

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, December 08, 2020 – 6:30 PM

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



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## AGENDA

**CALL TO ORDER WITH INVOCATION BY GABRIEL WATERS WITH FIRST BAPTIST CHURCH, FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

**ADOPT THE AGENDA**

**CONSENT AGENDA**

1. Set Public Hearing Date for January 12<sup>th</sup> to Consider a Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties (PIN - 3130-54-2980, 3130-54-4836, 3130-55-4065, 3130-55-5014, 3130-54-5992, 3130-54-5877, 3130-54-5778, 3130-54-5870, and 3130-54-6839)

Applicant: Carolina Beach Land Holdings LLC

2. Budget Amendments/Transfers
3. Committee Appointment
4. Approval of Meeting Minutes

**SPECIAL PRESENTATIONS**

5. Introduction of Police Chief Vic Ward
6. Manager's Update
7. Events Update by Tim Murphy

**PUBLIC COMMENT**

*Public Comment allows the public an opportunity to address the Town Council. There is a three minute limit on public comments.*

**PUBLIC HEARINGS**

8. Consider a Conditional Use Permit for a 5-Unit Residential Planned Unit Development to be located at 216 Spartanburg Avenue (PIN - 3130-32-7671)

Applicant: Laurel Companies LLC.

- [9.](#) Consider a Text Amendment to Chapter 40, Sec. 40-72 Table of Permissible Uses - Residential PUDs and Multifamily Developments

Applicant: Town of Carolina Beach

#### **ITEMS OF BUSINESS**

- [10.](#) Harbor Master Hours

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

#### **ADJOURNMENT**



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – 8 DEC 2020

**SUBJECT:** Set Public Hearing Date for January 12<sup>th</sup> to Consider a Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties (PIN - 3130-54-2980, 3130-54-4836, 3130-55-4065, 3130-55-5014, 3130-54-5992, 3130-54-5877, 3130-54-5778, 3130-54-5870, and 3130-54-6839)

Applicant: Carolina Beach Land Holdings LLC

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**BACKGROUND:**

**ACTION REQUESTED:**

Approve the consent agenda item so it can be heard at the January 12<sup>th</sup> TC meeting.

**RECOMMENDED MOTION:**



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Debbie Hall, Finance Director

**DEPARTMENT:** Finance

**MEETING:** Town Council – 12/08/2020

**SUBJECT:** Budget Amendments/Transfers

### **BACKGROUND:**

I have received several budget amendments and/or transfer requests. As you know, 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 \$10,000 from the Federal 1033 LESO Funds to account 10-510-071 Police Federal 1033 LESO Program for purchase of tactical command and protective gear.

### **Transfers:**

Transfer \$50.00 from account 10-420-009 Executive Workman's Comp to account 10-420-059 Executive Longevity Pay to cover line item shortage.

Transfer \$50.00 from account 30-800-014 Utility Admin Travel and Training to account 30-800-059 Utility Admin Longevity Pay to cover line item shortage.

Transfer \$4,500 from account 30-800-014 Utility Admin Travel and Training to account 30-800-003 Utility Admin Overtime Pay to cover line item shortage and add funds to cover the remained of the fiscal year.

### **ACTION REQUESTED:**

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



# CAROLINA BEACH POLICE DEPARTMENT



TO: DEBBIE HALL, FINANCE DIRECTOR  
FROM: CHRIS SPIVEY, CHIEF OF POLICE  
RE: LESO FUNDS  
DATE: NOVEMBER 19, 2020

CBPD is requesting appropriation of \$10,000 in LESO Funds to be used for the purchase of tactical command and protective gear.

Thank you.

A handwritten signature in black ink, appearing to read "C. Spivey".

# Budget vs Actual

Town of Carolina Beach  
11/19/2020 1:00:40 PM

Period Ending 6/30/2021

10 General Fund	Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent
	10-420-001 Holiday Pay	0	0.00	0.00	0.00	0.00	0.00	
	10-420-002 Wages	419,674	0.00	0.00	0.00	172,754.22	246,919.78	41%
	10-420-003 Overtime Pay	2,272	0.00	0.00	0.00	0.00	2,272.00	
	10-420-004 C.O.L.A./Merit Pay	3,777	0.00	0.00	0.00	0.00	3,777.00	
	10-420-005 FICA Taxes	32,705	0.00	0.00	0.00	12,934.45	19,770.55	40%
	10-420-006 Medical Insurance	38,900	0.00	0.00	0.00	14,280.73	24,619.27	37%
	10-420-007 Retirement	43,394	0.00	0.00	0.00	17,722.41	25,671.59	41%
	10-420-008 Premium Pay	0	0.00	0.00	0.00	0.00	0.00	
	10-420-009 Workmans Compensation	959	0.00	0.00	0.00	719.25	239.75	75%
	10-420-010 401K LEO	0	0.00	0.00	0.00	0.00	0.00	
	10-420-011 Communications-Phone/Cell/Data	76,428	33,863.46	0.00	0.00	26,157.43	16,407.10	79%
	10-420-014 Travel & Training	2,500	0.00	0.00	0.00	0.00	2,500.00	
	10-420-016 Computer Maint. & Repair	0	0.00	0.00	0.00	0.00	0.00	
	10-420-022 Maintenance & Repair - Computers	177,500	111,546.37	0.00	0.00	58,453.63	7,500.00	96%
	10-420-023 Maintenance & Repair - Software	80,432	0.00	0.00	0.00	51,439.88	28,992.12	64%
	10-420-025 401K Match Program	12,825	0.00	0.00	0.00	5,182.57	7,642.43	40%
	10-420-031 Auto Allowance	0	0.00	0.00	0.00	0.00	0.00	
	10-420-033 Supplies	8,700	800.00	0.00	0.00	2,250.52	5,649.48	35%
	10-420-044 Temps	0	0.00	0.00	0.00	0.00	0.00	
	10-420-045 Contract Service	50,600	18,706.22	0.00	0.00	30,985.97	907.81	98%
	10-420-049 Postage	0	0.00	0.00	0.00	0.00	0.00	
	10-420-051 Liability Insurance	258,212	0.00	0.00	0.00	222,648.31	35,563.69	86%
	10-420-053 Dues & Subscriptions	2,000	0.00	0.00	0.00	988.80	1,011.20	49%
	10-420-059 Longevity Pay Plan	1,800	0.00	0.00	0.00	1,850.00	(50.00)	103%
	10-420-061 Tuition Reimbursement	6,000	0.00	0.00	0.00	1,000.00	5,000.00	17%
	10-420-074 Capital Projects Over \$10,000	0	0.00	0.00	0.00	0.00	0.00	
	10-420-075 Capital Project Under \$10,000	0	0.00	0.00	0.00	0.00	0.00	
	10-420-085 T/F to Capital Project Fund	0	0.00	0.00	0.00	0.00	0.00	

Item 2.

LeAnn Pierce  
Mayor

Steve Shuttleworth  
Council Member

Lynn Barbee  
Council Member



Jay Item 2.  
Mayor Pro Tem

JoDan Garza  
Council Member

Ed H. Parvin  
Interim 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  
From: Mark Meyer  
Re: Budget transfer  
Date: November 19th , 2020

Budget transfer \$ 50 total

From: 30-800-014 (Travel and Training)

To: 30-800-059 (Longevity Pay Plan)

Explanation: This transfer is to cover the overage due to an additional employee.

LeAnn Pierce  
*Mayor*

Steve Shuttleworth  
*Council Member*

Lynn Barbee  
*Council Member*



Jay Item 2.  
*Mayor Pro Tem*

JoDan Garza  
*Council Member*

Ed H. Parvin  
*Interim 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  
From: Mark Meyer  
Re: Budget transfer  
Date: November 19th , 2020

Budget transfer \$ 4,500 total  
From: 30-800-014 (Travel and Training)  
To: 30-800-003 (Overtime pay)

Explanation: This transfer is to cover the overage in Overtime while we were short of employees in Billing.





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 12/8/2020

**SUBJECT:** Committee Appointment

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**BACKGROUND:**

The Beautification Committee has one vacancy.

**ACTION REQUESTED:**

We received one application. Linda Bottoms attended the November Beautification Committee meeting and was encouraged to apply.

If there is no objection, please consider making a motion to appoint Linda Bottoms to the Beautification Committee.

For a brief description of the Town of Carolina Beach's Boards & Committees click [here](#).

\* Full Name

Linda Bottoms

Home Address

1612 searay ln #2  
North Carolina Carolina Beach

\* **Email Address**

strenko@att.net

Phone

(404) 427-9574

\* Check Box List

Beautification Committee

**How long have you lived in Carolina Beach?**

4 yrs

Availability

Available for day meetings  
Available for night meetings

**Educational Background**

BA English MEd Education

**Occupational Background**

High school English teacher- retired

**Special Talents and Interests**

Knowledge of plants and gardening. Avid gardener for decades.

**Community Involvement**

Volunteer at Fort Fisher Aquarium for horticulture dept. Work outside in gardens, occasionally inside. Also signed up and trained to work for Little Pink Houses here on CB, but Covid has shut that down.

Resume or other Attachment

\*\*SKIPPED\*\*

\* **Date of Application**

11/05/2020



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 12/8/2020

**SUBJECT:** Approval of Meeting Minutes

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**BACKGROUND:**

Attached are the meeting minutes from 10/27, 11/10, 11/13, and 11/17

**ACTION REQUESTED:**

Review and approve under the consent agenda.

# CAROLINA BEACH

Town Council Workshop Meeting

Tuesday, October 27, 2020 – 9:00 AM

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



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## MINUTES

### CALL TO ORDER

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

### PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth (arrived at 9:20 AM and left at 11:20 AM)

### ALSO PRESENT

Town Manager Bruce Oakley

Town Clerk Kim Ward

Town Attorney Noel Fox

### DISCUSSION ITEMS

1. Employee Recognition

Mark Meyer introduced Deidre Fennell and Devin Brooks, the two new Customer Service Billing Representatives.

Fire Chief Alan Griffin recognized Buddy Thompson for 5 years of service and Simon Sanders for 15 years of service with the Fire Department.

Holly Brooks recognized Sara Hartman for 15 years of service with Human Resources.

Eric Jelinski recognized Tim Murphy for 15 years of service and Margaret Dowling for 20 years of service with Parks and Rec.

Brian Stanberry recognized Tim Lawrie for 20 years of service with Environmental.

2. Discussion on Freeman Park and Parking Updates

Assistant Town Manager Ed Parvin led a discussion on proposed updates to the Freeman Park ordinance and parking in general for the 2021 season. Action will be requested at the November 10 regular meeting.

Each year parking permits feature a new color. For 2021, they will be green. Permit prices for 2021 are as follows:

- Resident parking/re-entry: \$40 + \$10 after June 1
- Resident re-entry only: \$2 + \$10 penalty after June 1
- Non-resident parking: \$175
- Golf cart resident parking: \$40
- Golf cart non-resident parking: \$100
- Central Business District employee: \$100

Other parking prices for 2021 are:

- Parking lots: \$20/\$5
- Meters without time restrictions: \$5
- Meters with time restrictions: \$3/hour

#### Cost/Benefit Options for Parking Collections

##### ParkMobile

- COST: User fees - \$.30 per transaction that customer pays. Convenience fees – 3% of the total amount + \$0.15 per transaction.
- BENEFITS: No setup fees because we already use them.
- PROBLEMS: Have had issue with enforcement app not showing everyone who has paid, reporting is extremely difficult and time-consuming, they are slow to fix issues.

##### Text2Park

- COST: \$250 for first 10 lots/areas, \$0 after that to set up through rest of the town. Fees are: User fees - \$0.10 per car, Convenience fee – 3% + \$0.50 per transaction. (There is the ability to push some or all fees to customer.)
- BENEFITS: We already use it in two of our lots, they will provide first 5 signs for free. Working on integrating with LPR software for LPR car, reporting takes very little time and effort and have had no issues writing citations for people who paid with Text2Park and are willing to negotiate some aspects.
- PROBLEMS: Setup is a little cumbersome.

##### Pay By Phone

- COST: Negotiable \$0.35 fee per transaction.
- BENEFITS: Wilmington and Wrightsville Beach use Pay By Phone, they are willing to waive \$250 startup fee, there are no other fees, they provide first round of signs, they provide back office training.
- POTENTIAL PROBLEMS: People will try to use ParkMobile instead of Pay By Phone.

Mr. Parvin said he wanted to get input on which options or combination of options to pursue. Mayor Pro Tem Healy said he thinks Pay By Phone is easier to use. Town Council Member Garza said he also thinks the Pay By Phone app is simple.

Council Member Barbee said he would like to see more branding on Town lots because it's not always easy to identify them without pulling in.

#### Freeman Park Pass Sales and Fees

##### DAY PASSES

OFF-SEASON: \$20

IN-SEASON DURING THE WEEK: \$30

IN-SEASON ON SATURDAY/SUNDAY: \$40

EARLY BIRD SPECIAL: November 23 – December 31: \$110 (transaction fees included)

CAMPING: \$50 Labor Day night until the Thursday before Memorial Day

Campfires – Allowed October through March (must be contained)

ANNUAL PASS: \$225 (transaction fees included)

Off-Season: October 1 – March 31

In-Season: April 1 – September 30

##### Pickup sites for stickers

Town Hall, 1121 North Lake Park Blvd.: 8:00 AM-5:00 PM Monday - Friday

Reef Parking Office, 1708 Canal Drive: 8:00 AM-5:00 PM daily March – October; 8:00 AM-5:00 PM

Monday – Friday November-February

#### Freeman Park Permit Statistics

##### Early Bird

December 2018-2019: 8,049

December and January 2019-2020: 3,671

##### Annual Pass Sales

2018-2019: 9,592

2019-2020: 4,369

##### Day Pass Sales (January 1 – October 25)

2019: 7,306

2020: 11,524

Image to use on pass being finalized.

#### Freeman Park Sales Options

#### Option 1: Existing Plan

- December 1 – December 31 Early Bird in-person sales
- Includes Island Tackle and Hardware as a sales point
- Continue to use Click and Park for all online and in-person sales

#### Option 2: Online Only

- December 1 – 15 Early Bird online sales
- Purchase online and receive a barcode to be scanned at location of sticker pickup
- Least amount of work for additional vendors
- Vendor TBD

#### Option 3: In-Person Only

- December 1 – 31 Early Bird
- Purchase can be any form of payment; each sales location receives a point of sale machine
- Logistics are cleaner than Click and Park
- Reporting is better than Click and Park
- Everything must be filled out manually on paper

Current adopted budget lists Early Bird as November 23 – December 31.

Council Member Barbee said the window seems short for Option 2. Mayor Pro Tem Healy said Option 2 creates a sense of urgency, which is good, but he also acknowledged change is tough for people. Council Member Shuttleworth asked what is wrong with Option 1. Mr. Parvin said there were lots of negatives that make it hard to manage, including many errors due to constant data entry. Mayor Pierce said it was too close to the start time to implement big changes to what people are used to. She said she would like to see both online and in-person options. Council Member Barbee said he likes Option 2 but thinks it can't be the only option. Mr. Parvin said he will change the dates to December 1 – December 31 for all three options and recognized the desire for online and in-person options. He said he will bring back costs.

#### CODE UPDATES

##### Freeman Park

1. Clarified 4-wheel drive vehicles only
2. Expand allowances for towing to include hazardous conditions
3. Clarified camping only allowed in designated areas on Freeman Park
4. Freeman Park pass shall be permanently affixed to the windshield

##### Parking

- Eliminated reference to the official parking map
- Clarified prohibited parking areas
- Clarified parallel parking regulations on the side of a roadway
- Ensured regulations apply to golf carts
- Updated payment procedures for public lots

- Moved parking administration from schedules to “stopping, standing and parking”
- Clarified timeline for immobilization
- Added appeals procedures

Council Member Barbee brought up the issue of Town lots being used as residential parking for buildings. Mr. Parvin said there would be language to prevent “residential overflow.”

#### Schedules

- Removed parking administration
  - Updated street names
3. A briefing on an upcoming Text Amendment related to changes to Chapter 40 – Zoning related to 160D requirements regarding Conditional Zoning, Special Use Permits, and the Table of Permissible Uses – Applicant: Town of Carolina Beach

Senior Planner Miles Murphy gave an update about proposed ordinance changes.

#### Background

- State statute changes from 153/160A to 160D for Zoning
- Many, many changes required in local ordinances
- Conditional Use Permits (CUPs) are no longer permitted
- Transitioning to conditional zoning on attorney’s recommendation
- Reviewing table of permissible uses at Council direction to reassess which uses really need additional scrutiny and where uses are permitted
- Many more 160D changes coming...

#### Takeaways

- CUPs and the quasi-judicial process are going away
- Reducing number of CUPs required in table of permissible uses
- Conditional zoning replaces CUPs as a legislative process
- Easier
- Ex parte communication permitted
- No 7 specific standards and 4 general conditions to be met

#### CUP to SUP

- All references and procedures related to CUPs are changed to Special Use Permits (SUPs)
- Procedures remain largely unchanged
- No uses are required to be handled by SUPs unless Council wishes they be handled that way
- Quasi-judicial procedures are still used

#### Legislative (Conditional Zoning) vs. Quasi-Judicial (CUP/SUP)

#### Notice of Hearings

Legislative: Both newspaper notice and mailed notice to owners and neighbors are required.



Quasi-Judicial: Only notice to parties to the matter is required unless ordinance mandates otherwise.

#### Speakers at Hearings

Legislative: Number of speakers, time for speakers can be reasonably limited.

Quasi-Judicial: Witnesses presenting testimony can be limited to relevant evidence that is not repetitious.

#### Evidence

Legislative: None is required; members are free to discuss issue outside hearing.

Quasi-Judicial: Substantial, competent, material evidence must be put in the record; witnesses are under oath, subject to cross-examination; no discussion of the case outside the hearing is allowed.

#### Findings

Legislative: None are required.

Quasi-Judicial: Written findings of fact are required.

#### Records

Legislative: Regular minutes are satisfactory.

Quasi-Judicial: Detailed record of testimony is required; clerk should retain all exhibits during period of potential appeal.

#### Conditional Zoning

##### PURPOSE

- A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.
- Some land uses have significant impacts on both the surrounding area and on the entire community which cannot always be predetermined and controlled by general district standards.
- A general district designation allowing such a use by right would not be appropriate.
- Provides accommodation by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with neighboring properties.
- A conditional zoning district is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved district or area plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.
- A conditional zoning and a zoning map amendment are occurring simultaneously in a conditional zoning hearing.

#### Conditional Zoning

##### PUBLIC INPUT MEETING

- Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator.

- The report for the public hearing will include a summary of the public input meeting.
- The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.
- The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
- The applicant's report of the meeting shall include:
  - A copy of the letter announcing the meeting
  - A list of adjoining property owners contacted
  - Attendance rosters
  - A summary of the issues discussed
  - The results of the meeting including changes to the project's proposal, if any.

### Conditional Zoning

#### CONDITIONS TO APPROVAL OF PETITION

- Any such conditions should relate to the relationship of the proposed use to the impact on the following details:
  - Town services
  - Surrounding property
  - Proposed support facilities such as parking areas and driveways
  - Pedestrian and vehicular circulation systems
  - Screening and buffer areas
  - Timing of development
  - Street and right-of-way improvements
  - Infrastructure improvements (i.e. water)
  - Provision of open space
  - Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose
  - May include right-of-way dedication, easements for streets, water, sewer, or other public utilities necessary for development
- The petitioner shall consider and respond to any such conditions after the Planning & Zoning Commission
- If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.
- If any condition required at approval is later found to be illegal, the petition shall be returned to Town Council to reevaluate and adjust any conditions accordingly.

### Conditions

#### Appropriate

- Density: stricter max than district
- Signage: height or location restriction

- Uses: no drive-thru
- Design issues: off-street parking and outdoor storage prohibited, traffic design, exterior structures made of primarily brick

#### Inappropriate

- Cannot repeat existing requirements: stating same conditions required by existing rules
- Cannot dictate who will live there or dictate price or lot size: Fair Housing Law
- Cannot be less restrictive than underlying district
- Must be quantitative: "add some additional landscaping," specify type location amount

#### Conditional Zoning

##### EFFECT OF APPROVAL

- An approved petition shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions.
  - Shall constitute the zoning regulations for the approved district and are binding on the property.
- Subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" (for example "CBD-CZ").
- No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.
- Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

Commissioner Shuttleworth and Mayor Pierce expressed concerns that these changes could cause subjectivity and essentially have Council telling property owners what they can do with their own property. Council Member Barbee said he agreed that this could be very empowering to Council, which could be good or bad.

Mr. Murphy reviewed the table of permissible uses. Council Member Garza said this item requires its own workshop. Ms. Fox said this is a great idea because it would allow Council to review everything before further discussion with examples.

#### Recommendation

Planning and Zoning approved the text amendment as presented with 3 changes:

- Keep day care facilities as a conditional zoning use in strictly residential zones (R1-R3 and MH)
- Keep drop-in day care facilities as a conditional zoning use in strictly residential zones (R1-R3 and MH)
- Keep library facilities as a conditional zoning use in strictly residential zones (R1-R3 and MH)

#### 4. CAMA Oceanfront Setbacks Discussion - Development Line vs Static Line Exception – Applicant: Town of Carolina Beach

The Division of Coastal Management notified the Town on October 2 that the Coastal Resource Commission (CRC) held a virtual meeting in September and declared that if a community has been granted a Static Line Exception and a Development Line, only one may be applied within the bounds of the community's beach nourishment project. A community will not be permitted to have both a Development Line and a Static Line Exception when issuing permits pursuant to the Coastal Area Management Act of 1974 (CAMA). The CRC is requiring the Town to decide which setback rule the Town would like to use.

Planning Director Jeremy Hardison said the Town has had the Static Line Exception since 2009 and the Development Line since 2016. He said there is no timeline for making the choice, but CAMA permits for oceanfront development will not be issued until there is a decision.

Mr. Hardison gave background on the issue.

##### 1925 - 1962

There was not a specific established method for placement of oceanfront structures that took erosion and beach dynamics into consideration. There was no dune or vegetation in place during this time. Two major events happened that impacted the coastline in the 1950s. 1) Carolina Beach Inlet was artificially opened by local interests in September 1952. Prior to its opening, the beach was continuous from Carolina Beach north to Masonboro Inlet with shoreline changes along the entire area relatively moderate. Immediately following the opening of the inlet, the shoreline south of the inlet began to erode at an accelerated rate. 2) Hurricane Hazel in 1954, a Category 4 event that brought significant damage and recognition of the need to manage storm risk in Carolina Beach. As a result of the sporadic placement of structures to the ocean, many started to become threatened by beach attrition and repetitive flooding by 1962.

##### 1963- 1978

In response to the cumulative effects of the inlet-related and storm-induced shoreline retreats, Congress passed the Flood Control Act of 1962, which led the way to fund and authorized federal storm damage reduction project (beach nourishment). One of the conditions for federal participation in the project was the assurance the beach would remain open to the public for the life of the project. Prior to project construction, the Town established a Building Line. Authority to establish the Building Line was provided by a special act of state legislature in 1963. All lands located seaward of the Building Line are in public ownership. The Building Line would become the build-to line for oceanfront development, and no structures could be authorized to go past it other than beach crossovers and piers.

The federal storm damage reduction project was constructed seaward of the Building Line with the Building Line serving as the approximate landward toe of the dune. The Town was the first nourishment project in North Carolina that took place in 1964 that consisted of a 25-foot-wide vegetated dune fronted by a 50-foot-wide storm berm.

### 1979- 2008

CAMA of 1974 was passed by the N.C. General Assembly for guiding development for N.C. coastal communities and created the CRC to be responsible for creating policies. In 1979, oceanfront setbacks were introduced statewide. CAMA used the first line of stable natural vegetation to measure setbacks. There were two setback factors utilized and based off annual erosion rates:

- 1) Small structure setback – structures less than 5,000 sq. ft., setback 60’ from the stable natural vegetation
- 2) Large structure setback – structures 5,000 sq. ft. or more, setback 120’ from the stable natural vegetation

The Town has had a healthy coastal storm damage reduction project since 1980. Through local beach management, the dune vegetation has expanded oceanward over the years, but the CAMA measurement line for setbacks was still based off where the vegetation line was at the inception of CAMA, known as the Static CAMA Vegetation Line. The Static CAMA Vegetation Line was codified in 1996 in part based on three factors:

- 1) Engineered beaches erode at least as fast as, if not faster than, pre-project beach;
- 2) There is no assurance of future funding or beach-compatible sand for project maintenance; and
- 3) Development tied to a vegetation line in artificially forced systems could be located so as to be more vulnerable (closer to the shoreline) to natural hazards along the oceanfront.

### 2009 Static Line Exception

In 2009, CAMA adopted new rules for oceanfront setbacks with the introduction of graduated setbacks based off the size of structures measured from the static vegetation line.

CAMA did want to recognize local government efforts and long-term commitments to managing oceanfront erosion by creating the Static Vegetation Line Exception rules, which would exempt oceanfront communities from the graduated setbacks. To be eligible for this exception, a community must petition the CRC by providing a beach management plan that describes the project area and design, identify sediment sources, identify funding sources to maintain the initial large-scale project and provide an update on project effectiveness and how it will continue to be maintained. The plan must be updated and presented to the CRC every five years for reauthorization.

The Town was granted a Static Line Exception in 2009 after presenting the Beach Plan Report. The reason the Town applied for the exception was not to allow for development to move more seaward but rather the concern that the rule establishing graduated setback requirements for structures based on size could render many oceanfront structures non-conforming based on the present location of the Static Line and not be able to rebuild following major damage resulting from a weather-related event. The Town wanted to prevent more structures from becoming non-conforming with the new rule. The existing non-conforming structures were 64 buildings and over 800 units.

The approval of the Static Line Exception did allow some development to be measured from the natural vegetation line rather than the Static Line under the following conditions:

- Development meet the minimum setback of 60 feet or 30 times the erosion rate, whichever is greater, as measured from the vegetation line;

- Development setbacks are calculated from the shoreline erosion rate in place at the time of permit issuance;
- Total floor area of a building is no greater than 2,500 sq. ft.
- No portion of a building or structure, including roof overhangs and elevated portions that cantilevered, knee braced or otherwise extended beyond the support of pilings or footings extends oceanward of the landward-most adjacent building or structure; and
- Swimming pools are not allowed oceanward of the static vegetation line.

Since the Town was granted the 2009 Static Line Exception, the CRC has reauthorized the town in 2015 and 2020 after staff provided the following;

- Design changes to the initial large-scale beach fill project
- Design changes to the location and volume of compatible sediment necessary to construct and maintain the large-scale beach fill project
- Changes in the financial resources or funding sources necessary to fund the large-scale beach fill project

#### 2016 Development Line

Prior to 2016, Town staff was notified by the real estate industry that many “non-conforming” units were not able to secure financing because of new lending procedures. The Town met with lenders and real estate professionals with CAMA discussing the state and local non-conforming regulations. The Town’s nonconforming regulations allow a building to be rebuilt in the same footprint if it is destroyed by fire, wind, flood or other catastrophic event. The CAMA regulations were more restrictive: If a structure is destroyed more than 50 percent, then it shall meet current setbacks regardless of how it was destroyed. This is problematic for many non-conforming structures because the setback places them near or completely in the street. In these cases, if the setback were measured from the current vegetation line rather than the Static Vegetation Line, then it could be rebuilt in the same footprint. The issue was brought to the Coastal Resource Commission. Commission found that some communities had demonstrated a long-term commitment to beach nourishment and maintenance of their nourished beaches. Due to this long-term commitment, the vegetation had become stable and migrated oceanward of the static line. To recognize local government efforts to address erosion through long-term beach nourishment and offer relief from the Static Vegetation Line requirements, the CRC adopted the “Development Line” option. A Development Line is an established line adopted by the local government that represents where structures can build up to, as long as the structure meets the setbacks utilizing the vegetation line when measuring oceanfront setbacks.

The Town was approved for a Development Line by the CRC, which utilized the 1963 Building Line as the Development Line. This abled the majority of the oceanfront buildings to be rebuilt in its current footprint. The only area that does not benefit from the rules are the non-conforming homes located along the rock revetment because of the limited vegetation.

#### 2016 Amended Non-Conforming Regulations

CAMA amended the non-conforming regulations that allowed structures to be rebuilt that are below 10,000 sq. ft. if they meet the 60’ setback from the natural stable vegetation line or the middle of the rocks where the rock revetment is located. There are several structures that are adjacent to the rocks that would still not be able to be rebuilt.

### 2016 Amended the Static Line Exception Rule

Removed the condition that limited development to 2,500 sq. ft. in order to utilize the exception.

### 2020 Static Line Exception or Development Line

The Town must decide which line it wants to utilize for oceanfront setbacks according to the CRC, although the CRC did grant the town the Static Line Exception in 2009 and the Development Line in 2016.

### 2020 Version of the Static Line Exception vs. Development Line

Both the Static Line Exception and the Development Line can now measure from the existing natural stable vegetation line, but the graduated setbacks still would apply to the building line, but not the Static Vegetation Line Exception. With the Static Vegetation Line Exception, however, you cannot go oceanward of the adjacent structures and must provide an updated beach management plan every 5 years, demonstrating a financial plan, sand resource and a committed storm reduction plan. With the flexibility of not having graduated setbacks and being able to develop to the Development Line, there are only 6 non-conforming buildings. If the Town decides to go with the Static Vegetation Line Exception, then 27 structures would not be able to build in the same footprint on the lot because they sit further out from the adjacent structure. If the Town decided to go with the Development Line, then 18 structures would be non-conforming because of their size with the graduated setbacks.

Council Member Barbee said he doesn't want to see more non-conforming structures and feels there is not a clear answer as to which option Council should choose. He said either way somebody is going to lose and that Council is not in the business of taking property rights away from people if they can help it. He asked what the chances are of the Town making a case to keep both options. Mr. Hardison said Town staff could speak to the CRC at its upcoming virtual meeting on November 18.

## 5. Manager's Update

Mr. Oakley updated Council on current and future projects. He said the Police Chief search resulted in 71 applications, some of which are very qualified, and the Town is in the process of scheduling interviews.

Mr. Oakley said the November Council workshop will be moved to November 17 and that former Congressman Mike McIntyre would be present to discuss some of the things approved last month. Mr. Oakley said there also may be a presentation on the efficiency study, which is currently being finalized. Council Member Garza said the new date would be too early to discuss the outcome of the CRC meeting, but Mr. Oakley said the workshop can be continued to another date if necessary.

Mr. Oakley also presented the following based on a previous inquiry from Council Member Barbee:

### 5-Year Capital Improvements Program

Enterprise Fund Capital  
Water Projects - \$11,781,021

Sewer Projects - \$9,093,021  
 Stormwater Projects - \$6,867,511

General Fund Capital Projects

Planning - \$26,000  
 Police - \$800,000  
 Fire - \$1,496,445  
 Marina - \$600,000  
 Parking - \$14,000  
 Parks and Rec - \$1,615,000  
 Misc. - \$565,445

Enterprise Fund- \$27,241,553  
 General Fund - \$5,797,097

TOTAL: \$33,038,650

Mayor Pierce asked where the Town is with the Hamlet and marina projects. Mr. Oakley said the Town is going out to bid to get better pricing for the Hamlet project, and for the marina project the Town is working with the engineer and met with CAMA on site about options. He said that project is estimated at \$3 million and there is a \$2.1 million Golden LEAF Foundation grant, so the Town is still looking at how to come up with the shortfall. Mayor Pierce also asked about Military Ocean Terminal Sunny Point (MOTSU) permissions, and Mr. Oakley said there was nothing new to report at this time.

Council Member Barbee said the Town needs to find a way to make the Hamlet project happen for the 2021 season. He also asked whether a new Police Chief would be hired before Police Chief Spivey's retirement so there is some overlap. Mr. Oakley said he hopes so, but it will be a tight window. Council Member Barbee asked whether there had been any feedback from the engineering firm the Town had engaged to look at options for the MOTSU lake dredge issue. Mr. Oakley said the Town had heard recommendations but was waiting for proposal of a design-build method.

Council member Garza asked if the Town had any ideas for how to make up for lost Freeman Park revenue. Mr. Oakley said the parking program had a good year and would serve to offset this. Council Member Garza said he was curious to see how much this will impact the budget. Mayor Pro Tem Healy said he was pleased to see how many Freeman Park day passes were sold.

**NON-AGENDA ITEMS**

Council Member Garza mentioned resident complaints about the poor condition of Boardwalk bathrooms. Mr. Oakley said he will follow up on this.

Council Member Barbee said he had received an email complaint about a surf contest and asked if it was permitted by the Town. Tim Murphy of Parks & Recreation said there were several surf contests permitted for the North End this year. He said the Town could look at limiting usage if there were problems. Mayor Pierce said these types of events are clean and successful, and therefore she would hesitate to place limits on them. Mr. Murphy said he will follow up with the organizers to make sure



they know the Town can't move people from the beach. Council Member Garza suggested introducing the person with the complaint to the organizers to break the communication barrier. Mr. Murphy said he will make sure the people on the North End are aware of dates for future events.

Mayor Pro Tem Healy brought up Ordinance 20-1146 and the section that focuses on the conduct of visitors to Freeman Park: "not do anything commonly considered to be offensive, distasteful, or insulting to other visitors." He said he had a discussion with a neighbor about some of the flags flying on vehicles out there. Ms. Fox said the Town cannot restrict flags based on content and would therefore have to ban all flags or allow all flags. Mayor Pierce said this issue goes back to freedom of speech. Council Member Barbee said if no flags are allowed, then the Town would have to tell people they can't fly the American flag. Mayor Pierce asked Bruce to look into the issue and said what's offensive to one person may not be offensive to someone else.

#### **CLOSED SESSION IF NEEDED**

**ACTION:** Motion to enter in closed session in accordance with NCGS 143-318.11(3) to consult with the Town Attorney to include a discussion about 20 CVS 1444 CBYC LLC vs. Town of Carolina Beach  
Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza  
Motion passes 4-0 (Council Member Shuttleworth was not present at this time)

Council went into closed session at approximately 11:40 PM. Upon Council's return from closed session at 12:00 PM, Mayor Pierce stated that no action was taken.

#### **ADJOURNMENT**

**ACTION:** Motion to adjourn  
Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza  
Motion passes 4-0 (Council Member Shuttleworth was not present at this time)

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, November 10, 2020 – 6:30 PM

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



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## MINUTES

### CALL TO ORDER WITH INVOCATION GIVEN BY GAYLE TABOR

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

### PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

### ALSO PRESENT

Town Manager Bruce Oakley

Town Clerk Kim Ward

Town Attorney Noel Fox

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Pierce

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

Motion passes unanimously

### CONSENT AGENDA

1. Budget Amendments/Transfers
2. ROT Reimbursement Request for \$383,372.59
3. Set Public Hearing Date for December 8<sup>th</sup> to Consider a Conditional Use Permit for a 5-Unit Residential Planned Unit Development to be located at 216 Spartanburg (PIN - 3130-32-7671) Applicant: Laurel Companies LLC.
4. Set Public Hearing Date for December 8<sup>th</sup> to Consider a Text Amendment Chapter 40 Sec. 40-72 Table of Permissible Uses regarding Multi-Family projects and Residential Planned Unit Developments Applicant: Town of Carolina Beach
5. Approval of Meeting Minutes from 10/13/2020

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

Motion made by Mayor Pierce

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

### **SPECIAL PRESENTATIONS**

#### 6. Presentation of Annual Financial Audit

Victor Blackburn of Bernard Robinson & Company presented a summary of the annual financial audit, which is for the fiscal year ending June 30, 2020. The Town again received an unmodified or clean opinion. Mr. Blackburn said he was surprised the Town was not hit harder financially due to its dependence on tourism, which in general has been greatly affected by the COVID-19 pandemic.

Mayor Pierce said this was a much better report than expected given the shutdowns last spring, and she considered it good news.

The annual audit report is available online:

[www.carolinabeach.org/government/departments/finance/annual-audit-reports](http://www.carolinabeach.org/government/departments/finance/annual-audit-reports)

#### 7. Request to approve Healing and Arts Music festival

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator for the Town, gave information about a proposal for a new event. Longtime Town resident Lisa Pendergraft is requesting to hold the first Healing and Arts Music Festival at the Carolina Beach Lake on March 20, 2021. The event would run from 10:00 AM-9:00 PM and host several vendors, including food/alcohol sales. There would be live music throughout the day and a designated area for people to look at various VW vehicles. The Town Events Committee recommends approval.

Ms. Pendergraft said she feels strongly about bringing this event to the community. It will feature drum circles, celebration of life events, and a sunset memorial for those who passed away in 2020. Admission will be the donation of a non-perishable food or hygiene item. There are plans for hand-sanitizing stations, and wearing masks will be encouraged.

Mayor Pierce said this sounds like a great off-season event.

**ACTION:** Motion to approve the Healing and Arts Music Festival for March 20, 2021, pending any COVID issues

Motion made by Mayor Pierce

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

Motion passes unanimously

In response to an email she received, Mayor Pierce asked Mr. Murphy to look into more signage about mask use and more stations for hand sanitizer at the lake. Mr. Murphy said he will do this.

#### 8. Request to approve Golf Cart Christmas Parade

Mr. Murphy gave information about a proposal for a new holiday event. The Island Men are requesting approval for a Christmas Golf Cart Rally on the evening of Saturday, December 5. It will be similar to the recent Halloween rally, beginning at Publix and terminating at the Boardwalk area. The exact route is to be determined and may differ slightly from the Halloween event. Mr. Murphy said the request had to be fast-tracked due to the quick time frame, so the Town Events Committee has not voted on it, although members have been briefed and voiced minimal concerns.

Roy Lee Carter of The Island Men said the event is being referred to as a Christmas Golf Cart Extravaganza rather than a parade because state COVID-19 regulations do not allow for parades. He said his group is requesting that participants make donations to buy food for the Help Center of Federal Point.

Former Mayor Joe Benson of The Island Men also spoke to Council about the rally and asked if the Town can help with notifying residents about the event.

Mayor Pierce asked The Island Men representatives to let participants know when they apply that they need to practice social distancing and wear masks during the event. Mr. Carter said participants will stay in their golf carts and refrain from gathering.

Council Member Barbee said the group should be careful with any route changes to ensure the event does not encourage people to congregate in public spaces. The Halloween rally route was designed to traverse through residential neighborhoods so people could see the event from their yards.

**ACTION:** Motion to approve the Island Men Golf Cart Christmas Extravaganza on Saturday, December 5  
Motion made by Mayor Pierce

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

Motion passes unanimously

Mr. Murphy also mentioned the following upcoming events:

- Holiday-themed sandcastle building contest 12/12 11:00 AM-2:00 PM
- Saturday Santa Sleigh Rides 12/12 and 12/19
- Holiday decorated coves, parking meters on parade, letters to Santa

Mayor Pierce asked if the mailbox for letters to Santa is out yet. Mr. Murphy said it will go up right after Thanksgiving in front of the Rec Center.

## 9. Manager's Update

Mr. Oakley gave a brief update on the latest state regulations regarding COVID-19. Gov. Roy Cooper announced today that the state will remain in Phase 3 through December 4. The size of indoor gatherings has been reduced from 25 to 10, but this change does not affect restaurants, schools, and churches. This goes into effect Friday at 5:00 PM.

Mr. Oakley reported that the efficiency study is complete, and Council will receive copies. The consultant will be at the workshop on Tuesday to present findings and answer questions, and the study will go online for public review.

Mr. Oakley said Town staff has been looking into email complaints about flooding on Bertram Drive. He said there were some stormwater devices installed, so Town staff will check to be sure they were done properly and otherwise try to determine the cause of the flooding. There was already a meeting on another matter scheduled for Friday with the developers of the project in question, so that will give an opportunity to discuss the flooding concerns and then respond to the affected residents.

#### Town Marina Project Update

Present project to Business and Economic Development Committee: November 18

Present to boat captains: Early December

Public presentation via Zoom: Mid-December

Finalize design/permitting: January/February 2021

Advertise for bids: March/April

Award bid: May/June

Start construction: July/August 2021

Construction duration: 20 months (spring 2023)

#### Funding

Total project cost: \$3,017,847

Golden LEAF Foundation Grant: \$2,112,493

Potential Funding: FEMA PA funding, FEMA BRIC grant, Resilient Coastal Communities Program, Town General Fund

#### Hamlet Public Restrooms and Ocean Rescue

- The project is out to bid.
- Posts on the Town website and Facebook link to BidNet for the bid documents.
- The architecture firm for the project, Dunn & Dalton, is managing the bidding.
- The pre-bid meeting was held Monday, November 9.
- The closing date is Tuesday, December 8.
- Bidders have been asked to include a construction timeline with their submissions.

Assistant Town Manager Ed Parvin updated Council about the oceanfront setback proposed rule discussion. He said the Coastal Resources Commission (CRC) virtual meeting is on November 18. He reviewed points from the oceanfront rules and implementation discussion that will take place then. Mr. Parvin said Town staff can submit a written summary of concerns about having to make a choice between the Static Line and Development Line. He said the Town is leaning toward choosing the Static Line, which gives more flexibility and will cause fewer non-conforming structures. Council Member Garza asked whether the plan was still to push for the option to use both, as discussed at Council's last workshop. Mr. Parvin said the Town can let the CRC know continued use of both is preferable, but he said the CRC may push for the Town to choose one or the other. Council Member Garza asked Town staff to speak during the public comment section of the meeting in addition to submitting written

comments. Council Member Barbee said if the Town must choose one, Council needs more specifics about exactly who will be affected so they can have a voice in the decision.

Council Member Shuttleworth asked whether Shoreline Management Specialist Ken Richardson, who is writing the rules, could speak to Council. Planning Director Jeremy Hardison said he thinks Mr. Richardson would be willing to make a presentation. Mayor Pierce asked Town staff to set this up. Council Member Barbee said his main concern is that that another government agency is asking the Town to make a decision about rules they haven't defined yet. He said this is a problem for property owners, and the Town needs to protect them and at least ensure they know what's coming.

Council Member Shuttleworth said the Town has a robust beach nourishment program, unlike many other coastal communities. He said a rule written for the entire coastline is not necessarily appropriate for the Town and would like to see something more specific to us. Mayor Pierce said she agreed that coastal communities have different issues and one size doesn't fit all.

#### **PUBLIC COMMENT**

Casey White of 703 Magnolia Avenue passed out material to Council members. She said she was speaking on behalf of residents of the R-3 district and had a petition representing those who were not present.

Kent Bizzell of 716 Hamlet Avenue joined her at the microphone and detailed neighborhood concerns about a boarding/rooming house that has been operating in the area for several years. He said the Town has been aware of the issue for years, but problems persist. Mr. Bizzell said the house consists of five or more unrelated people renting out rooms with no lease agreements, no taxes, no regulations, and no criminal background checks.

Ms. White said over the past three years, there have been over 54 calls to 911 from the residence and numerous calls to 911 about residence. She asked Council to take note of how many of those are for assault, domestic disturbance, harassment, and overdose. She said gunshots came from the residence earlier this year, and her neighbor regularly finds hypodermic needles while mowing the lawn. Ms. White said another neighbor has been forced to execute restraining and criminal trespass orders due to threats of violence and destruction of property. She said it's not safe for children to play in the neighborhood because people who rent rooms in the house have extensive criminal records. Ms. White said it's time for the Town to enforce rules and codes that exist to stop the non-conforming rooming house at 710 Monroe Avenue and keep this from happening anywhere else in the R-3 district before it becomes a tragedy.

Mr. Oakley said Town staff has met with neighbors and investigated the house but determined the current ordinance made it tough to enforce any actions against it. He said the Town is aware of the issue and is working on finding a solution.

Ms. White said the Town's ordinance is very similar to that of other neighboring municipalities and they enforce it as such. She said she is worried that if the ordinance needs to be rewritten, this property will be grandfathered.

Mayor Pierce said she has ownership in a property in close proximity to the house in question, so she is aware of the issue. She asked Mr. Oakley to revisit the matter and do some additional research on possible remedies.

Lynne Denne of 100 7th Street said she wanted to reiterate all the concerns detailed by her neighbors. She said she has been finding hypodermic needles when mowing the right-of-way areas of the neighborhood, and police and rescue are often at the house. She said she doesn't understand why the Town is trying to rewrite ordinances that already exist instead of enforcing what's already there.

Paul Wicker of 812 Monroe Avenue said he and his family are worried when they hear fireworks that they could be gunshots coming from the house. He said it is frustrating that code is not being followed and urged the Town to act.

Mayor Pierce told residents if the current ordinance provided the means to take action, it would be done. She said Town staff must first revisit the ordinance.

Mike Hoffer, chairman of the Town's Bike/Pedestrian Committee, said he is frustrated that nothing is happening with the bike and pedestrian project proposals his committee has brought before the Town. He asked Council members to use their authority to stress to Mr. Oakley that these projects are important and should be prioritized.

Council Member Shuttleworth said he agreed that the projects are a priority, but not as big a priority as other projects that have come into play. He said when you look at the overall situation, the dollars and timing aren't currently there for the bike/pedestrian projects.

Mayor Pierce said she appreciated Mr. Hoffer's passion and the great job he is doing, but Council must defer to Mr. Oakley to make fiscal decisions about what should be a priority. Mr. Hoffer said some of the projects are small and could be accomplished with volunteers.

## **PUBLIC HEARINGS**

10. Consider a Conditional Use Permit for an 8-Unit Residential Multi-Family Development to be located at 202 S. Carolina Beach Avenue (PIN - 3130-54-2234)  
Applicant: Too Construction Inc

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

Motion made by Mayor Pierce

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

Motion passes unanimously

The following individuals were sworn in: Jeremy Hardison, Ed Parvin, Ned Barnes, and Chad Shingleton

Mayor Pierce: OK, and at this time I'll open the evidentiary hearing. All in favor? All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: Thank you, gentlemen. Attorney Fox, would you please give us a brief description of this proceeding?

Ms. Fox: I heard the word "brief." I will try to make it so. As you all know, this is a quasi-judicial matter. It means it's an evidentiary hearing much like would occur in a court of law. The board must follow specific procedures required by state law in making its decision. While the rules of evidence don't strictly apply, we should try to adhere to those rules. All the testimony this evening will be under oath, and you are to make your decision based on competent, relevant, and substantial evidence in the record. If you are speaking as a witness, please focus on facts and standards, not personal preferences. If you intend to testify, please do not offer unsupported opinions or speculation. The board cannot consider this testimony. Please limit your testimony to relevant, competent, and substantial and material evidence. Competent evidence is not opinion testimony of lay witnesses about the use of a particular property in the way that it would affect the value of other property, the increase in the vehicular traffic resulting from a proposed use would pose a danger to public safety, or matters about which only an expert would be able to testify in a court of law. Before we begin the hearing, parties before you tonight are entitled to an impartial decision maker. If you have a conflict of interest, you may not participate. A conflict exists if you have a close familial, business, or personal relationship with a person or a financial interest in the outcome of the matter. Does any matter member of the board have any conflict partiality to disclose or recusal to offer? Does any board member have any ex parte communications to disclose?

Mayor Pierce: So at this time, is there any person in the in attendance who contends they have are a party with standing? If so, we'll have a standing hearing. OK, no one with standing, so Jeremy, proceed.

Mr. Hardison: Mayor, thank you. Good evening, Town Council. This is a Conditional Use Permit for an 8-unit multi-family building, one building. It is located at 202 Carolina Beach Avenue South. This is a through lot from the front of Woody Hewett Avenue and also Carolina Beach Avenue South. It is a 125 110 footprint lot. It's for and it's just under 14,000 square feet. It's located in the T-1 zoning district, which means for tourists. Majority of the area is has been developed for residential. It does about the Central Business District that's across from Hamlet and also the Mixed Use district. The T-1 is a high to moderate density district. Multi-family is allowed with a Conditional Use Permit, which is three units or more. Before you have the dimensional standards for and requirements in the T-1 zoning district that allows for 29 units per acre and a 50-foot height limit max. Here's the current status of the property. It's vacant. There are different types of residential uses. A mix is across to the west of the property. On Woody Hewett is a couple of single-family homes. On the east side across from Carolina Beach Avenue South is Carolina Surf, which is a 28-unit multi-family complex. To the north is two units on Carolina Beach Avenue South as well as a on the south is a single-family home, and behind that is a 10-unit multi-family structure. Before you is the site plan for ingress and ingress to the property. Four units will be facing Woody Hewett, and four units are facing Carolina Beach Avenue South with their proposal. Each right-of-way will have two driveways, and access to the driveways will accommodate two units. The Town or staff is requesting a 4-foot sidewalk along Carolina Beach Avenue South. There's a current sidewalk there now, but it does dead end right before the property, so we're recommending to extend that sidewalk to the existing sidewalk, and the applicant said that he could would have no problems meeting that condition. Specific standards continued for off-street parking based off three bedrooms.



They are required to have 20 parking spaces, which they have met. They will have rollout for their trash services. There's no upgrades proposed for the utilities. A 10-foot landscape buffer around the perimeter of the property is required, which they are meeting. No signage is proposed at this time, and they are meeting the open space and setback requirements as far and as meet the lot coverage. All units will meet a two-hour minimum firewall separation requirement, and the building will have a sprinkler system. The max density for this property would be is nine units. They are proposing eight. The applicant must meet four general conditions, as you have before you. The Land Use Plan that has this area is Mixed Use, and the desired uses are residential and commercial lodging uses, and it serves as a transitional area for more intense and dense use from oceanfront multi-family in the Central Business District. Planning and Zoning did hear this last month and recommended approval along with the sidewalk condition, and I'll answer any questions that you have.

Mayor Pierce: There any questions for staff? We'll revisit that.

Mr. Hardison: And the applicant is here.

Mayor Pierce: Will the applicant like to present?

Mr. Barnes: Good evening, Madam Mayor, Council Members. Ned Barnes, 814 Carolina Beach Avenue North. I, too, shall be brief as Jeremy reviewed all the issues as relates to this project. The ingress egress, there's no issues with that. Again, we have eight units when we could build nine units. You have four units entering off of Woody Hewett. You have four units where the traffic where the owners will be entering off Carolina Beach Avenue South, so there should be no issue at all with any kind of ingress egress. There's absolutely no need for off-street parking. We've met all the parking requirements as established by the code of Carolina Beach. They have the standard residential refuse and trash service, the standard utilities that any residence has with Duke Energy and the utilities provided by the Town of Carolina Beach. Jeremy attested that they have met the 10-foot buffer requirement. They have conceded d to the sidewalk to be extended across the property. So again, with the as far as the seven specifics, we think we meet those without question. The general conditions, again as Jeremy alluded to, it's completely surrounded northeast and south of residential units. These will be residential units. I can't see of any scenario with this would in any way impair the value of the adjoining properties, nor do I see any scenario where this would impair the safety of the public as it relates to this matter. The height restriction, we've met that, and I think he's complying with everything that TRC has requested, everything that staff has requested related to this project. Chad is here, the builder. If you have any specific questions for him about the project, he'll be glad to answer those.

Mayor Pierce: Does Council have any questions? Is there anyone from the public who'd like to speak on this topic? OK, no one from the public. Any questions for staff? Any discussion?

Council Member Garza: I have none.

Council Member Shuttleworth: Nope. It's pretty straightforward. I'd make a motion to approve the CUP and find it in accordance with the draft grant order that the applicant should provide a 4-foot sidewalk along South Carolina Beach Avenue right-of-way, and it meets the seven specific standards and the four general conditions if developed in accordance to the plan as submitted.

Mayor Pierce: Motion on the table. All in favor?

Council: Aye.

**Mayor Pierce: Motion passes 5-0.**

Council Member Shuttleworth: Just as a point of clarification, Jeremy, this came as a CUP because it is more than two units on one lot. Is that the way I understand that?

Mr. Hardison: Correct.

Council Member Shuttleworth: It met all the other use by right in T-1. So would this be one of those changes that if we adopt the proposals that staff brought to us last work order, I mean, last work session with the changes in the UDO required at the state level, this wouldn't be coming back as a CUP?

Mr. Hardison: Eight units, as staff proposed, would. The cutoff was four units or less would be.

Council Member Shuttleworth: It would, even though it meets all the basic requirements, I mean, it meets all the use by right issues. The only reason, my understanding is the only reason we had to hear it tonight was because it's more than two units on a single lot. So anytime, whether it's in T-1 or anywhere, so I'm just wondering why, and that's fine. I'm just trying to understand what you presented last week, right, as far as potential changes and how we're going to hear CUPs or special zone issues or whatever we're going to call it.

Mr. Hardison: And staff is prepared to look more in depth in those conversations at the workshop for residential.

Council Member Shuttleworth: I mean, this one passed, and it's no issue. I mean, clearly Council felt that it met all the uses and it wasn't an issue, so I'm just trying to unburden staff and allow those approvals without having to go through all that. So anyway, that's it.

Mayor Pierce: So your CUP is approved, and thank you for investing in Carolina Beach, All right, so we will close that public hearing. I make a motion to close that public hearing. All in favor?

**Council: Aye (motion passes unanimously).**

11. Consider amending Chapter 40, Sec. 40-72 & Sec. 40-548 and CHAPTER 10, Sec. 10-3 definitions & Sec. 10-4 General Regulations to address floating homes.

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

Motion made by Mayor Pierce

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

Council Member Shuttleworth  
Motion passes unanimously

Planning Director Jeremy Hardison reviewed the background of the issue, which originated because of complaints about a structure on a platform showing up at Carolina Beach Yacht Club and Marina earlier this year. This prompted investigation into the current ordinance.

Harbor and Marina Ordinance  
Living aboard a boat

- a. The town shall continue to prohibit the occupation of public trust waters by floating homes.
- b. Marinas may allow for liveaboard families on vessels located in approved boat slips.

Definitions

Floating home means a house built on a floating platform without a means of propulsion.

Land Use Plan

Due to the limited surface area of public trust waters for use and enjoyment by the public, floating homes shall not be permitted within the jurisdictional waters of Carolina Beach.

Mr. Hardison said the floating structure in question demonstrated propulsion via two outboards motors, which created a loophole in the intention to prohibit floating homes. Recognizing the need for clarification, Town staff sought to address this as a land use in zoning.

Proposed definition

Floating Structure means a barge-like structure, that is not used as a means of transportation on water but which serves purposes or provides services typically associated with a structure on or other improvement to real property used for human habitation or commerce. Incidental movement or the capability of movement upon water does not preclude a structure from classification as a floating structure. Registration of the structure as a vessel in accordance with NCGS Chapter 75A does not preclude a structure from classification as a floating structure.

Boat (vessel) means watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, paddle, or other means, used to travel from place to place by water. A boat or vessel shall also include any machine designed or intended to travel over water by self-propulsion

The Planning and Zoning Commission recommended approval to prohibit floating structures and adopting a definition.

Mayor Pierce said whatever is adopted tonight would not affect the current structure that brought about the proposed changes, but it would prevent the issue from happening subsequently.

Mayor Pro Tem Healy asked how the Town manages waste discharge and pumpout of vessels. Mr. Parvin said marinas are required by the state to maintain a pumpout log, but the state leaves it up to local government to enforce. He said violations are hard to enforce unless someone actually sees them occurring. He said the Town is building on the program and further enforcement.

**ACTION:** Motion to approve whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that amending Chapter 40 Article III & XVIII and Chapter 10 Sec. 10-3 definitions & Sec. 10-4 to prohibit Floating Structures in public trust waters and define water-oriented uses is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Barbee

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

Motion passes unanimously

Mayor Pierce asked if anyone from the public wanted to speak about floating structures. No one spoke.

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

Motion made by Mayor Pierce

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

Motion passes unanimously

## **ITEMS OF BUSINESS**

12. AN ORDINANCE TO AMEND Chapter 28 Article IV Freeman Park, Chapter 16 Article V Stopping, Standing, and Parking, and Chapter 16 Article VI Schedules. Amendments are designed to update and clarify current practices for parking and access to Freeman Park.

Mr. Parvin gave an overview of the proposed Freeman Park amendments. Every year at the end of the season, the Town evaluates the successes and challenges of its parking program and Freeman Park. This year the Town identified several areas in three articles of the Town Code that needed to be updated to be current with practices.

### Parking and Freeman Park Rules for 2021

#### Freeman Park

1. Clarified 4-wheel-drive vehicles only
2. Expanded allowances for towing to include hazardous conditions
3. Clarified that camping is only allowed in designated areas on Freeman Park
4. Freeman Park pass shall be permanently affixed to the windshield

#### Parking

1. Eliminated reference to the official parking map
2. Clarified prohibited parking areas
3. Clarified parallel parking regulations on the side of a roadway
4. Ensured regulations apply to golf carts
5. Updated payment procedures for public lots
6. Moved parking administration from schedules to "stopping, standing and parking"

7. Clarified timeline for immobilization
8. Added appeals procedures

#### Schedules

1. Removed parking administration from this section
2. Updated street names

Council Member Barbee asked if the proposed amendments were for clarity of enforcement rather than being new rules or changes. Mr. Parvin said yes.

**ACTION:** Motion to adopt Ordinance number 20-1146 to include the recommended changes to Chapter 28 Article IV Freeman Park, Chapter 16 Article V Stopping, Standing, and Parking, and Chapter 16 Article VI Schedules

Motion made by Mayor Pierce

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

Motion passes unanimously

13. Review alternatives and recommendations for selling Parking Stickers and Freeman Park Passes in 2021.

Council set parking sticker and Freeman Park sticker rates for the 2021 season when adopting the budget in June. However, the procedures for collecting and reporting this information are cumbersome and need to be revamped to increase efficiency and customer service. Likewise, the collection reports from the current vendor for parking (ParkMobile) have struggled to provide adequate reporting on revenues collected.

Council will consider vendors for on-site parking, Freeman Park sales, and camping site sales. Based on concerns in the past with current vendors, Town staff plans to recommend some changes from current practices. Town staff would like Council direction on the preferred option for collecting and reporting revenue concerning Freeman Park pass sales, camping permit sales, and parking sticker sales.

Officials from Reef Parking presented a 2019-2020 revenue comparison and an overview of the 2020-2021 parking program.

#### Freeman Park Pass Sales and Fees

- Click and Park will remain third-party vendor that will process sales transactions.
- Annual pass price will be \$110 (including fees) during the sale time frame and \$225 (including fees) when the sale ends. It can be purchased in-person only at Town Hall, the parking office, and Island Tackle.

#### Click and Park Improvements

- Manager Tool – We will have access to the backend software, providing the ability to change pass prices and block or unblock any campsites as needed.

- Cart Limit – They can limit the number of items in someone’s cart to one to prevent accidental purchase of multiple passes.

While these improvements will address some of the historical challenges in the past, we continue to explore additional solutions to further streamline the process and further elevate the user experience.

The mockup of the Freeman Park 2021 pass showed a blue stingray on a purple background.

#### On-street parking options

- ParkMobile – Current system used for all lots and on-street meters
- Text2Park – Current system used in two new lots (Surfside East and West)
- Pay By Phone – Not used by Town of Carolina Beach. Use in Wilmington and Wrightsville Beach

Council heard a rundown of pros and cons for each. Mr. Parvin said the Town is looking to go to Pay By Phone and keep options for Text2Park while doing away with ParkMobile.

#### Paystation vs. Touchless Payment Comparison 2020

- Analysis: fees that were paid by customer and the Town in 2020 with ParkMobile vs. what would have been paid with Text2Park and Pay By Phone

#### Staff Recommendation

- Transition to Pay By Phone for all public lots and metered spaces
- Expand Text2Park into lots without paystations, such as Shell East and Spartanburg
- Freeman Park Early Bird sales window of December 1-31

Council Member Shuttleworth said he would like to see the Freeman Park Early Bird sales window extended because Town Hall will be closed for the holidays for several days during December.

**ACTION:** Motion to approve the Early Bird special for Freeman Park to be implemented from December 1-January 7, 2021

Motion made by Council Member Garza

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

Motion passes unanimously

#### 14. Consider amending Chapter 34, ARTICLE VII. Sec. 34-224 – Unimproved Right-of-way

Mr. Hardison gave an overview of the proposed amendment regarding unimproved rights-of-way. Town staff is proposing to address standards when developing property adjacent to an unimproved road. An unimproved road is a right-of-way that is not paved. In some instances, it is gravel or dirt, or just grass with vegetation. There are a total of 77 lots that access an unpaved road, and 66 of those are vacant.

Typically, a road is improved by the developer at the time of construction or later if the Town decides to pave it. The adjacent property owners can also petition the Town. The cost on improving the road is handled through a property assessment of those properties that are adjacent to the road.

The ordinance does not currently address road improvements on properties that access off an unimproved road. In 2004 when the Wilmington Beach area started going through a building boom off of the existing gravel/dirt streets, the Town policy required a minimum of 20 feet width of gravel with a 6-inch base at the time of the certificate of occupancy final. This was a temporary measure, as the Town was in the process of paving the streets.

Town staff recommends requiring properties to pave the road at the time that development occurs for lots that front on unimproved roads. Paved roads increase safety, add value to the property, and improve environmental conditions vs. gravel roads.

#### Street Improvements

- When development occurs on an existing unimproved right-of-way (dirt, gravel, vegetation), what should the access to the property look like?

#### Street Improvements

- Total of 77 lots (66 vacant) that access an unpaved road
- Current policy must meet minimum fire access (20-foot width and 6 inches of crush and run)
- Proposed requirement
  - Sec. 34-224 –Unimproved Right-of-way  
New development along unpaved roads will be required to install a paved road that runs the length of the property to the adjacent paved road allowing emergency vehicles the ability to operate per the requirements below.
    - (1) Pavement Width - minimum of 20 feet or to the existing width of the adjacent road
    - (2) Material - pavement shall be constructed and compacted to handle the weight of a 75,000-lbs. emergency apparatus
    - (3) Any length of new paved road shall be compliant with Appendix D of NC Fire Code
    - (4) Road construction must be bonded prior to the issuance of a building permit and completed prior to issuance of a certificate of occupancy

Council Member Barbee and Council Member Shuttleworth expressed concerns about the cost of this proposed requirement to prospective homeowners.

#### TRC Recommendation

Amend Chapter 34, ARTICLE VII. - Sec. 34-224 – Unimproved Right-of-way to require paved roads for new development.

- Increase safety: washout, damage to vehicles, difficult to navigate (muddy/uneven)
- Add value to property: reliable and durable access, aesthetics
- Environment: cleaner/less dust, stormwater management

Council Member Shuttleworth said he likes the option of taking no action. Mayor Pierce said she is uncomfortable with the proposed requirement because it would discourage people from building on

properties along an unimproved right-of-way, resulting in devaluing of that property. Council Member Barbee said he doesn't want to vote on the matter at this time and would like to see it come back up at a workshop for further discussion and full understanding by Council.

**ACTION:** Motion to table this until a later date workshop

Motion made by Council Member Barbee

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

Motion passes unanimously

### **NON-AGENDA ITEMS**

Council Member Shuttleworth brought up the condition of the road in the area near Florida Avenue and Canal Drive. He said there are numerous wide and deep potholes. Mr. Oakley said there were plans to pave Carolina Beach Avenue South this winter, but the Town can look at reallocating to do some of the work in this area instead. Mayor Pierce said she challenged Mr. Oakley to come back with a plan on how the Town can do some road improvements to Canal Drive.

Mayor Pro Tem Healy said at a recent Parks and Rec Committee meeting he learned that the Town tried to get land south of Sumter Avenue years ago from Military Ocean Terminal Sunny Point (MOTSU) to increase ballparks and volleyball courts. He said he would like to revisit this in the future and mentioned this would be a good place to distribute spoils from Carolina Beach Lake. Council Member Garza said this was on a previous wish list sent to MOTSU.

Mayor Pro Tem Healy also mentioned the following: offensive graffiti at the skate park, the need for a Town staff liaison to the Beautification Committee, and recognition of a man named Key who works at the Boardwalk and helps keep the area clean.

Council Member Barbee said the mention of the Boardwalk reminded him that he had heard a complaint about the benches being moldy. Mr. Oakley said if that hasn't already been taken care of, it will be soon. Council Member Barbee gave praise to Mr. Oakley and other Town staff for solid fiscal management demonstrated through today's audit and parking presentations. Council Member Barbee also recognized that tomorrow is Veterans Day and thanked veterans for their service.

Council Member Garza mentioned an idea for billing and streamlining recurring fees for business owners. He also reiterated concerns about the condition of Canal Drive and said there are lots of power lines that appear to need attention, including one at Clam Shell Lane. Mr. Oakley said he will contact Duke Energy.

Council Member Shuttleworth said he was frustrated that so many members of the public are complaining that the Town can't enforce an existing ordinance that is similar to what is being enforced elsewhere regarding boarding houses. Mr. Oakley said the current ordinance does not even have a definition of a boarding house. He said Town staff is trying to work on making changes without grandfathering the current use, which is a challenge.



Council Member Shuttleworth said he wanted to acknowledge what a great asset retiring Police Chief Chris Spivey has been to the community.

Mayor Pierce said it concerns her when the public thinks Council is not doing anything or enforcing the law. She said this not the case and that the boarding house issue has been investigated several times. She said the Town is not ignoring the ordinance and would have done something about the situation immediately if able.

Mayor Pierce said she recently attended a meeting of the N.C. Beach, Inlet & Waterway Association via Zoom, which featured a discussion about derelict and abandoned vessels. She said state legislation is currently pending and urged Town staff to stay on top of this issue because it may help the Town.

Mayor Pierce asked Mr. Parvin to acknowledge a thank-you card sent to her by Girl Scout Troop 4791 for her participation in a program exploring 100 years of women's suffrage. She said she wanted to thank them for allowing her to be part of it.

**CLOSED SESSION IF NEEDED**

None

**ADJOURNMENT**

**ACTION:** Motion to adjourn at 9:40 PM

Motion made by Mayor Pierce

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

Motion passes unanimously

# CAROLINA BEACH

Special Meeting

Friday, November 13, 2020

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



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## MINUTES

### PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

### ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

### MEET AND GREET COLONEL ARNOLD OF MOTSU

Council was introduced to the new Colonel of MOTSU, Colonel William Arnold. MOTSU staff attended the meeting via Zoom. No action was taken.

Council Member Garza was excused at 9:15 a.m.

### ADJOURNMENT

Meet and greet adjourned at 10:00 a.m.

# CAROLINA BEACH

Town Council Workshop

Tuesday, November 17, 2020

Multi-Purpose Room, 1121 N. Lake Park Blvd, Carolina Beach, NC



## MINUTES

### MAYOR PIERCE CALLED THE MEETING TO ORDER AT 9:00 AM

#### COUNCIL PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member Steve Shuttleworth

#### ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

### EFFICIENCY STUDY PRESENTATION BY EVERGREEN SOLUTIONS

Bruce Oakley introduced Dr. Linda Recio with Evergreen Solutions.

Dr. Recio gave a brief overview of the efficiency study results. She stated there were four significant themes that emerged as critical to meeting the challenges the Town faces. They include:

- Improve Customer Service
- Consolidate/Eliminate Council Appointed Committees
- Improvements in Public Safety
- Increase Efficiencies in Finance and Human Resources

The significant recommendations in administration and organizational leadership include:

Consolidate committees of the Town Council which have overlapping responsibilities and delete ad-hoc committees which are no longer needed.

Develop and implement a comprehensive performance evaluation tool for the Town Manager, and include a requirement for use of this accountability tool in the Town Manager's contract.

Reorganize Town government to be more effective, especially regarding administrative functions.

Develop a comprehensive policy manual for the Town of Carolina Beach with policies adopted by the Town Council.

Develop a comprehensive five-year Strategic Plan for the Town of Carolina Beach.

Reduce legal expenditures and develop an approval process for use of attorney with approval authority resting only with Town Council or Town Manager.

Conduct agency-wide training on customer service.

Develop a customer service plan for the Town of Carolina Beach

The significant recommendations in operations include:

Conduct an internal and external assessment to determine specific information technology shortcomings and needs of staff and other stakeholders (residents, visitors, commercial).

Assemble a summary of major technology issues to share with the current vendor and develop plans to addressing concerns.

Develop a business case for how best to provide information technology services at the end of the current vendor's contract in 2023.

Develop and launch a simple social media plan to increase community awareness and involvement.

Expand the "I want to..." section of the Town website to provide residents a central resource for learning more about the Town, services offered, and key contacts.

Develop and launch a web-based summary of Town accomplishments around the theme of how the Town is improving quality of life, opportunities in the community, and efficiently leveraging citizen tax dollars.

Analyze the "request for service" issues and utilize other request or issue data to develop more proactive community communication and issues resolution plan for each year based on the previous year's data.

Develop an information technology recovery strategy for the Town's data.

Increase utility rates to cover debt services.

Complete the implementation of cloud-based billing and collections system

(InvoiceCloud) and shift more customers over to an automated format.

Use CityWorks reports and metrics to assess efficiency, resource allocation, and project priorities.

Develop a plan for addressing the current water meters that cannot be collected electronically.

Increase stormwater rates to cover operational cost and debt obligations.

Assess the feasibility of Freeman Park being a carryout site for refuse, taking into account financial savings, customer service issues, and customer compliance.

Provide training and ensure compliance of storm water staff on using CityWorks to track and resolve work orders.

Recommendations in Public Safety include the following:

Unfreeze the Captain's position and have the newly hired Chief determine the best person for the role by opening the hiring process to internal and external candidates.

Expedite the hiring process for the new Chief to ensure an overlap of 30 days between the incoming chief and outgoing Chief.

Maintain current staffing levels across operations and administration.

Increase utilization of the Town's individual career development plan policy under the

Strengthen the comprehensiveness of training offerings by developing a training plan particularly addressing the areas of anti-bias, de-escalation, and active shooter and require that the relevant trainings be mandatory for all patrol and CID staff.

Assess technical options for augmenting the Internet access so that utilization of County networks and systems can be more efficient.

Maintain the current staffing levels at the Fire Department.

Explore adoption of the Lexipol policy system consistent with the Police Department.

Increase utilization of the Town's individual development plan policy under the performance appraisal program.

Develop and implement a Community Risk Reduction Plan.

Adopt automated software for scheduling staff and tracking hours which allows for submission of timecards to Payroll.

Adopt a digitized approach to performing daily inventory checks.

Maintain its current fire-suppression fleet at the existing three pumpers and one aerial truck.

Develop and implement a comprehensive fire data plan.

Recommendations in other departments and services include:

Maintain the current full-time staffing level through FY 2021.

Maintain full-time staffing levels and continue collaboration on department-wide projects in the Parks and Recreation Department.

Evaluate future part-time staffing needs with the evolving needs of the Parks and Recreation Department.

Reduce the hours of operation at Freeman Park to daylight hours.

Curtail legal expenses for Freeman Park.

Continue the Boardwalk Fish Tiles and Independent Contract Instructors programs to generate revenue.

Evaluate the long-term cost-effectiveness of the Boardwalk Fish Tiles and develop a long-term maintenance plan for existing Boardwalk Fish Tiles.

Create an administrative assistant position for the Town Clerk.

Adopt a tax rate based on current and future needs for the Town of Carolina Beach.

Consider restructuring the Town's current process for financing Capital Improvements using a tax set aside and the issuance of general obligation bonds.

Eliminate/Consolidate committees

Worker's Comp needs to protect the employees to allow them to come back to work on light duty.

Town needs to review insurance policies each year and put them out for bid.

General Discussion:

Dr. Recio suggested the Town establishing a policy on a minimum fund balance. She said the national average is 20%.

Council cautioned using some discretion in putting a policy in writing. They were concerned that some of the verbiage could become restrictive for the Town.

Dr. Recio suggested to better organize the Town policy so that it is easier to search for specific topics.

Dr. Recio said that the Town needs to conduct a pay study every 5 years to include benefits. Council was concerned that benefits were not evaluated in the last pay study.

Mayor Pierce asked to receive a report on employee retention.

Dr. Recio said that Human Resources should be reviewing the turnover rates and reporting them to Council on an annual basis.

She also suggested that job descriptions be reviewed regularly. There were a few positions that did not have an accurate job description.

Evaluations should be conducted annually and should be used for more than just pay increases. They should be more interactive and not considered an event.

Council Member Barbee added that they should include measurable goals and that he had a good evaluation form that he would share with the manager.

Dr. Recio said that there needs to be more documentation on seasonal employees.

The Town has some major technology issues. Dr. Recio suggested bringing IT in house. She said that 5 years is too long for a technology contract.

Council Member Barbee said that we need someone in house to own it and be accountable for it.

Dr. Recio said the Town needs a summary of accomplishments on the website.

Council agrees that Town does not sell itself.

MPT Healy said he did not think that the website was the appropriate place for that. He feels there are other avenues to highlight the Town's accomplishments.

Council Member Shuttleworth feels that you can oversaturate customer service which can be tasking on staff.

Dr. Recio said that the online billing process is not easy to use.

Council Member Shuttleworth feels that the Town needs to move to a completely automated system and not take payments in-house.

Dr. Recio suggested raising utility rates. 10% is needed which would generate \$500k.

Council Member Shuttleworth said that he would not vote for another increase in utility rates.

Dr. Recio said that CityWorks needs to be utilized more.

She stated that water meters are not reading properly causing more work for staff.

Council wanted to know who holds the vendor accountable. They want to know what staff member is going to own these contracts when they are signed, and the vendor fails to perform.

Council Member Barbee suggested having another vendor to work with VC3.

Dr. Recio feels that Lexipol should also be used by the Fire Department for their policies.

Council Member Shuttleworth asked how to reduce the number of committees.

MPT Healy said some committee members bash the Town on social media.

Council Member Barbee would like to have a workshop to discuss committees.

MPT Healy would like committee chairs to come in and report on what their committee is focusing on.

Dr. Recio concluded her discussion with Council and said that the contract with Evergreen Solutions allows Council to contact her team for up to one year regarding the findings of the study.

#### **BRIEFING ON POTENTIAL TEXT AMENDMENT**

Miles Murphy presented zoning language that will be presented at the December Council meeting.

#### **DISCUSSION WITH LOBBYIST MIKE MCINTYRE**

Former Congressman Mike McIntyre shared some items his firm has been working on for the Town.

He is holding a long-range meeting December 4, 2020 at 10:00 a.m. with MOTSU.

He is also proposing a 5-year renewal of an easement effective January 1 for the Wastewater Treatment Plant.



Mr. McIntyre said the Town may be able to continue to use dredge material to build the headworks.

He feels that the Army is not going to allow the spoils on their property. The only option was if they donated the land to the Town. They have that option if land is not in use. They would have to evaluate the explosive arch. If they donated the land, they would have to have an easement for the explosive arch. This decision may have to go to a four-star level.

Mr. McIntyre explained the chain of command and how decisions are made in the Army. He said that the new Colonel is willing to entertain requests, but he must get approval from his chain of command as well. He added that the big question is, does it interfere with the Army's mission. They have three criteria that must be met to allow use of their property.

Mr. McIntyre said that his mission is to find out who makes the decisions and get to that person.

Council Member Shuttleworth suggested that the best avenue is to focus on health, safety and welfare. That would be flood mitigation at the lake.

Mayor Pierce said the Town needs to find a way that this benefits the Army.

Council suggested building a berm for the Army with the spoils from the lake.

Freeman Park is the other issue that the Manager has tasked Mr. McIntyre to look at it. He said that he does not want to run interference on the current litigation. Hopefully in another month they will know their options to secure easements for storm damage reduction.

Council Member Shuttleworth mentioned that we would need easements by the spring, so time is tight.

Mayor Pierce said Council's main concern is to obtain these easements.

Mr. McIntyre asked Council for names that may be interested in purchasing the property.

Council Member Shuttleworth said he is not opposed to finding a loan to purchase the property.

Mr. McIntyre asked for an estimated timeline on when the case may go to court. He also would like to know the dollar amount that is being proposed for the purchase of the property.

#### **NON-AGENDA ITEM**

Mr. Oakley presented a budget request to appropriate \$500,000 from the general fund to the utility fund to cover the cost of the Stier Construction vs. Town of Carolina settlement.

**Mayor Pierce made a motion to appropriate \$500,000 from the general fund to the utility fund to cover the cost of the Stier Construction vs. Town of Carolina settlement. Motion passed unanimously 4-0.**

**ADJOURN**

**Mayor Pierce made a motion to adjourn at 12:30 p.m. Motion passed unanimously.**



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 12/8/2020

**SUBJECT:** Introduction of Police Chief Vic Ward

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**BACKGROUND:**

Town Manager Bruce Oakley will introduce Police Chief Vic Ward.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley, Town Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council – December 8, 2020

**SUBJECT:** Manager’s Update

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**BACKGROUND:**

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



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Tim Murphy

**DEPARTMENT:** Parks and Rec

**MEETING:** Town Council – 12/8/2020

**SUBJECT:** Events Update by Tim Murphy

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**BACKGROUND:**

Tim Murphy will give an update on upcoming events.

**ACTION REQUESTED:**

No action requested.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Miles Murphy – Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – December 8<sup>th</sup>, 2020

**SUBJECT:** Consider a Conditional Use Permit for a 5-Unit Residential Planned Unit Development to be located at 216 Spartanburg Avenue (PIN - 3130-32-7671)

Applicant: Laurel Companies LLC.

### **BACKGROUND:**

The applicant, Laurel Companies LLC., is requesting a Conditional Use Permit (CUP) to build a five-unit residential Planned Unit Development at 202 S. Carolina Beach Avenue. The parcel is zoned R-1 which allows Residential PUDs with a unit density of 15-units per acre.

Laurel Companies proposes to construct five units, two 2-Unit townhomes and one 1-Unit townhouse, with an HOA. Each unit will be 3 stories with parking underneath. Stormwater will be directed towards Spartanburg and/or Third. The lot can contain a maximum of 5 units by R-1 zoning standards.

The property requires 40% lot coverage, standard parking, 25% open space, standard stormwater design, and a 5' landscaping buffer. All of these have been met/provided in the proposed layout.

**Specific standards.** No *conditional 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) 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;
  - Ingress and egress will be via S. 3<sup>rd</sup> Street.
  - A 4' wide sidewalk is requested to be installed along the drive aisle along the Spartanburg Avenue and S. 3<sup>rd</sup> Street Right of Ways.
- (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;
  - Parking will be contained on the lot and under the structure
  - - The design will accommodate sufficient parking for each structure (3/Unit).
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
  - Trash service will be collected via standard residential manner

- (4) Utilities, with reference to locations, availability, and compatibility;
  - Utilities will be provided by Duke and the Town
  - Stormwater will be directed toward Spartanburg Avenue and S. 3<sup>rd</sup> Street
- (5) Screening and buffering with reference to type, dimensions, and character;
  - A 5' landscape buffer for this type of development
- (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;
  - No signage is proposed at this time and any signage will have to meet all standard zoning requirements in the future
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
  - There is no required yard or open space beyond general zoning standards for a residential Multi-family
  - Minimum of 25% of open space (51%)
  - Below maximum of 40% lot coverage (37%)

**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 density falls within the standard R-1 density requirements and the proposed structure follows the setback requirements
- (2) That the use meets all required conditions and specifications;
  - The proposed CUP meets all required conditions.
- (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 structure/use will conform with the neighboring properties
- (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 Residential 1 area includes a predominance of single-family and duplex units. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family residential development shall be prohibited

**ACTION REQUESTED:**

Staff recommends approval of the CUP with the inclusion of a 4' wide sidewalk parallel to Spartanburg Avenue and S. 3<sup>rd</sup> Street.

Planning and Zoning Voted 6-1 in favor of approving the CUP

**RECOMMENDED MOTION:**

Approve the CUP for a 5-Unit Residential Planned Unit Development, with the requirement of a 4' wide sidewalk on the side of the drive aisle along the Spartanburg and 3<sup>rd</sup> Street Right of Ways, that it is in accordance with the draft grant order and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)

(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.;

(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.





# Conditional Use Permit TOWN OF CAROLINA BEACH, N.C.

Item 8.

Permit Number: \_\_\_\_\_

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 and minor projects: application fees.** The owner or owners, or their duly authorized agent, of the property included in the application for a conditional use permit shall submit a complete application and supplemental information to the Zoning Administrator. A fee in accordance with the Town's adopted schedule of fees, payable to the Town of Carolina Beach, must accompany each application. For the purposes of determining the fee, the Zoning Administrator shall categorize each such Conditional Use Permit Application as either "major" or "minor", depending upon the complexity of review. Generally, Planned Residential (over 3 units), Mixed Uses, Business Developments, and similarly complex projects shall be categorized as "major", while projects such as bed and breakfast inns, small day care services, etc. shall be categorized as "minor".

- Major Conditional Use Permit = \$ 800.00
  - Minor Conditional Use Permit = \$ 350.00
- \*\*Fees are nonrefundable after item has been sent for advertisement\*\***

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

2020 Submission Deadlines & Meeting Dates					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 6	Jan 21	Jan 30	Feb 13	Feb 25	Mar 10
Feb 4	Feb 18	Feb 27	Mar 12	Mar 31	Apr 14
Mar 2	Mar 16	Mar 26	Apr 9	April 28	May 12
Apr 6	Apr 20	Apr 30	May 14	May 26	June 9
May 4	May 18	May 28	June 11	June 30	July 14
June 1	June 15	June 25	July 9	July 28	Aug 11
July 6	July 20	July 30	Aug 13	Aug 25	Sept 8
Aug 3	Aug 17	Aug 27	Sept 10	Sept 29	Oct 13
Sept 7	Sept 21	Sept 24	Oct 8	Oct 27	Nov 10
Oct 5	Oct 19	Oct 29	Nov 12	Nov 24	Dec 8
Nov 2	Nov 16	Nov 28	Dec 10	Dec 29	Jan 12, 2021
Dec 7	Dec 21	Dec 30	Jan 14, 2021	FEB '21	FEB '21
Jan 4, 2021	Jan 19, 2021	JAN/FEB 2021	FEB '21	MARCH '21	MARCH '21

Board	# Copies Fall 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

### PURPOSE

Conditional use permits add flexibility to the zoning regulations. Subject to high standards of planning and design, certain property uses may be allowed in certain districts where these uses would not otherwise be acceptable. By means of controls exercised through the conditional use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

Please complete all sections of the application.

**A. Property Information**

Address(es): 216 SPARTANBURG AVE, CAROLINA BEACH, NC 28428

PIN(s): \_\_\_\_\_

Project Name SPARTANBURG TOWNHOMES

Size of lot(s): 100' x 140' 14000 SF

**B. Application for Conditional Use Permit**

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

2 DUPLEX TOWNHOMES + 1 SINGLE FAMILY HOME.

**C. Applicant Contact Information**

LAUREL COMPANIES, LLC  
Company/corporate Name (if applicable):

TIM BARKER  
Applicant's Name

101 SEAVIEW RD  
Mailing Address

WILMINGTON, NC 28409  
City, State, and Zip Code

910-398-8867  
Telephone

TIM@LAURELCOMPANIES.COM  
Email

**D. Owner Contact Information (if different)**

Jessica Pirone, Nest Realty c/o Monster Mountain LLC (William Gilligan)  
Owner's Name

990 Inspiration Dr  
Mailing Address

Wilmington, NC 28405  
City, State, and Zip Code

+1 (910) 518-6378  
Telephone

fullcircle@nestrealty.com  
Email

General conditions. Council, when granting a conditional 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 CUP will not adversely affect health or safety if located where proposed and developed according to the plan submitted:

The Property is located where similar duplex AND single family homes are constructed.

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

NO WAIVERS ARE BEING REQUESTED.

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

Similar homes are adjoining the property.

4. Indicate that the location and use of the proposed Conditional 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.:

Our proposed project will match the homes surrounding the property.

*Specific standards.* No conditional 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:  
This property is located on the corner  
of SPARTANBURG AVE AND S. 3RD ST w/ plenty of access.
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.  
We have allowed for parking under each unit  
NO UNSUAL NOISE, GLARE OR ODOES
3. Indicate how the refuse and service area, will be handled.  
CITY WATER/SEWER/TRASH SERVICES
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 CUP.  
CITY SERVICES ARE AVAILABLE WITH PROPER  
POWER, WATER & SEWER.
5. Indicate how screening and buffering with reference to type, dimensions, and character will be provided or why it is not provided for;  
SEE ATTACHED LANDSCAPING PLAN
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;  
N/A
7. Indicate the required yards and other open space and preservation of existing trees and other attractive natural features of the land.  
SEE ATTACHED SITE PLAN  
w/ LANDSCAPING

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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | Engineers scale 1 inch = 40 ft or larger   |
| <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Property and zoning boundaries   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | The square footage of the site   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | Lot coverage (buildings, decks, steps)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Location of all existing and proposed structures and the setbacks from property lines of all affected structures to remain on-site |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Design of driveways and parking  |
| <input checked="" 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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | Location and design of refuse facilities  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Approximate locations and sizes of all existing and proposed utilities  |
| <input type="checkbox"/>            | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Distances between all buildings   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Number of stories and height of all structures  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Locations of all entrances and exits to all structures  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Calculate the gross floor area with each room labeled (i.e. kitchen, bedroom, bathroom)   |
| <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | Location of flood zones and finished floor elevations   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Delineation of natural features and wetlands with existing and proposed topography with a maximum of two foot contour intervals |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Proposed landscaping including percentages of open space  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Stormwater management systems   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Cross-sectional details of all streets, roads, ditches, and parking lot improvements  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Building construction and occupancy type(s) per the building code   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Location of fire department connection(s) for standpipes  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Dimensions and locations of all signs   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | A vicinity map drawn with north indicated   |

I have provided a scaled electronic version of each required drawing

**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

**OWNER'S SIGNATURE:** In filing this application for a conditional use permit 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 Laurel Companies LLC 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.

*William E Gilligan*

dotloop verified  
10/05/20 2:12 PM EDT  
AL27-MUEX-9HWJ-R8TH

Signature

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

### AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, William Gilligan - Monster Mountain LLC, does hereby appoint Laurel Companies LLC - Tim Barker 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: 10-5-2020

Appointee's Name, Address & Telephone:

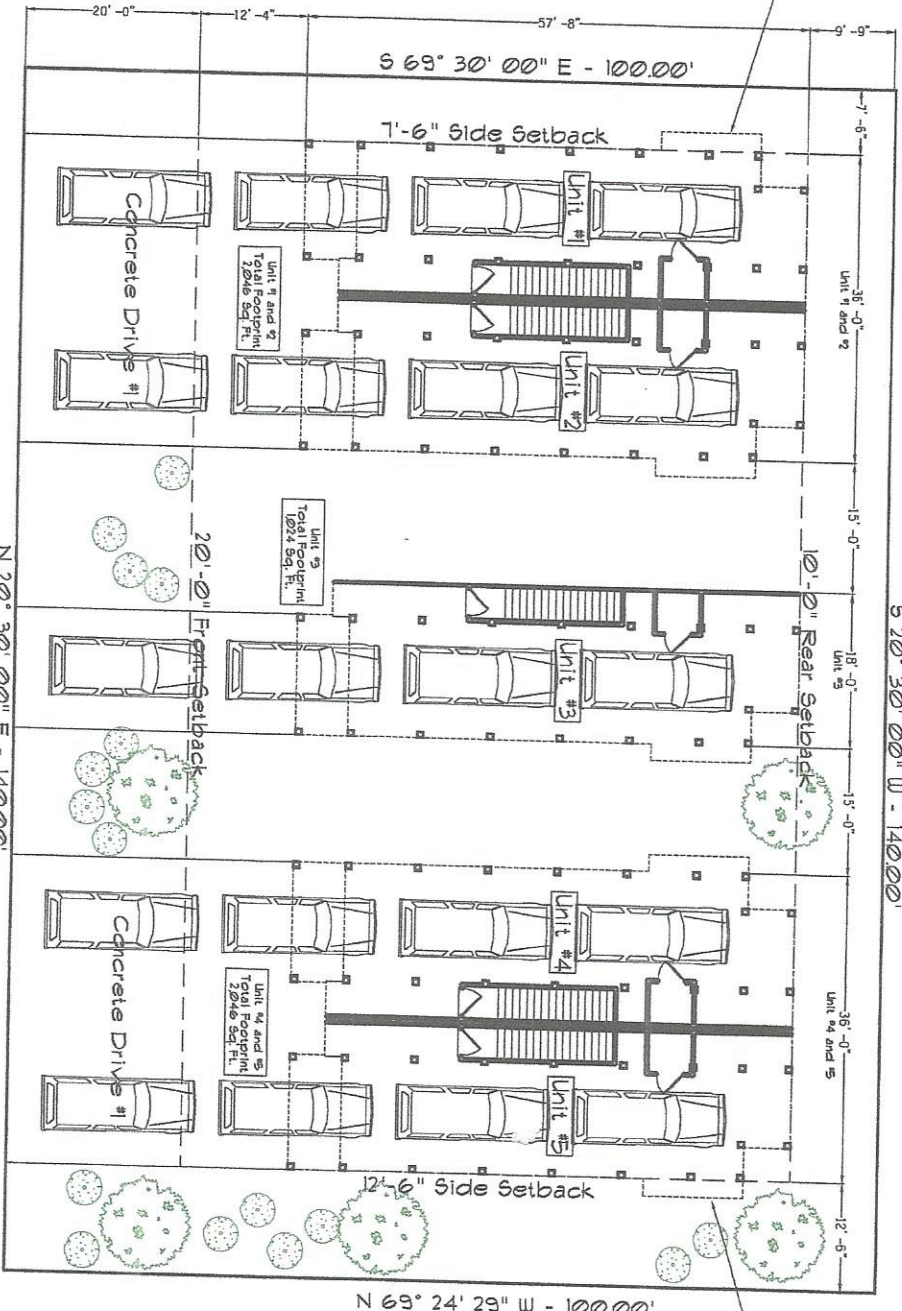
Tim Barker  
101 Seaview Rd  
Wilmington, NC 28409  
910-632-3765

Signature of Owner:

William E Gilligan  
dotloop verified  
 10/05/20 2:12 PM EDT  
 WGSF-BJXT-GZIF-SITQ



2'-0" Cantilever That Is No More Than 25% Of The Wall Per Town Of Carolina Beach



2'-0" Cantilever That Is No More Than 25% Of The Wall Per Town Of Carolina Beach

Lot Total - 14,000 Sq. Ft.  
 5 Units Total Coverage - 5,116 Sq. Ft.  
 14,000  
 5,116 = 0.365  
 Structures Lot Coverage - 37%  
 (63% Open)

10-5-2020



**SITE INFORMATION**

- OWNER: MONSTER MOUNTAIN, LLC
- APPLICANT: LAUREL COMPANIES, LLC
- PHYSICAL ADDRESS:  
216 SPARTANBURG AVE.  
CAROLINA BEACH, NC 28428
- MAILING ADDRESS:  
101 SEAVIEW RD.  
WILMINGTON, NC 28409
- PARCEL ID: R09010-027-001-000
- AREA OF LOT: 14,000 SF (0.32 AC)
- PROPOSED USE:  
MULTIFAMILY RESIDENTIAL
- ZONING: R-1-WB RESIDENTIAL SF
- SETBACKS:  
FRONT YARD: 20'  
SIDE YARD: 7.5'  
REAR YARD: 10'  
CORNER: 12.5'
- DEED BOOK: 5638  
PAGE NUMBER: 2070
- PROPOSED BUILT UPON AREA (BUA):  
UNITS 1 & 2 = 2,046 SF  
UNIT 3 = 1,024 SF  
UNITS 4 & 5 = 2,046 SF  
DRIVEWAYS = 1,560 SF  
TOTAL PROPOSED BUA = 6,676 SF  
STRUCTURES LOT COVERAGE = 37%  
IMPERVIOUS LOT COVERAGE = 48%
- PARKING  
EACH UNIT PROVIDES 4 PARKING SPACES: 2 UNDERNEATH THE STRUCTURE (OPEN CARPORT) AND 2 ON THE DRIVEWAY.
- LANDSCAPING  
TYPE A BUFFER REQUIRED: ONE CANOPY TREE OR TWO UNDERSTORY TREES, AND THREE SHRUBS FOR EVERY 50 LINEAR FEET WITHIN THE BUFFER YARD.  
FOR A PERIMETER OF ROUGHLY 500 LINEAR FEET AT LEAST 10 CANOPY TREES OR 20 UNDERSTORY TREES, AND 30 SHRUBS SHALL BE PROVIDED.  
LANDSCAPING PROVIDED: 14 CANOPY TREES AND 30 SHRUBS.  
ALL BUFFER YARDS SHALL BE LANDSCAPED WITH A COMBINATION OF LIVE VEGETATION, GROUND COVER, GRASS, TREES, AND/OR SHRUBS. VEGETATION TO BE PLANTED SHALL BE INDIGENOUS WITH OR COMPATIBLE TO THE TOWN AREA AND BE APPROVED BY THE ZONING ADMINISTRATOR.
- TOPOGRAPHY  
THE SITE IS FLAT WITH ELEVATIONS RANGING FROM 4-5'.
- TRASH  
TRASH AND RECYCLING CARTS WILL BE USED FOR EACH UNIT AND WILL BE COLLECTED BY THE TOWN OF CAROLINA BEACH.
- UTILITIES  
WATER AND SEWER SERVICE TO BE PROVIDED BY THE TOWN OF CAROLINA BEACH.
- BUILDING INFORMATION (ALL UNITS)  
BEDROOMS: 3-BEDROOM  
STORIES: 3 STORIES AND CARPORT  
HEIGHT: 43'-8 1/2"  
GROUND FLOOR: ± 5'  
FINISHED 1ST FLOOR: ± 14'  
\*ENCLOSURE BELOW THE LOWEST ELEVATED FLOOR WILL BE REQUIRED TO MEET AE FLOOD ZONE REQUIREMENTS.

**PROJECT NARRATIVE**

THIS PROJECT PROPOSES THE CONSTRUCTION OF TWO 2-UNIT TOWNHOMES AND ONE 1-UNIT TOWNHOME. THE PROJECT IS LOCATED WHERE SIMILAR 2-UNIT AND 1-UNIT TOWNHOMES ARE CONSTRUCTED. FURTHERMORE, THE PROPOSED BUILDINGS WILL MATCH THE HOMES SURROUNDING THE PROPERTY.

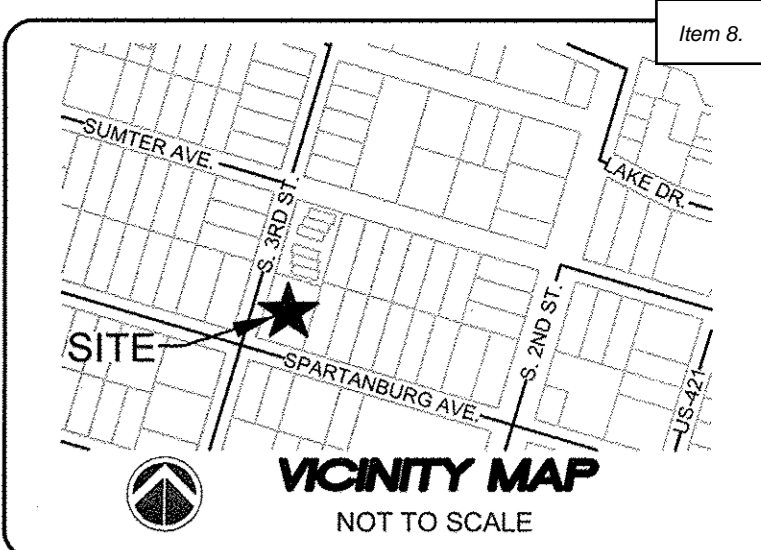
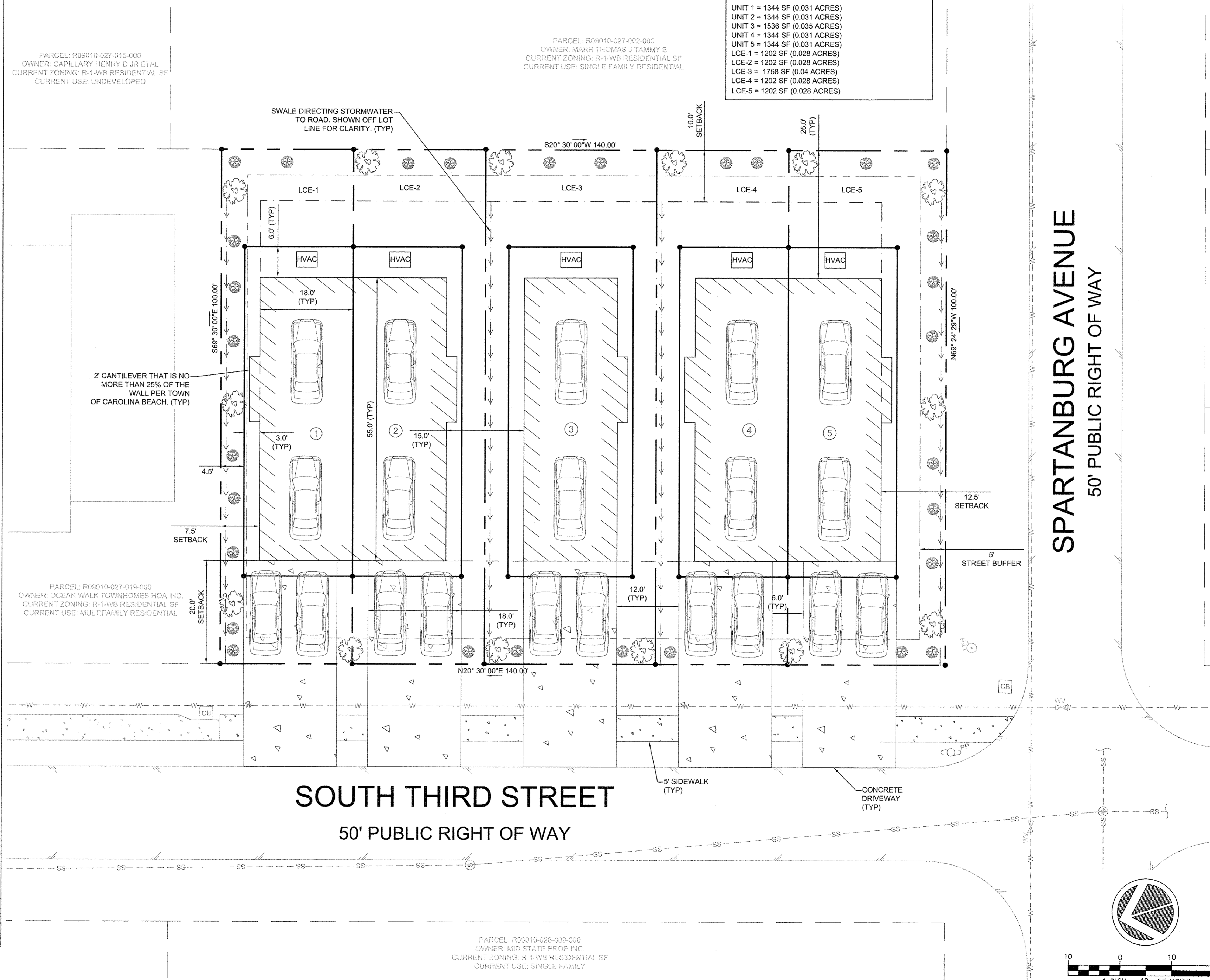
ALL DRIVEWAYS WILL BE ACCESSED VIA THIRD STREET. WATER AND SEWER SERVICES WILL BE INSTALLED FOR EACH UNIT. STATE STORMWATER PERMIT IS NOT REQUIRED AS TOTAL IMPERVIOUS AREA FOR THE PROJECT IS BELOW 10,000 SF.

**EXISTING CONDITION NOTES:**

- EXISTING CONDITIONS SHOWN IN THIS DRAWING ARE BASED ON AERIAL VIEW FROM GOOGLE EARTH. EXISTING CONDITIONS ARE NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.
- THE SITE IS LOCATED IN ZONE "AE" ACCORDING TO FLOOD INSURANCE RATE MAP FOR CAROLINA BEACH, N.C. COMMUNITY-PANEL NUMBER 37203138000K DATED AUGUST 28, 2018. THE DESIGNATION OF ZONE "AE" IS FOR AREAS DETERMINED TO BE WITHIN THE 1.0% ANNUAL CHANCE FLOODPLAIN. THE BASE FLOOD ELEVATION IS 11 FEET.

**UNIT AND LIMITED COMMON ELEMENT AREA:**

- UNIT 1 = 1344 SF (0.031 ACRES)
- UNIT 2 = 1344 SF (0.031 ACRES)
- UNIT 3 = 1536 SF (0.035 ACRES)
- UNIT 4 = 1344 SF (0.031 ACRES)
- UNIT 5 = 1344 SF (0.031 ACRES)
- LCE-1 = 1202 SF (0.028 ACRES)
- LCE-2 = 1202 SF (0.028 ACRES)
- LCE-3 = 1758 SF (0.04 ACRES)
- LCE-4 = 1202 SF (0.028 ACRES)
- LCE-5 = 1202 SF (0.028 ACRES)

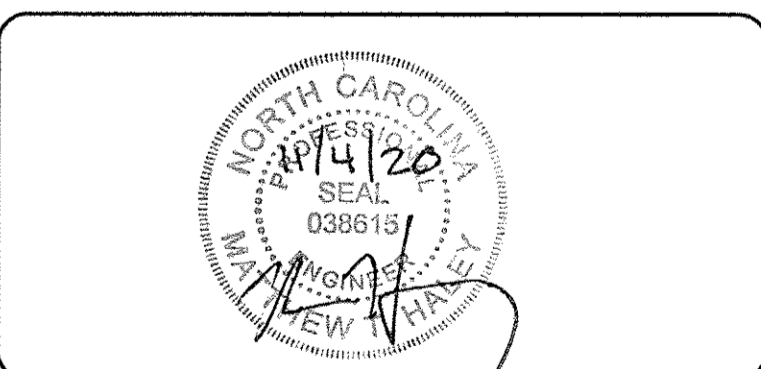
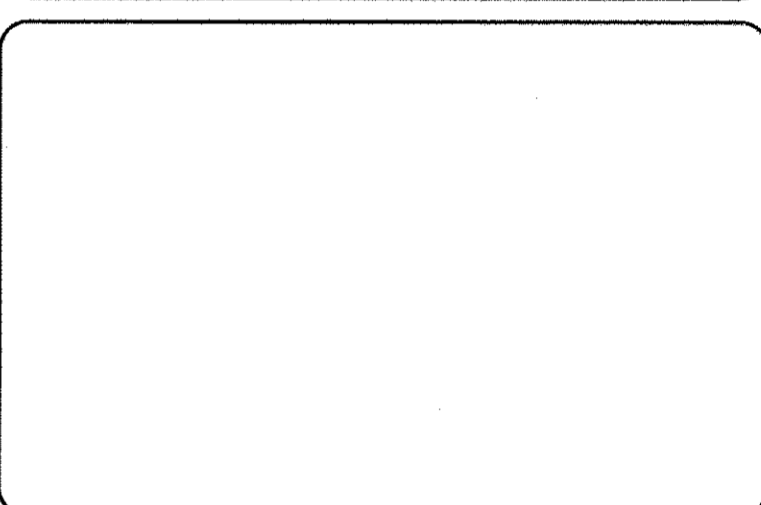


**LEGEND**

SHRUB	
CANOPY TREE	
EXISTING STORM CATCH BASIN	
EXISTING WATER	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
EXISTING SEWER	
EXISTING SEWER MANHOLE	
EXISTING POWER POLE	
ADJOINER	

**ISSUED FOR REGULATORY REVIEW**

REV. #	DESCRIPTION	MTH	REV. BY	DATE
A	ISSUED FOR REGULATORY REVIEW	MTH		11/14/20
REVISIONS				



**CAPE FEAR ENGINEERING**  
151 POOLE RD., SUITE 100, BELVILLE, NC 28451  
TEL (910) 383-1044; FAX (910) 383-1045  
www.capefearengineering.com  
N.C. LICENSE # C-1621

PROJECT NUMBER:	205-69
SCALE:	AS NOTED
DATE:	10/26/2020

LAUREL COMPANIES, LLC  
SPARTANBURG TOWNHOMES  
216 SPARTANBURG AVE.  
CAROLINA BEACH, NC

**SITE PLAN**  
CONDITIONAL USE PERMIT

PROJECT NUMBER	205-69	SHEET NUMBER	CS100
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LeAnn Pierce  
Mayor

Steve Shuttleworth  
Council Member

Lynn Barbee  
Council Member



Jay  
Mayor P Item 8.

JoDan Garza  
Council Member

Bruce Oakley  
Town Manager

**Town of Carolina Beach**  
1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
TEL: (910) 458-2999  
FAX: (910) 458-2997

## ORDER GRANTING A CONDITIONAL USE PERMIT

**Location: 216 Spartanburg Avenue**

**Applicant: Laurel Companies LLC**

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **December 8<sup>th</sup>, 2020** to consider the application submitted by Laurel Companies LLC for issuance of a Conditional Use Permit for a Residential Planned Unit Development (PUD). The following persons offered sworn testimony: Miles Murphy, Jeremy Hardison, and Ned Barnes. The following uncontested facts were presented:

### FINDINGS OF FACT

1. Laurel Companies LLC is the owner of a parcel located at 216 Spartanburg Avenue in Carolina Beach, NC (PIN - 3130-32-7671).
2. The site plan corresponding to this approval was designed by Matthew Haley dated 11/04/2020
3. The property is zoned R-1.
4. The square footage property is 14,000 square feet.
5. Laurel Companies is proposing to build two 2-Unit Townhomes and one 1-Unit Townhome.
6. The proposed Residential PUD and its parking will be located on the property.
7. Residential PUDs are allowed in the R-1 zoning district with a CUP.

### Specific Standards

- (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;  
*- Ingress and egress will be via S.3<sup>rd</sup> Street.*  
*- A 4' wide sidewalk will be added along S. 3<sup>rd</sup> Street and Spartanburg Avenue.*
- (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;  
*- Parking will be contained on the lot and under the structure.*  
*- Minimum of 3 spaces per unit is met*
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;  
*- Trash will be collected in a standard residential manner.*
- (4) Utilities, with reference to locations, availability, and compatibility;  
*- Utilities will be provided by Duke and the Town.*

- Stormwater will be directed toward the right-of-way.

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

- A 5' landscape buffer is required for this type of development

(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;

- No signage is proposed at this time and will have to meet all standards zoning requirements in the future

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

- There is no required yard or open space beyond general zoning standards for a business PUD

- Minimum of 25% of open space (51%)

- Below maximum of 40% lot coverage (37%)

**Setbacks**

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	Front	Rear	Side	Corner Side
R-1 Required	20'	10'	7.5'	12.5'
Provided	20'	25'	7.5'	12.5'

Lot coverage is approximately 37%

**General conditions.** The town council, in granting the permit, must also find that all four (4) of the following conditions exist;

(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 density falls within the standard R-1 density requirements and the proposed structure follows the setback requirements

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

- The proposed CUP 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

- The proposed structure/use will conform with the neighboring properties.

(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 Residential 1 area includes a predominance of single-family and duplex units. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family residential development shall be prohibited

The project will be in general conformity with the Land Use Plan and in harmony of the area.

**CONCLUSIONS OF LAW**

It's concluded that the Specific and General Standards are met

It is ordered that the application for the issuance of a Conditional Use Permit by Laurel Companies LLC be granted, subject to the following conditions:

- 1) Prior to issuance of building permit, all local state and federal approval letters and final site plan be submitted to and approved by the Town of Carolina Beach. Item 8.
- 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.
- 3) 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-ways.
- 4) Install a 4' wide Sidewalk adjacent to S. Third Street and Spartanburg Avenue
- 5) The Conditional Use Permit is subject to expire on 12/8/22 if construction of the project has not started.

Ordered this 8<sup>th</sup> day of December, 2020

\_\_\_\_\_  
LeAnn Pierce, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Kimberlee Ward, Town Clerk

\_\_\_\_\_  
Date



Conditional Use Permit:  
216 Spartanburg Ave – 5-Unit Residential  
Planned Unit Development

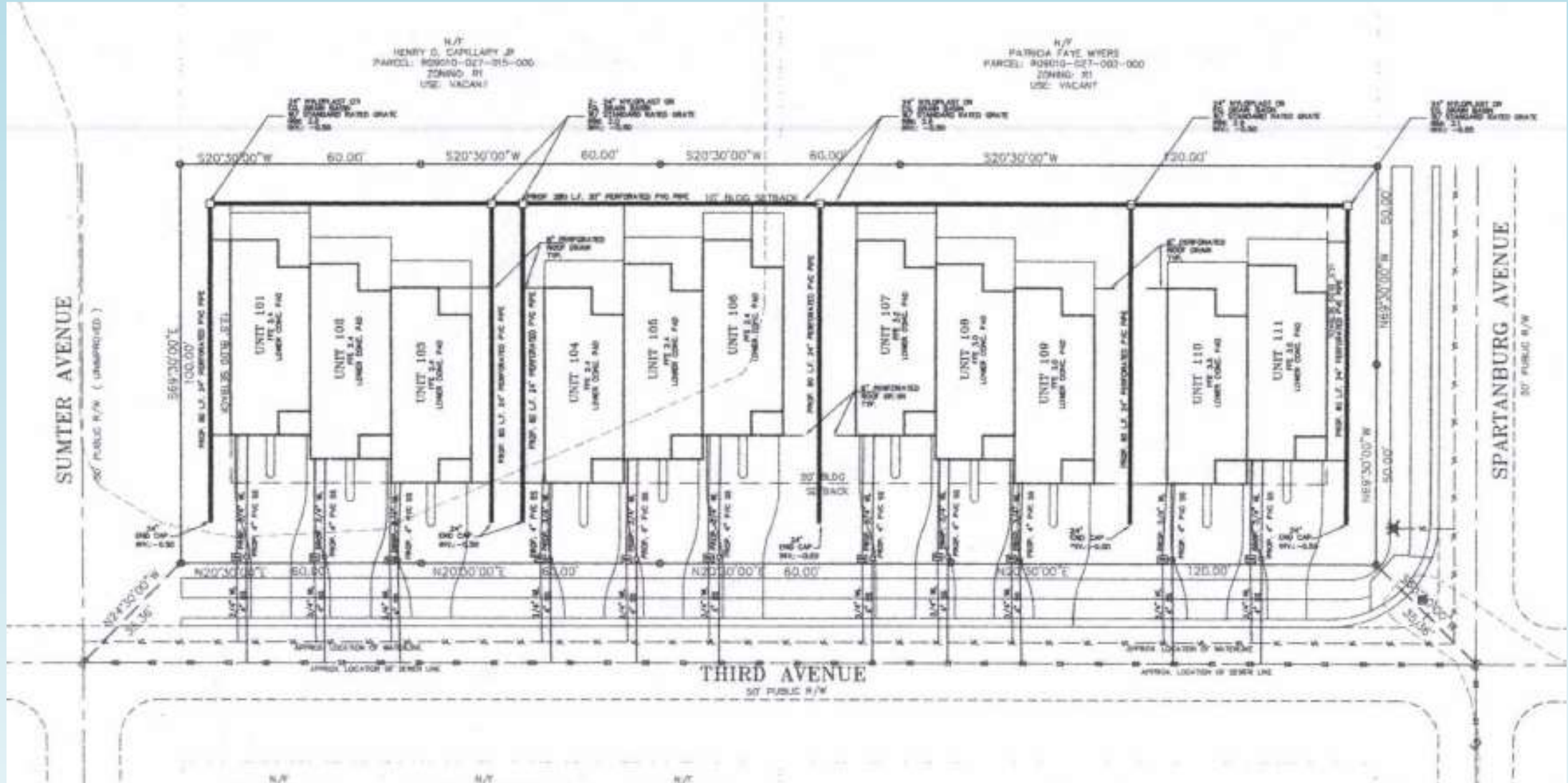
December 8<sup>th</sup>, 2020



**Location:** 216 Spartanburg  
**Applicant:** Laurel Companies

# History

Item 8.



2005 CUP Approval

# More History

Item 8.



## 2013 CUP Approval



# Residential Planned Unit Developments in R-1

## ARTICLE III. – Zoning District Regulations

### Sec. 40-72. – Table of permissible uses.

USES OF LAND	R-1
PUD, Residential	C

## Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width <sup>5</sup>	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) <sup>5</sup>	Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. <sup>1</sup>	40%



216 Spartanburg

# Adjacent Properties

Item 8.



813 S 3<sup>rd</sup> Street



300 Spartanburg



301 Spartanburg

# Adjacent Properties

Item 8.



214 Spartanburg



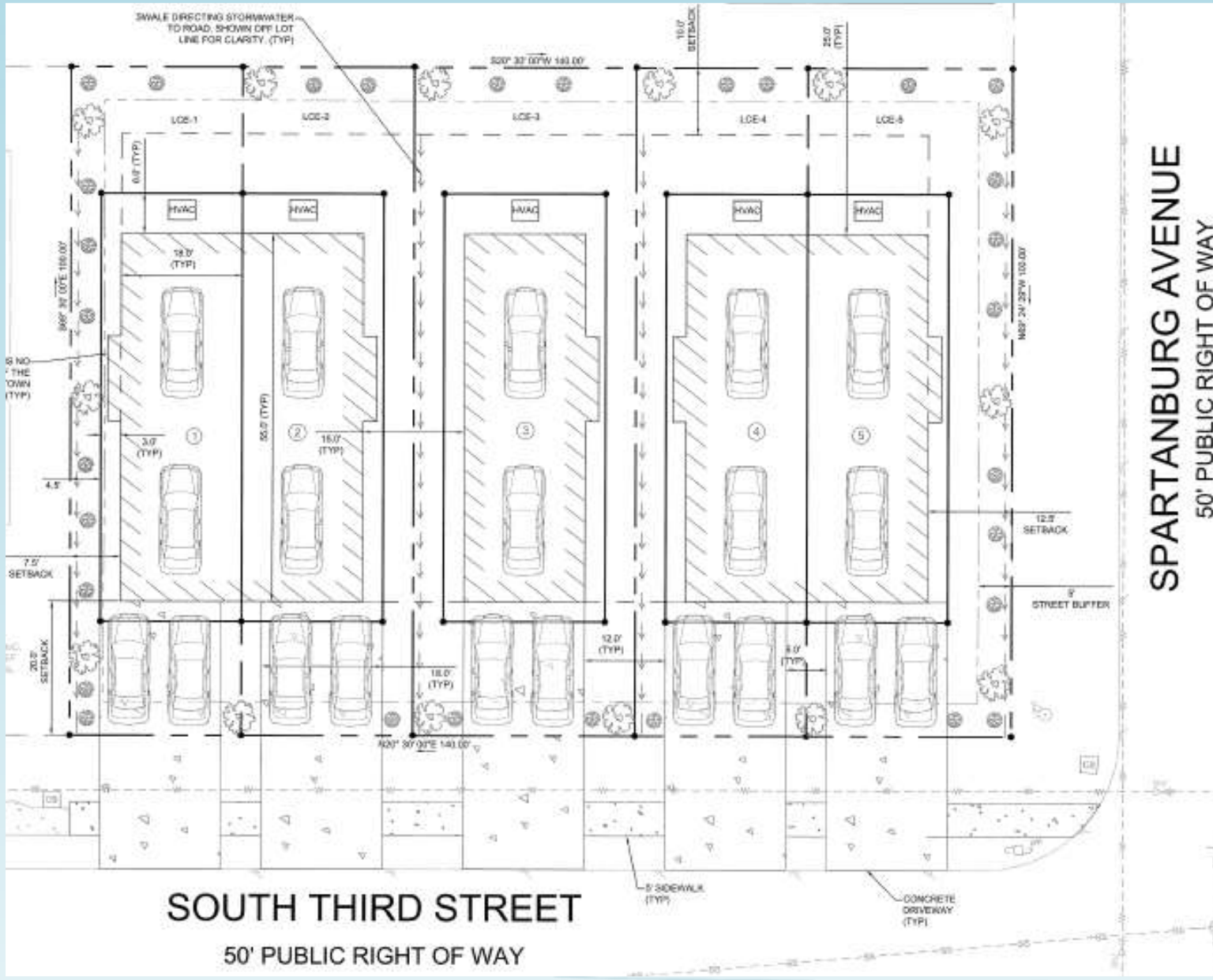
217 Spartanburg



219 Spartanburg

## Design Detail Item 8.

- All units will meet 2-hour minimum firewall separation requirement
- Meets minimum building separation for Fire
- 5' Landscape buffer required
- Open Space 25% (51%)
- Lot coverage 40% ( 37%)



Required	Proposed
Front - 20'	20'
Side - 7.5'	7.5'
Corner Side - 12.5'	12.5'
Rear - 10'	25'

	Acres	Ft <sup>2</sup>	Units
Standard	1.00	43,560	15
Max	.316	13,750	5
Proposed	.316	13,750	5 Units

# Specific standards.

- (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;
  - Ingress and egress will established via S. 3<sup>rd</sup> Street
  - A 4' wide sidewalk is requested to be installed parallel to the S. Third Street and Spartanburg Avenue right-of-ways
- (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;
  - Parking will be contained on the property
  - All units are proposed to be 3 bedrooms and provide more than the minimum of 3 required parking spaces per unit
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
  - Trash will be collected via standard residential manner
- (4) *Utilities*, with reference to locations, availability, and compatibility;
  - No utility upgrades are proposed
- (5) Screening and buffering with reference to type, dimensions, and character;
  - A 5' landscape buffer is required for each side yard for this type of development
- (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;
  - No signage is proposed at this time and any signage will have to meet all standards zoning
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
  - Below maximum of 40% lot coverage (37%)
  - Above minimum of 25% open space (51%)

**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 density falls within the standard R-1 density requirements and the proposed structures follows the setback requirements

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

- The proposed CUP 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

- The proposed structures/use will conform with the neighboring properties.

(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 Residential 1 area includes a predominance of single-family and duplex units. Building height will not exceed a 50’ height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family residential development shall be prohibited.

# P&Z and Staff Recommendation

Staff recommends the approval of the proposed CUP with the requirement of a 4' wide sidewalk parallel to the S. 3<sup>rd</sup> Street and Spartanburg Avenue Right of Ways

Planning and Zoning voted 6-1 to approve the CUP, including the requirement of a 4' wide sidewalk parallel to the S. 3<sup>rd</sup> Street and Spartanburg Avenue Right of Ways



# Motion from Town Council

- Approve the CUP for a 5-Unit Residential Planned Unit Development, with the requirement of a 4' wide sidewalk on the side of the drive aisle along the Spartanburg and 3<sup>rd</sup> Street Right of Ways, that it is in accordance with the draft grant order and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)
  - (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.;
  - (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.

# Surrounding Area

- 23 single-family
- 3 two-family
- 2 triplexes





## AGENDA ITEM COVERSHEET

**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – 8 DEC 2020

**SUBJECT:** Consider a Text Amendment to Chapter 40, Sec. 40-72 Table of Permissible Uses - Residential PUDs and Multifamily Developments

Applicant: Town of Carolina Beach

### BACKGROUND:

Staff is currently updating many aspects of the zoning ordinance related to the required 160D update in the State Statutes. As a prequel to other updates, staff has been directed to review all uses and determine whether they should remain a conditional zoning use or if they are not intensive enough a use to merit the conditional zoning process.

Staff was specifically directed to examine the way small multifamily and residential PUDs were organized. Staff adjusted the table so that small-scale PUD and multifamily no longer require the intensive conditional process/review of P&Z and TC. These projects would still have to follow the zoning standards related to the district where they are located and meet all other requirements for a building permit issuance. With these goals in mind, staff decided to divide the requirements for PUDs and multifamily into two categories. PUDs and multifamily consisting of 4 units or less will no longer require a conditional process. PUDs and multifamily greater than 4 units will require a conditional review process.

### ACTION REQUESTED:

Staff recommends the Text Amendment to update the Residential PUDs and Multifamily use

Planning and Zoning voted 7-0 in favor of the approval in October 2020

### RECOMMENDED MOTION:

A Statement of Approval – The Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article VIII Sec. 40-72 – PUDs and Multi-Family developments in the Town of Carolina Beach, it is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any recommended restrictions or requirements)

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

## Planned Unit Developments



### ORDINANCE NO. 20-1148 Amend Chapter 40 Zoning Article III, Sec. 40-72 Table of Permitted Uses

**Article III, Sec 40-72 Table of Permitted Uses**

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
<b>Residential Uses</b>														
Multifamily dwellings (See section 40-260) <u>Units ≤ 4</u>							P	<u>EP</u>				<u>EP</u>	<u>EP</u>	
<u>Multifamily dwellings (See section 40-260) Units &gt; 4</u>							<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>	
Planned unit development, residential (See article XII of this chapter) <u>Units ≤ 4</u>	<u>EP</u>		<u>EP</u>			<u>EP</u>	<u>EP</u>	<u>EP</u>				<u>EP</u>	<u>EP</u>	<u>EP</u>
<u>Planned unit development, residential (See article XII of this chapter) Units &gt; 4</u>	<u>C</u>		<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>	<u>C</u>

Adopted this 8<sup>th</sup> day of December, 2020.

\_\_\_\_\_  
LeAnn Pierce, Mayor

Attest: \_\_\_\_\_

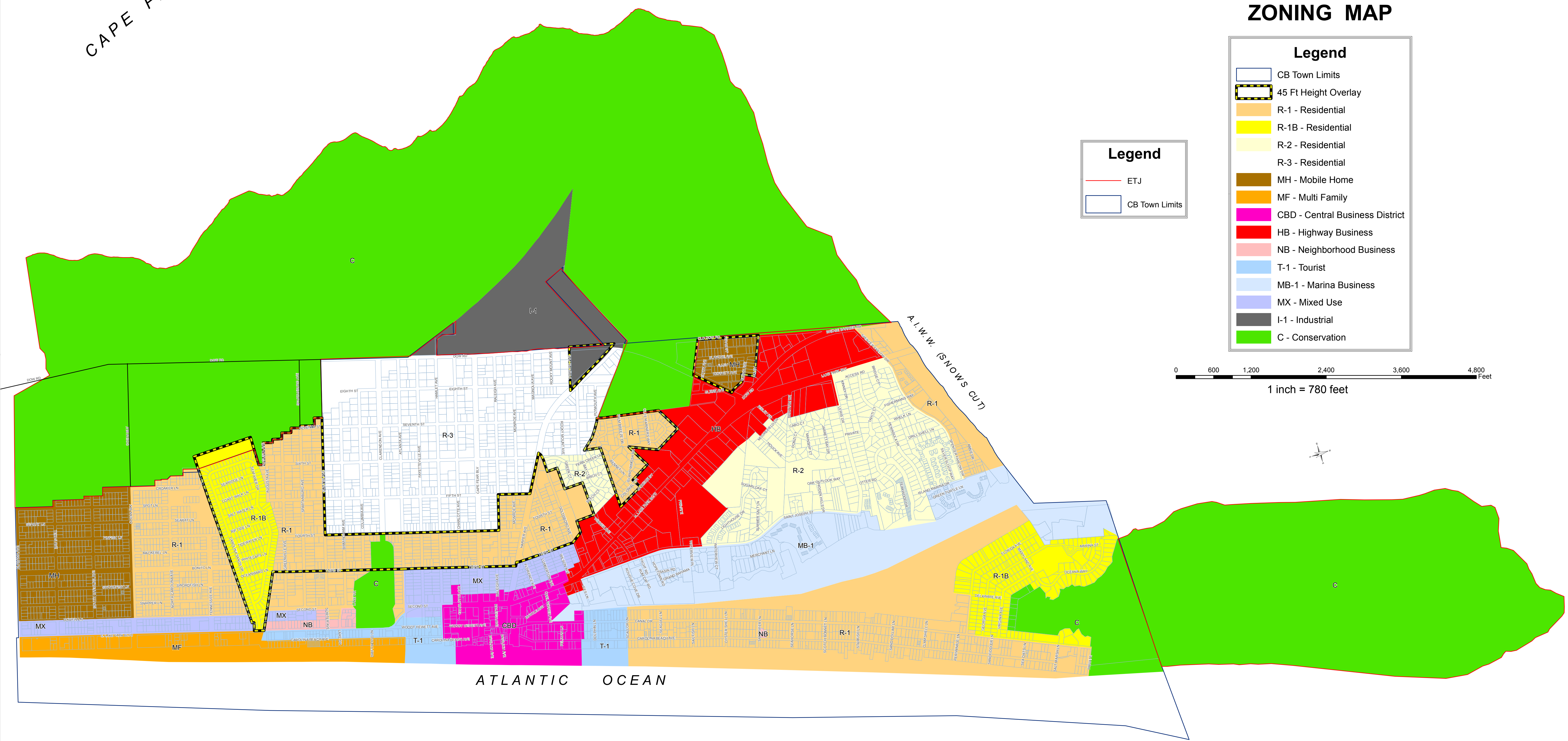
Kimberlee Ward, Town Clerk

# OFFICIAL



## ZONING MAP

CAPE FEAR RIVER

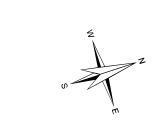
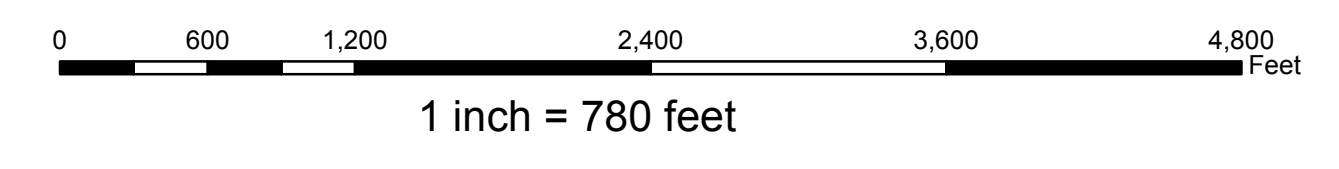


**Legend**

- ETJ
- CB Town Limits

**Legend**

- CB Town Limits
- 45 Ft Height Overlay
- R-1 - Residential
- R-1B - Residential
- R-2 - Residential
- R-3 - Residential
- MH - Mobile Home
- MF - Multi Family
- CBD - Central Business District
- HB - Highway Business
- NB - Neighborhood Business
- T-1 - Tourist
- MB-1 - Marina Business
- MX - Mixed Use
- I-1 - Industrial
- C - Conservation



ATLANTIC OCEAN

DULY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CAROLINA BEACH, NORTH CAROLINA ON JULY 7, 2008. ORDINANCE NO. 08-751

LYNN PRUSA TOWN CLERK DATE: _____	JOEL MACON MAYOR DATE: _____	STEVE COGGINS TOWN ATTORNEY DATE: _____
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# OFFICIAL

CREATED BY:  
Planning Department  
GIS Technician - July 2008



# Text Amendment: Residential PUDs and Multi-Family

December 8<sup>th</sup>, 2020  
Miles Murphy – Senior Planner

# Background

- *State Statute changes from 153/160A to 160D for Zoning*
- *Many, many changes required in local ordinances*
- *Reviewing Table of Permissible Uses*
- *Previous Directions – Small PUDs and multifamily developments “should not require CUP”*





# What is changing?

## Changing

- Unit Density which triggers requirement for additional scrutiny
- Procedural changes for smaller-scale, less intensive developments

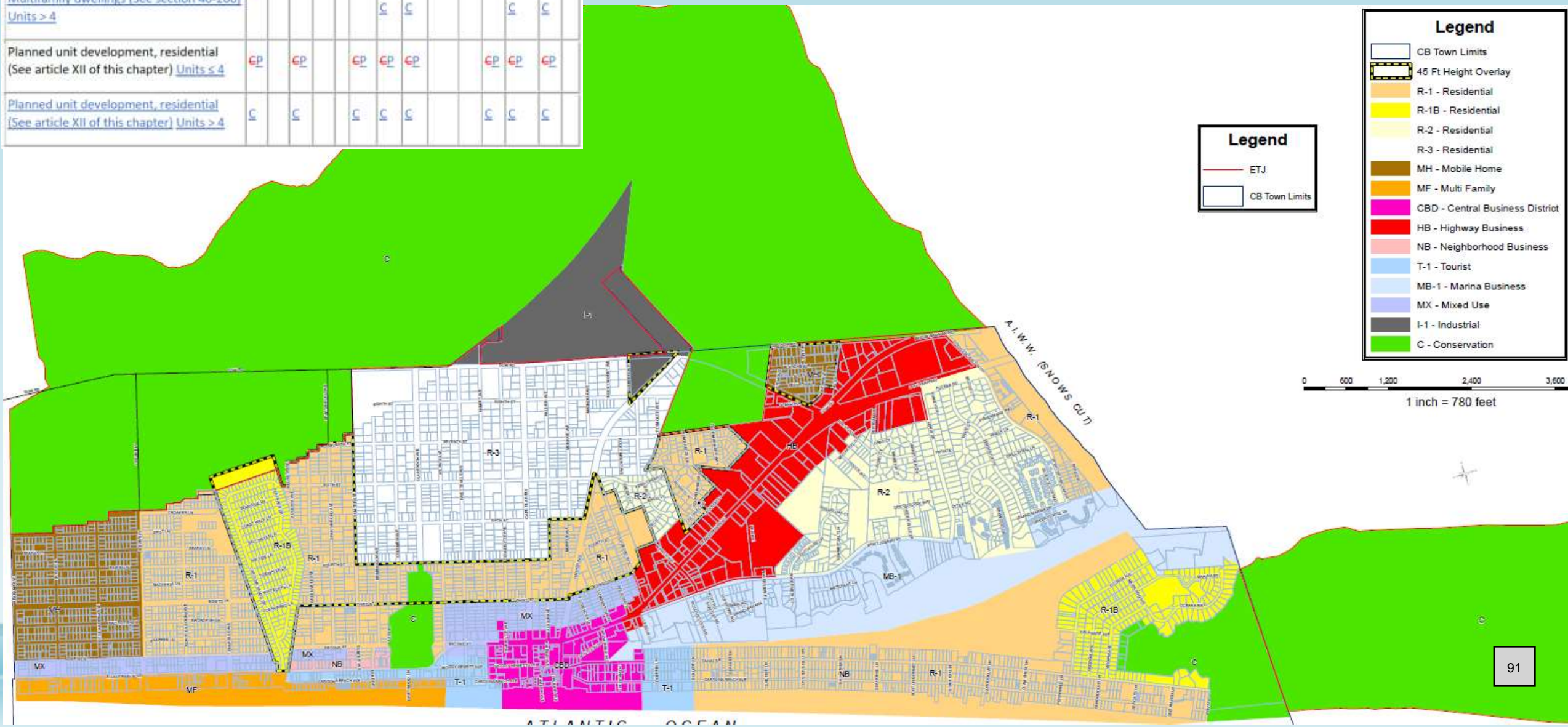
## Not Changing

- Use location/zone is not changing
- Standards for building/fire/flood/zoning review prior to permit issuance are not changing

ARTICLE III. – Zoning District Regulations Sec. 40-72. – Table of permissible uses.

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
<b>Residential Uses</b>														
Multifamily dwellings (See section 40-260) <u>Units ≤ 4</u>							P	<del>EP</del>				<del>EP</del>	<del>EP</del>	
<u>Multifamily dwellings (See section 40-260)</u> <u>Units &gt; 4</u>							<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>	
Planned unit development, residential (See article XII of this chapter) <u>Units ≤ 4</u>	<del>EP</del>		<del>EP</del>			<del>EP</del>	<del>EP</del>	<del>EP</del>				<del>EP</del>	<del>EP</del>	<del>EP</del>
<u>Planned unit development, residential</u> <u>(See article XII of this chapter) Units &gt; 4</u>	<u>C</u>		<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>	<u>C</u>

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
<b>Residential Uses</b>														
Multifamily dwellings (See section 40-260) <u>Units ≤ 4</u>							P	CP				CP	CP	
Multifamily dwellings (See section 40-260) <u>Units &gt; 4</u>							C	C				C	C	
Planned unit development, residential (See article XII of this chapter) <u>Units ≤ 4</u>	CP	CP					CP	CP	CP			CP	CP	CP
Planned unit development, residential (See article XII of this chapter) <u>Units &gt; 4</u>	C	C					C	C	C			C	C	C



**Legend**

- ETJ
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**Legend**

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- MB-1 - Marina Business
- MX - Mixed Use
- I-1 - Industrial
- C - Conservation

# Amend Chapter 40, Article VIII Sec. 40-72

- (1) It is recommended that Planning and Zoning open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

## New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of three forms:

- A Statement of Approval – The Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article VIII Sec. 40-72 – PUDs and Multi-Family developments in the Town of Carolina Beach, it is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any recommended restrictions or requirements)
- A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.
- A Statement of Denial – Town Council deny the adoption of the following ordinance amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.

# Action

A Statement of Approval – The Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article VIII Sec. 40-72 – PUDs and Multi-Family developments in the Town of Carolina Beach, it is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any recommended restrictions or requirements) or

- A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width <sup>6</sup>	Min. Front Yard	Min. Rear Yard	Min. Side Yards* (Corner Lot—Min. 12.5 ft.) <sup>4</sup>	Residential Max. Density	Max. Height	Max. Lot Coverage
<b>R-1</b>	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. <sup>1</sup>	40%
<b>R-2</b>	Single-Family	7,000 sq. ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	45 ft.	40%
<b>MH</b>	Manufactured Homes Single-Family/Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. <sup>1</sup>	40%
<b>MF</b>	Multi-Family Single-Family/Two-Family	5,000 sq. ft.	50 ft.	10 ft.	10 ft.	7.5 ft.	17 units/acre	50 ft.	40%
<b>MX</b>	Mixed Use	5,000 sq. ft.	50 ft.	20 ft.	10 ft. <sup>3</sup>	7.5 ft. <sup>3</sup>	17 units/acre	50 ft.	40%
<b>HB</b>	Highway Commercial	10,000 sq. ft.	100 ft.	30 ft.	15 ft., or 20 ft. if abutting a residential district	10 ft.	NA	50 ft. <sup>2</sup>	60%
<b>MB</b>	Water-Oriented Businesses, Single-Family/Two-Family	10,000 sq. ft.	100 ft.	30 ft.	10 ft.	10 ft.	17 units/acre	50 ft. <sup>2</sup>	40%
<b>T-1</b>	Single/Multi-Family	6,000 sq. ft.	50 ft.	20 f.	10 ft.	7.5 ft.	29 units/acre	50 ft.	40%



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Ed H. Parvin, Assistant Town Manager      **DEPARTMENT:** Executive

**MEETING:** Town Council – December 8, 2020

**SUBJECT:** Harbor Master Hours

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### **BACKGROUND:**

The Harbor Master position was originally added to the Police Department two decades ago. The position was the Police Captain. After addition of the position the Police Captain's role and priorities quickly moved away from the Marina and Harbor areas. Throughout the years the duties have transitioned as follows:

1. 2002- 2013: Maintenance in the Harbor and permitting completed Planning Dept with actual work done by Public Works or private contractors.
2. 2002- 2013: Complaints in the harbor were fielded by Planning Department
3. 2007-2013: Oversight of the Harbor Committee and first line of comms with boat captains was done by the Planning Dept.
4. 2008: Finalized the Town's Harbor Management Plan overseen by the Planning Department
5. 2013 Developed Assistant Manager Position that took over management of the harbor area
6. 2015: Assistant Manager officially took over the role as Harbor Master
7. 2015: Contracted with an outside vendor to manage the mooring field.
8. 2018: Expanded the contract with the vendor to cover the Marina.
9. 2020: Changed from a contract vendor to a 30 hour/week Town Employee to cover the Mooring Field, Town Marina and Harbor Area.

### **ANALYSIS:**

As user interest and populations grow the oversight needed in the harbor area has increased. The usage of the mooring field alone has gone from bring in \$1,852 in 2019 to \$11,561 in 2020 (January – October). We now have transient vessels at the Town Marina that are rented nightly. There have been significant issues with illegal pumping of sewage into Myrtle Grove Sound by liveaboards. Anchored and abandoned vessels continue to become more common. To help mitigate some of these challenges we have adopted and started implementation of a new Harbor Ordinance. The Harbor Master has begun to implement a corresponding enforcement program. We are communicating and working with our partners at the state with increasing signage and enforcement of Harbor Regulations (i.e. no wake zones). We have also experience numerous storms that have caused significant damage to the bulkheads at the Town Marina. Managing grant funding, FEMA claims, engineering oversight, community input and involvement continues to involve multiple staff members including the Harbor Master.

**STAFF RECOMMENDATION:**

In order to continue to maintain the current level of service seen in Myrtle Grove Sound staff recommends approving a budget amendment of \$15,163 that would take Larry Denning, Harbor Master from 30 to 40 hours a week.

Wages:	\$11,680
COLA:	\$416
FICA Taxes:	\$926
Medical Insurance:	\$144
Retirement:	\$1228
401K:	\$769
Total:	\$15,163