale of unfortified wine and fortified wine for consumption on and off premises subject to ABC Commission regulations.

PARKING

When the amendment was adopted in April 2023, wine and beer shops were categorized under eating and drinking establishments. Under this category, Neapolitan would be a change of use from retail to an eating and drinking establishment. This is important because the change of use would trigger a different parking standard. Parking for retail is calculated at 1 parking space per 200 square feet of retail space. Parking for eating and drinking establishments is calculated at 1 space per 110 square feet.

Neapolitan was issued a permit as a retail establishment in 2022. This is a grandfathered use, as the previous use of the property, The Checkered Church, operated as a retail establishment since the mid-1990s. Because this would be considered a change of use, the applicant is proposing to amend the parking calculation to specifically state that wine and beer shops are based on the retail parking calculation while also amending the use table to be consistent.

STAFF CONCERNS

Staff has met with the applicant on what sections of the ordinance would need to be amended to accomplish the goal of being able to have on-premise wine and beer at their location. Also, staff has discussed with the applicant the following concerns:

- Wine shops are treated differently by the State by limiting on-premise consumption, but beer shops do not have any limitations from ABC regulations or audits. The proposal is for wine and beer shops with on-premise consumption to be permitted by right. By expanding the allowance to other areas of Town, it may undermine bar regulations, as they need CZ and have larger setback standards from residential districts (200 feet).
- Wine shops by ABC regulations are treated as accessory to off-premise retail, but beer shops do not have any ABC regulations for on-premise consumption and the impacts of parking could be similar to that of bars.
- Currently if you are approved as a bar, you can be permitted to have mixed beverages, malt beverages, and wine on the premises. The allowance would expand the way the Town treats alcohol permits, with establishments being permitted by right for wine and beer. If an establishment would like to offer mixed beverages, then it would still need to be permitted as a bar.
- The Planning and Zoning Commission recommended denial of the text amendments as proposed.

LAND USE PLAN

The Land Use Plan does not specifically address wine and beer shops, but MB is classified as Marina Commercial/Industrial Mixed Use. The desired uses are water-based commercial, service, and light industrial uses, and sometimes water-related businesses (such as restaurants). These businesses rely on water access, so structures are purpose-built and traditional maritime activities are common.

Mr. Hardison presented the details.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Paul Tully, who owns Neapolitan with his wife Erika, said the changes they are proposing are for MB only. He gave an overview of the business and highlighted reasons why the text amendment should be approved, focusing on ways he contends the request flows well with guidelines from the 2020 Land Use Plan.

Mr. Tully said they are asking for a text amendment rather than using the CZ process because a text amendment is how the issue was handled previously in other districts and Neapolitan is not proposing to become a bar or tavern, which is a more intensive use. He said MB is more business-focused than NB.

Mr. Tully also discussed parking, including practical perspectives and misconceptions. Mayor Barbee said the parking discussion is not relevant at this point because Neapolitan is already a retail use and the current parking requirement would not change if the text amendment is approved.

Mr. Tully said Neapolitan is currently permitted to do free tastings that consist of 1-ounce pours of wine and 2-ounce pours of beer. He said the proposed change would result in 5 ounces of wine being poured all at once instead of 5 different times and 12 ounces of beer being poured all at once instead of 6 different times. Mr. Tully said beer would only represent a small portion of operations, but beer sales are occurring all around Neapolitan and it would be unprecedented to be able to serve only wine and not beer also. He said wine without beer presents a practical business issue because sometimes wine drinkers come in with family and friends who do not drink wine.

Lynn Conto of 707 Magnolia Avenue, who is on the Commission, said she wanted to clarify a few things. She said when the Commission heard the NB request from The Veggie Wagon, it was clear that was the only property to which the text amendment could apply. Ms. Conto said when another Commissioner asked how many legitimate parking spots were on the Neapolitan site, Mr. Tully said none. She said the Commission's biggest concern was that the request opens up MB to anyone by right opening what is basically a bar, and this is not in the best interest of the Town.

Melissa Balbach of 106 Balbach Lane said no one should say this isn't in the best interest of the Town without asking residents, especially those who live nearby, what they want. She said there is a lot of support for the proposal, and it offers something good for the community.

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 Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mayor Barbee said there is no pretty, easy answer to this. He said he has no issue with approving a wine shop because of ABC oversight ensuring this will stay primarily a retail establishment, but he is struggling with approving a beer shop because that would mean by right anybody in MB can effectively open a beer bar without CZ. Mayor Barbee said he does not think this is Neapolitan's intention, but Council must protect the district as a whole.

Council Member Healy said he struggles with the fact that basically a line in the street divides MB from Putter Pub, where beer, wine, and liquor are served.

Mayor Barbee said perhaps the ABC Commission could be lobbied to create a definition for beer shops with regulations that can be enforced.

Mayor Pro Tem LeCompte said she thinks the Town needs to work with Neapolitan as best as possible, even if it means only approving a wine shop. She said she appreciates the applicants' preservation efforts, and one of the objectives when working on the Land Use Plan was to create more pedestrian- and bike-friendly businesses.

Council Member Benson asked if there is something creative that can be done to allow Neapolitan to move forward with wine and beer.

Council Member Hoffer said he doesn't have a problem with approving a beer shop because "business" is in the name of the MB zoning district.

Mr. Tully said there are not a lot of simple solutions for these issues, but he has concerns about Neapolitan being held to a different standard than another district that is more residential in nature.

ACTION: Motion that Council, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following ordinance amendment to amend Chapter 40, Article III Zoning District Regulations, Article IX Development Standards for Particular Uses, and Article V Off-Street Parking and Loading Requirements, Definitions to create standards for wine shops and beer shops is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Benson

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

Voting Nay: Mayor Barbee

Motion passed 4-1

ITEMS OF BUSINESS

13. Proclamation to Recognize April 26, 2024, as National Arbor Day

A formal proclamation recognizing Arbor Day is a yearly requirement for a community to receive Tree City USA accreditation.

ACTION: Motion to approve Proclamation No. 24-2304 proclaiming April 26, 2024, as National Arbor Day

Motion made by Mayor Barbee

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

Motion passed unanimously

14. Discussion of an Encroachment Agreement for R09006-005-003-000

SeaWitch restaurant recently completed a survey of their property. It revealed an encroachment of their operation onto the Town's adjacent property, which has existed for many years and was unknown to the current owners and the Town until the survey was reviewed.

Moving forward, there should be an acknowledgment that this overlap exists to ensure the Town maintains ownership and that no safety or liability issues are created. The proposed encroachment agreement protects the Town and does allow the encroachment to remain but does not allow for any expansions. Under the agreement, if the encroachments are removed the encroached-upon property will revert to the Town and will no longer be able to be utilized by SeaWitch property owners.

Staff recommends adopting the proposed encroachment agreement.

Ms. Fox said if Council is in agreement with what is proposed, a motion should be made to allow the Town Manager to approve the encroachment agreement in a form suitable to the Town Attorney. She said there have been discussions with the requester's attorney, and there is some cleanup that needs to be done.

Mr. Parvin gave a brief overview and said the Town's property affected by the encroachment is a parking lot. Mr. Oakley said it's the back part of the SeaWitch stage that is encroaching.

Ms. Fox said the agreement would allow the encroachment to remain so long as it does not hinder the Town's use of its property.

Council Member Hoffer said the Town didn't even know about the encroachment until the SeaWitch owners reported it.

ACTION: Motion to authorize the Town Manager to enter into an encroachment agreement as discussed on R09006-005-003-000 in a form that is suitable to the Town Attorney

Motion made by Mayor Barbee

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

Motion passed unanimously

COUNCIL COMMENTS

Council Member Hoffer said he would like to discuss parking requirements in the Town code to see if they need to be updated. He also said the picnic shelter at the Lake will be painted on Monday, and anyone is invited to help.

Mayor Pro Tem LeCompte said Realtors Give Back Day is April 26, and they will be doing various projects around the Town. She said Town committee appointments are coming up in May and encouraged residents to apply.

Council Member Healy asked staff to remove the palm trees outside of the Council Chambers entrance.

Mayor Barbee said he would also like to revisit the minimum parking requirements in the Town code because they may be outdated.

CLOSED SESSION

15. Closed Session – Attorney/Client Privilege

ACTION: Motion to go into closed session to discuss an attorney/client matter; the matter being discussed is 23CVS003744 Carolina Beach Land Holdings vs. Town of Carolina Beach

Motion made by Mayor Barbee

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

Motion passed unanimously

Mayor Barbee called the meeting back to order and said Council took no action during closed session.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 10:30 PM.

CAROLINA BEACH

Town Council Workshop

Tuesday, April 23, 2024 - 9:00 AM

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



MINUTES

CALL TO ORDER

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

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Deb LeCompte

Council Member Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

DISCUSSION ITEMS

1. Employee Recognition

Mr. Oakley recognized Human Resources Director Holly Brooks for 10 years of service with the Town.

2. Update on Abandoned, Derelict Vessels in the Town

Mr. Parvin gave an update on abandoned and derelict vessels in the Town. He said the Town has been growing the program over the past few years, including approving an additional Harbor Master position filled by Jarrett Anderson.

Mr. Parvin reviewed areas where issues are typically seen and said challenges exist due to limited enabling authority and difficulties coordinating resources for enforcement. He said the County is building a program and is aware of people moving vessels out of the Town's jurisdiction, which creates a problem because there is no enabling legislation to allow the Town to enforce ordinances in this area. Mr. Parvin said Brunswick County has been the most proactive in the State as far as putting an ordinance in place and putting enforcement resources behind it.

Mr. Parvin detailed the following prevalent code issues:

- Dangerous conditions
- Derelict vessels
- Abandoned vessels
- Pollution

Mayor Barbee asked about the boat sitting in Snow's Cut that hasn't moved in months, namely where sewage is going. Mr. Parvin said the vessel is in a no-discharge zone, but the State doesn't have an enforcement program, which is one of the challenges for the Town.

Council Member Healy asked who puts information into the required pump-out logs. Mr. Parvin said the boaters do it themselves, which is also a challenge for the Town.

Council Member Healy asked what needs to be done to get New Hanover County on the same level as Brunswick County. Mr. Parvin said the Town needs to educate County Commissioners and the Sheriff's Office on the importance of the program. Mayor Barbee said it would be helpful to have talking points from staff to help convey how the Town needs the County's help to solve this problem.

Ms. Fox said the County needs an ordinance that would allow it to enter into memoranda of understanding with partnering agencies such as the Town. She said counties had the enabling legislation long before municipalities, and such an ordinance would allow better partnerships and enforcement.

Mr. Parvin reviewed allowances for vessels in the Town harbor area and the administrative process for violations. He also detailed the following procedural issues:

- Finding the owner
- No identifying marks on a vessel
- Out-of-state vessel (difficult to get owner information)
- Notification process
- Issuing citations
- The "consecutive days" verbiage allows a hole in the code where a vessel can leave at 29 days and return shortly thereafter, allowing someone to basically live on board

Mr. Parvin said the following factors make up the recommended course of action:

- Enhanced resources/partnerships with County, State, Federal, and private organizations
- Public awareness
- Improved local ordinances

Sgt. Clayton Ludwick of the N.C. Wildlife Resources Commission thanked the Town and others for their help with trying to be proactive in this situation, which is getting worse throughout the County. He said his agency's hands are tied, and it's a long process to declare boats abandoned. Sgt. Ludwick encouraged the Town to keep pushing the County so the issue will work its way up to the State.

3. Committee Appointments

Council made the following committee appointments:

- Beautification – Stefanie Young
- Parks and Rec – Jeff Luttrell
- Police Advocacy – Jim Tollens
- Marketing – Christi Siegel
- Board of Adjustment – Wayne Rouse

Mayor Barbee said normal annual committee appointments are coming up at the May workshop, so he encouraged people to keep applying and attend meetings regardless of whether they are appointed.

4. Department Budget Presentations

Department heads presented their big-ticket items requested in the 24/25 budget.

Administration (Mr. Oakley)

- Additional mooring balls in the harbor
- Salary study – they are running the numbers and trying to work them into the budget
- Audio/visual improvements for Council Chambers, conference room, and multi-purpose room

Police (Chief Vic Ward)

- Body cameras and tasers
- Enhancement of forensics lab and training
- Officer wellness – an officer has been tasked with managing this
- Upgrades to radio equipment
- Community Liaison Officer – still working through the logistics of this idea

Fire (Chief Alan Griffin)

- Airpack upgrades
- Squad 25 replacement
- Living quarters improvements
- Uniform enhancements
- Firefighter wage increase

Ocean Rescue (Chief Griffin)

- Lifeguard wage increase from \$15 to \$18 per hour to remain competitive with other agencies
- Fireboat – complete necessary improvements to Marine 21
- Additional automated external defibrillators (AEDs) – purchase 3 to replace old equipment

Chief Griffin said Ocean Rescue is a separate budget because it's funded by room occupancy tax (ROT) funds.

Public Utilities Water and Sewer (Director Mark Meyer)

- Lift station replacement #6 Lewis Drive
- New pickup truck
- Centennial logo painted on the water tower

- New generator for well #13
- Staff reorganization to add a superintendent position
- Advanced metering infrastructure (AMI) meter replacement (bond)
- Wastewater treatment plant headworks (bond)
- Water expansion (phase I) – well 15H and filter
- Alabama Avenue and Military Ocean Terminal Sunny Point (MOTSU) water tank (bond)

Public Works Environmental Powell Bill (Director Brian Stanberry)

- Broyhill can machine replacement
- Lake Park lighting completion – Harper Avenue
- Town entryway sign
- Replace F250 truck and box truck
- Town Hall and Police Department parking expansion
- Community building renovations
- Multi-purpose room chair replacement
- Senior Center roof
- 7th Street sidewalk connections
- Centennial banner
- 2025 phase of paving – 11 segments

Public Works Stormwater and Beach Maintenance (Mr. Stanberry)

- Stormwater improvements – development
- Henniker’s Ditch maintenance
- Stormwater design manual
- Stormwater 6th Street/Birmingham Avenue
- Stormwater and beach maintenance utility task vehicle (UTV) replacement
- Replace broom tractor
- Hamlet Avenue and Ocean Boulevard Hatteras ramp replacement
- Perkins can dumping replacement
- 1810 Canal Drive parking improvements
- Surfacing of Weeks, Alabama, and Tennessee lots

Parks & Recreation (Director Eric Jelinski)

- Park maintenance – replace UTV, pave Mike Chappell parking lot, improve picnic shelter at Lake Park, add playground mulch, and level the infields on the ball fields
- Recreation Center – new cardio equipment and floor scrubbing machine
- Community programs – enhance current programs
- Health and safety – Mike Chappell Park connectivity within the park, replace electrical boxes, repair tennis court surface, and expand the basketball court

Planning (Director Jeremy Hardison)

- Align department goals with Town Strategic Plan objectives
- Educate the public on what the Planning Department does and rebrand to the Community Development Department

Mr. Hardison reviewed strategic plan objectives and goals to achieve effective community development in the Town.

Mr. Oakley said the purpose of the rebranding is to reflect a more citizen-focused approach for both builders and residents.

Mayor Barbee said it would be helpful for a group such as the Pleasure Island Chamber of Commerce to develop a guide that gives instructions for how to open a business in the Town.

Council Member Healy said the Unified Development Ordinance (UDO) update process is tedious and lengthy, and he thanked Mr. Hardison and the Planning and Zoning Commission for taking on this task. He said he loves the rebranding idea.

Mr. Oakley said this concludes the departmental budget presentations, so the budget workshop scheduled for April 30 will not be necessary. Mayor Barbee said today's presentations offered a good level of detail.

COUNCIL COMMENTS

Mayor Pro Tem LeCompte said Friday is Arbor Day, and Cape Fear Realtors, CB Trash Walkers, Friends of CB Parks & Greenways, and the Town Beautification Committee will be out doing projects around the Town. She also said fireworks will be starting soon, and the Centennial Committee will be added as one of the groups receiving funds from the 50/50 raffles.

Council Member Hoffer said today is the 5-year anniversary of the Greenway ribbon cutting, and there will be a beautification project on Friday to celebrate. He asked staff to speak with Goose Masters about not running off the goslings at the Lake before they are able to fly. Council Member Hoffer also asked staff to evaluate the intersections when paving streets and expressed concern about extending the lifespan of Town vehicles and equipment.

Council Member Benson asked about the status of the walkthrough around the Lake. Mr. Oakley said staff will be conducting this. Council Member Benson also inquired about the status of Ocean Boulevard. Mr. Oakley said the Town is still waiting to hear from the N.C. Department of Transportation (DOT).

Mayor Barbee said he has received a lot of phone calls from the UDO Committee with concerns about Council's decision to change the ordinance for beer shops. He asked staff to bring back any issues that may have an adverse effect on the Town or result in unintended consequences.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 11:25 AM.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 5/14/2024

SUBJECT: Events Update by Tim Murphy

BACKGROUND:

Tim Murphy will give an update on the upcoming events.

ACTION REQUESTED:



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council 5/14/2024

SUBJECT: Manager's Update

BACKGROUND:

Town Manager Bruce Oakley will give an update on current and future projects.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 5/14/2024

SUBJECT: Public Hearing to Receive Public Input on the 2024/2025 Budget

BACKGROUND:

Council will receive input from the public on the FY24/25 proposed budget.

ACTION REQUESTED:

Open the public hearing to receive input on the FY24/25 proposed budget.

RECOMMENDED MOTION:

Motion to open the public hearing.

Motion to close the public hearing.

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* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10. General Fund		
Revenue		
301.		
10-301-000. Ad Valorem-Current Year	(7,380,484)	(6,581,684)
10-301-001. Ad Valorem-1st Prior Year	(20,000)	(25,000)
10-301-002. Ad Valorem-Prior Years	(5,000)	(4,000)
301.	(7,405,484)	(6,610,684)
317.		
10-317-000. Tax Penalties	(15,000)	(15,000)
317.	(15,000)	(15,000)
319.		
10-319-000. Town Reentry Decal	(5,000)	(1,200)
10-319-010. Golf Cart Permits	(75,000)	(70,991)
10-319-015. Taxi cab permit/driver	(150)	(45)
10-319-020. Tow Company Application Fee	(400)	(200)
319.	(80,550)	(72,436)
322.		
10-322-000. Parking Lot Collect	(1,716,983)	(1,545,932)
322.	(1,716,983)	(1,545,932)
323.		
10-323-000. Parking Citations	(372,447)	(300,000)
323.	(372,447)	(300,000)
324.		
10-324-000. Parking On-Street (Meters)	(821,755)	(837,767)
324.	(821,755)	(837,767)
325.		
10-325-000. Privilege License	(1,862)	(1,855)
10-325-025. Privilege License Penalty	(50)	(50)
10-325-030. Business Registration	(2,280)	(2,000)
325.	(4,192)	(3,905)
328.		
10-328-000. Parking Permits	(305,501)	(250,000)

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
328.	(305,501)	(250,000)
329.		
10-329-000. Interest on Investments	(400,000)	(200,000)
329.	(400,000)	(200,000)
330.		
10-330-000. NC Remit	(500)	(800)
10-330-003. Digital Forensic Investigation	(500)	0
330.	(1,000)	(800)
331.		
10-331-000. Civil Citations-LOCAL	(2,000)	(2,000)
331.	(2,000)	(2,000)
332.		
10-332-000. Mooring Field	(29,000)	(15,000)
332.	(29,000)	(15,000)
333.		
10-333-000. Dock Rent	(181,584)	(98,777)
333.	(181,584)	(98,777)
335.		
10-335-000. Miscellaneous Revenue	(20,000)	(25,000)
10-335-002. Cell Tower Rental Fee	(163,133)	(122,001)
10-335-003. Credit Card Surcharge Fees	(5,000)	(8,000)
335.	(188,133)	(155,001)
336.		
10-336-000. Filming Revenue	(2,000)	(4,000)
336.	(2,000)	(4,000)
337.		
10-337-000. Utility Sales Tax	(589,045)	(518,814)
10-337-001. Cable TV Sales Tax	(79,691)	(82,071)
337.	(668,736)	(600,885)
340.		
10-340-000. Chamber of Commerce Rent	(3,000)	(3,000)

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-340-100. Town Property Rental	0	(4,800)
340.	(3,000)	(7,800)
341.		
10-341-000. Beer & Wine Tax	(30,500)	(26,806)
341.	(30,500)	(26,806)
343.		
10-343-000. Powell Bill	(235,504)	(211,512)
343.	(235,504)	(211,512)
345.		
10-345-000. Sales Tax County	(1,665,291)	(1,670,415)
345.	(1,665,291)	(1,670,415)
346.		
10-346-000. Occupancy Tax	(1,050,258)	(1,145,086)
346.	(1,050,258)	(1,145,086)
347.		
10-347-000. ABC Revenues	(668,000)	(636,306)
347.	(668,000)	(636,306)
348.		
10-348-000. Sales Tax Statewide	(1,421,653)	(1,401,610)
10-348-002. Sales Tax New .25%	(442,152)	(374,373)
348.	(1,863,805)	(1,775,983)
351.		
10-351-000. Court Fees	(1,200)	(1,200)
351.	(1,200)	(1,200)
355.		
10-355-000. Building Permits	(15,000)	(15,000)
10-355-005. Building Inspections	(129,037)	(133,673)
10-355-010. Fill/Driveway Permit	(3,000)	(3,000)
10-355-020. Planning Permits & Fees	(88,000)	(67,400)
10-355-025. Planning Violations	(600)	(265)
10-355-030. Fire Marshall Inspections	(7,000)	(13,000)
10-355-055. Recovery Fund Permit	0	(200)

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
355.	(242,637)	(232,538)
356.		
10-356-000. CAMA Permits	(1,800)	(1,800)
356.	(1,800)	(1,800)
358.		
10-358-005. Finger Printing/Background Check	(2,500)	(2,000)
10-358-010. Solid Waste Disposal Tax	(5,497)	(5,390)
358.	(7,997)	(7,390)
359.		
10-359-000. Refuse Collection Fees	(2,171,509)	(2,085,359)
359.	(2,171,509)	(2,085,359)
370.		
10-370-000. Freeman Park Citations	(1,000)	(4,000)
370.	(1,000)	(4,000)
371.		
10-371-000. Freeman Prk Annual Fee	(505,859)	(479,488)
371.	(505,859)	(479,488)
372.		
10-372-000. Freeman Prk Daily Fee	(525,441)	(480,613)
372.	(525,441)	(480,613)
373.		
10-373-000. Freeman Park Camping Fees	(93,649)	(85,000)
373.	(93,649)	(85,000)
380.		
10-380-001. Carolina Beach Market	(23,000)	(21,000)
10-380-002. Events	(5,000)	(3,000)
380.	(28,000)	(24,000)
383.		
10-383-000. Sale of Fixed Assets	(1,000)	(1,000)
383.	(1,000)	(1,000)
387.		

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-387-000. Grant- Police Body Cameras	0	(24,500)
10-387-015. NC Forensic/ US Secret Service Fund	(25,000)	0
10-387-020. ABC Law Enforcement Grant	0	(24,355)
387.	(25,000)	(48,855)
396.		
10-396-003. Donations - Boardwalk Fish Tiles/Benches	(14,000)	(10,000)
396.	(14,000)	(10,000)
397.		
10-397-002. Parks & Rec. Fees	(290,000)	(225,000)
10-397-003. Reimbursement from W&S Fund	(775,000)	(750,000)
397.	(1,065,000)	(975,000)
399.		
10-399-002. APP FUND BAL-POWELL BILL	0	(4,038)
399.	0	(4,038)
Revenue	(22,394,815)	(20,626,376)
Expense		
408. Non Departmental		
10-408-068. Election Expenses	0	8,790
10-408-069. CBP3-Non Profit Loan/Taxes/Inc.	176,151	180,600
10-408-070. Donation-Non-Profits	46,500	47,000
10-408-071. Donation-Chamber of Commerce	35,000	25,000
10-408-073. Donation - WAVE	12,779	12,056
408. Non Departmental	270,430	273,446
409. Debt Service		
10-409-015. Debt Service	1,212,304	1,288,077
10-409-030. Vehicle Lease Payments	232,031	116,193
409. Debt Service	1,444,335	1,404,270
410. Legislative		
10-410-002. Wages	37,797	38,697
10-410-005. FICA Taxes	6,518	4,107
10-410-006. Medical Insurance	40,500	40,500
10-410-009. Workmans Comp	55	53
10-410-012. Printing & Publishing	300	300

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-410-014. Travel & Training	10,000	10,000
10-410-016. Maintenance & Repair - Equipment	3,000	3,000
10-410-031. Auto Allowance	15,000	15,000
10-410-033. Supplies	2,000	2,000
10-410-039. Miscellaneous	1,000	1,000
10-410-046. Professional Services	140,000	120,000
10-410-053. Dues & Subscriptions	25,417	22,455
10-410-084. Recognitions & Work Sessions	6,500	6,500
410. Legislative	288,087	263,612
 420. Executive		
10-420-002. Wages	548,562	535,968
10-420-003. Overtime Pay	985	970
10-420-004. C.O.L.A./Merit Pay	16,457	32,158
10-420-005. FICA Taxes	51,605	43,673
10-420-006. Medical Insurance	40,500	48,600
10-420-007. Retirement	77,480	73,361
10-420-009. Workmans Comp	787	903
10-420-011. Communications-Phone/Cell/Data	63,300	63,500
10-420-014. Travel & Training	13,500	13,500
10-420-022. Maintenance & Repair - Computers	147,000	248,795
10-420-023. Maintenance & Repair - Software	93,784	74,709
10-420-025. 401K Match Program	17,091	17,127
10-420-031. Auto Allowance	7,800	0
10-420-033. Supplies	11,750	11,000
10-420-045. Contract Service	25,670	21,870
10-420-051. Liability Insurance	330,000	320,000
10-420-053. Dues & Subscriptions	2,000	2,000
10-420-059. Longevity Pay Plan	3,700	1,800
10-420-061. Tuition Reimbursement	5,000	5,000
10-420-090. Contingency	50,000	54,202
420. Executive	1,506,971	1,569,136
 430. Clerk		
10-430-002. Wages	107,782	98,568
10-430-004. C.O.L.A./Merit Pay	3,233	5,914
10-430-005. FICA Taxes	10,052	8,031
10-430-006. Medical Insurance	8,100	8,100
10-430-007. Retirement	15,268	13,490
10-430-009. Workmans Comp	177	177

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-430-012. Printing & Publishing	21,000	21,000
10-430-014. Travel & Training	3,000	3,000
10-430-016. Maintenance & Repair - Equipment	500	500
10-430-023. Maintenance & Repair - Software	7,925	8,000
10-430-025. 401K Match Program	3,368	3,149
10-430-033. Supplies	1,800	1,800
10-430-045. Contract Services	7,000	7,000
10-430-053. Dues & Subscriptions	275	275
10-430-054. Maintenance of Town Code	7,085	10,000
10-430-059. Longevity Pay Plan	1,250	500
430. Clerk	197,815	189,504
 440. Finance		
10-440-002. Wages	266,743	315,741
10-440-003. Overtime Pay	1,676	2,773
10-440-004. C.O.L.A./Merit Pay	8,002	18,944
10-440-005. FICA Taxes	24,981	25,891
10-440-006. Medical Insurance	24,300	32,400
10-440-007. Retirement	37,912	43,493
10-440-009. Workmans Comp	414	544
10-440-012. Printing & Publishing	1,165	1,090
10-440-014. Travel & Training	1,355	3,980
10-440-023. Maintenance & Repair - Software	20	20
10-440-025. 401K Match Program	8,363	10,153
10-440-033. Supplies	2,497	2,396
10-440-036. Bank Charges	39,175	38,000
10-440-045. Contracted Services	73,640	72,500
10-440-046. Professional Services	26,160	21,000
10-440-053. Dues & Subscriptions	350	400
10-440-059. Longevity Pay Plan	2,350	1,000
440. Finance	519,103	590,325
 450. HUMAN RESOURCES		
10-450-002. Wages	247,569	220,349
10-450-003. Overtime Pay	2,434	3,559
10-450-004. C.O.L.A./Merit Pay	7,427	13,221
10-450-005. FICA Taxes	23,242	18,209
10-450-006. Medical Insurance	179,300	174,300
10-450-007. Retirement	35,262	30,586
10-450-009. Workmans Comp	1,961	1,964

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-450-011. Communications-Phone/Cell/Data	2,500	0
10-450-014. Travel & Training	6,975	5,000
10-450-023. Maintenance & Repair - Software	19,700	21,390
10-450-025. 401K Match Program	7,779	5,595
10-450-033. Supplies	3,000	2,250
10-450-034. Pre-Employment Costs	17,400	20,500
10-450-045. Contract Services	46,500	76,400
10-450-051. Liability Insurance	55,050	51,200
10-450-052. Unemployment	9,000	8,000
10-450-053. Dues & Subscriptions	1,090	1,085
10-450-055. Wellness Program	20,800	15,750
10-450-059. Longevity Pay Plan	1,850	900
10-450-080. PPE & Safety Equipment	150	1
450. HUMAN RESOURCES	688,989	670,259
 491. Planning & Development		
10-491-002. Wages	703,205	502,205
10-491-003. Overtime Pay	1,493	1,037
10-491-004. C.O.L.A./Merit Pay	21,095	29,070
10-491-005. FICA Taxes	65,244	40,838
10-491-006. Medical Insurance	72,900	56,700
10-491-007. Retirement	96,690	66,322
10-491-009. Workmans Comp	3,528	2,262
10-491-011. Communications-Phone/Cell/Data	5,000	4,000
10-491-012. Printing & Publishing	6,950	6,450
10-491-014. Travel & Training	12,300	12,950
10-491-023. Maintenance & Repair - Software	16,500	11,800
10-491-024. Uniforms	2,400	3,200
10-491-025. 401K Match Program	21,326	15,483
10-491-033. Supplies	6,500	6,700
10-491-045. Contract Services	19,000	9,800
10-491-053. Dues & Subscriptions	400	1,200
10-491-059. Longevity Pay Plan	4,550	1,500
10-491-064. Board of Adjustment	3,700	4,350
491. Planning & Development	1,062,781	775,867
 510. Police		
10-510-000. Separation Allowance	51,842	49,016
10-510-001. Holiday Pay	80,268	76,087
10-510-002. Wages	2,304,257	2,058,231

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10-510-003. Overtime Pay	64,210	60,177
10-510-004. C.O.L.A./Merit Pay	69,127	123,492
10-510-005. FICA Taxes	241,348	181,533
10-510-006. Medical Insurance	275,400	267,300
10-510-007. Retirement	371,957	318,341
10-510-009. Workmans Comp	44,643	41,238
10-510-010. LEO 401K	119,249	111,052
10-510-011. Communications-Phone/Cell/Data	76,500	35,000
10-510-014. Travel & Training	39,700	39,100
10-510-016. Maintenance & Repair - Equipment	56,000	84,348
10-510-017. Maintenance & Repair - Vehicles	55,000	55,000
10-510-021. Maintenance & Repair - Tires	12,000	12,000
10-510-023. Maintenance & Repair - Software	13,995	23,370
10-510-024. Uniforms	55,750	43,750
10-510-025. 401K Match Program	74,261	68,039
10-510-033. Supplies	49,000	57,800
10-510-040. Crime Prevention/DARE	58,000	30,355
10-510-045. Contract Services	172,700	150,360
10-510-048. K-9 Maintenance	7,500	7,500
10-510-053. Dues & Subscriptions	1,240	1,240
10-510-058. Informant Monies	4,500	4,500
10-510-059. Longevity Pay Plan	16,200	6,000
10-510-070. Digital Forensic Investigation	65,000	20,000
10-510-078. Licenses/Renewals	250	250
10-510-083. Ammunition	12,000	11,500
510. Police	4,391,897	3,936,579
 520. Lifeguards		
10-520-001. Holiday Pay	1,042	1,489
10-520-002. Wages	512,241	430,243
10-520-003. Overtime Pay	6,961	5,954
10-520-004. C.O.L.A./Merit Pay	15,368	25,815
10-520-005. FICA Taxes	42,033	35,461
10-520-006. Medical Insurance	10,723	8,100
10-520-007. Retirement	10,772	9,088
10-520-009. Workmans Comp	11,213	10,290
10-520-011. Communications-Phone/Cell/Data	7,400	4,300
10-520-013. Electric	5,200	5,200
10-520-014. Travel & Training	6,700	6,200
10-520-015. Maint.& Repair- Buildings	1,500	1,500

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10-520-016. Maint. & Repair - Equipment	6,400	6,400
10-520-017. Maint. & Repair - Vehicles	5,000	5,000
10-520-021. Maint. & Repair - Tires	500	500
10-520-024. Uniforms	10,500	9,400
10-520-025. 401K Match Program	2,376	2,122
10-520-033. Supplies	16,000	15,000
10-520-034. Pre-Employment Costs	21,100	21,100
10-520-050. Rental of Property	5,000	5,000
10-520-059. Longevity Pay Plan	100	50
10-520-074. Capital Projects Over \$10,000	76,000	74,000
520. Lifeguards	774,129	682,212
530. Fire		
10-530-001. Holiday Pay	35,586	33,927
10-530-002. Wages	1,271,578	1,116,170
10-530-003. Overtime Pay	48,905	44,996
10-530-004. C.O.L.A./Merit Pay	38,145	64,102
10-530-005. FICA Taxes	123,737	97,082
10-530-006. Medical Insurance	151,940	145,800
10-530-007. Retirement	160,806	156,136
10-530-009. Workmans Comp	36,120	33,352
10-530-011. Communications-Phone/Cell/Data	22,500	27,000
10-530-014. Travel & Training	22,500	22,500
10-530-015. Maintenance & Repair-Buildings	21,000	16,000
10-530-016. Maintenance & Repair - Equipment	32,000	32,000
10-530-017. Maintenance & Repair - Vehicles	39,000	39,200
10-530-021. Maintenance & Repair - Tires	8,000	4,000
10-530-023. Maintenance & Repair - Software	8,500	9,500
10-530-024. Uniforms	59,150	40,500
10-530-025. 401K Match Program	37,629	36,452
10-530-033. Supplies	27,800	25,800
10-530-045. Contract Services	9,000	9,000
10-530-050. Rental of Property	3,800	3,500
10-530-051. Liability Insurance	60,200	50,500
10-530-053. Dues & Subscriptions	3,900	3,900
10-530-059. Longevity Pay Plan	8,300	10,250
10-530-074. Capital Projects Over \$10,000	170,000	50,000
10-530-075. Capital Projects Under \$10,000	9,000	10,500
530. Fire	2,409,096	2,082,167

550. Marina

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	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-550-002. Wages	111,925	93,517
10-550-003. Overtime Pay	1,614	3,182
10-550-004. C.O.L.A./Merit Pay	3,357	5,611
10-550-005. FICA Taxes	10,544	7,835
10-550-006. Medical Insurance	16,200	8,100
10-550-007. Retirement	15,959	7,493
10-550-009. Workmans Comp	3,780	3,500
10-550-011. Communications-Phone/Cell/Data	1,640	650
10-550-013. Electric	17,000	15,000
10-550-015. Maintenance & Repair- Buildings	32,000	0
10-550-016. Maintenance & Repair - Equipment	9,100	1,500
10-550-023. Maintenance & Repair - Software	6,336	5,400
10-550-024. Uniforms	1,000	500
10-550-025. 401K Match Program	3,521	1,749
10-550-033. Supplies	6,000	200
10-550-039. Miscellaneous	2,000	2,000
10-550-045. Contract Services	42,500	0
10-550-046. Professional Services	10,000	8,000
10-550-059. Longevity Pay Plan	450	100
10-550-074. Capital Projects Over \$10,000	100,000	0
10-550-075. Capital Projects Under \$10,000	0	70,000
550. Marina	394,926	234,337
 561. Powell Bill		
10-561-019. Maintenance & Repair - Streets	165,000	60,000
10-561-033. Supplies	27,000	130,500
10-561-038. Street Maintenance	20,000	25,000
561. Powell Bill	212,000	215,500
 565. G/F Fleet Maintenance		
10-565-016. Maintenance & Repair - Equipment	51,000	51,000
10-565-017. Maintenance & Repair - Vehicles	59,000	56,000
10-565-021. Maintenance & Repair - Tires	16,000	16,000
10-565-030. Gas & Diesel Fuel	175,000	200,000
565. G/F Fleet Maintenance	301,000	323,000
 570. Parking		
10-570-011. Communications-Phone/Cell/Data	2,016	0
10-570-012. Printing & Publishing	5,000	4,500
10-570-013. Electric	14,000	14,000

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10-570-023. Maintenance & Repair-Software	36,000	6,000
10-570-033. Supplies	28,500	0
10-570-036. Bank and CC Merchant Fees	140,000	0
10-570-046. Professional Services	462,882	567,962
10-570-074. Capital Projects Over \$10,000	160,000	0
570. Parking	848,398	592,462
 580. ENVIRONMENTAL		
10-580-002. Wages	758,714	683,594
10-580-003. Overtime Pay	23,729	23,716
10-580-004. C.O.L.A./Merit Pay	22,762	41,016
10-580-005. FICA Taxes	73,125	57,511
10-580-006. Medical Insurance	117,450	117,450
10-580-007. Retirement	110,616	96,601
10-580-009. Workmans Comp	26,846	24,857
10-580-011. Communications-Phone/Cell/Data	7,000	7,000
10-580-012. Printing & Publishing	100	200
10-580-013. Electric	311,700	276,600
10-580-014. Travel & Training	8,000	6,500
10-580-015. Maintenance & Repair- Buildings	285,500	146,000
10-580-016. Maintenance & Repair - Equipment	35,000	14,000
10-580-018. Maintenance & Repair - Grounds	21,000	47,000
10-580-020. Maintenance & Repair - Street Lights	9,000	10,000
10-580-024. Uniforms	18,000	11,500
10-580-025. 401K Match Program	24,400	22,552
10-580-032. Chemical & Lab Fees	1,100	1,700
10-580-033. Supplies	49,000	48,000
10-580-035. Small Tools & Equipment	9,700	10,500
10-580-045. Contract Services	2,504,150	2,539,350
10-580-046. Professional Services	5,000	6,000
10-580-053. Dues & Subscriptions	100	100
10-580-059. Longevity Pay Plan	8,150	3,450
10-580-074. Capital Projects Over \$10,000	165,000	214,000
10-580-080. PPE & Safety Equipment	4,000	4,000
580. ENVIRONMENTAL	4,599,142	4,413,197
 620. Parks & Recreation		
10-620-002. Wages	592,186	491,568
10-620-003. Overtime Pay	7,584	5,113
10-620-004. C.O.L.A./Merit Pay	17,765	24,934

Town of Carolina Beach

Account Type Details for Period May

Item 7.

* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-620-005. FICA Taxes	54,169	40,037
10-620-006. Medical Insurance	56,700	56,700
10-620-007. Retirement	67,824	57,471
10-620-009. Workmans Comp	12,384	11,467
10-620-011. Communications-Phone/Cell/Data	5,500	5,000
10-620-013. Electric	35,000	34,975
10-620-014. Travel & Training	6,800	6,500
10-620-015. Maintenance & Repair- Buildings	34,000	48,000
10-620-016. Maintenance & Repair - Equipment	39,500	31,500
10-620-018. Maintenance & Repair - Grounds	156,000	89,500
10-620-023. Maintenance & Repair - Software	4,200	3,800
10-620-024. Uniforms	3,000	2,500
10-620-025. 401K Match Program	14,960	13,417
10-620-033. Supplies	13,000	11,000
10-620-041. Arts & Activities	254,500	240,000
10-620-042. Carolina Beach Market	12,500	11,500
10-620-045. Contract Services	126,500	100,600
10-620-059. Longevity Pay Plan	4,300	1,750
10-620-066. Athletic Programs	36,500	33,750
10-620-074. Capital Projects Over \$10,000	75,000	175,000
10-620-082. Festivals & Special Event	50,000	40,000
620. Parks & Recreation	1,679,872	1,536,082
 630. Beach Maintenance		
10-630-016. Maintenance & Repair-Fish Tiles	4,500	4,500
10-630-033. Supplies	7,500	7,500
10-630-046. Professional Services	283,713	236,454
10-630-056. Beach Maintenance	105,000	160,000
10-630-074. Capital Projects Over \$10,000	200,000	175,000
10-630-081. Inlet Dredging	6,000	10,894
630. Beach Maintenance	606,713	594,348
 650. Boardwalk		
10-650-002. Wages	42,827	39,541
10-650-003. Overtime Pay	6,948	1,711
10-650-004. C.O.L.A./Merit Pay	1,285	2,372
10-650-005. FICA Taxes	4,602	3,356
10-650-006. Medical Insurance	8,100	8,100
10-650-007. Retirement	6,958	5,638
10-650-009. Workmans Comp	1,933	1,790

Town of Carolina Beach

Account Type Details for Period May

Item 7.

* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
10-650-020. Maint. & Repair - Street Lights	5,000	5,000
10-650-025. 401K Match Program	1,535	1,316
10-650-033. Supplies	3,000	11,000
10-650-044. Temps	95,000	80,000
10-650-045. Contract Services	23,500	118,500
10-650-059. Longevity Pay Plan	100	250
650. Boardwalk	200,788	278,574
Expense	22,396,472	20,624,877
10. General Fund	1,657	(1,499)
30. Utilities Fund		
Revenue		
322.		
30-322-000. Stormwater Monthly Service Fees	(1,739,984)	(1,644,798)
322.	(1,739,984)	(1,644,798)
329.		
30-329-000. Interest on Investments	(96,384)	(125,000)
30-329-100. Interest Bond Series 2016	(12,000)	0
329.	(108,384)	(125,000)
330.		
30-330-000. Stormwater Development Impact Fees	(150,000)	(150,000)
330.	(150,000)	(150,000)
370.		
30-370-000. Water Monthly Service Fees	(2,711,748)	(2,485,937)
370.	(2,711,748)	(2,485,937)
371.		
30-371-000. Sewer Monthly Service Fees	(4,576,928)	(4,207,102)
30-371-015. Penalties	(4,500)	(5,000)
371.	(4,581,428)	(4,212,102)
372.		
30-372-000. Water Connection Fees	(206,725)	(214,048)
372.	(206,725)	(214,048)
373.		

Town of Carolina Beach

Account Type Details for Period May

Item 7.

* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
30-373-000. Sewer Connection Fees	(130,080)	(164,220)
373.	(130,080)	(164,220)
374.		
30-374-000. System Development Fee Water	(235,560)	(243,295)
30-374-100. System Development Fee Sewer	(269,553)	(259,112)
374.	(505,113)	(502,407)
375.		
30-375-000. Reconnection Fees	(3,500)	(3,500)
375.	(3,500)	(3,500)
385.		
30-385-000. Miscellaneous Revenues	(16,000)	(16,000)
385.	(16,000)	(16,000)
398.		
30-398-001. Kure Bch-Fixed&Variable	(286,309)	(243,873)
30-398-002. Kure Bch-Capital Recovery	(21,790)	(21,831)
30-398-003. Fort Fisher WWT	(6,455)	(6,070)
398.	(314,554)	(271,774)
399.		
30-399-000. Appropriated Fund Balance	0	(258,957)
399.	0	(258,957)
Revenue	(10,467,516)	(10,048,743)
Expense		
409. Debt Service		
30-409-015. Debt Service	2,273,947	2,358,859
30-409-030. Vehicle Lease Payments	42,152	32,821
409. Debt Service	2,316,099	2,391,680
800. W&S Administrative		
30-800-002. Wages	399,105	346,536
30-800-003. Overtime Pay	1,993	10,508
30-800-004. C.O.L.A./Merit	11,974	20,793
30-800-005. FICA Taxes	37,334	28,989
30-800-006. Medical Insurance	48,600	48,600

Town of Carolina Beach

Account Type Details for Period May

Item 7.

* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
30-800-007. Retirement	56,572	48,694
30-800-009. Workmans Comp	2,998	2,950
30-800-011. Communications-Phone/Cell/Data	2,500	2,500
30-800-012. Printing & Publishing	3,250	3,250
30-800-014. Travel & Training	5,250	5,750
30-800-016. Maintenance & Repair - Equipment	5,000	5,000
30-800-023. Maintenance & Repair - Software	1,900	1,900
30-800-024. Uniforms	650	1,000
30-800-025. 401K Match Program	12,479	11,367
30-800-033. Supplies	9,000	9,000
30-800-037. On-Line Credit Check	2,000	2,000
30-800-045. Contract Services	19,800	22,300
30-800-046. Professional Services	19,800	17,800
30-800-049. Postage	54,500	49,500
30-800-053. Dues & Subscriptions	650	650
30-800-059. Longevity Pay Plan	2,900	1,100
30-800-080. Reimbursement to General Fund	775,000	750,000
800. W&S Administrative	1,473,255	1,390,187
810. Wastewater Treatment		
30-810-002. Wages	326,768	295,038
30-810-003. Overtime Pay	26,911	4,890
30-810-004. C.O.L.A./ Merit	9,803	17,702
30-810-005. FICA Taxes	32,954	24,410
30-810-006. Medical Insurance	40,500	40,500
30-810-007. Retirement	49,952	41,003
30-810-009. Workmans Comp	6,500	6,254
30-810-011. Communications - Phones/Cellphones/Data	2,300	2,300
30-810-013. Electric	150,000	140,000
30-810-014. Travel & Training	3,500	3,000
30-810-015. Maintenance & Repair- Buildings	9,500	9,500
30-810-016. Maintenance & Repair - Equipment	30,500	23,500
30-810-018. Maintenance & Repair - Grounds	15,000	15,000
30-810-024. Uniforms	4,000	4,000
30-810-025. 401K Match Program	11,018	9,572
30-810-032. Chemical & Lab Fees	265,200	193,700
30-810-033. Supplies	5,000	4,000
30-810-035. Small Tools & Equipment	3,000	1,500
30-810-045. Contract Services	212,000	187,000
30-810-046. Professional Services	71,500	71,500

Town of Carolina Beach

Account Type Details for Period May

Item 7.

* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
30-810-050. Rental of Property	37,000	37,000
30-810-053. Dues & Subscriptions	550	400
30-810-059. Longevity Pay Plan	3,800	1,450
30-810-078. Permits & Fees	28,500	28,000
30-810-080. PPE & Safety Equipment	4,900	4,550
810. Wastewater Treatment	1,350,656	1,165,769
 811. Wastewater Collection		
30-811-002. Wages	568,566	501,259
30-811-003. Overtime Pay	24,781	37,337
30-811-004. C.O.L.A./Merit	17,057	30,076
30-811-005. FICA Taxes	55,439	43,717
30-811-006. Medical Insurance	81,000	81,000
30-811-007. Retirement	83,948	73,434
30-811-009. Workmans Comp	11,501	11,139
30-811-011. Communications - Phones/Cellphones/Data	13,300	13,300
30-811-013. Electric	104,000	104,000
30-811-014. Travel & Training	10,000	10,000
30-811-015. Maintenance & Repair- Buildings	21,000	21,000
30-811-016. Maintenance & Repair - Equipment	91,000	86,000
30-811-019. Maintenance & Repair - Streets	96,000	96,000
30-811-020. Maintenance & Repair - Infrastructure	121,500	114,000
30-811-024. Uniforms	7,000	7,000
30-811-025. 401K Match Program	18,518	17,146
30-811-026. Maintenance & Repair - Material	59,000	57,000
30-811-033. Supplies	8,000	8,000
30-811-035. Small Tools & Equipment	12,450	11,700
30-811-044. Temps	5,000	5,000
30-811-045. Contract Services	218,500	216,000
30-811-046. Professional Services	60,000	60,000
30-811-059. Longevity Pay Plan	6,850	2,800
30-811-060. I&I Removal Program	30,000	15,000
30-811-074. Capital Projects Over \$10,000	166,187	166,187
30-811-075. Capital Projects Under \$10,000	3,500	3,500
30-811-078. Permits & Fees	7,500	7,500
30-811-080. PPE & Safety Equipment	8,900	8,500
811. Wastewater Collection	1,910,497	1,807,595
 812. Water		
30-812-002. Wages	120,682	104,166

Town of Carolina Beach

Account Type Details for Period May

Item 7.

* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
30-812-003. Overtime Pay	3,049	12,019
30-812-004. C.O.L.A./Merit	3,620	6,250
30-812-005. FICA Taxes	11,557	9,404
30-812-006. Medical Insurance	16,200	16,200
30-812-007. Retirement	17,503	15,797
30-812-009. Workmans Comp	2,613	2,218
30-812-011. Communications - Phones/Cellphones/Data	4,600	4,600
30-812-012. Printing & Publishing	1,000	1,000
30-812-013. Electric	85,000	78,000
30-812-014. Travel & Training	3,000	3,000
30-812-015. Maintenance & Repair- Buildings	45,000	45,000
30-812-016. Maintenance & Repair - Equipment	50,000	50,000
30-812-019. Maintenance & Repair - Streets	73,500	73,500
30-812-020. Maintenance & Repair - Infrastructure	165,000	125,000
30-812-024. Uniforms	2,500	2,500
30-812-025. 401K Match Program	3,861	3,688
30-812-026. Maintenance & Repair - Material	81,000	81,000
30-812-032. Chemical & Lab Fees	245,000	180,000
30-812-033. Supplies	5,000	5,000
30-812-035. Small Tools & Equipment	6,000	6,000
30-812-045. Contract Services	375,200	358,200
30-812-046. Professional Services	82,950	82,950
30-812-049. Postage	2,650	2,650
30-812-050. Rental of Property	35,000	35,000
30-812-053. Dues & Subscriptions	2,170	2,170
30-812-059. Longevity Pay Plan	1,350	500
30-812-067. Well Upgrades	25,000	25,000
30-812-074. Capital Projects Over \$10,000	103,000	50,000
30-812-078. Permits & Fees	4,100	4,100
30-812-080. PPE & Safety Equipment	4,780	4,750
812. Water	1,581,885	1,389,662
 813. W&S FLEET MAINT		
30-813-016. Maintenance & Repair - Equipment	83,000	76,000
30-813-017. Maintenance & Repair - Vehicles	69,500	69,000
30-813-021. Maintenance & Repair - Tires	26,000	26,000
30-813-030. Gas & Diesel Fuel	120,000	120,000
813. W&S FLEET MAINT	298,500	291,000
 900. Stormwater Drainage		

Town of Carolina Beach

Account Type Details for Period May

Item 7.

* Report Contains Filters

	2024/2025 Recommended Budget Report	2023/24 Initial Budget Request
30-900-002. Wages	517,224	461,558
30-900-003. Overtime Pay	32,787	21,752
30-900-004. C.O.L.A./Merit	15,518	27,693
30-900-005. FICA Taxes	51,434	39,346
30-900-006. Medical Insurance	68,850	68,850
30-900-007. Retirement	77,898	66,089
30-900-009. Workmans Comp	10,970	10,583
30-900-011. Communications-Phones/Cellphones/Data	6,000	6,000
30-900-012. Printing & Publishing	1,000	1,200
30-900-013. Electric	18,000	18,000
30-900-014. Travel & Training	12,000	6,000
30-900-015. Maintenance & Repair - Buildings	6,000	4,000
30-900-016. Maintenance & Repair - Equipment	81,000	56,000
30-900-019. Maintenance & Repair - Streets	49,500	47,500
30-900-020. Maintenance & Repair - Infrastructure	243,000	520,000
30-900-024. Uniforms	8,000	6,000
30-900-025. 401K Match Program	17,183	15,429
30-900-026. Maintenance & Repair - Material	12,000	16,000
30-900-032. Chemical & Lab Fees	2,000	2,000
30-900-033. Supplies	6,000	6,000
30-900-035. Small Tools & Equipment	12,500	3,000
30-900-044. Temps	30,000	30,000
30-900-045. Contract Services	112,877	104,750
30-900-046. Professional Services	65,000	57,000
30-900-059. Longevity Pay Plan	7,250	3,300
30-900-074. Capital Projects Over \$10,000	120,000	11,000
30-900-078. Permits & Fees	1,000	1,000
30-900-080. PPE & Safety Equipment	2,900	2,800
900. Stormwater Drainage	1,587,891	1,612,850
Expense	10,518,783	10,048,743
30. Utilities Fund	51,267	0
Report Total :	52,924	(1,499)

Selected Filters

Item 7.

Account Type

Include - Expense

Include - Revenue

Fund

Include - 30. Utilities Fund

Include - 10. General Fund



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning & Development Director **DEPARTMENT:** Planning & Development

MEETING: Town Council May 14th 2024

SUBJECT: Consider a Special Use Permit Modification for additional boat slips located at 401 Marina Street PID 313115.74.1321.000, 313115.64.9002 & 313115.64.8036 in the Marina Business & R-1B District. Applicant: CBYC, LLC

BACKGROUND:

The Applicant, Carolina Beach Yacht Club and Marina, is requesting a Special Use Permit (SUP) modification (Attachment 1 - Application). In 2019 the applicant applied to add an eating and drinking establishment and a ship store located on a barge to the Marina located at 401 Marina St (Attachment 2 - 2019 Site Plan). In January 2020 a Special Use Permit was denied because it was not passed by Town Council (2-2 vote). Subsequently, the Applicant filled a petition seeking an appeal. The Oceana Owners Association then filed a verified motion to Intervene. The hearing of the appeal was cancelled based upon the parties entering into an agreement (Attachment 3 CUP Filed Consent Order). The agreement was executed in December 2020 to issue the Special Use Permit with conditions.

The modification under consideration includes expanding the number of boat storage spaces. The Marina is approved for 69 boat storage spaces (slips). During a zoning final inspection of the barge, it was discovered that several boat storage spaces were added including multiple boats being parked in one designated space. Upon another inspection the added boat storage spaces were removed, but the applicant would like to pursue expanding the Marina's boat storage spaces from 69 to 89. By adding boat storage spaces, it also increases the number of required parking spaces. The parking requirement for Commercial Marinas per Article V. is 1 parking space per wet boat storage space, 1 per 2 dry storage, 1 per service bay, 1 per 2 employees + required for all other on-site uses. Parking is being provided for the wet boat storage space, employees, and for all other on-site uses.

The modification consists of splitting 22 boat storage spaces from 45' storage spaces into two 22.5' boat storage spaces. Below are the modifications to the plan (Attachment 4 - Proposed Site Plan).

- Removed ground floor office space from the building to convert as part of the existing residential unit on second floor.

- Reduced one boat storage space for the floating barge. It was depicted as two designated boat storage spaces. Staff approved modification.
- One of the original 69 boat storage spaces that was counted did not transfer to the current owner as it was previously sold to a property owner of a lot in the Oceana neighborhood.
- The footprint of the approved barge, 40' x 120', is larger than what was built on site, 24' X 96', thus decreasing the amount of parking needed for the eating and drinking establishment and retail area.
- Relocating the dumpster closer to Georgia Ave to accommodate additional parking.
- Expanding parking area with spaces being added closer to the property lines that do not meet the landscaping requirements, applicant is requesting a wavier.
- Proposed food truck that will be located in the 30' CAMA setback buffer - It cannot be permanent and would need to be mobile.

Eleven parking spaces are proposed to be added to accommodate the modifications.

- Four additional spaces are proposed to be located in the parking lot adjacent to the marina building.
- Seven spaces are proposed in the Oceana parking lot.

The marina building parking area is located in the MB-1 zoning district. The Oceana parking lot is located in the R-1B zoning district. The Oceana parking lot is in a residential zoned area and is considered non-conforming. Meaning, it would not be allowed under the current ordinance to have a parking lot serving a commercial business located in a residential area. Sec. 40-425. - Extension or enlargement of nonconforming situations, including land uses and buildings states that increase in volume, intensity, or frequency of nonconforming use may be allowed. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and in no violations of other subsections.

Note: When Staff did a final inspection in the Oceana parking lot a transformer was encroaching on two parking spaces. There was also a neighbor's block fence that was encroaching on a parking space in the parking lot of the marina building (Attachment 5 - Encroachments). Neither encroachment was depicted on the approved site plan. The applicant opt to relocate these spaces in the Oceana parking lot under a minor modification approved by staff. There has been an appeal to staff's determination that these spaces located in the Oceana Subdivision are not allowed under Sec 40-425 Extension or enlargement of a non-conforming situation. The Board of Adjustment upheld staff's determination.

Specific standards. Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Due to the Increase congested usage and density of the area to support traffic demands, trash service and public safety staff proposes a condition to convert the existing Georgia Ave 30' town access easement to a 30' town public right-of-way.

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

The required parking is provided below.

PARKING CALCULATIONS	
REQUIRED OFF-STREET PARKING:	103.2 (104)
BOAT SLIP - 1 PER SLIP (89 SLIPS)	89
RETAIL (FLOATING PLATFORM)	
1 SPACE PER 200 SF (312/200)	1.6
EATING & DRINKING ESTABLISHMENTS (FLOATING PLATFORM)	
1 SPACE PER 110 SF (INDOOR)	
328 SF/110 SF	3.0
1 SPACE PER 220 SF (OUTDOOR)	
LOWER LEVEL 689 SF/220 SF	3.1
UPPER LEVEL 560SF/220 SF	2.5
RESIDENTIAL	2.0
EMPLOYEE SPACES 1 PER 2 EMPLOYEES	2.0
TOTAL EXISTING AND PROPOSED	104

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

Proposing to move the existing trash and recycling containers to where the monument sign is located adjacent to Georgia Ave that will service the site and will be enclosed.

(4) Utilities, with reference to locations, availability, and compatibility;

No upgrades are required with the modification.

(5) Screening and buffering with reference to type, dimensions, and character;

The addition will require additional parking spaces. The location of the spaces will trigger landscaping. The applicant is requesting a waiver of landscaping requirements.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

The applicant is proposing to move the existing sign.

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

No new upland structures are proposed, surface parking is increasing.

General conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The orientation of the boat storage spaces will be double parking boats in existing slip. This is the first design of this type of layout for boat storage spaces. The ordinance does not address the design of boat storage spaces. It is consistent with CAMA regulations who is the state agency that approves structures over the water.

(2) That the use meets all required conditions and specifications;

After review by staff the plan has been determined to meet all conditions and specifications except for the landscaping requirements with the additional parking spaces.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use is in keeping with the character of the MB-1 area and meets the non-conforming regulations with expansion of parking spaces.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Marina Mixed Use area includes commercial uses that includes water-oriented restaurants and services.

Proposed Conditions

1. Type B 10' landscaping requirements to be waived for the additional proposed new parking spaces.
2. Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.

3. Record the south area and paved area of the Georgia Ave 30' town easement to a town public right-of-way prior to the issuance of a permit for the increased boat storage spaces see attachment 6.
4. Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-way's.
5. Must meet all local, state, and federal requirements.

ACTION REQUESTED:

Approval must be consistent with the findings in the Zoning Ordinance as follows:

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.

Denial should be directly related to one or more of the following findings.

Reasons for denial must be specifically stated by Town Council :

- (1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.
- (2) That the use does not meet all required conditions and specifications;
- (3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies

RECOMMENDED MOTION:

The use meets all required conditions and specifications. The location and character of the use if developed according to the plan as submitted with staff conditions and approved will be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.

1121 N. Lake Park Blvd.
 Carolina Beach, NC 28428
 Phone (910) 458-2999
 Fax (910) 458-2997



Permit # _____ Item 8.

TOWN OF CAROLINA BEACH SPECIAL USE PERMIT MAJOR MODIFICATION

Each application must be printed or typewritten and have all information answered. **It is required that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another firm, or corporate entity that is the applicant/owner of record.

The Planning Department, Planning and Zoning Commission and/or Town Council reserves the right to require additional information if needed to assure that the use in its proposed location will meet the be developed in accordance with the Code of Ordinances of the Town of Carolina Beach.

Major changes to approved plans and conditions of development may be authorized only by the Town Council after review and recommendation by the Planning and Zoning Commission in the same manner as original submission. Major changes include, but are not limited to:

1. Change in use;
2. Increase in intensity of the development; such as increase in density of units, whether residential, office, commercial or industrial; an increase in number of off-street parking or loading spaces; or an increase in impervious surface area;
3. An increase in overall ground coverage by structures;
4. A change in any site dimension by more than ten percent;
5. A reduction in approved open space or screening;
6. A change in access and internal circulation design

Major Modification to Minor SUP = \$ 350.00

Major Modification to Major SUP = \$ 350.00

This permit modification will be scheduled for the next possible Technical Review Committee.

 2023 Submission Deadlines & Meeting Dates					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 2	Jan 17	Jan 26	Feb 9	Feb 28	Mar 14
Feb 6	Feb 21	Feb 23	Mar 9	Mar 28	Apr 11
Mar 6	Mar 21	Mar 30	Apr 13	Apr 25	May 9
Apr 3	Apr 17	Apr 27	May 11	May 30	June 13
May 1	May 15	May 25	June 8	June 27	July 11
June 5	June 19	June 29	Jul 13	July 25	Aug 8
July 3	July 17	July 27	Aug 10	Aug 29	Sept 12
Aug 7	Aug 21	Aug 31	Sept 14	Sept 26	Oct 10
Sept 1	Sept 18	Sept 28	Oct 12	Oct 31	Nov 14
Oct 2	Oct 16	Oct 26	Nov 9	Nov 28	Dec 12
Nov 6	Nov 20	Nov 30	Dec 14	Jan 2024	Jan 2024
Dec 4	Dec 18	Jan 2024	Jan 2024	Feb 2024	Feb 2024
Jan 2024	Jan 2024	Feb 2024	Feb 2024	March 2024	March 2024
Board	# Copies Full Size	# Copies Electronic	Recipients		
TRC	9	1	1 Manager, 3 Planning, 1 Fire, 1 Police, 2 Operations, 1 Admin		
P&Z	9	1	7 P&Z, 1 Manager, 2 Planning, 1 Secretary, 1 Island Gazette		
Town Council	9	1	5 Town Council, 1 Manager, 1 Planning, 1 Clerk, 1 Island Gazette		

Please complete all sections of the application.

A. Property Information

Address(es): 401 Marina Street, Carolina Beach NC 28428

PIN(s): R08519-002-002-000, R08519-002-028-000, R08807-002-010-000

Project Name CBYC Boatslip and Parking Modification

Size of lot(s): No Change

B. Application for Special Use Permit Major Modification

Application is hereby made for a Special Use Permit for use of the property described above as a (please provide a brief description of the use):

CBYC, LLC is proposing additional parking spaces and adding 22 additional boat storage spaces and modifying lower level of current

commercial building 460 sqft for residential use. CBYC is also proposing adding a food truck at the Southwest corner of the current building.

C. Applicant Contact Information
CBYC, LLC

Company/corporate Name (if applicable):

Courtney Sloan

Applicant's Name

4310 Sharon Rd Suite T01A

Mailing Address

Charlotte, NC 28211

City, State, and Zip Code

704 995 0086

Telephone

csloan0010@aol.com

Email

D. Owner Contact Information (if different)

Same as applicant

Owner's Name

Mailing Address

City, State, and Zip Code

Telephone

Email

General conditions. Council, when granting a special use permit, shall find that all four of the following factors found in Chapter 40 Article XI exist. In the spaces provided below, indicate the facts and arguments that prove you meet the following conditions:

- 1. Indicate how the proposed SUP will not adversely affect health or safety if located where proposed and developed according to the plan submitted:

The uses of the spaces are not changing, CBYC is proposing just adding additional capacity for smaller boats in order to meet customer trends. CBYC has seen an increase in customers with smaller vessels that do not use the entire 45ft or 50ft slips. Cooking in the food truck will have all code required health and safety precautions taken.

- 2. Indicate if the proposed Special Use Permit meets all required conditions and specifications or if any waivers are requested:

All required conditions are not met, Due to Landscape waiver being requested.

- 3. Indicate how the proposed Special Use Permit will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity:

The current operations are remaining the same. The parking lot is currently already in use as a parking lot and the boat slips are currently being utilized. Therefore adjoining or abutting property will not be effected. The addition of cooking will be no different than a neighbor grilling.

- 4. Indicate that the location and use of the proposed Special Use Permit, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the Town of Carolina Beach's Land Use Plan and policies.:

The zoning is Marina Business and the additional boat space will add access to the waterway for the town of Carolina Beach citizens which is one of the goals of the latest Land Use Plan updates. The addition of cooking will only be another amenity for the people of Carolina Beach to have a meal on Intracoastal waterway.

Specific standards. No special use shall be granted by Town Council unless the following provisions and arrangements where applicable, have been made to the satisfaction of the council.

- 1. Indicate how the Ingress and egress to the property and proposed structures in reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:

Vehicle Ingress and egress will be handled by Georgia Ave and Florida Ave. Pedestrian traffic will likely be small but also be handled by Georgia and Florida Ave.

The current standpipe system will provide fire protection to additional boat storage spaces.

- 2. Indicate how the off-street parking and loading areas met, and how the economic, noise, glare, or odor of the propose use will affect the adjoining properties.

The total required off street spaces of 104 will be met with the additional parking. The current loading zone will remain the same with no additional requirements.

There is no proposed additional noise or glare. The cooking will be no different than when a neighbor is grilling in the neighborhood.

- 3. Indicate how the refuse and service area, will be handled.

Refuse and service will be handled by the current dumpster and recycling service.

- 4. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the item listed are not applicable to the proposed SUP.

No additional utilities are proposed.

- 5. Indicate how screening and buffering with reference to type, dimensions, and character will be provided or why it is not provided for;

None required.

- 6. Indicate how signs, if any, and the proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

No additional signage is proposed.

- 7. Indicate the required yards and other open space and preservation of existing trees and other attractive natural features of the land.

Not applicable to this project.



Check the box beside each item verifying that the item has been submitted with this application

I. Site Plan Criteria

For new construction all boxes in this section shall be marked yes by the applicant to be considered a complete application.

Yes No N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Engineers scale 1 inch = 40 ft or larger |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Title block or brief description of project including all proposed uses |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | North arrow |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Property and zoning boundaries |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The square footage of the site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Lot coverage</i> (buildings, decks, steps) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed <i>structures</i> and the setbacks from property lines of all affected <i>structures</i> to remain on-site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Design of driveways and parking |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent right-of-ways labeled with the street name and right of way width |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and/or proposed easements |

Additional information or data as determined necessary by town staff and/or other reviewing agencies including but not limited to the following may be required:

Yes No N/A

- | | | | |
|--------------------------|---|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Approximate locations and sizes of all existing and proposed <i>utilities</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing and/or proposed fire hydrants (showing distances) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent properties with owners' information and approximate location of structures |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all <i>buildings</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of <i>stories</i> and height of all <i>structures</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all <i>structures</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Delineation of <i>natural features</i> and wetlands with existing and proposed topography with a maximum of two-foot contour intervals |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping including percentages of <i>open space</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stormwater management systems |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Cross-sectional details of all streets, roads, ditches, and <i>parking lot</i> improvements |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Building</i> construction and occupancy type(s) per the building code |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of fire department connection(s) for standpipes |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions and locations of all <i>signs</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map drawn with north indicated |
| <input type="checkbox"/> | I have provided a scaled electronic version of each required drawing | | |
| <input type="checkbox"/> | I have folded all plans to 8 ½" x 11" size and am prepared to pay the application fee today | | |

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

1. Detailed project narrative describing the proposed site and request.
2. Agent form if the applicant is not the property owner.
3. Request for site specific development plan shall be submitted in accordance with Chapter 40 Article XI.

OWNER'S SIGNATURE: In filing this application for a special use permit major modification I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Chad Cooke

to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Courtney Slaw
Signature

9/11/23
Date

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Courtney Slow, does hereby appoint Chad Cooke to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; b) a change to the zoning map; c) approval of a special use permit; d) approval of a special use district; and/or, e) street closing, as applicable to the property described in the attached petition. The owner does hereby covenant and agree with the Town of Carolina Beach that said person has the authority to do the following acts for and on behalf of the owner: (1) To submit a proper petition and the required supplemental materials; (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and (3) In the case of a special use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owner's property. (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition. This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 9/11/2023

Appointee's Name, Address & Telephone:

22555 John bumble Road
Cornelius NC 28031
(704)-778-8994

Signature of Owner: Courtney Slow

Project Narrative CBYC

CBYC is proposing subdividing 22 of the current 45ft slips to create 22 additional 22.5ft storage spaces. All 20 spaces of B dock will become 40 22.5ft spaces. The two 45ft spaces on the T-head of C dock will become 4 22.5ft spaces. To serve the additional boat slips, 8 pervious gravel vehicle parking spaces will be added. A 10' landscape buffer waiver is requested for the handicapped parking spot adjacent to 403 Marina Street. One 45ft transient finger dock will be added adjacent to the current barge walkway. The current office/commercial lower floor will be converted into 460 sf residential use. CBYC is also proposing adding a food truck/trailer to serve from the south west corner of the property. A waiver of the 10' landscape buffer is requested for the food truck.

Attachment 2

MC² ENGINEERING
 MC² ENGINEERING, INC.
 2110 BEN CRAIG DR., STE. 400
 CHARLOTTE, NC 28262
 PHONE 704.510.1979



THE DESIGNS AND DRAWINGS SHOWN ARE THE PROPERTY OF MC² ENGINEERING, INC. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY MC² ENGINEERING, INC. IS PROHIBITED.

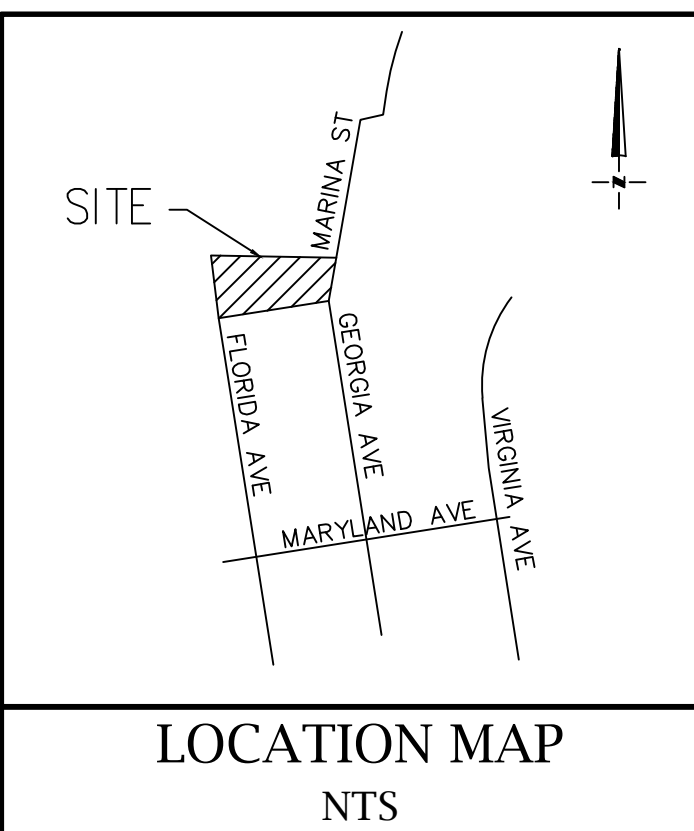
CAROLINA BEACH MARINA AND YACHT CLUB
 401 MARINA STREET
 CAROLINA BEACH, NC

SKETCH PLAN

REVISIONS	
1	9/25/2018 CAROLINA BEACH REVISIONS
2	9/27/2018 CAROLINA BEACH REVISIONS
3	10/17/2018 CAROLINA BEACH REVISIONS
4	11/2/2018 CAROLINA BEACH REVISIONS
5	11/8/2018 CAROLINA BEACH REVISIONS
6	11/20/2018 CAROLINA BEACH REVISIONS
7	12/4/2018 CAROLINA BEACH REVISIONS
8	12/7/2018 CAROLINA BEACH REVISIONS
9	3/5/2019 CAROLINA BEACH REVISIONS
10	9/22/2019 CAROLINA BEACH REVISIONS

CAD FILE: 18-026 BASE.DWG
 PROJECT NO.: 18-026
 DESIGNED BY: TAP
 REVIEWED BY: JDM
 DATE: AUGUST 31, 2018

SP1.0



PROPERTY OWNER PER GIS: JOYNER MARINA LLC
RALEIGH, NC 27602

SITE AREA: ±1.36 AC (±59,237 SF)
0.53 AC (±23,087 SF)
0.24 AC (±10,450 SF)
0.59 AC (±25,700 SF)

PARCEL IDS: R08519-002-028,
R08807-002-010,
R08519-002-002

JURISDICTION: TOWN OF CAROLINA BEACH

CURRENT ZONING: MB-1-MARINA

PARKING CALCULATIONS

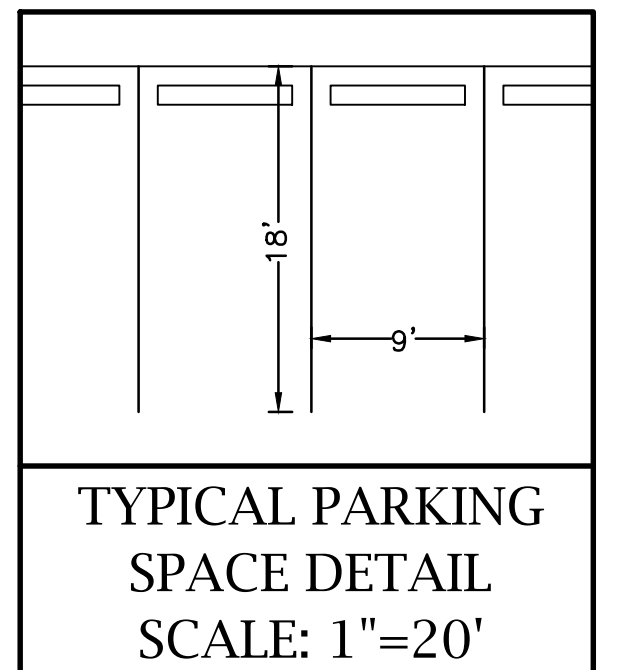
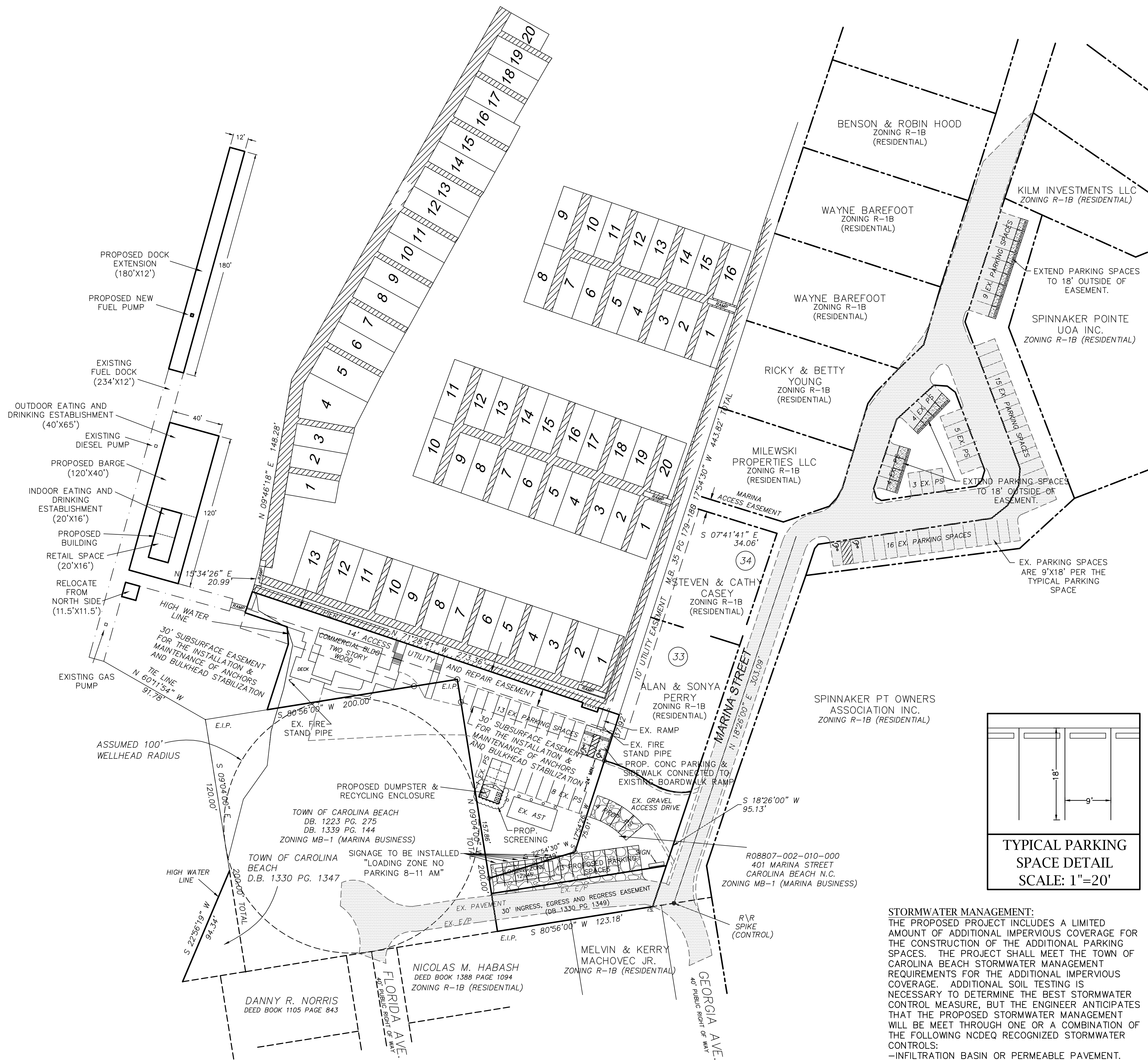
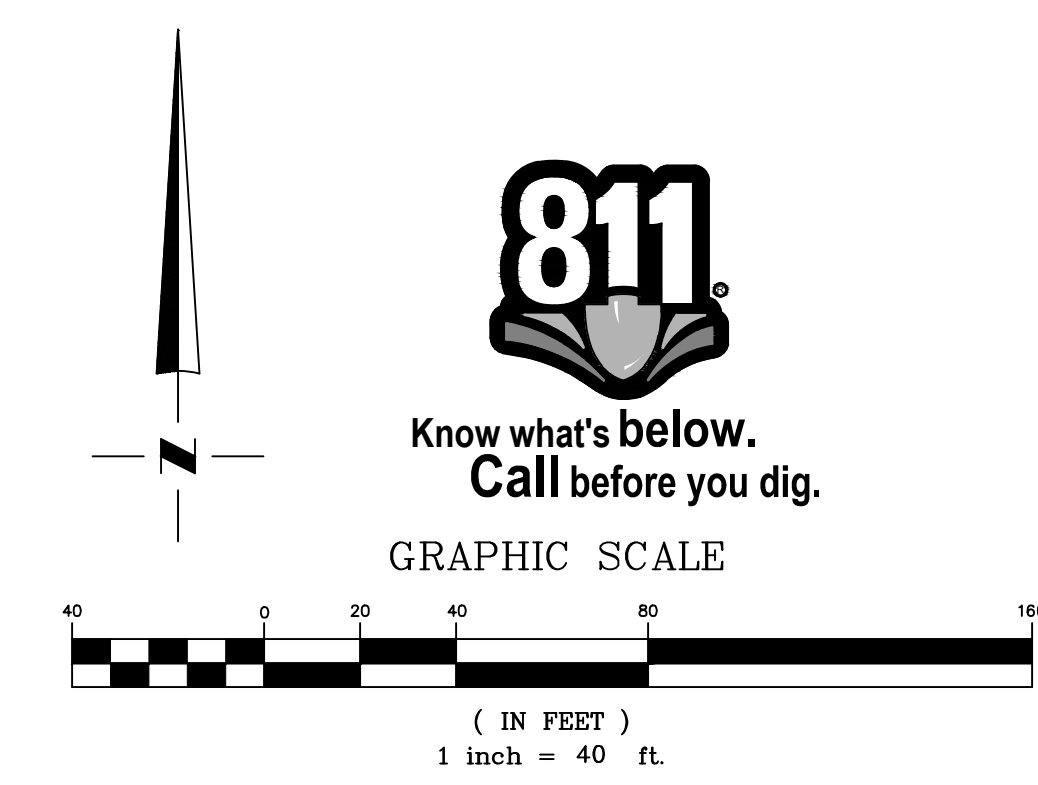
REQUIRED OFF-STREET PARKING:	94 (93.2)
BOAT SLIP	
-1 SPACE PER WET SLIP	69
RETAIL (BARGE)	
-1 SPACE PER 200 SF	1.6
-1/2 OF STRUCTURE (16' X 20')=320 SF	
EATING & DRINKING ESTABLISHMENTS (BARGE)	
-1 SPACE PER 110 SF (INDOOR)	2.9
-1/2 OF STRUCTURE (16' X 20')=320 SF	
-1 SPACE PER 220 SF (OUTDOOR)	11.8
-(40'X65')=2,600 SF	
RESIDENTIAL ABOVE EXISTING COMMERCIAL	
-1 SPACE PER 1,000 SF	1.2
-1,200 SF APARTMENT	
OFFICE (EXISTING COMMERCIAL BUILDING 1ST FLOOR)	
-1 SPACE PER 300 SF	2
-600 SF	
RETAIL (EXISTING COMMERCIAL BUILDING 1ST FLOOR)	
-1 SPACE PER 200 SF	4.7
-933 SF	
EXISTING OFF-STREET PARKING:	79
PROPOSED OFF-STREET PARKING:	16
TOTAL OFF-STREET PARKING:	95
LOT COVERAGE	
EXISTING BUILDING/FUEL TANK:	2,144 SF
EXISTING CONCRETE/ASPHALT/GRAVEL:	25,640 SF
TOTAL EXISTING IMPERVIOUS:	27,784 SF
PROPOSED GRAVEL:	1,975 SF
TOTAL PROPOSED IMPERVIOUS AREA:	29,759 SF

LOADING SPACE REQUIREMENTS

LESS THAN 15,000 SF (MUST SUBMIT A LOADING PLAN)
 -PROPOSED OFFICE, RETAIL AND RESTAURANT USE IS A TOTAL OF 4,973 SF. THE ANTICIPATED DELIVERIES FOR THE OFFICE AND RETAIL SPACE CONSIST OF TYPICAL DELIVERIES FROM UPS/FEDEX. THE RESTAURANT DELIVERIES WILL BE SCHEDULED TO OCCUR BETWEEN 8-11 AM SO AS TO OCCUR PRIOR TO THE NORMAL BUSINESS OPERATING HOURS AND THEREFORE TO NOT IMPACT THE PARKING LOT CAPACITY. SIGNAGE TO BE INSTALLED AS NOTED. THE ANTICIPATED LOADING PERIOD WOULD BE ANTICIPATED TO NOT LAST LONGER THAN 1 HOUR. THE TYPICAL TRUCK FOR DELIVERIES TO THE RESTAURANT WOULD BE A WB-40 WHICH IS A TRACTOR TRAILER WITH A OVERALL LENGTH OF 45 FEET.

DEVELOPMENT SUMMARY

PROJECT DESCRIPTION:
 PROJECT INCLUDES PROPOSED DOCK EXTENSION WITH NEW FUEL PUMP AND NEW BARGE WITH BUILDING TO HOUSE SMALL RETAIL AREA AND EATING AND DRINKING ESTABLISHMENT.



STORMWATER MANAGEMENT:
 THE PROPOSED PROJECT INCLUDES A LIMITED AMOUNT OF ADDITIONAL IMPERVIOUS COVERAGE FOR THE CONSTRUCTION OF THE ADDITIONAL PARKING SPACES. THE PROJECT SHALL MEET THE TOWN OF CAROLINA BEACH STORMWATER MANAGEMENT REQUIREMENTS FOR THE ADDITIONAL IMPERVIOUS COVERAGE. ADDITIONAL SOIL TESTING IS NECESSARY TO DETERMINE THE BEST STORMWATER CONTROL MEASURE, BUT THE ENGINEER ANTICIPATES THAT THE PROPOSED STORMWATER MANAGEMENT WILL BE MET THROUGH ONE OR A COMBINATION OF THE FOLLOWING NCDEQ RECOGNIZED STORMWATER CONTROLS:
 -INFILTRATION BASIN OR PERMEABLE PAVEMENT.

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 COUNTY OF NEW HANOVER **2020 09 21 A. 9 50** 20-CVS-1444

NEW HANOVER CO. CLERK
 IN RE REQUEST BY CBYC, LLC,)
)
 Petitioner,)
)
 v.)
)
 TOWN OF CAROLINA BEACH, a North)
 Carolina Municipal Corporation and)
 Body Politic,)
)
 Respondent,)
)
 OCEANA OWNERS ASSOCIATION,)
 INC.)
)
 Intervenor-Respondent.)
 _____)

CONSENT ORDER

THIS MATTER appears before the Court for entry of a Consent Order granting the application and request for a conditional use permit submitted to the Respondent Town of Carolina Beach (“Town”) by Petitioner CBYC, LLC (“CBYC”) (collectively, “Consent Order”).

ALL PARTIES, including Intervenor Oceana Owners Association, Inc. (“Oceana”), now consent, by and through their undersigned counsel, to the granting of this Consent Order and CBYC’s application and request for a conditional use permit that was submitted to the Respondent on or about 25 September 2019, premised upon the following:

FINDINGS OF FACT

1. Jurisdiction and venue of this action are properly before this Court.
2. By virtue of that General Warranty deed dated 31 July 2019 and recorded on 2 August 2019 in Book 6235 at Page 2175 of the New Hanover Country Registry of Deeds

A TRUE COPY
 CLERK OF SUPERIOR COURT
 NEW HANOVER COUNTY
 BY: *Leni M. Knowles*
 Deputy Clerk

(“Registry”), CBYC owns the real property located at 401 Marina Street in New Hanover County, North Carolina (“Property”).

3. On or about 25 September 2019, CBYC applied to the Town for a conditional use permit (hereinafter “Permit”) for certain limited improvements to its Property.

4. CBYC’s Property consists of an existing commercial marina including fuel docks, a ship store, an office, residential unit, parking, and related facilities which have been in place for more than 20 continuous years preceding CBYC’s Permit application (collectively, “Marina”).

5. CBYC’s Permit application seeks to (i) extend and widen its existing fuel dock; (ii) add and relocate its fuel pumps; (iii) place a barge adjacent to CBYC’s existing dock, where the existing office and ship store will be relocated; (iv) add thirteen (13) parking spaces, a designated loading zone, and two (2) ADA compliant parking spaces within the Property’s existing boundary; and, (v) add an outdoor eating establishment to serve hot food and drinks to the Marina’s patrons.

6. The 2007 Town of Carolina Beach CAMA Land Use Plan sets forth the Town’s desire to encourage “low intensity water-oriented restaurant or other low intensity water-oriented commercial services with public docking and water access.”

7. The Town’s existing Code of Ordinances permits restaurants, bars, eateries, retail sales, office space, and other marina related uses in the MB-1 zoning district in which CBYC’s Property is located.

8. The Town’s Ordinances require an applicant for a conditional use permit to meet seven (7) specific and four (4) general standards before being approved. *Carolina Beach, N.C. Code of Ordinances*, § 40-327(c) and (d).

9. The Town's Ordinances also set forth standards for particular uses such as eating and/or drinking establishments, which are specifically permissive uses within the Property's MB-1 zoning district. *Id.* § 40-261.

10. On 14 January 2020, a quasi-judicial hearing was held on CBYC's application for its Permit.

11. At the hearing, CBYC and Oceana presented evidence concerning the seven (7) specific and four (4) general standards before being approved. *Carolina Beach, N.C. Code of Ordinances*, § 40-327(c) and (d).

12. On 30 March 2020, the Town issued its written Order denying CBYC's Permit application based on the 2-2 tied vote of the Town's Council's vote.

13. On 29 April 2020, CBYC timely and properly filed its Petition for Writ of Certiorari to this Court seeking to appeal the Town's Order denying its Permit application.

14. On 29 April 2020, CBYC's Petition for Writ of Certiorari was granted; the Town submitted the record for the appeal; and this Court was scheduled to conduct the appellate hearing on CBYC's appeal on 23 September 2020.

15. On 29 May 2020, Oceana filed its Verified Motion to Intervene of Oceana Owners Association, Inc., and its proposed Response of Intervenor-Respondent Oceana Owners Association, Inc (collectively, "Intervention Motion").

16. On September 15, 2020, Oceana filed an Objection to Notice of Hearing and Motion to Continue the noticed appeal hearing. Thereafter, counsel for CBYC informed counsel for Oceana that CBYC would consent to Oceana's Intervention Motion to keep the noticed date for the appeal hearing.

17. Ultimately, the hearing on CBYC's appeal was canceled based upon the parties' agreement and resolution of the matters between them.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the parties and this Court agree to the following Conclusions of Law:

1. This Court has jurisdiction over the parties and the subject matter of this proceeding.
2. Oceana's Intervention Motion is hereby granted, thus binding Oceana to the rights and obligations of this Consent Order.
3. Conditional use permits are issued for uses that an ordinance expressly permits in a designated zone. *Humble Oil & Refining Co. v. Bd. of Aldermen*, 284 N.C. 458, 467, 202 S.E.2d 129, 136 (1974).
4. To effectuate the parties' settlement and the entry of this Consent Order, the parties agree that CBYC produced competent, material, and substantial evidence establishing that CBYC's Permit application met all relevant standards, specifications, and requirements set forth under the Town's Ordinances for issuance of a conditional use permit.

Based upon the foregoing, including the consent and request of the parties, and upon a review of the terms herein, the Court believes that the entry of this Consent Order is fair, in the interests of justice, and should be entered.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. CBYC's application for a Permit shall be and the same is hereby GRANTED upon the following conditions/restrictions:

- a. All of the terms and provisions contained in CBYC's Permit Application, except as may be expressly modified hereinbelow and said modifications shall supplement and amend CBYC's Permit Application.
 - b. CBYC shall fully comply with all Town, New Hanover County, State, and/or Federal rules and regulations, including the departments and agencies of each such entity.
 - c. CBYC shall not play music, whether recorded or live, before 12:00 p.m. each day, will stop playing any such music one (1) hour before closing time each day, and will at all times comply with the Town's noise ordinance.
 - d. CBYC's store, restaurant, fueling and other sales and activities shall cease by 9:00 p.m. beginning on the Friday of Memorial Day weekend of each calendar year through and including the Labor Day holiday of each calendar year. At all other times (i.e., the off-season), said activities shall cease by 7:00 p.m.
 - e. CBYC's restaurant operations will open on a daily basis no earlier than 7 a.m.
 - f. Any newly installed lighting within CBYC's Marina shall be directed downward and away from the residential homes in the Oceana Subdivision.
 - g. CBYC will ensure that trash is picked-up on a daily basis within all areas of its operation, including along its walkways along the Marina and also within the parking lot and spaces owned by CBYC within the Oceana Subdivision.
 - h. Any future conditional or special use permit application by CBYC requesting additional uses of the Property not contemplated in the current Permit may be contested by Oceana notwithstanding this Consent Order. Alternatively, Oceana may choose to require the same restrictions specified herein to be imposed on the use proposed by any such future conditional or special use permit application.
2. Nothing herein shall be construed so as to waive, limit or otherwise prejudice CBYC and its successors and assigns from seeking additional uses and/or improvements to its subject property and marina as may be allowed by the Town's ordinances. Nothing herein shall be construed so as to waive, limit or otherwise prejudice the legal and/or factual arguments of any opponents possessing legal standing to any future applications by CBYC and/or its successors and assigns to make any additional uses and/or improvements to its subject property.

- 3. The terms and provisions of this Order shall be fully enforceable by the Court with all of its authority including, without limitation, the Court's powers of contempt, including an award of attorney's fees for any prevailing party.
- 4. Each party shall bear its own respective costs and attorneys' fees, except in any proceedings under Paragraph 3.
- 5. The provisions of this Consent Order shall be binding upon and inure to the benefit of the parties' respective successors and assigns.

So ORDERED this the 21st day of December 2020.

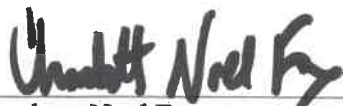


THE HONORABLE George F. Jones
Resident Superior Court Judge Presiding
New Hanover County, North Carolina

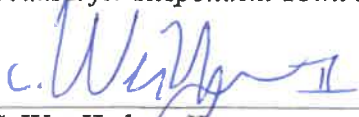
WE CONSENT:



G. Grady Richardson, Jr.
Counsel for Petitioner, CBYC, LLC



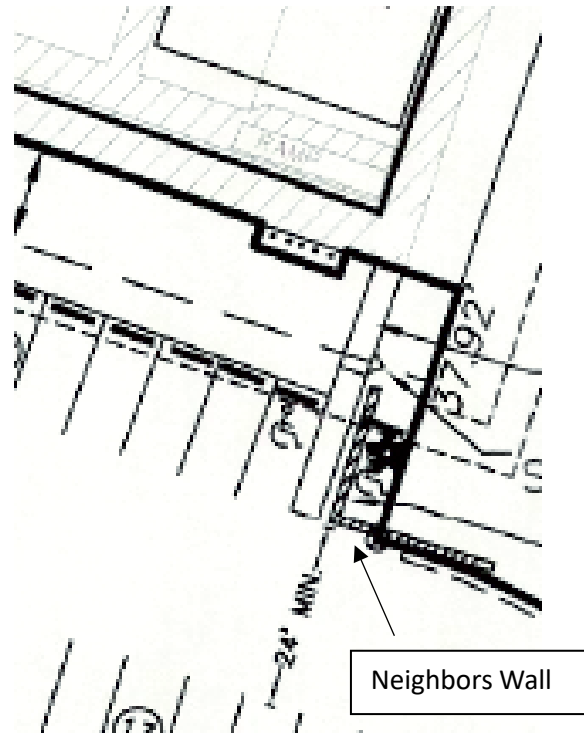
Charlotte Noel Fox
Counsel for Respondent Town of Carolina Beach



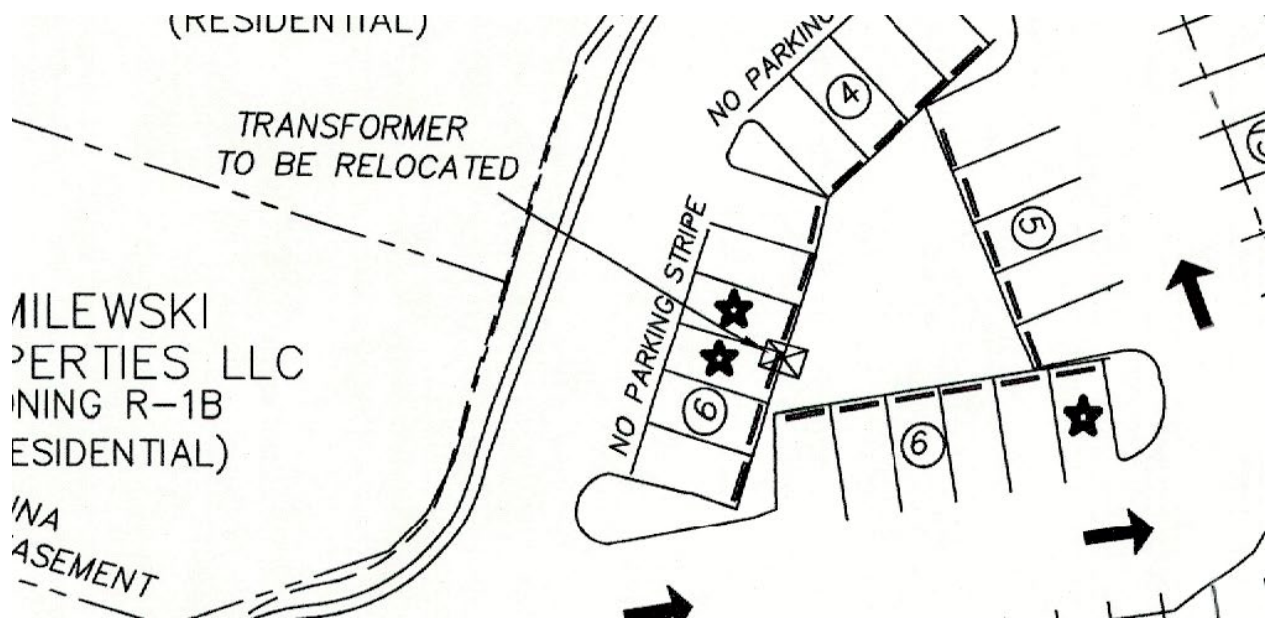
C. Wes Hodges, II
*Counsel for Intervenor-Respondent,
Oceana Owners Association, Inc.*

Encroachments

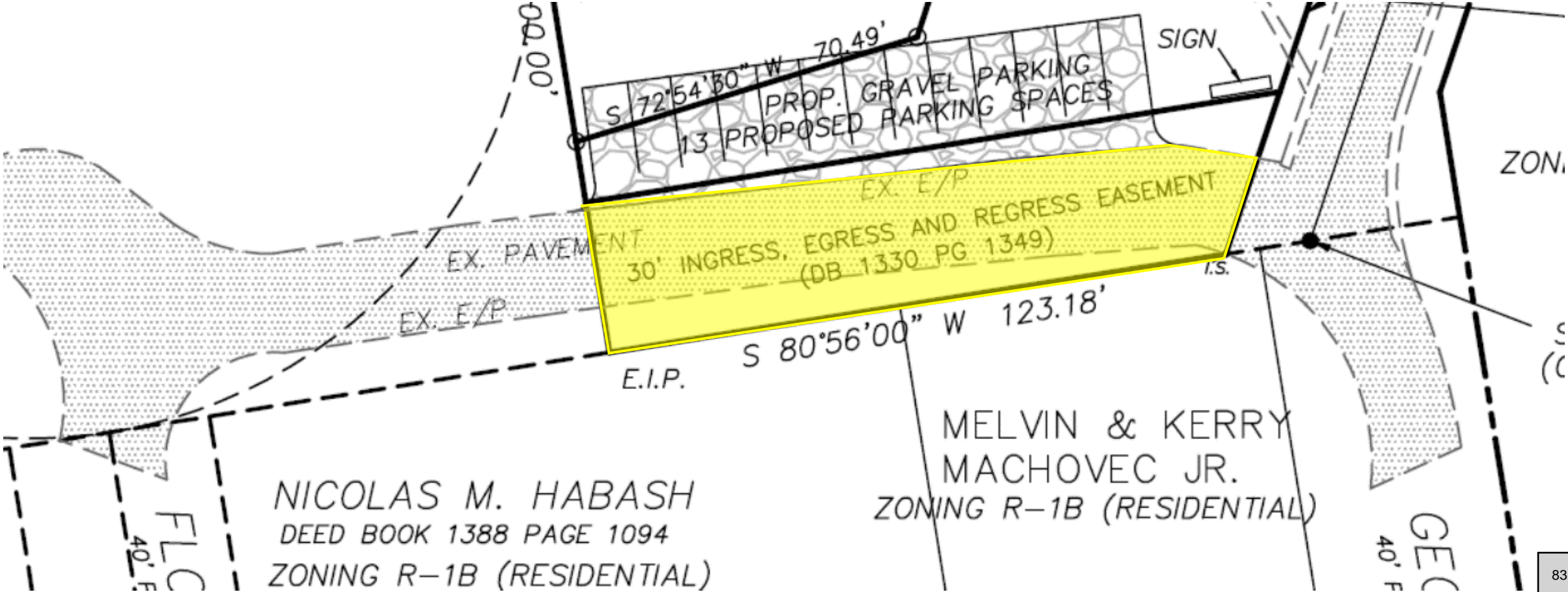
Wall



Transformer



Proposed dedicated town right-of-way





AGENDA ITEM COVERSHEET

PREPARED BY: Ed Parvin, Deputy Town Manger

DEPARTMENT: Executive

MEETING: Town Council – 5/14/2024

SUBJECT: Amend Grant Project Budget for Saint Joseph Bike Ped Project

BACKGROUND:

On October 25, 2023, the WMPO Board voted to approve an additional \$1,172,760 for St Joseph Street bicycle and pedestrian improvements. This is an 80/20 NCDOT grant (#12874). The WMPO previously awarded the Town a grant for \$457,777 with a 20% match of \$114,445 (#10929). Grant Ordinance No. 24-1223 will amend the budget adding the new grant award for a project total of \$2,038,172 (\$1,465,950 NCDOT) and (\$572,222 Town match).

New Grant allocation:

NCDOT 80% -	\$ 1,172,760
Match 20% -	<u>\$ 293,190</u>
Total	\$ 1,465,950

ACTION REQUESTED:

Approval of Ordinance No. 24-1223



ORDINANCE NO. 24-1223

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET CREATING A GRANT PROJECT ORDINANCE FOR THE ST JOSEPH/LEWIS DRIVE BIKE & PED PROJECT

Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

SECTION ONE:

That the Fiscal Year 2023-2024 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with St Joseph/Lewis Dr Bike Ped Project by adopting the following General Fund Grant Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
41-410-074	Capital Over \$10,000	+\$ 572,222	+\$ 572,222	+\$
41-411-074	Capital Over \$10,000		+\$ 1,465,950	+\$1,465,950
TOTAL			<u>\$ 2,038,172</u>	

SECTION TWO:

That the Fiscal Year 2023-2024 Budget for the Town of Carolina Beach is hereby amended to include the revenues associated with St Joseph/Lewis Dr Bike Ped Project by adopting the following General Fund Grant Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
41-350-000	General Fund (20%)	+\$114,445	+ \$ 407,635	+ \$ 293,190
41-396-000	NCDOT Grant (80%)	+\$343,332	+ \$ 457,777	+\$
41-397-000	NCDOT Grant (80%)		+\$1,172,760	+\$1,172,760
TOTAL			<u>\$ 2,038,172</u>	

SECTION THREE:

A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 14th day of May 2024

ATTEST:

Albert L Barbee, Mayor

Kimberlee Ward, Town Clerk



305 Chestnut Street
PO Box 1810
Wilmington, NC 28402
Pty: (910) 341-3258
Fax: (910) 341-7801
www.wmpo.org

November 21, 2023

Mr. Jeremy Hardison, Planning Director
Town of Carolina Beach
1121 N. Lake Park Blvd
Carolina Beach, NC 28428

Re: St Joseph Street and Lewis Drive Multi-modal improvements

Dear Mr. Hardison:

The Wilmington Urban Area Metropolitan Planning Organization (WMPO) was designated a Transportation Management Area in July 2012 and is a direct recipient of Surface Transportation Block Grant Program (STBGP) Direct Attributable, Transportation Alternatives Set Aside and Carbon Reduction Program (STBGP-DA/TASA- DA, TASA - CR) funds. On November 15, 2021, the federal Infrastructure Investment and Jobs Act (IIJA) infrastructure package was signed into law. The FY24 appropriation is in the amount of \$5,087,594 for distribution to qualified projects within the WMPO planning area. The Town of Carolina Beach requested funding in the amount of \$1,465,950 for a portion of the estimated cost to design and construct bicycle and pedestrian improvements along St Joseph Street in the Town of Carolina Beach, NC.

On October 25, 2023, the WMPO Board voted to allocate funding for this project in the amount of \$1,172,760. If there are additional costs incurred for the project, all costs incurred above and beyond the approved amount will be borne by the submitting agency.

Please note that the North Carolina Department of Transportation (NCDOT) Enterprise Business Services system will be used to administer projects. This is located on the NCDOT website under the Local Program Management webpage: (<https://www.ebs.nc.gov/iri/portal>).

We look forward to working with you to develop the Local Administered Project Agreement with NCDOT and assisting with project delivery. We will be contacting you shortly to assist in setting up this agreement. If you have any questions, please do not hesitate to contact Scott James via phone at (910) 473 - 5130 or via e-mail at scott.james@wilmingtonnc.gov.

Sincerely,

Mike Kozlosky, Executive Director

cc: Henry E. Miller III, Chair, WMPO Board
Scott A. James, PE, PTOE Transportation Planning Engineer, WMPO
Leigh Wing, PE, STIP Eastern Region Manager, NCDOT
Marta Matthews, Local Programs Office Manager, NCDOT
Ron Van Cleef, Project Engineer, NCDOT

Wilmington Urban Area Metropolitan Planning Organization

City of Wilmington • Town of Carolina Beach • Town of Kure Beach • Town of Wrightsville Beach
County of New Hanover • Town of Beaufort • Town of Leland • Town of Navassa • County of Brunswick
County of Pender • Cape Fear Public Transportation Authority • North Carolina Department of Transportation

FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse (80%) of eligible expenses incurred by the Municipality up to a maximum amount of One Million Six Hundred Thirty Thousand Five Hundred Thirty-Seven dollars (\$1,630,537), as detailed below. The Municipality shall provide the non-federal match, as detailed in the REVISED FUNDING TABLE below, and all costs that exceed the total estimated cost.

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
STBG-DA #10929	\$457,777	80%	\$114,445	20%
STBG-DA NEW 12874	\$1,172,760	80%	\$293,190	20%
Subtotal:	\$1,630,537		\$407,635	
Total Available Funding:		\$2,038,172		

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 8/16/2021, is ratified and affirmed as therein provided.