

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, February 13, 2024 – 6:00 PM

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



AGENDA

CALL TO ORDER

INVOCATION GIVEN BY GAYLE TABOR WITH ST. PAUL'S UMC FOLLOWED BY THE PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

CONSENT AGENDA

- [1.](#) Set Public Hearing for 3/12/2024 to Hear from Non-Profits Regarding Funding Requests
- [2.](#) Set a public hearing for March 12, 2024, to consider a text amendment to Chapter 40 Art. V. Off-street Parking and Loading Requirements; Parking to amend Church parking. Applicant: St. Paul's United Methodist Church
- [3.](#) Set a public hearing for March 12, 2024, to consider a text amendment to Chapter 40 Art. III. Zoning District Regulations, Art. XIV. Nonconforming situations, and Art. XVIII. Definitions to amend maximum height standards and maximum lot coverage for the improvement of nonconforming buildings. Applicant: North Pier Holdings, LLC
- [4.](#) Budget Amendments/Transfers
- [5.](#) Approval of Council Meeting Minutes

SPECIAL PRESENTATIONS

- [6.](#) Events Update by Tim Murphy
- [7.](#) Recognize Nancy Busovne for serving 23 years with the Pleasure Island Sea Turtle Project
- [8.](#) Presentation and Update from the Parks and Rec Committee and the Pleasure Island Volleyball Committee
- [9.](#) Manager's Update

PUBLIC COMMENT

Public Comment allows the public the opportunity to address Town Council. Please direct your comments to Council only. Speakers should restrict comments to no more than three minutes. Items or

questions presented during this time will not be discussed by Council. However, the topic may be deferred to Town staff or a Town committee for follow-up. Please be sure to state your name and address, and speak directly into the microphone for those watching online.

PUBLIC HEARINGS

- [10.](#) Consider a Special Use Permit Modification for additional boat storage spaces located at 401 Marina Street PID 313115.74.1321.000, 313115.64.9002 & 313115.64.8036 in the Marina Business MB-1 & R-1B District. Applicant: CBYC, LLC

ITEMS OF BUSINESS

- [11.](#) Consider Designating an Ex-Officio Position on the Marketing Committee to be held by the Pleasure Island Chamber of Commerce
- [12.](#) Committee Appointments – Marketing Advisory Committee and Police Advocacy Committee

COUNCIL COMMENTS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 2/13/2024

SUBJECT: Set Public Hearing for 3/12/2024 to Hear from Non-Profits Regarding Funding Requests

BACKGROUND:

Council allows local non-profits to request financial support from the Town's General Fund each year. Representatives from the non-profit organizations are given the opportunity to speak during a public hearing to explain their mission and the need for their request.

ACTION REQUESTED:

Set a public hearing date.

RECOMMENDED MOTION:

Motion to set a public hearing for March 12, 2024 to hear from the local non-profits regarding funding requests from FY23/24.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council February 13, 2024

SUBJECT: Set a public hearing for March 12, 2024, to consider a text amendment to Chapter 40 Art. V. Off-street Parking and Loading Requirements; Parking to amend Church parking.

Applicant: St. Paul's United Methodist Church

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda.

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council February 13, 2024

SUBJECT: Set a public hearing for March 12, 2024, to consider a text amendment to Chapter 40 Art. III. Zoning District Regulations, Art. XIV. Nonconforming situations, and Art. XVIII. Definitions to amend maximum height standards and maximum lot coverage for the improvement of nonconforming buildings.

Applicant: North Pier Holdings, LLC

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda.

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 2/13/2024

SUBJECT: Budget Amendments/Transfers

BACKGROUND:

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

Appropriations:

Appropriate \$1,489.05 donation received from the Friends of Carolina Beach Parks and Greenways to account 10-620-018 Parks & Rec M&O Grounds to purchase windscreens for the tennis court at Mike Chappell Park.

Appropriate \$67,500 donation received from the Friends of Carolina Beach Parks and Greenways to account 10-620-074 Parks & Rec Capital Projects over \$10,000 for the skatepark project.

Appropriate \$86,000 donation received from the Friends of Carolina Beach Parks and Greenways to account 10-620-074 Parks & Rec Capital Projects over \$10,000 for the skatepark project.

Appropriate \$9,007.50 for Sale of Fixed Assets Police equipment to account 10-510-045 Police professional services to upfit two Police vehicles.

Appropriate \$72,200 from General Fund fund balance to account 10-650-046 Boardwalk Professional services for design and engineering of the Boardwalk bathrooms.

Transfers:

Transfer \$10,000 from account 10-620-018 Parks & Rec M&O Grounds to account 10-620-074 Parks & Rec Capital Projects over \$10,000 to complete a connecting sidewalk from Sumter Avenue to the dog park at Mike Chappell Park.

Transfer \$5,000 from account 10-620-041 Parks & Rec Arts & Activities to account 10-620-074 Parks & Rec Capital Projects Over \$10,000 to cover skatepark project overage.

Transfer \$2,000 from account 10-440-036 Finance Bank Fees to account 10-420-023 Executive M&O Software to cover the cost of an EFT payment option in the Town's accounting software program.

Transfer \$2,000 from account 10-420-090 Executive Contingency to account 10-408-070 Non-Departmental Donations to Non-Profit for a donation to the Federal Point Historic Center for a Seabreeze Memorial highway marker.

Transfer \$2,000 from account 10-440-036 Finance Bank Charges to account 10-440-046 Finance Professional Services to cover additional audit cost related to State & Federal Grants.

Transfer \$3,000 from account 10-420-022 and \$3,000 from account 10-580-045 Environmental Contract Services to account 10-491-023 Planning M&O Software to cover cost of Cityworks Server Migration.

Transfer \$5,000 from account 10-565-016 GF Fleet M&O Equipment; \$5,000 from account 10-565-017 GF Fleet M&O Vehicles and \$900 from account 10-530-016 Fire M&O Equipment to account 10-530-074 Fire Capital Over \$10,000 to cover purchase of a new boat trailer for the fire boat. The old trailer is not repairable.

BUDGET IMPACT:

The appropriation for the Boardwalk restrooms will affect fund balance.

ACTION REQUESTED:

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

Lynn Barbee
Mayor

Joe Benson
Council Member

Jay Healy
Council Member



Deb LeC...
Mayor Ph... **Item 4.**

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

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

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

From: Eric Jelinski, Parks and Recreation Director

Date: 1/22/2024

Re: Budget Transfers

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

Account	Amount	Transfer to Account	Reason
General Fund 10-335-000	\$1,489.05	10-620-018	The Friends of Carolina Beach Parks and Greenways donated part of the funds needed to purchase windscreens at the tennis courts at Mike Chappell Park. These funds will allow us to complete the project.
10-620-018	\$10,000	10-620-074	Funds to complete a connected sidewalk from Sumter Avenue to the dog park at Mike Chappell Park.
10-620-041	\$5,000	10-620-074	Funds for overage for skatepark project

Lynn Barbee
Mayor

Joe Benson
Council Member

Jay Healy
Council Member



Deb LeC
Mayor P Item 4.

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

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

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

From: Eric Jelinski, Parks and Recreation Director

Date: 1/22/2024

Re: Budget Transfers

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

Account	Amount	Transfer to Account	Reason
General Fund 10-335-000	\$67,500	10-620-074	The Friends of Carolina Beach Parks and Greenways donated funds for the skatepark project.

Lynn Barbee
Mayor

Joe Benson
Council Member

Jay Healy
Council Member



Deb LeC Item 4.
Mayor P

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

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

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

From: Eric Jelinski, Parks and Recreation Director

Date: 2/7/24

Re: Budget Transfers

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

Account	Amount	Transfer to Account	Reason
General Fund 10-335-000	\$86,000	10-620-074	The Friends of Carolina Beach Parks and Greenways donated funds for the skatepark project.



CAROLINA BEACH POLICE DEPARTMENT

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



Item 4.

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

From: Chief Vic Ward

Date: 1/23/2024

Re: Budget Transfer Request

On January 10, 2024 the police department sold two surplus vehicles at auction. We deposited checks totaling \$9,007.50 into the surplus account. I would like to request that this amount be transferred from line item 10-383-000 (surplus) into 10-510-045 to offset the cost of upfitting two vehicles.

Thank you for your consideration.

C. V. Ward

Debbie Hall

From: Ed Parvin
Sent: Monday, January 29, 2024 3:56 PM
To: Debbie Hall
Cc: Paula Kempton
Subject: Boardwalk Bathrooms

Debbie,

The Town has received cost estimates for the boardwalk bathrooms. We are requesting an additional \$72,200 be allocated to this project to cover costs.

V/R,

Ed H. Parvin
Deputy Manager

910 465 2766
ed.parvin@carolinabeach.org



1121 North Lake Park Blvd.
Carolina Beach, NC 28428

www.CarolinaBeach.org



October 31, 2023

Ms. Paula Kempton
 Town of Carolina Beach
 1121 Lake Park Blvd N.
 Wilmington, NC 28428

**Re: Design and C.A. Services
 Public Restroom Building – Board Walk
 Carolina Beach, NC**

Dear Ms. Kempton:

In accordance with our conversations, Henry von Oesen and Associates, dba Ardurra Group North Carolina "Ardurra", formerly Criser Troutman Tanner Consulting Engineers are pleased to submit to the Town of Carolina Beach "Town" herein our proposal to provide full design services for the proposed new restroom facility located along the Board Walk in Carolina Beach. This proposal is an extension to the current contract Ardurra has to provide initial schematic design and programming assistance. Based on our discussions, these services will include the following disciplines and will be completed by our teaming partners:

- Structural and Design Team Lead: Ardurra Group North Carolina
- Survey: SGC Surveying
- Geotechnical Engineering: S&ME
- Civil/Site: Highfill Infrastructure and Engineering Inc.
- Architecture: Design Elements
- Mechanical and Electrical Engineering: Cheatham and Associates

Per our discussions, we understand that the Town is currently in the process of obtaining design proposals to replace the existing one-story restroom building along the boardwalk and replace the structure with a new-story restroom building. The new building was programmed in a schematic design effort last year and will provide restroom facilities at the lower level from the concrete boardwalk area, and form the elevated timber boardwalk.

Based on the schematic drawings and the survey provided by the town, we anticipate that the second-floor restroom level will be higher than the current boardwalk. Therefore we anticipate that an ADA ramp will be required at that level. The footprint of the new building will be required to fit within the current area encompassed by the site retaining walls that surround the existing restroom on three sides.

All electrical services and equipment will be at the second, higher elevation above the Base Flood Elevation.

BASIC SCOPE OF WORK

Ardurra will serve as the lead designer and work with the Town and our teaming partners to further develop the initial programming of the two-story restroom building to allow the final design documents to be fully



completed. This further design includes items such as the final layout, access points, type of finishes interior and exterior, aesthetics, color selections, fixture selection, etc... Upon completion of this further schematic design and programming, Ardurra and our team members will generate design development "DD" floor plans, including tie-in points to existing access areas, elevations, structural column layout, preliminary site plan, preliminary mechanical and electrical plans for the town's review. After receiving comments on the DD submittal, Ardurra will incorporate the comments for final submission to the town of the full final design package.

Final deliverables will be sealed pdf documents for all disciplines, project specifications, and the project manual.

Bid Phase services shall include administrating the pre-bid meeting, the bid opening, responding to contractor-initiated RFI's and issuing Addenda as required. Upon completion of the bid phase, Ardurra will issue a letter of recommendation for the award.

Construction Phase services shall include the review of pay applications, site visits to monitor construction activities, response to contractor initiated RFI's, Submittal reviews, respond to SI Inspector Comments, Complete the final punch list and submit Record Drawings based on contractor redlines.

As per the North Carolina State Building Code, all special inspections shall be completed by a third-party inspector and shall be retained by the owner as a separate contract. The development of the statement of special inspections is included in the basic scope of work of Ardurra and our design team members, but the actual inspections are not included.

TOWN OF CAROLINA BEACH'S RESPONSIBILITIES

1. Provide a project manager that is familiar with the project to serve as the single point of contact.
2. Assist in the programming phase of the project in discussions with the design personnel.
3. Make decisions in a timely matter on items the design team requires town input on.
4. Verify the adequacy of town provided utilities to handle the additional fixture count.
5. Review and provide comments on the initial submission of the review schematics.

TERMS

Based on our current backlog, we anticipate beginning the pre-design work, geotechnical exploration, and survey within 3 weeks of written Notice to proceed. Our lump sum fee for the scope outlined above is broken down into the following phases:

<u>Pre- Design (Geotech and Survey)</u>	<u>\$ 19,000</u>
Total Pre-Design	\$ 19,000
Design Scope	
Erosion Control and Stormwater Permitting	\$ 6,300
Design Phase	\$105,000
Bid Phase	\$ 7,300
<u>Construction Administration</u>	<u>\$ 28,600</u>
Total Design Phase	\$ 147,200



INSURANCE

Ardurra shall, at its sole cost and expense, maintain insurance that will protect it from claims under worker's compensation acts, disability benefits laws, or other similar employee benefits laws; professional liability insurance; and from claims for injury to or destruction of tangible property, including loss of use, resulting from any action of Ardurra or its employees in its performance of this Agreement. Current COI's are on file with the Town of Carolina Beach.

TERMINATION OF AGREEMENT

Ardurra and the Town of Carolina Beach both reserve the right to terminate this Agreement upon thirty (30) days written notice to the other party, for any reason. In the event of termination, Ardurra shall be compensated for all services rendered up to the date of termination.

ASSUMPTIONS AND CLARIFICATIONS




- o Review of the existing capacities of utilities, sewer, water, power, etc... re not included within this scope of work. This scope only includes the schematic work outlined above.

If the above information satisfactorily sets forth your understanding of the arrangement between us for consulting engineering services, it is requested that you so indicate and date in the space provided below and return one copy of this proposal to us. This proposal serves as a formal agreement between Ardurra Group North Carolina and the Town of Carolina Beach.

Thank you for the opportunity to provide our services to you. We look forward to working on this project.

Cordially,

Ardurra Group North Carolina

Mark F. Weiss, PE

Structural Group Leader

ACCEPTED:

Phase 1 – NTE \$75,000 Through Design Development

By: Ed Rini

Date: 17 JAN 2024

Phase 2 – Remaining \$72,200 – Construction Phase and C.A

By: _____

Date: _____

MFW/mfw/ S-2023-0585

Debbie Hall

From: Sheila Nicholson
Sent: Tuesday, January 16, 2024 9:38 AM
To: Debbie Hall
Cc: Bruce Oakley
Subject: Budget transfer requests: Southern Software and Seabreeze Memorial Marker

Debbie,

We respectfully request the following budget transfer requests:

- Move \$2000 from 10-440-036 to 10-420-023 to cover the cost of EFT payment option through Southern Software FMS.
- Move \$2000 from 10-420-090 to 10-408-070 to cover the cost of donating funds for Seabreeze Memorial highway marker.

Please let me know if you have any questions or need more details.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager
Town of Carolina Beach
sheila.nicholson@carolinabeach.org
(910)458-2995

DISCLAIMER:

E-mail correspondence to and from this address may be confidential and/or subject to the North Carolina Public Records Law and may be disclosed to third parties.

Memorandum

To: Bruce Oakley
From: Debbie Hall (Finance Department)
Date: 1/22/2024
Re: Budget Transfer

The following budget transfers for additional finance audit work related to Federal & State Grants:

To Account	From Account	Amount
10-440-046 Finance Professional Services	10-440-036 Finance Bank Charges	\$2,000

Regards,

Debbie Hall
Finance Director

Debbie Hall

From: Sheila Nicholson
Sent: Monday, January 22, 2024 2:20 PM
To: Debbie Hall
Cc: Bruce Oakley; Brian Stanberry; Gigi Baggarley
Subject: Budget transfer request to cover Cityworks Server Migration/Jacobs Engineering

Debbie,

We respectfully request the following budget transfers to help cover the cost of the Cityworks Server Migration project being performed by Jacobs Engineering:

- \$3,000 from 10-420-022 to 10-491-023
- \$3,000 from 10-580-045 to 10-491-023

This cost was not included in original 23/24 budget; the work is necessary to maintain and upgrade the Cityworks server.

Please let me know if you have any questions.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager
Town of Carolina Beach
sheila.nicholson@carolinabeach.org
(910)458-2995

DISCLAIMER:

E-mail correspondence to and from this address may be confidential and/or subject to the North Carolina Public Records Law and may be disclosed to third parties.

Budget Transfer Request - CB Fire Department

Cate Freeman <cate.freeman@carolinabeach.org>

Thu 2024-01-25 2:29 PM

To:Debbie Hall <debbie.hall@carolinabeach.org>

Cc:Alan Griffin <alan.griffin@carolinabeach.org>

Debbie,

The Fire Department respectfully requests the following budget transfers to help with the purchase of a new boat trailer for Marine 21.

\$5,000 from 10-565-016 to 10-530-074

\$5,000 from 10-565-017 to 10-530-074

\$900 from 10-530-016 to 10-530-074

Thank you,

Cate Freeman

Administrative Assistant

Carolina Beach Fire Department

9 S Dow Road, Carolina Beach, NC 28428

(910) 458-2985



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 2/13/2024

SUBJECT: Approval of Council Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from 1/9/2024, 1/10/2024, 1/25/2024, and 1/26/2024.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, January 9, 2024 - 6:00 PM

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



MINUTES

CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM.

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Deb LeCompte

Council Member Jay Healy

Council Member Joe Benson

ABSENT

Council Member Mike Hoffer

ALSO PRESENT

Town Manager Bruce Oakley

ACTION: Motion to recess until January 10 at 6:00 PM due to inclement weather

Motion made by Mayor Barbee

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

Motion passed 4-0

Mayor Barbee recessed the meeting until January 10 at 6:00 PM.

CAROLINA BEACH

Town Council Regular Meeting

Wednesday, January 10, 2024 - 6:00 PM

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



MINUTES

CALL MEETING BACK TO ORDER

Mayor Barbee called the meeting, which recessed on January 9, back to order at 6:00 PM, followed by the invocation by Mayor Pro Tem LeCompte and Pledge of Allegiance.

PRESENT

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

ALSO PRESENT

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

Mayor Barbee recognized former Mayor Dennis Barbour in the audience.

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

CONSENT AGENDA

1. Set a Public Hearing for February 13, 2024, to Consider a Special Use Permit Modification for Additional Boat Slips Located at 401 Marina Street PID 313115.74.1321.000 and 313115.64.8036 in the Marina Business and R-1B District
Applicant: CBYC, LLC
2. Adopt Resolution to Designate Staff to Authorize to Execute and File Applications for Federal and State Assistance
3. Approval of Council Meeting Minutes

Council Member Benson asked if item 2 is regarding the Federal Emergency Management Agency (FEMA) elevating homes. Mr. Oakley said the Town is taking grant applications and turning them over to the State for awarding and management of projects.

Mayor Pro Tem LeCompte asked how many are typically awarded. Planning Director Jeremy Hardison said an average of five homes are awarded, and this year there was a record number of 21 applications.

ACTION: Motion to approve the consent agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

SPECIAL PRESENTATIONS

4. Events Update by Tim Murphy

Mr. Parvin introduced Patrick Conley of the Carolina Beach Bar Club to present information about a new event.

Mr. Conley said the club has raised \$750,000 for individuals on the island, regional charities, and other area non-profit organizations. He said the group was approached by Nollie's Taco Joint to assist with a fundraiser for Friends of CB Parks & Greenways, a March 23 skate competition called the Nollie's Street Skate Jam. Mr. Conley said organizers would like to request closure of a portion of Pelican Lane during the daytime event. He said this will not affect the Scotchman store's operations. Mr. Conley said the goal for fundraising is \$5,000 to \$10,000 through sponsorships, merchandises sales, and raffles.

ACTION: Motion to approve the Nollie's Street Skate Jam as presented

Motion made by Mayor Barbee

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

Motion passed unanimously

5. Update from Friends of CB Parks & Greenways

Nick Hahn of Friends of CB Parks & Greenways gave an update on the non-profit organization's projects. He said all projects are Town-approved and largely community-driven, including the dog park, tree project, and skate park expansion.

Regarding the skate park expansion, Mr. Hahn said the group has raised \$223,000 toward the project along with \$175,000 provided by the Town. He said the expansion broke ground last week, but the group will continue to raise funds. Mr. Hahn thanked Council and presented a gift of gratitude, a skateboard deck, to Mayor Barbee.

Council Member Hoffer asked about the expected completion date for the expansion. Mr. Hahn said this should be sometime in April.

6. Presentation by Girl Scout Troop 4785 Regarding the 2024 Silver Award Project

Members of Girl Scout Troop 4785 gave a presentation about their proposed 2024 Silver Award project, which they expect to complete in May or June. They want to create a Little Free Library at Lake Park that in addition to books includes binoculars, photographs, and other information about birds. The girls plan to seek the help of local residents who want to make small monetary donations or contribute bird photos they have taken. The troop installed distance markers around the Island Greenway for their Bronze Award project.

Mayor Pro Tem LeCompte suggested that the girls connect with Virginia Holman to be a resource for the project.

7. Manager's Update

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

- Budget open house – January 16 4:00-6:00 PM in the Multi-Purpose/Police Training Room
- Strategic planning retreat – January 25 and 26
- Public hearing for non-profit requests – March 12
- Public hearing for community input – April 9
- Budget workshop – April 23
- Budget workshop – April 30
- Budget open house – May 7
- Public hearing for community input – May 14
- Budget message presented – May 28
- Budget adoption – June 11

Mr. Oakley also gave an update on various projects:

- Marina: Completion is expected in February.
 - South end improvements: The Town is taking input for the final phase.
- Lake Park improvements
 - Brandy Myers Memorial Playground: All materials have arrived, and installation of major equipment should be completed next week with final completion expected in late February; a ribbon cutting will follow. The playground will include some Braille elements.
 - Dredge and stabilization: This project is still behind, but the contractor has made a major push to catch up and improvements are rapidly happening. Substantial completion is expected in late February, with cleanup to follow.
 - Pump/pump house: A purchase order for the pump has been issued, and staff is awaiting renderings of the housing that will hide the pump. No taxpayer funds are going toward these projects at Lake Park, and the status of them can be found on the Town's website or by calling Town Hall.

Council Member Benson asked if the proposed design of the retention wall on Florida Avenue is ready to go to Coastal Area Management Act (CAMA) for approval. Mr. Hardison said staff is meeting in two weeks with CAMA and property owners to try to come up with a game plan for how to proceed.

PUBLIC COMMENT

Paul Levy of 1606 Mackerel Lane asked Council to consider cutting premium parking from the proposed parking ordinance for 2024. He said there is no need for premium parking in the off-season that does not honor resident passes, and this may damage Boardwalk businesses and alienate taxpayers. Mr. Levy suggested that Council reconsider premium parking for 2025 after getting direct input from Boardwalk business owners. He recommended that the Town establish a parking planning committee by the end of this budget season.

Cindy Dunn of 915 Tidewater Lane said she does not see anything in the proposed parking ordinance about non-resident passes, and she wants to figure out a way to make those available again so non-residents can support local businesses. She suggested parking enforcement stop at 8:00 PM instead of 9:00 PM, and she shared Mr. Levy's concerns about premium parking. Ms. Dunn asked how much revenue the Town is getting from parking passes for building contractors.

Kristen Dunn of 907 Ocean Boulevard expressed concerns about whether the Ocean Boulevard sidewalk project could be done in a professional or timely manner. She asked that residents of the area be kept informed of the plan, especially when contractors are expected to start work.

Amanda Hassler of 212 Hamlet Avenue Unit 2 asked Council to consider offering a limited number of non-resident parking passes and said not having them is an exclusionary practice.

PUBLIC HEARINGS

8. Conditional Zoning Modification to Consider an Outdoor Drinking and Serving Area and Landscaping for the Event Venue/Bar at 205 Charlotte Avenue in the Central Business District
Applicant: Kindred Carolina Beach, LLC

Applicant Kindred Carolina Beach, LLC, was approved for an Event Venue/Bar at 205 Charlotte Avenue as a use in the Central Business District (CBD) on July 11, 2023. Event Venues/Bars are allowed through the approval of Conditional Zoning (CZ) in the CBD. The proposal approved in July did not include any outdoor areas. Sec. 40-261(o)(6)c requires that any changes to the outdoor areas shall be considered a major modification of the CZ approval.

The applicant is proposing landscaping, outdoor seating, and an exterior walk-in cooler/freezer to the outside of the building. The proposed outdoor seating area is 16 feet by 32 feet. The proposed landscaping area consists of hedges, shrubbery, synthetic turf, and planters surrounding the building. The proposed walk-in cooler/freezer is 7.5 feet by 13.5 feet. Approximately 525 square feet of the landscaping proposal includes a new paver walkway. No changes are proposed to the existing parking lot and driveway cut.

Alcohol point of sale in an outdoor area shall be located a minimum of 20 feet from any property line. Outdoor areas designated for point of sale and consumption shall be designated on the site plan and shall have a barrier that is 4 feet to 6 feet in height. Outdoor alcohol sales are not proposed.

The parking requirement for Event Venues is one per 110 square feet of indoor gross floor area. No parking shall be required for outdoor gross floor area if the establishment is located within 500 feet of public parking spaces. A 50% reduction in the parking requirement shall apply to outdoor gross floor area if the establishment is not within 500 feet of public parking spaces. The total indoor gross floor area of the building is 6,990 square feet. The total number of required spaces for the project is 64. There are 148 total spaces within 500 feet.

The applicant is requesting a waiver to the landscaping requirement to accommodate an existing propane tank. Landscaping requirements may be waived at the discretion of the Planning and Zoning Commission and Council on projects requiring CZ. There is an existing 6-foot fence between the building and the neighboring properties in the MX district.

Event Venues must comply with all Alcoholic Beverage Control (ABC) and/or Alcohol Law Enforcement (ALE) standards. On-premise alcohol sales are limited to the duration of the event.

As part of the application process, a community meeting is required. The applicant held the required meeting on November 10, 2023, and six people attended. Based on comments from the meeting, the applicant can place conditions on the project to help mitigate the impacts and concerns from neighboring properties.

Proposed conditions

1. Outdoor sales of alcohol are not permitted.
2. The use and development of the subject property shall comply with all regulations and requirements of any other Federal, State, or Local law, ordinance, or regulations.
3. A 20-foot driveway cut must remain open and accessible to the parking lot.
4. A Type B landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by the Commission and Council.
5. Shall have a barrier that is 4 feet to 6 feet in height that meets ABC standards.

The proposal is in general conformity with the 2020 Land Use Plan, and staff recommends approval with the proposed conditions. The Commission unanimously recommended approval of the project with the addition of the following condition: A Type B landscape buffer shall be permitted in front of the propane tank on the west side of the property.

Mr. Hardison presented the details.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Benson, Council Member Hoffer
Motion passed unanimously

Matt Hamlet of 1414 Snapper Lane, who is part-owner of the property, said he and his partners are removing a large amount of impervious surface to make it pervious, which will improve the stormwater situation. He said the outdoor space will not be a large area for people to congregate but more of a transitional space as the venue goes from a wedding ceremony to a reception. Mr. Hamlet said there are no plans for live music there.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Council Member Hoffer suggested that the applicant do whatever is necessary to keep people out of the area behind the propane tank.

Mayor Pro Tem LeCompte said the project will beautify the area.

Council Member Healy said he loves the idea of pervious surface and has no issues with the proposal.

ACTION: Motion that whereas in accordance with the provisions of the NCGS, Town Council does hereby find and determine that the adoption of the Conditional Zoning District modification to allow for an outdoor drinking and serving area with landscaping for the Event Venue/Bar at 205 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions with the approval of the landscape modification

Motion made by Council Member Healy

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

Motion passed unanimously

ITEMS OF BUSINESS

9. 2024 Parking Policy Discussion

Council reviewed public input and discussed recommendations for the 2024 parking season.

Mr. Oakley said feedback came from a well-attended community input session and online comments, and recommendations are based on that input. He said paid parking is about 10% of the Town's total revenue, and the goal is to not decrease that. Mr. Oakley recommended that Council give direction tonight because there is a lot to be done, including removing polls, ordering signs, and restriping, before paid parking begins on March 1.

Mr. Parvin reviewed public outreach efforts:

- Online feedback (December 1-14)
- Public input session (December 13)
- Continued feedback to staff, contractor, and Council
- 139 written responses from residents/business owners/property owners
- 88 written responses from outside the Town

The following issues were identified:

1. Changing hours and price throughout the year causes confusion.
2. Maintain revenue to offset increases in other fees/property taxes.
3. Off-season should be free.
4. Fines are too punitive.
5. Improve signage.
6. Look for innovations to limit resource needs and improve the program.
7. Constantly changing rules become confusing and frustrating.
8. Use ambassadors and business owners to promote and educate the public on the program.

Recommendations based on feedback

- Owned parking lot and on-street rates: March-October 9:00 AM-9:00 PM (\$5/hour and \$25/day)
- Premium parking lot rates: January-December 9:00 AM-9:00 PM (\$7/hour and \$35/day)

Parking tickets

- Reduce tickets from \$100 to \$60
- 25% reduced cost if paid within 48 hours (\$45 for \$60 ticket and \$18.75 for \$25 ticket)
- All tickets receive a \$50 increase after 30 and 60 days unpaid
- Tickets are \$25 in areas where parking has been paid but one of the designated parking space violations exists and does not cause any loss of access to surrounding public facilities (parking spaces, sidewalks, bike lanes, etc.)

Mr. Parvin also showed examples of proposed signage.

In an effort to seek innovations, the Town plans to work with the contractor on implementing new strategies for consideration in the 24/25 budget. To prevent constantly changing rules, the Town is requesting a two-year commitment to the general framework of this program. To implement the assistance of ambassadors and business owners, outreach materials, a website, and an informational app are proposed.

Mayor Barbee asked what the backup plan for revenue is if Council decides to end parking enforcement at 8:00 PM instead of 9:00 PM. Mr. Parvin said the Town could get rid of the daily rate for on-street parking and just offer an hourly rate.

Council Member Benson said he would like to work on some additional ideas at the budget retreat, including a nuanced non-resident parking pass option, decoupling Freeman Park management from the

parking contractor, and issuing another request for proposals for parking management after the current contract expires.

Mayor Barbee said tonight's discussion should focus on parking hours, length of the parking season, and parking rates. He said he is leaning toward ending parking enforcement at 8:00 PM and increasing the hourly rate for parking lots.

Mayor Pro Tem LeCompte said the purpose of premium lots is to give the Town the ability to be competitive with private companies. She said the Town would have the option to charge year-round if private lots do. Mayor Pro Tem LeCompte said she personally would like to see parking enforcement end at 7:00 PM, but she's not going to fight over it. She said she is in favor of the changes to citations because they were too punitive.

Council Member Healy said he wants to thank everyone who gave feedback. He said he is concerned that implementing some of the proposed changes may reduce the Town's revenue and result in a shortfall, especially once inflation is considered. Council Member Healy said he is fine with \$6 per hour for parking lots and \$5 per hour for on-street parking, and he thinks ending enforcement at 8:00 PM and the reduced ticket fines are fair. He said he is not in favor of non-resident passes because they result in an overall loss of parking revenue. Council Member Healy said he hopes the community will do a better job of promoting the Town and refrain from negative rhetoric after tonight's decision.

Council Member Hoffer said it's tricky to balance the concerns of taxpayers, business owners, and visitors. He said he thinks parking enforcement hours should be 9:00 AM-8:00 PM, and he suggested designating premium lots based on their amenities and proximity to the beach and charging market rates for them. Council Member Hoffer also suggested changing the on-street spaces that have a two-hour maximum to a three-hour maximum because this would allow people to patronize multiple businesses while still meeting the goal of turnover. He said he is open to a discussion about offering non-resident passes for the time period from the day after Labor Day to the day before Memorial Day.

Mayor Barbee said the consensus of Council is for parking enforcement from 9:00 AM-8:00 PM and rates of \$6 per hour in parking lots and \$5 per hour for on-street spaces with no daily rate for the on-street spaces. He asked what the current plan is for premium lots. Mr. Oakley said this year the Town is looking at designating the Surfside lots as premium, but Council can authorize him to designate others as needed. Mayor Barbee said he thinks the Town should go with the current plan before designating additional premium lots. Mr. Oakley said Council can revisit this in July.

Mayor Barbee said non-resident passes have already been voted down several times. He said he thinks a three-hour maximum instead of two is a decision for Mr. Oakley to make, but he does not have a problem with it. Mayor Pro Tem LeCompte said a discussion with business owners needs to happen before making this change. Mr. Parvin said this policy is in a different part of Town code, so it would need to come back before Council after tonight anyway.

ACTION: Motion to approve Ordinance 24-1219 as presented with the following changes: For parking lots, the hours will be 9:00 AM-8:00 PM, free November 1-February 28, and \$6 per hour and \$25 per day; premium parking lots are to be determined by the Town Manager with concurrence of Council

and will also be 9:00 AM-8:00 PM potentially year-round if the other private lots are charging at \$7 per hour and \$35 per day; the designated on-street parking hours will be 9:00 AM-8:00 PM at \$5 per hour, removing the daily rate, and staff will look at three-hour parking

Motion made by Mayor Barbee

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

Motion passed unanimously

Council Member Hoffer said he wants flexibility so the rates of the premium lots can be determined by the Town Manager. Mr. Oakley said he recommends setting the price now, and if changes are proposed Council can adopt another ordinance.

Council Member Healy said he has heard residents say you don't have to pay parking tickets because collection is not pursued. Mr. Oakley said a car is likely to get booted after three violations, and there is a hefty fine to have it removed. He said tickets may also be sent for collection, and although the Town hasn't been very aggressive with this it could change. Mayor Barbee said those with a parking pass won't be able to get another if they have unpaid citations.

Mayor Barbee suggested that staff review signage with at least a couple of Council Members before going to print, and he also wanted Mayor Pro Tem LeCompte and Council Member Benson to review training for Pivot Parking to make sure the Town's expectations are clear.

10. Consider Entering a Lease Agreement for Town-Owned Property at 3 Carolina Beach Avenue South PID R09006-021-004-000

Carolina Beach Land Holdings, LLC, has requested a 10-year lease for the Town's lot at 3 Carolina Beach Avenue South at \$400 per month. North Carolina General Statutes only allow municipalities to lease property for under 10 years. Therefore, the proposed lease is for a term of 9 years and 11 months. The Town originally entered a one-year lease with Carolina Beach Land Holdings in April 2022. The lease expired at the end of March but was renewed in May 2023 for a term that expired on January 1, 2024.

The original use of the property was described as support apparatus and/or queueing area for a Ferris wheel that was to be located on an adjacent property but encroached on the Town's property. In October 2023, the Town was approached about the possibility of a long-term lease for support apparatus for the Ferris wheel. After reviewing General Statutes, the following options were presented to Carolina Beach Land Holdings:

1. Enter into a new lease for less than year or until September.
2. Enter into a new lease beyond a year. The term of the lease can be greater than a year but not longer than 10 years if Council determines the property will not be needed by the Town for the term of the lease. This option will require a published 30-day notice to the public that includes the terms of the lease, including rental or lease payments, and will have to be adopted at a regular Council meeting.
3. The parties could execute an encroachment agreement for the Ferris wheel support apparatus.
4. The parties could exchange equal pieces of real property.

5. An offer to purchase the property could be presented to the Town. If the offer is accepted, it would be subject to the upset bid requirements defined in North Carolina General Statutes.

Carolina Beach Land Holdings asked to pursue a 10-year lease. Before Council is a resolution that would grant the proposed lease at \$400 per month. As required by General Statute, the Town published a 30-day notice that Council would consider the resolution to consider the lease at its January 9, 2024, regular meeting.

Also before Council is the current loan information for the property that was purchased by the Town in 2019. This loan was approved by the Local Government Commission. The public purpose provided at the time was for use as a facility for Ocean Rescue. Ocean Rescue is now located on Hamlet Avenue, and this site is not needed for that use. However, there are plans to use it as a laydown/staging area for the proposed Boardwalk bathroom facility that is scheduled to begin next fall.

Staff recommends against any long-term leases for Town property and recommends the lease payments be, at a minimum, equal to the debt service on the property during the term of the lease.

Mr. Oakley presented the details. He said he currently believes an encroachment agreement will work best.

Mayor Barbee said there are no other instances of the Town leasing property to a for-profit entity, and it's difficult to determine fair market value. He said he agrees that an encroachment agreement should work because the adjacent landowner only needs a little space for the Ferris wheel.

Mayor Pro Tem LeCompte said while she strongly supports the Ferris wheel, she has hesitation about a 10-year lease of public property and agrees that an encroachment agreement is a good choice. She said other options that should be considered before a long-term lease are a property swap or replatting of the Town's lot.

Council Member Healy said everyone wants the Ferris wheel, but he doesn't want to handcuff future Councils with a long-term decision now.

Council Member Benson said the Town could close off the beach access by Nauti Dog and use it as a laydown lot while giving the landowner an encroachment agreement for five years and not asking for anything in return.

Mr. Oakley said an encroachment agreement would be for just a section of the property, so the Town can still use the remainder for a laydown yard. Mayor Barbee said the remaining property could be used for other things, such as non-profit organizations.

Council Member Hoffer said he's interested in an encroachment agreement and also considering a long-term lease, although he thinks 5 years is a better option than 10 years. He said this is an example of partnering with a business owner to bring a valuable asset to downtown, and both parties are looking for certainty. Council Member Hoffer said he wants to consider the entirety of what the

landowner is doing down there because he has concerns that there are too many rides, the area is too crowded and loud, and there are competing concessions.

Council Member Healy asked when the last conversation was with the landowner about this. Mr. Oakley said there have been emails but not an actual conversation for about a year, when they didn't come to any agreements.

Mayor Barbee said Council is not ready to vote on a lease agreement tonight and asked staff to bring back options.

Mayor Pro Tem LeCompte said Council must be considerate of what will happen in the future and do the right thing for the public. She said she would like to consider the possibility of negotiating base rent with a percentage of gross profit.

Mr. Oakley said he will start working with the landowner on the possibility of an encroachment agreement.

11. Appropriate Funds for Ocean Sidewalk Paving Project

The Town received a \$900,000 State Capital Infrastructure Fund (SCIF) grant in February 2022 from the State for paving Carolina Beach Avenue North and a sidewalk on Ocean Boulevard. The Town used \$446,725 of the grant on the paving project with \$473,832.08 remaining for the sidewalk. The lowest responsible responsive bid for the project was \$908,254.55. As a result, an additional \$434,422.47 is needed prior to approval of the contract.

Staff is asking Council to appropriate \$434,422.47 to account 46-580-074 Ocean Sidewalk Capital Project fund: \$20,976 interest earned on Grant Funds and \$413,446.47 from the General Fund fund balance. The fund balance will be reimbursed when grant funds are received for the purchase of Freeman Park. The appropriation will affect the budget until the Town receives the grant funds.

Mr. Oakley presented the details. He said the Ocean Boulevard project became more of a stormwater project than a sidewalk project.

Mayor Barbee said Council has the following options: do nothing and kill the project, approve \$434,422.47, or go back to the engineer to see if the sidewalk can be engineered closer to the houses and somehow come in under \$434,422.47. He said he doesn't think the last option can be done, and the project is a big public safety issue.

ACTION: Motion to approve Ordinance 24-1218 amending the Ocean Boulevard sidewalk and Carolina Beach Avenue North improvement projects in the amount of \$434,422.47

Motion made by Mayor Barbee

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

Motion passed unanimously

Council Member Hoffer said he is not prepared to kill the project after going this far, and Council did right by homeowners by moving forward.

12. Consider Supporting the Seabreeze Highway Marker Dedication Ceremony Scheduled for May 31, 2024

Mayor Pro Tem LeCompte is requesting that Council consider making a donation toward the Seabreeze highway marker dedication ceremony scheduled for May 31, 2024. She said this date would have been Robert Bruce Freeman Sr.'s 194th birthday. Mayor Pro Tem LeCompte said a budget of \$15,000 has been set for the event, so she is asking Council to donate \$2,000 to the Federal Point History Center to help with the celebration.

Mayor Barbee said the Freemans have been critical in the development of this area, so he supports the proposal.

ACTION: Motion that the Town support the Seabreeze historic highway marker by making a donation to the Federal Point History Center in the amount of \$2,000

Motion made by Mayor Pro Tem LeCompte

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

Motion passed unanimously

COUNCIL COMMENTS

Mr. Barbour, Chairman of the Wilmington/New Hanover Port, Waterway & Beach Commission, asked to speak. He thanked Council Members for attending the group's meetings, especially Council Member Healy. Mr. Barbour emphasized the importance of the advisory group and said it is in a good position with funding coming from sources other than the Town. He gave an update on local projects, including dredging of the Carolina Beach Inlet planned for February and beach renourishment in Carolina Beach and Kure Beach scheduled for late fall/winter 2025.

Council Members expressed gratitude to Mr. Barbour for his work and leadership.

Mayor Pro Tem LeCompte asked about the Lake Park Boulevard sidewalk and Spartanburg Avenue crosswalk projects. Regarding Lake Park Boulevard, Mr. Oakley said staff met with the N.C. Department of Transportation (DOT) last week about options. Mr. Hardison said the Spartanburg crosswalk is in the engineer's hands for design, and DOT has given authorization that it meets criteria.

Council Member Healy said he would like to look into getting a new stage downtown before the centennial celebration, including new seating and sun shades.

Council Member Benson said Nancy Busovne is stepping down after 23 years as President of the Pleasure Island Sea Turtle Project. He mentioned N.C. Department of Environment Quality (DEQ) stormwater grant opportunities and the delays for the lake dredge bank stabilization project and asked if the marina ticket booth will be back when charters start running in March. Mr. Oakley said he

doesn't think the ticket booth survived, and there is talk of bringing it back or putting a Harbor Master office on that lot.

Mayor Barbee asked for a review of plans for the Beach Patrol. He asked Ms. Ward to notify the N.C. Aquarium Society about the budget schedule for presentations by non-profit groups because representatives asked about sharing information regarding improvements planned for the Fort Fisher facility. Mayor Barbee thanked Mr. Oakley for getting close to having the misspelled Woody Hewett street signs replaced. He asked for a discussion about a facility plan as the Town grows, including a vision for where people would go if there was a staff expansion. Mr. Oakley said this will be a topic at the retreat.

CLOSED SESSION

13. Closed Session – Personnel

ACTION: Motion to go into closed session to discuss a personnel matter in accordance with NCGS 143-318.119(a)(6)

Motion made by Mayor Barbee

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

Motion passed unanimously

Mayor Barbee called the meeting back to order.

ACTION: Motion to approve an amendment to the Town Manager's contract to include an annual salary of \$190,000, a monthly car allowance of \$650, and 12 months then current base salary if he is terminated by the Town Council, which shall not include any benefits owed.

Motion made by Mayor Barbee

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

Motion passed unanimously

ADJOURNMENT

Mayor Barbee adjourned the meeting at 9:00 PM.

CAROLINA BEACH

Town Council Retreat

Tuesday, January 25, 2024 – 8:30 am

Fort Fisher Recreation Center Fort Fisher, NC



MEETING MINUTES

Council Members Present:

Mayor Lynn Barbee

Council Member Jay Healy

Council Member Mike Hoffer

Mayor Pro Tem Deb LeCompte

Council Member Joe Benson

Staff Members Present:

Bruce Oakley, Town Manager

Ed Parvin, Deputy Director

Eric Jelinski, Parks and Rec Director

Brian Stanberry, Public Works Director

Kim Ward, Town Clerk

Sheila Nicholson, Executive Assistant

Jeremy Hardison, Planning Director

Mark Meyer, Public Utilities Director

Alan Griffin, Fire Chief

Noel Fox, Town Attorney

UNC School of Government Facilitator Rebecca Jackson led the discussion, “Defining Strategic Priorities”. No action was taken during this retreat. Below are some of the highlights of the discussions.

The Council shared key successes over the last 12-18 months. Overall, the strongest recurring themes were:

- Infrastructure plan completed
- Financial successes of the Town- strong fund balance
- Family oriented Town
- Amenities: Lake Dredge, Skate Park, Marina, Playground, Hamlet
- Freeman Park
- Securing grants for significant projects
- Moving project forward including paving Lake Park Boulevard
- Development
- Parking resolution
- Stormwater
- Sidewalks
- Ocean Blvd
- Overall high performance of staff and Council
- Understanding and adhering to protocols for Council/Manager form of government
- Closing out major lawsuits, land purchases

- Establishing and maintaining strategic relationships with outside agencies
- Commercial and retail growth
- Educating and engaging the public- Town Halls and Communications, Open Houses, Social Media
- Public Safety
- Appearance
- Pride and Carolina Beach reputation/stock is rising
- Keys to success are our continuity, communication, empowerment, teamwork, building relationships with key stakeholders.

The Council discussed the habits of high-performing boards in council-manager forms of government and shared how Council could strengthen relationships and build trust within their team.

What makes a strong team?	What special skill do you bring to the team? (GIVE)	What do you receive from this team? (GET)
Trust Honesty Clear direction Strong comms Diversity Individual strengths Desired Outcomes / common goal Forming/storming/norming/performing Emotional Intelligence Leadership Positive attitude Dedication	Big picture Analytical thought Personal research with a focused approach Advocate Ability to approach issues with Logical vs emotional Keeping an open mind Listening to learn Creative – a unique approach Passion Honesty and Courage <u>Listening and helping</u>	Measured approach Sense of team Social interaction Personal growth Pulse from the community Difference of opinions Expertise from others Cooperation <u>Relationships</u> <u>Acceptance</u> Reciprocal respect

The Town Council discussed habits of high performing boards which include:

1. Think and act strategically
2. Understand law and policy
3. Demonstrate teamwork
4. Master small group decision making
5. Honor staff/council partnership
6. Act transparently
7. Use council time in four key areas
8. Adopt clear rules of procedure
9. Review accurate feedback and data on policy and performance
10. Be aware of “shared constituencies”

The Town Council agreed to work to improve small group decision making.

The Council collaborated on the team atmosphere they hoped to create: **Professional, approachable, committed and with pride in accomplishments.**

The behaviors the Town Council committed to were:

<ul style="list-style-type: none"> • Being ambassadors for the Town • Effective communication • Using the correct processes • Act in unison • Be open with the Board • Be more professional 	<ul style="list-style-type: none"> • Don't go out on your own accord and commit decisions, resources or activities of the Town • Rise above the fray • Don't mislead people when you meet with the public • Avoid the rumor mill/social media/misinformation • Bring back information to all 	<ul style="list-style-type: none"> • Find a way to resolve misinformation • Dress and talk for success • Stick to what the Town approves, even if you opposed • Advocate for Council decision and carry the board message
---	---	---

STRATEGIC PLANNING FRAMEWORK: The consultant presented best practices in strategic planning and performance measurement and discussed the importance of alignment of planning and implementation.

The benefit and uses of local government strategic plans were presented and include:

1. Provides direction & guidance from the elected officials
2. Transforms ideas into actions
3. Informs the Federal and State Legislative Agendas
4. Aligns core government functions and processes with desired strategies
5. Establishes Performance Management & Evaluation (Benchmarking and reporting)
6. Provides direction to Budgeting/Resource Allocation
7. Is foundational to internal and external communication strategies
8. Aligns citizen satisfaction, prioritization, engagement and education
9. Ensures employee engagement and informs orientation
10. Provides a basis for transparency and accountability.

ENVIRONMENTAL SCANNING

Environmental scanning is an analysis of the current state of Carolina Beach and the ongoing trends in the internal and external environment that impacts success, currently and in the future. This allows us to identify opportunities and key strategic issues in the community and organization. The results are extremely useful in shaping goals and strategies.

<p>Trends- Internal: Organizational changes, employee climate, budget</p>	<ul style="list-style-type: none"> • Hard to find, recruit and maintain staffing levels • New generation has different culture. Looking for impact and looking for more money and not necessarily long-term stability • Senior management retiring • Provide professional development and training programs • Plan for changing and perhaps younger workforce. • Technology- changing rapidly
---	---

<p>Trends- External: Community, stakeholders, infrastructure needs, climate/ environmental pressures</p>	<ul style="list-style-type: none"> • COVID service implications are long term for quality of life and culture • Housing boom • Construction costs • Climate changes • Baby boomers “glory days” • Remote work increasing • Cost of Living increasing • Social media increasing and ever present (truth vs fake) • Funding for police and fire • Technology- changing rapidly
<p>Political Factors: Local, State and Federal policy</p>	<ul style="list-style-type: none"> • Changes in policy makers (federal and State) • Polarized politics • Federal / State funding for directed projects • Residents not interested in civic leadership – Who are our next leaders?
<p>Economic Climate: What’s the financial picture locally, regionally, globally?</p>	<ul style="list-style-type: none"> • Covid was a massive boom for the Town financially • Baby boomer transition impacting property availability • Uptick in retail and commercial • Cost of living increases for all • Wilmington grows, we grow • 2nd homes and retirees growing • National economic downturn somewhat insulated at Carolina Beach • Short Term Rentals • It’s not just summer
<p>Customer Needs: Changing Demographics? Changing requirements?</p>	<ul style="list-style-type: none"> • They want Health, Safety and Welfare • Infrastructure • Increased expectations of citizens overall • They want potholes fixed! • Some want the past back • Population demographics change • Erosion of social fabric • People expect high quality amenities in Carolina Beach • Carolina Beach higher standards • Take pride in traditional community values • Connect with residents and leverage partnerships • Provide more information for citizens • Increase transparency and accountability
<p>Technology Factors</p>	<ul style="list-style-type: none"> • Reliance on electronic processing • Teleworking trend (Zooming) • IT security issues / security threats
<p>Uncertainties</p>	<ul style="list-style-type: none"> • The next big storm • Demographics • Climate change • Sea level rise

Key Issues	<ul style="list-style-type: none"> • Infrastructure to support growth • Continue building and maintaining exciting amenities for residents • Improve intergovernmental relations (OTB engagements) • Maintain existing facilities • Strategically plan and design communities with aesthetics in mind • Focus on public safety – maintain adequate resources as we grow • Centennial project- Next year engagements • Provide health safety and welfare
------------	---

DEVELOPING A STRATEGIC PLAN

Carolina Beach desires to develop a strategic plan that will serve as a foundation for growth. The plan will communicate a long-term vision for Carolina Beach as well as guide policy and management decisions with a focus on results.

VISION: The Town Council took a step back in time to consider the history of Carolina Beach. Important events and dates of cultural, political, and economical significance were discussed to understand Carolina Beach more fully and to develop a vision for the future. The Council collaborated on themes for a 5-year vision statement for Carolina Beach. After group discussion on individual Councilmember visions for the future as expressed during a “postcards exercise”, the Council came to a consensus on which themes had the highest prioritization. The following vision themes were developed by the Council. The first six themes were the Town Council’s highest priority.

- Family friendly community
- Promote Conservation: Stay green and clean
- Connectivity
- Sustainable beaches
- Modernization and preservation of infrastructure
- Amenities for healthy family lifestyle
- Welcoming
- Premier place/ great place
- Hometown feeling
- Vibrant economy/ sustained economic activity
- Multimodal
- Unique community
- Be a safe community

MISSION: A mission statement defines an organization’s purpose and role in achieving the community vision. The Town Council collaborated on themes for Carolina Beach’s mission statement. The following mission themes were developed by the Council with the first three bullets being prioritized.

- We are stewards of Carolina Beach
- Retain our town vibe while allowing for planned growth
- Bridge between constituents, Town staff and external partners

- We are public servants for the residents of Carolina Beach, voters and stakeholders
- Set policy and direction and execute
- Translate public input into policy and legislation
- We serve to improve our community
- We have passion for our community
- Improve resident and visitor experience
- Leave the Town better than we found it
- Provide high quality of life
- High quality customer service
- Strong leadership
- Commitment to partnership and collaboration (working together with external organizations)
- Smart growth

CORE VALUES: The Town Council discussed the importance of defining core values for the organization. A Core Value statement describes *how* the organization expects staff to fulfill the mission and defines standards of behavior. The Council collaborated on themes for Carolina Beach’s core value statement. The following core value themes were developed by the Council.

- Creativity
- Transparency
- Empowerment
- Inclusion
- Respect of others
- Sustainability
- Dedication – Lead by example
- Integrity – We mean what we say, and we say what we mean

At 3:30 p.m. Council recessed the meeting until Friday, January 26, 2024 at 8:30 a.m.

CAROLINA BEACH

Town Council Retreat

Tuesday, January 26, 2024 – 8:30 am

Fort Fisher Recreation Center, Fort Fisher, NC



MEETING MINUTES

Council Members Present:

Mayor Lynn Barbee

Council Member Jay Healy

Council Member Mike Hoffer

Mayor Pro Tem Deb LeCompte

Council Member Joe Benson

Staff Members Present:

Bruce Oakley, Town Manager

Ed Parvin, Deputy Director

Eric Jelinski, Parks and Rec Director

Brian Stanberry, Public Works Director

Kim Ward, Town Clerk

Sheila Nicholson, Executive Assistant

Jeremy Hardison, Planning Director

Mark Meyer, Public Utilities Director

Alan Griffin, Fire Chief

Noel Fox, Town Attorney

UNC School of Government Facilitator Rebecca Jackson led day 2 of the discussion, “Defining Strategic Priorities”. No action was taken during this retreat. Below are some of the highlights from the discussions.

Goals statements identify what the organization intends to achieve and define a path the organization must follow to reach the vision. Goals are further defined by specific objectives that measure results with Key Performance Indicators (KPI) and Key Strategic Actions (KSA). The Council collaborated on themes for Carolina Beach’s goal statements. The following goal statement themes were developed by the Council.

GOAL 1: To cultivate a vibrant community to make Carolina Beach an exceptional place

This Goal has 4 Goal Objectives and 8 Key Strategic Actions

Objectives (OBJ):

OBJ 1.1: To establish Carolina Beach as a model of environmental sustainability through the expansion of green spaces, enhanced aesthetics, low-impact development practices, increased tree canopy, and robust conservation efforts.

OBJ 1.2: To cultivate a downtown experience that is lively, attractive and economically vibrant.

OBJ 1.3: To enhance community well-being through an array of amenities and a diverse and inclusive parks and recreation programs in Carolina Beach with a comprehensive array of

recreational programs and activities to cater to the diverse needs and interests of the Carolina Beach community.

OBJ 1.4: Foster safe and efficient connectivity in Carolina Beach through a program that delivers enhanced walkability, bike paths, and sidewalks which aligns with the community's desire for a sustainable and active lifestyle, contributing to environmental sustainability by promoting alternative modes of transportation that reduce reliance on motor vehicles.

Key Strategic Actions (KSA) and priority votes:

1. Execute on approved Pedestrian Plan projects: Ocean Sidewalk/St. Joseph path, Crosswalk (5)
2. Complete amenity projects: Marina, Southside, Cape Fear, Canal and traffic design (4)
3. 2025 Lake Park project with paving (2)
4. Seek Bike and Pedestrian plan update pertaining to sidewalks to reduce gaps and address connections between sidewalks (2)
5. Create a Freeman Park operations/management plan (2)
6. Consider creation of MSD for downtown
7. Address policy direction for the stage

GOAL 2: To provide modernized and effective infrastructure to meet demands of the Town of Carolina Beach

This Goal has 6 Goal Objectives and 3 Key Strategic Actions

Objectives (OBJ):

OBJ 2.1: To maintain a comprehensive plan to upgrade and modernize the water distribution system, ensuring reliable access to clean and safe drinking water for all residents.

OBJ 2.2: To upgrade and expand stormwater management infrastructure to mitigate flooding and enhance resilience to extreme weather events.

OBJ 2.3: To invest in the maintenance and upgrade of the sewer system to ensure efficient and reliable wastewater treatment.

OBJ 2.4: To modernize and maintain public facilities, including community centers, town halls, and recreational spaces, to meet the evolving needs of residents.

OBJ 2.5: To maintain a comprehensive street maintenance plan to address road quality, traffic flow, and pedestrian safety.

OBJ 2.6: To implement a sustainable beach nourishment program to protect and enhance the coastal environment.

Key Strategic Actions (KSA) and priority votes:

1. Execute on the MOTSU Water project completion, engineering design, and bonds (5)
2. Complete the Facilities Plan (2)
3. Create a Stormwater Plan (3)

GOAL 3: To achieve effective community development in Carolina Beach

This Goal has 3 Goal Objectives and 3 Key Strategic Actions

Objectives (OBJ):

OBJ 3.1: to provide effective planning and zoning that aligns with the long-term vision for Carolina Beach, ensuring zoning facilitates sustainable growth and the planning process incorporates diverse perspectives and needs.

OBJ 3.2: To strengthen and streamline code enforcement processes to ensure the consistent application of regulation enhancing communication and collaboration with the community.

OBJ 3.3: To streamline and enhance permitting process to support an effective, efficient and timely building process.

Key Strategic Actions (KSA) and priority votes:

1. Address conditional zoning for commercial parking lots
2. Complete the UDO
3. Increase proactive code enforcement and use of SeeClickFix

GOAL 4: To provide services that create a safe and secure environment for residents and visitors by addressing various aspects of safety, including street safety, crime prevention, water safety, and emergency protection.

This Goal has 4 Goal Objectives and 2 Key Strategic Actions

OBJ 4.1: To ensure safe streets enhancing motor vehicles and pedestrian safety.

OBJ 4.2: To foster safe neighborhoods with low crime rates.

OBJ 4.3: To ensure water safety with proactive enforcement.

OBJ 4.4: To provide top-notch fire and emergency protection.

Key Strategic Actions (KSA) and priority votes:

1. Increase police presence during in season and present crime data analytics at least annually to the Council (4)
2. Develop a proactive plan to address evolving crime issues for Carolina Beach

GOAL 5: To provide effective communication and engagement with the residents of Carolina Beach and all key stakeholders

This Goal has 6 Goal Objectives and 2 Key Strategic Actions

OBJ 5.1: To provide effective intergovernmental relations.

OBJ 5.2: To ensure comprehensive community engagement and communication plan that includes regular town hall meetings, public forums, and community workshops.

OBJ 5.3: To develop and promote a consistent and positive town image through branding and marketing initiatives.

OBJ 5.4: To provide effective business outreach program to regularly engage with local businesses, understand their needs, and provide support.

OBJ 5.5: To ensure effective social media and website presence by regularly updating content, engaging with the community, and utilizing platforms that resonate with residents.

OBJ 5.6: To ensure effective Council Committees with transparency and accountability.

Key Strategic Actions (KSA) and priority votes:

1. Establish a business engagement program through the Chamber (1)
2. Review and revise committee protocol to enhance policy alignment and to ensure a consistent reporting process

GOAL 6: To create a work environment to establish a high performing organization.

This Goal has 3 Goal Objectives and 2 Key Strategic Actions

OBJ 6.1: To provide effective finance and budget management to ensure fiscal responsibility and transparency.

OBJ 6.2: To attract, retain and develop high performing employees.

OBJ 6.3: To provide effective technology support to be a high performing organization investing in technology that streamlines workflows, enhances communication, and support efficient operations.

Key Strategic Actions (KSA) and priority votes:

1. Establish an employee recognition of excellent customer service
2. Develop a cross departmental incentive plan that moves us closer to being an employer of choice with leadership development (4)

Mayor Barbee adjourned the meeting at 2:30 p.m.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 2/13/2024

SUBJECT: Events Update by Tim Murphy

BACKGROUND:

Tim Murphy will give an update on the upcoming events.

ACTION REQUESTED:



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Clerk

MEETING: Town Council 2/13/2024

SUBJECT: Recognize Nancy Busovne for serving 23 years with the Pleasure Island Sea Turtle Project

BACKGROUND:

The Pleasure Island Sea Turtle Project volunteer group was formed in 2001. They had around a dozen volunteers at that time. Nancy Busovne is the last one of the original members. She has decided to retire after 23 years of service.

ACTION REQUESTED:

The Mayor and Council will recognize Nancy for 23 years of service to the Pleasure Island Sea Turtle Project.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 2/13/2024

SUBJECT: Presentation and Update from the Parks and Rec Committee and the Pleasure Island Volleyball Committee

BACKGROUND:

The Carolina Beach Parks and Recreation Committee along with the Pleasure Island Volleyball Committee requested to give a brief presentation on building 2 sand volleyball courts on the property located at Cape Fear Boulevard and Third Street next to the Community Building.

ACTION REQUESTED:

Review presentation.



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council 2/13/2024

SUBJECT: Manager's Update

BACKGROUND:

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



AGENDA ITEM COVERSHEET

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

MEETING: Town Council February 13, 2024

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

BACKGROUND:

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

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

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

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

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

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

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

Specific standards. Applicant must make provisions for:

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

Due to the Increase congested usage and density of the area to support traffic demands, trash service and public safety staff proposes a condition to dedicate the existing Town Pavement area in the Town easement as Pubic Access depicted.

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

The required parking is provided below.

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

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

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

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

No upgrades are required with the modification.

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

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

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

The applicant is proposing to move the existing sign.

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

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

General conditions.

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

The orientation of the boat storage spaces will be double parking boats in existing slip. This is the first design of this type of layout for boat storage spaces. Could cause conflicts with vessels trying to maneuver in and out and around docked vessels. The ordinance does not address the design of boat storage spaces.

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

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

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

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

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

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

Proposed Conditions

1. Type B 10' landscaping requirements to be waived for the additional proposed new parking spaces.
2. Food truck will need to meet Sec. 14-21
3. Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
4. Dedicate the area depicted in Exhibit 1 to the Town for Public Access (attachment 6).
5. Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-way's.
6. Must meet all local, state, and federal requirements.

ACTION REQUESTED:

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

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

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

Reasons for denial must be specifically stated by Town Council :

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

RECOMMENDED MOTION:

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

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



Permit # _____ Item 10.

TOWN OF CAROLINA BEACH SPECIAL USE PERMIT MAJOR MODIFICATION

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

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

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

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

Major Modification to Minor SUP = \$ 350.00

Major Modification to Major SUP = \$ 350.00

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

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

Please complete all sections of the application.

A. Property Information

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

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

Project Name CBYC Boatslip and Parking Modification

Size of lot(s): No Change

B. Application for Special Use Permit Major Modification

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

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

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

C. Applicant Contact Information
CBYC, LLC

Company/corporate Name (if applicable):

Courtney Sloan

Applicant's Name

4310 Sharon Rd Suite T01A

Mailing Address

Charlotte, NC 28211

City, State, and Zip Code

704 995 0086

Telephone

csloan0010@aol.com

Email

D. Owner Contact Information (if different)

Same as applicant

Owner's Name

Mailing Address

City, State, and Zip Code

Telephone

Email

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No additional utilities are proposed.

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

None required.

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

No additional signage is proposed.

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

Not applicable to this project.



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

I. Site Plan Criteria

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

Yes No N/A

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

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

Yes No N/A

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

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

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

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

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

Courtney Slaw
Signature

9/11/23
Date

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

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

Date: 9/11/2023

Appointee's Name, Address & Telephone:

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

Signature of Owner: Courtney Slow

Project Narrative CBYC

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

Attachment 2

MC² ENGINEERING
 ENGINEERING, INC.
 2110 BEN CRAIG DR., STE. 400
 CHARLOTTE, NC 28262
 PHONE 704.510.1977



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

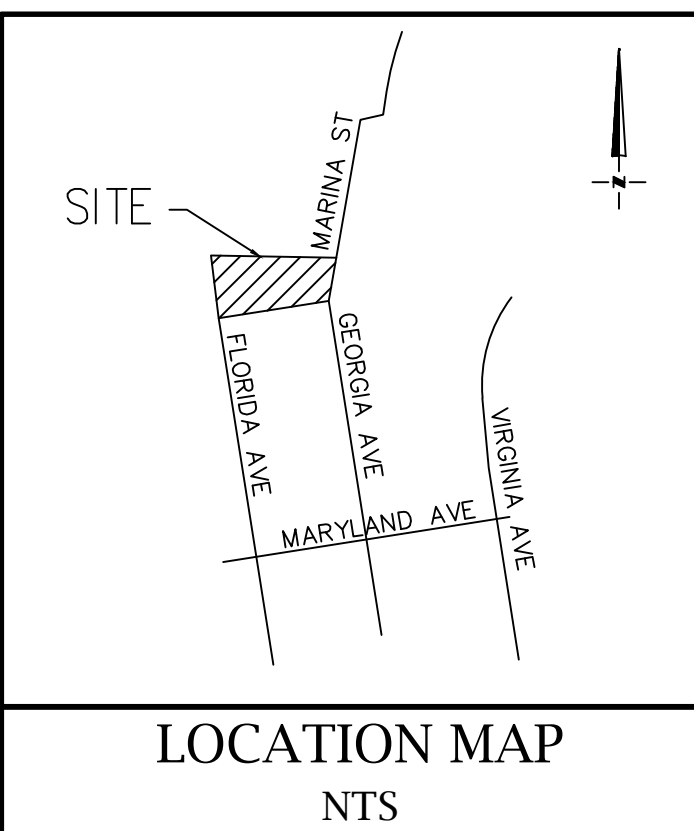
CAROLINA BEACH MARINA AND YACHT CLUB
 401 MARINA STREET
 CAROLINA BEACH, NC

SKETCH PLAN

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

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

SP1.0



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

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

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

JURISDICTION: TOWN OF CAROLINA BEACH

CURRENT ZONING: MB-1-MARINA

PARKING CALCULATIONS
REQUIRED OFF-STREET PARKING: 94 (93.2)

BOAT SLIP
 -1 SPACE PER WET SLIP 69

RETAIL (BARGE)
 -1 SPACE PER 200 SF 1.6
 -1/2 OF STRUCTURE (16' X 20')=320 SF

EATING & DRINKING ESTABLISHMENTS (BARGE)
 -1 SPACE PER 110 SF (INDOOR) 2.9
 -1/2 OF STRUCTURE (16' X 20')=320 SF
 -1 SPACE PER 220 SF (OUTDOOR) 11.8
 -(40'X65')=2,600 SF

RESIDENTIAL ABOVE EXISTING COMMERCIAL
 -1 SPACE PER 1,000 SF 1.2
 -1,200 SF APARTMENT

OFFICE (EXISTING COMMERCIAL BUILDING 1ST FLOOR)
 -1 SPACE PER 300 SF 2
 -600 SF

RETAIL (EXISTING COMMERCIAL BUILDING 1ST FLOOR)
 -1 SPACE PER 200 SF 4.7
 -933 SF

EXISTING OFF-STREET PARKING: 79
PROPOSED OFF-STREET PARKING: 16
TOTAL OFF-STREET PARKING: 95

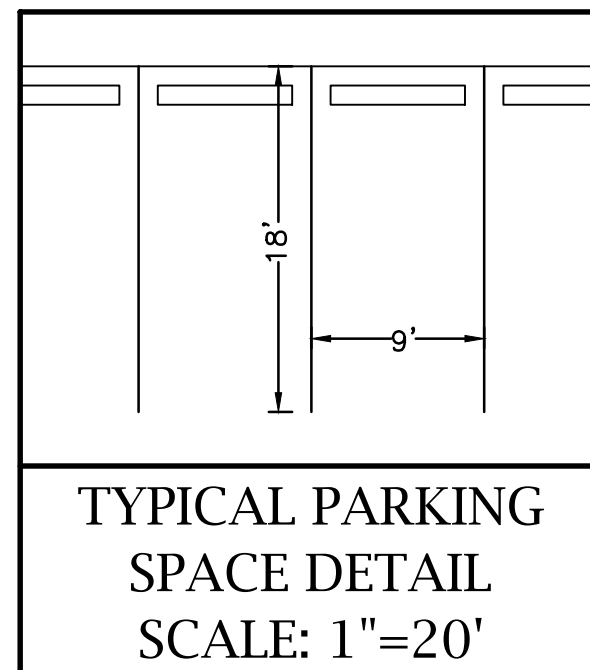
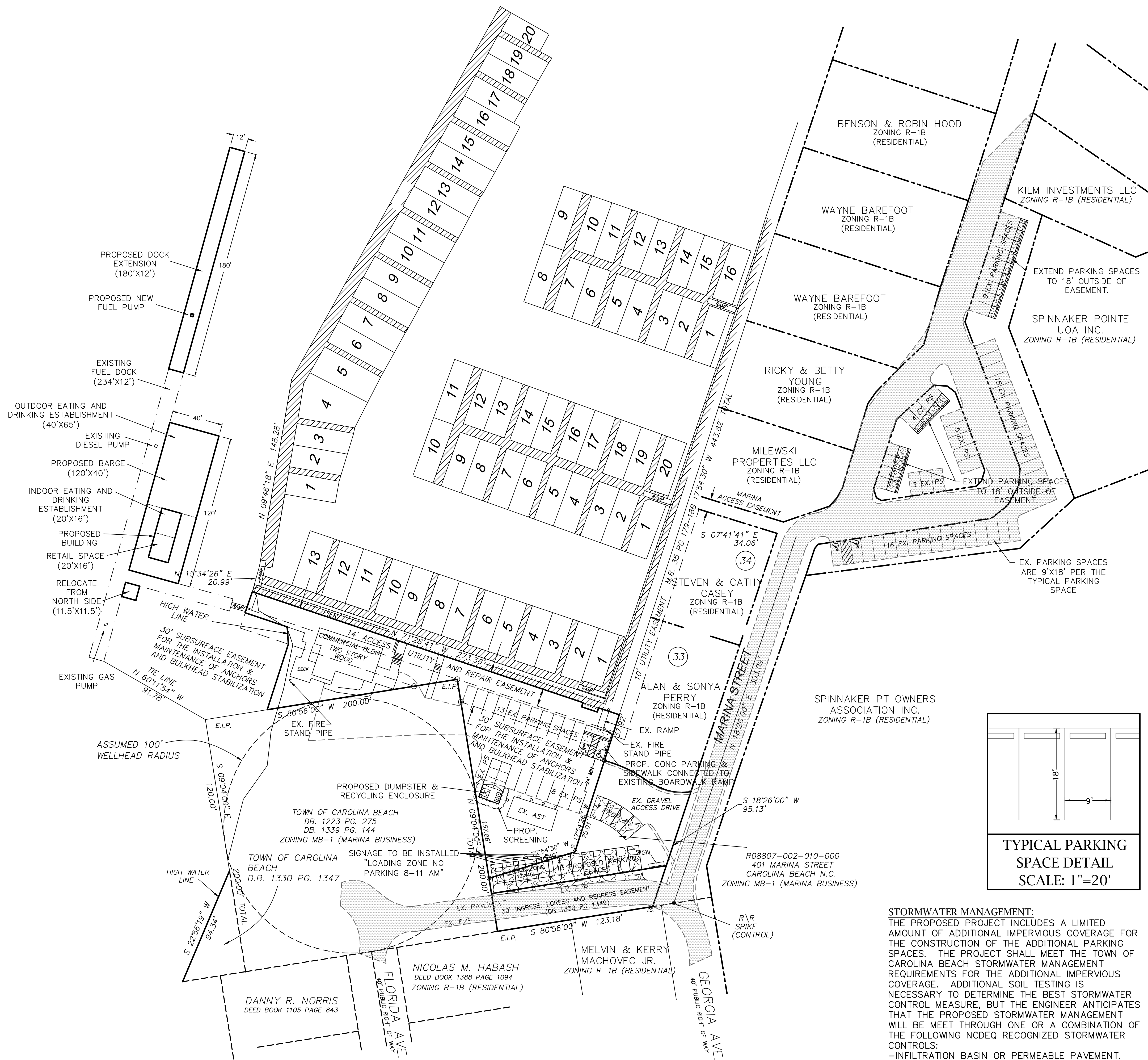
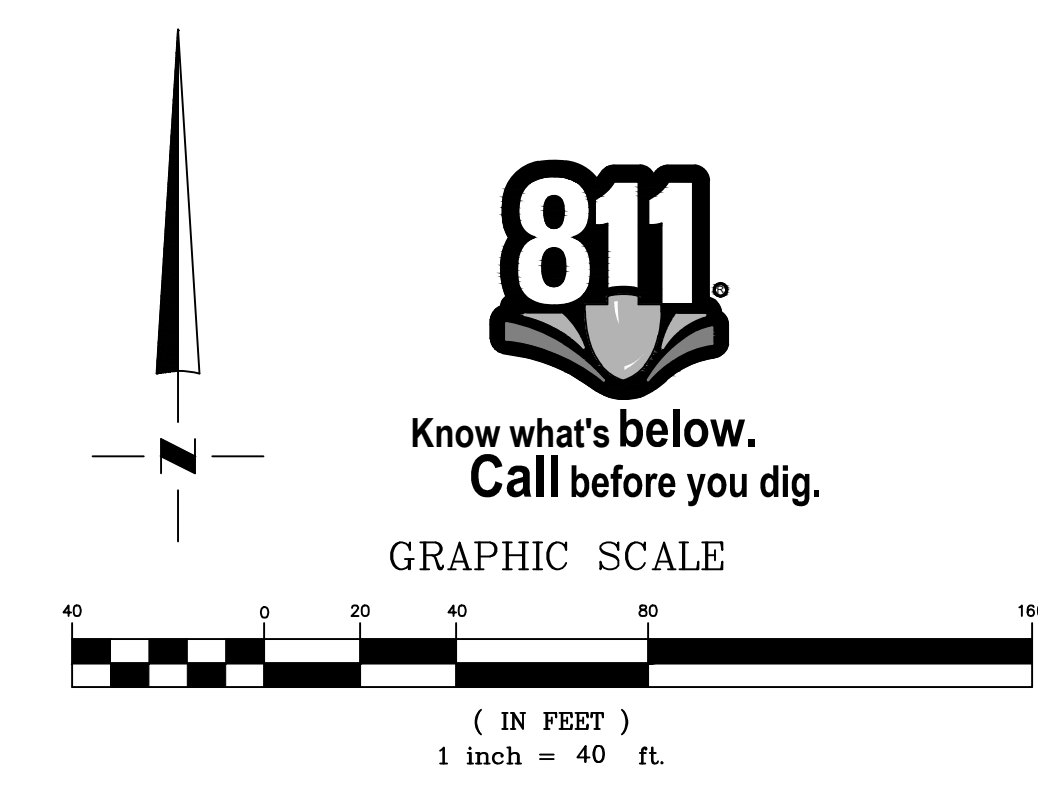
LOT COVERAGE
 EXISTING BUILDING/FUEL TANK: 2,144 SF
 EXISTING CONCRETE/ASPHALT/GRAVEL: 25,640 SF
 TOTAL EXISTING IMPERVIOUS: 27,784 SF

PROPOSED GRAVEL: 1,975 SF
TOTAL PROPOSED IMPERVIOUS AREA: 29,759 SF

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

DEVELOPMENT SUMMARY

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



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

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

NEW HANOVER CO. CLERK

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

CONSENT ORDER

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

So ORDERED this the 21st day of December 2020.

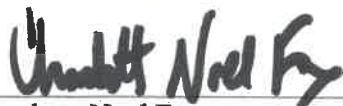


THE HONORABLE George F. Jones
Resident Superior Court Judge Presiding
New Hanover County, North Carolina

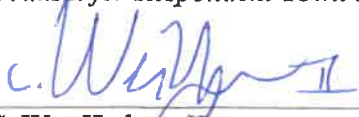
WE CONSENT:



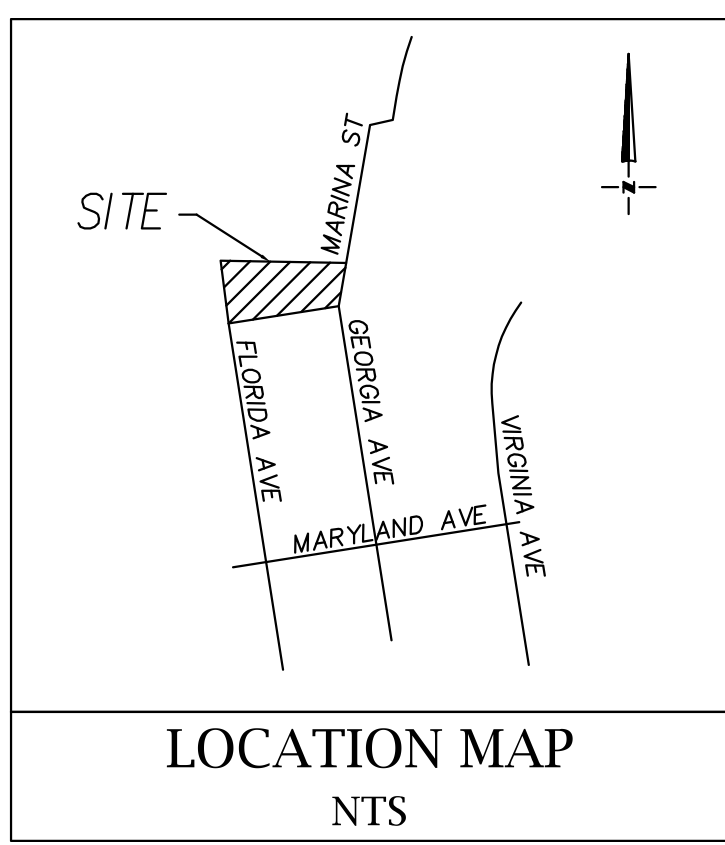
G. Grady Richardson, Jr.
Counsel for Petitioner, CBYC, LLC



Charlotte Noel Fox
Counsel for Respondent Town of Carolina Beach



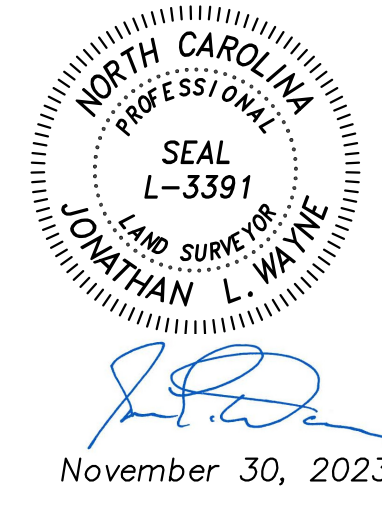
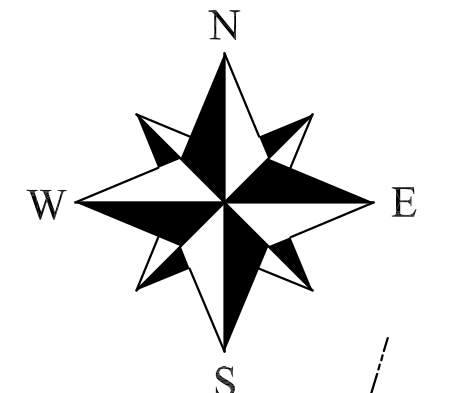
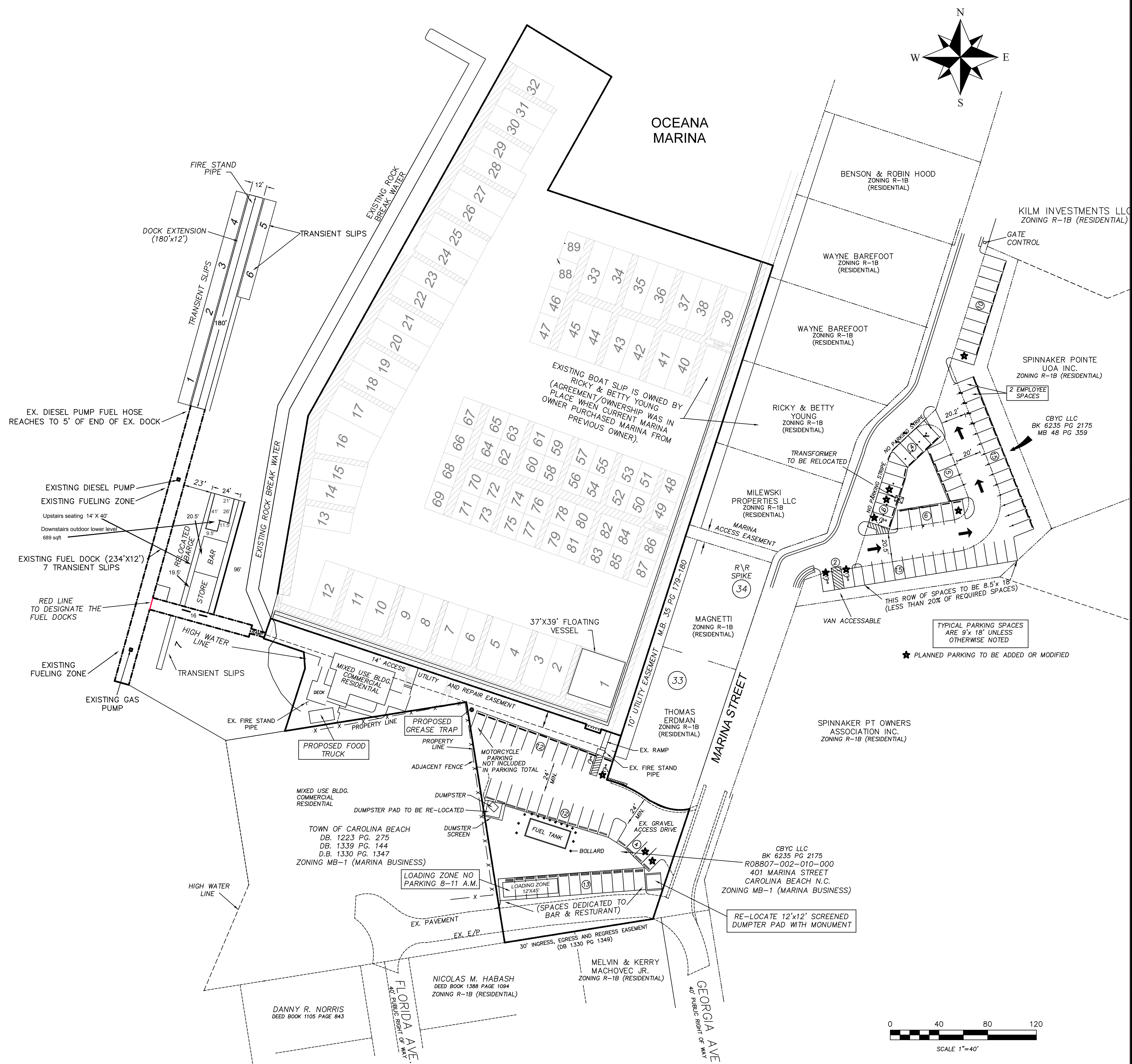
C. Wes Hodges, II
*Counsel for Intervenor-Respondent,
Oceana Owners Association, Inc.*



PARKING CALCULATIONS

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

RETAIL, EATING & DRINKING SF DATA PROVIDED BY THE OWNERS.



Notes
 The original as-built survey was completed in May of 2008 by Hanover Design Services, P.A. This survey updated the following items only.

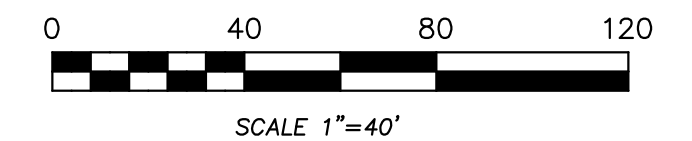
1. Barge re-location, Dock Addition
2. Dumpster re-location - Asbuilt
3. Updated Parking based on recent addition & future Additions/Alterations

All Proposed Changes and Alterations to be approved by the Town of Carolina Beach.

NO.	REVISIONS	DATE
1	TOWN COMMENTS, ADDITIONS	10/13/23
2	TOWN COMMENTS, ADDITIONS	11/2/23
3	TOWN COMMENTS, ADDITIONS	11/30/23

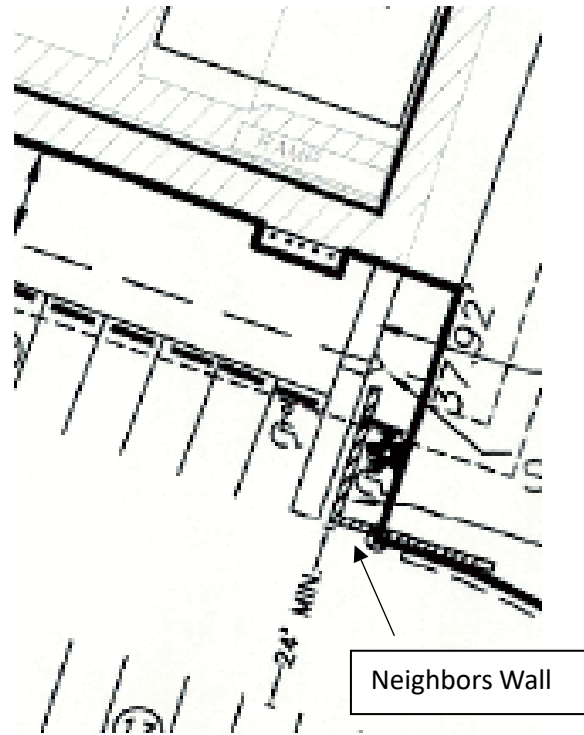
Partial As-Built/Parking Layout Revisions
CAROLINA BEACH MARINA AND YACHT CLUB
 401 MARINA STREET
 CAROLINA BEACH, NC

HANOVER DESIGN SERVICES, P.A.
 LAND SURVEYORS, ENGINEERS & LAND PLANNERS
 1123 FLORAL PARKWAY
 WILMINGTON, N.C. 28403
 PHONE: (910) 353-8002
 LICENSE # P-0597



Encroachments

Wall



Transformer

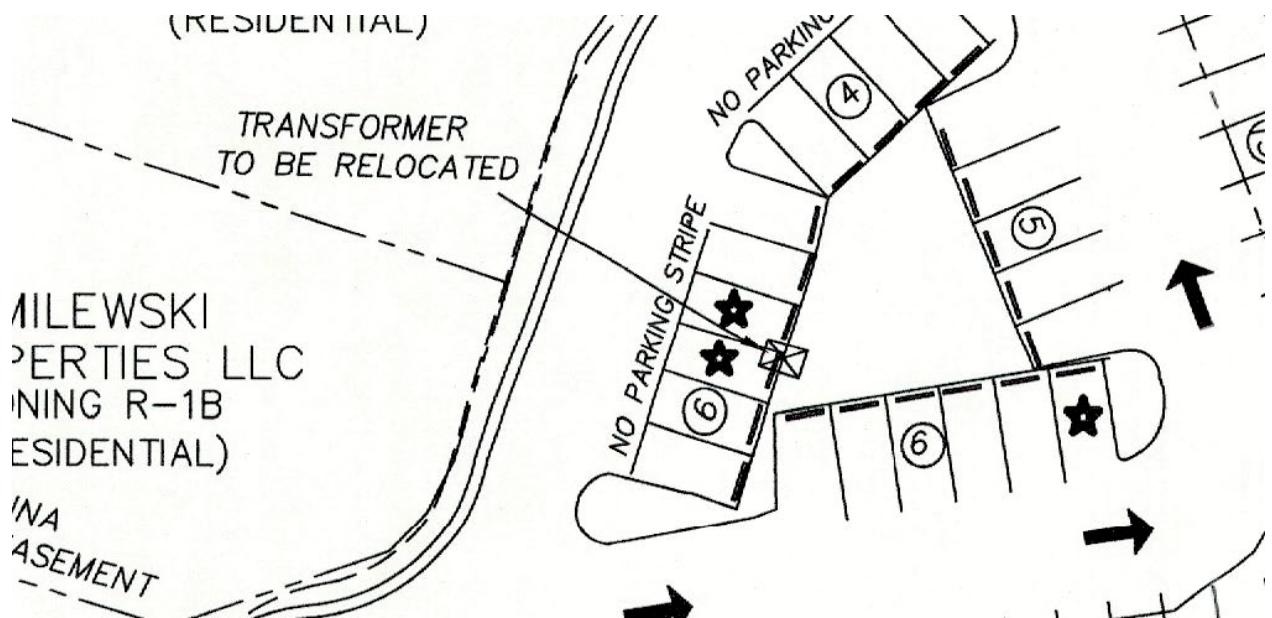


Exhibit 1 Area of Town Dedication

NEW HANOVER COUNTY
NORTH CAROLINA

I, BENJAMIN F. FARROW III, CERTIFY THAT THIS RIGHT OF WAY SURVEY WAS FIELD LOCATED AND DRAWN UNDER MY DIRECT SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM REFERENCED RECORD INFORMATION; THAT THIS SURVEY DOES NOT MEET NCGS 47-30 STANDARDS AND IS NOT FOR RECORDATION.

B.F. Farrow III
N.C. PROFESSIONAL SURVEYOR L-5104



NOTES:

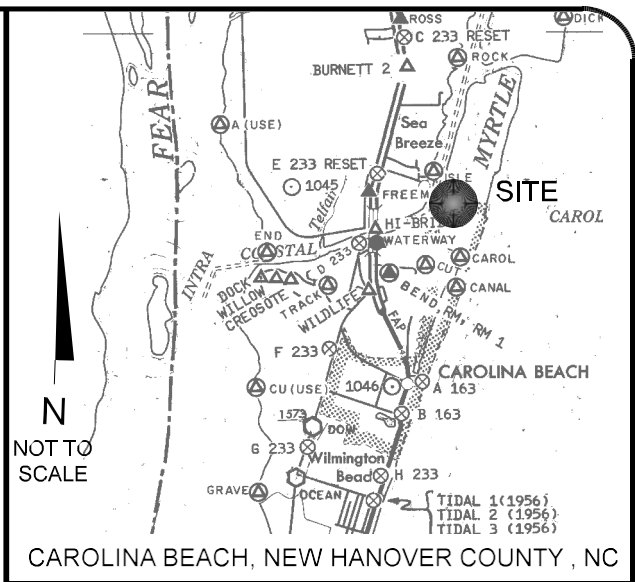
1. THE PURPOSE OF THE DEPICTED SURVEY IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF THE RIGHT OF WAY OF GEORGIA AVENUE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
3. FEMA ZONE "AE" BFE=11' PER FEMA MAP NO. 3720313100K EFFECTIVE DATE: AUGUST 28, 2018.
4. SURVEY IS SUBJECT TO ANY EASEMENTS / RIGHT OF WAYS / ENCUMBERANCES A FULL TITLE REPORT MAY REVEAL.

LOCALIZED GROUND COORDINATES

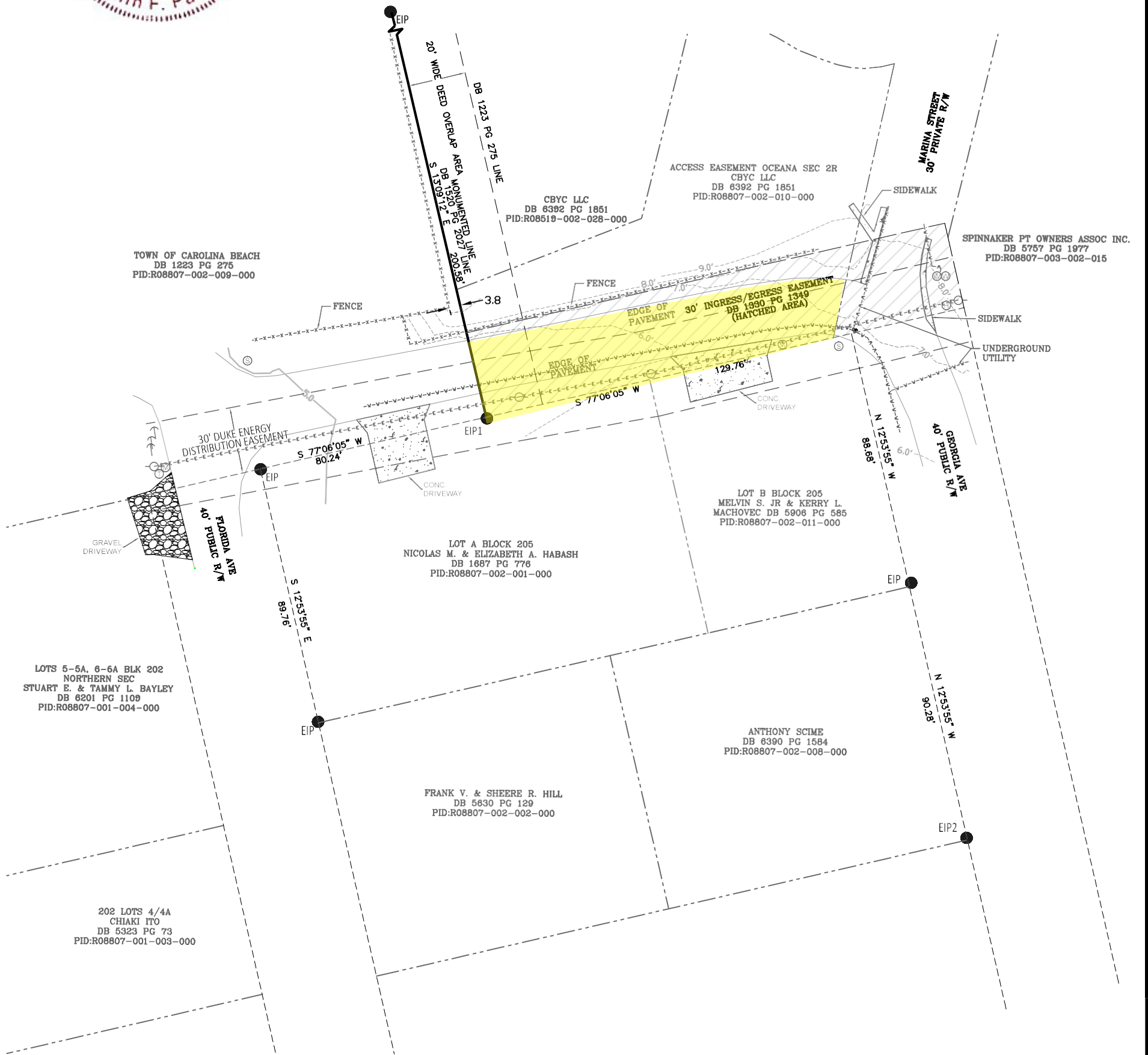
EIP1	113912.07	2336840.71
EIP2	113761.05	2336983.02
*LOCALIZED ABOUT EIP1		



NC GRID NAD 83
(NA 2011)
NAVD 88

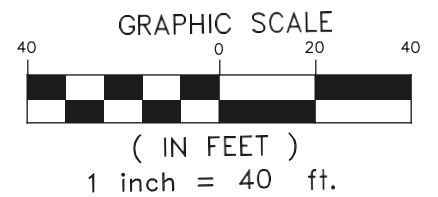


VICINITY MAP



LEGEND

● EIP.....EXISTING IRON PIPE	W-WATER METER
---LINE NOT SURVEYED	M-MAILBOX
---RIGHT OF WAY	H-FIRE HYDRANT
---FENCE LINE	GUY ANCHOR
---WATER LINE	○ POWER POLE
---OVERHEAD ELECTRIC	S-STOP SIGN
	T-TELEPHONE PEDESTAL



1 OF 1	SHEET	DATE	10/12/22	SCALE	1" = 40'
		DRAWN BY	B.F.F.	CHECKED BY	B.F.F.
DESCRIPTION-		RIGHT-OF-WAY			
REVISIONS					

RIGHT OF WAY SURVEY
FOR:
TOWN OF CAROLINA BEACH
GEORGIA AVENUE / FLORIDA AVENUE
TOWN OF CAROLINA BEACH, NORTH CAROLINA
NEW HANOVER COUNTY

BENJAMIN F FARROW III, PLS
1009 N. LAKE PARK BLVD, SUITE B1
CAROLINA BEACH, NC 28428
910-524-9595
LICENSE: L-5104

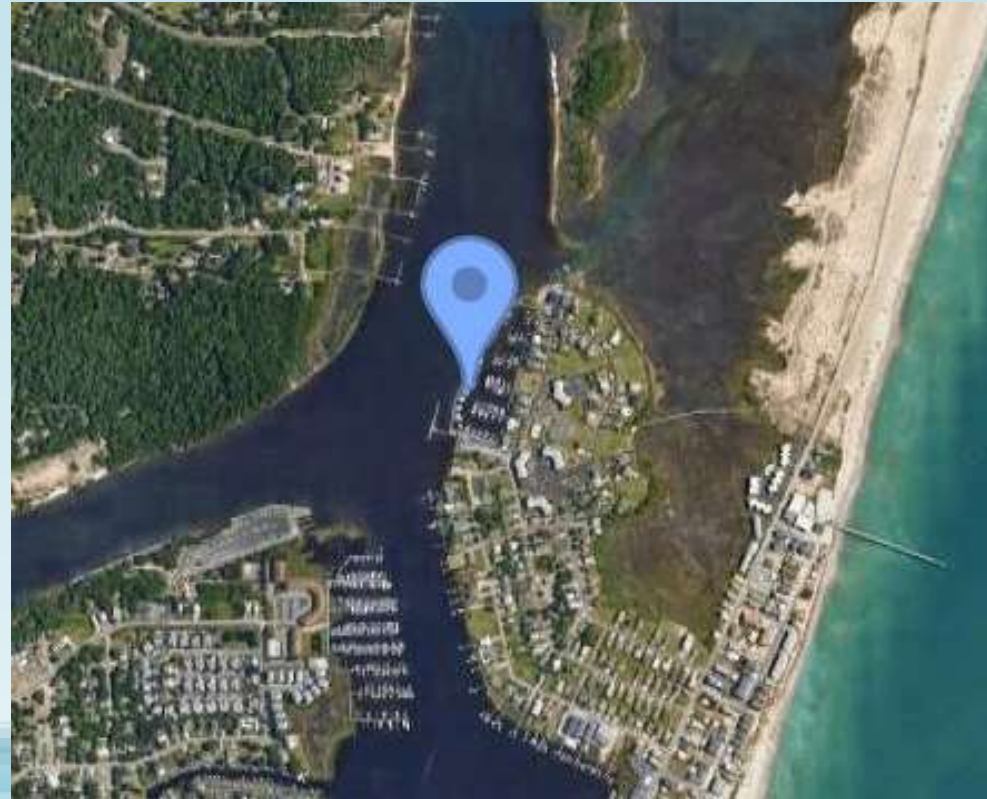
Special Use Permit Modification

Carolina Beach Yacht Club and Marina

located at 401 Marina St

Applicant: CBYC, LLC

Item 10.



Special Use Permit

Site plan approval process

- 2019 the applicant applied to add an eating and drinking establishment and a ship store located on a barge to the Marina located at 401 Marina St.
- The SUP was denied because in January 2020 it did not pass Town Council (2-2 vote). Subsequently, the Applicant filled a petition seeking an appeal.
- The Oceana Owners Association filed a verified motion to Intervene. The hearing of the appeal was cancelled based upon the parties entering into an agreement.
- The agreement was executed in December 2020 to issue the Special Use Permit with conditions.



Approved

Item 10.

Eating and drinking establishment with Retail on a Barge
Expanded the fuel dock
Added 16 parking spaces



Existing

- 69 Boat Slip Marina
- Residential Unit
- Marina Store
- Eating and Drinking establishment
- Fuel dock

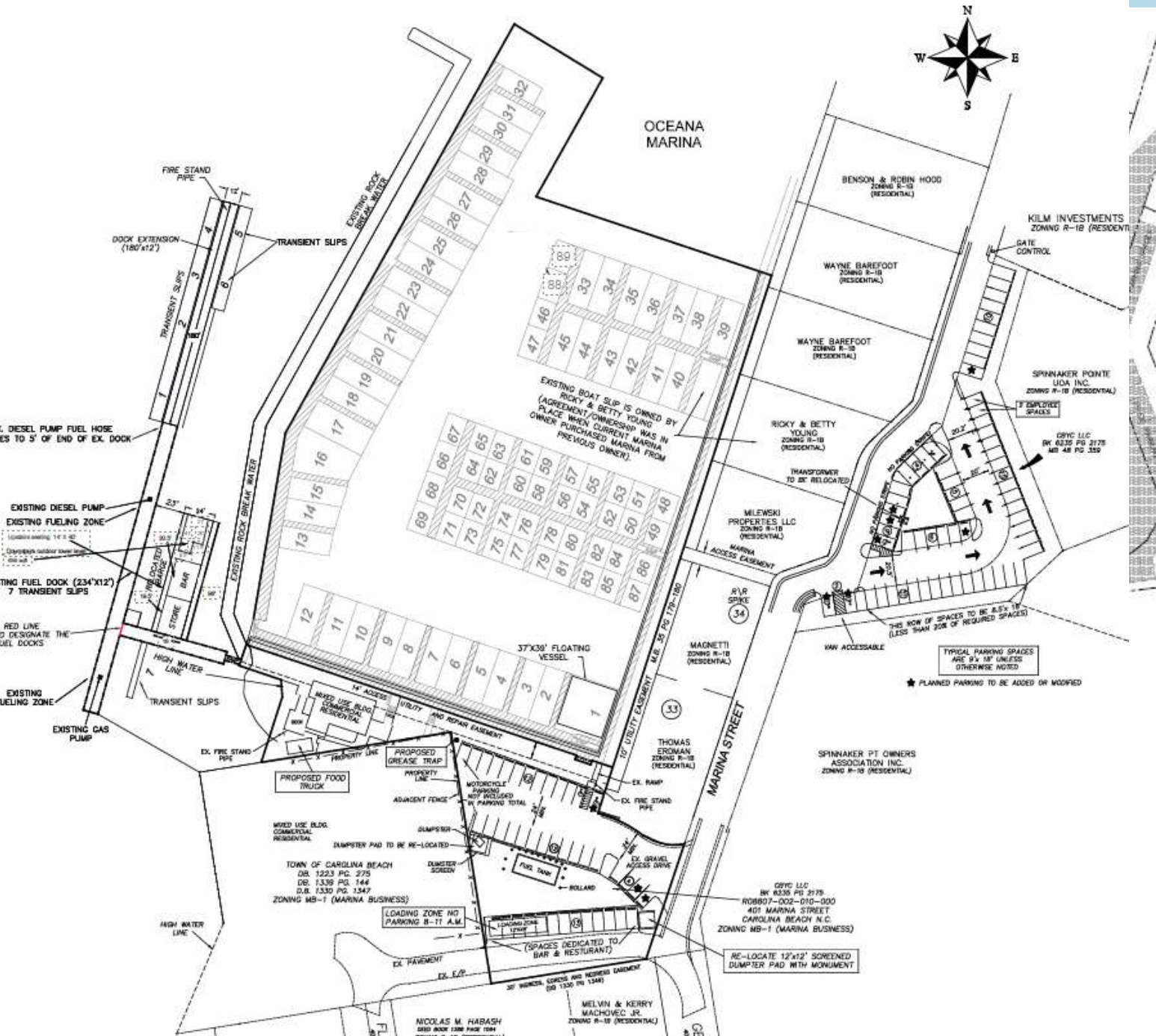


Zoning District
MB-1 - Marina Building lot
R-1B - Oceana Lot

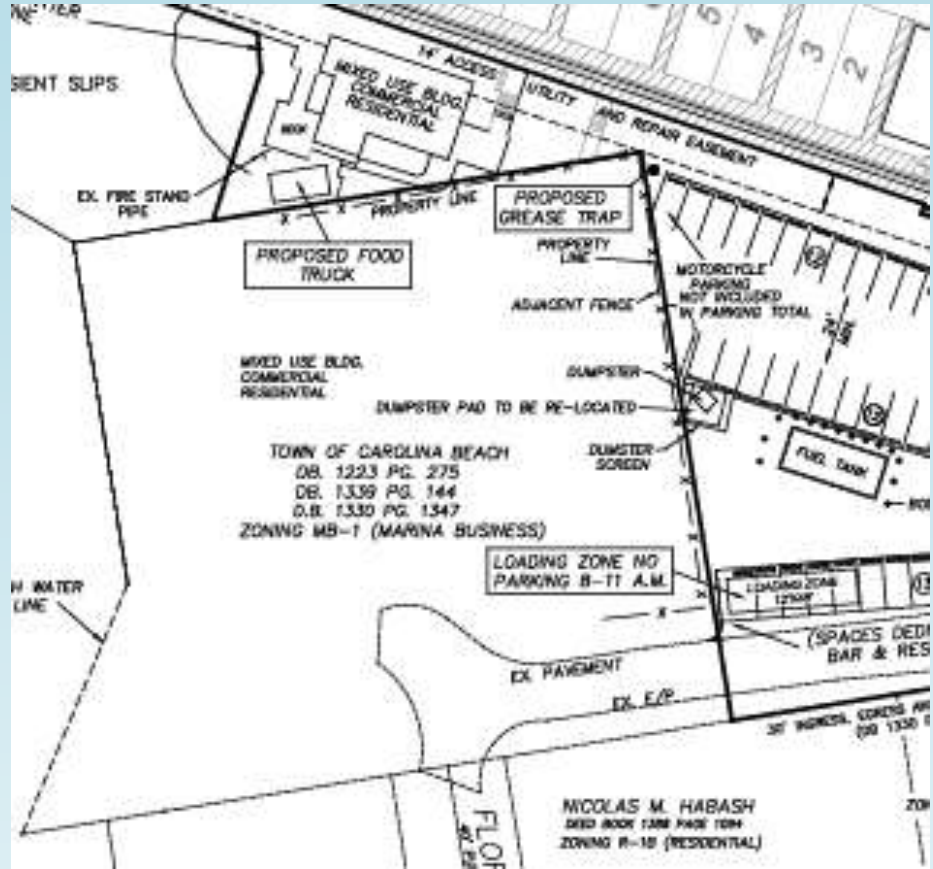


Modification

Item 10.



- Increase the number of boat storage spaces from 69 to 89.
- Convert 22 boat storage spaces from 45' to 22.5'.
- Required Parking = 1 parking space per wet boat storage space.
- 11 parking spaces are proposed to be added to accommodate the modifications.
 - 4 additional spaces are proposed to be located in the parking lot adjacent to the marina building.
 - 7 spaces are proposed in the Oceana parking lot.



Adjacent Uses

Item 10.



South: Single-Family Georgia Ave



South: Town Well



Northeast: Single-family
Oceana



East: Spinnaker Point



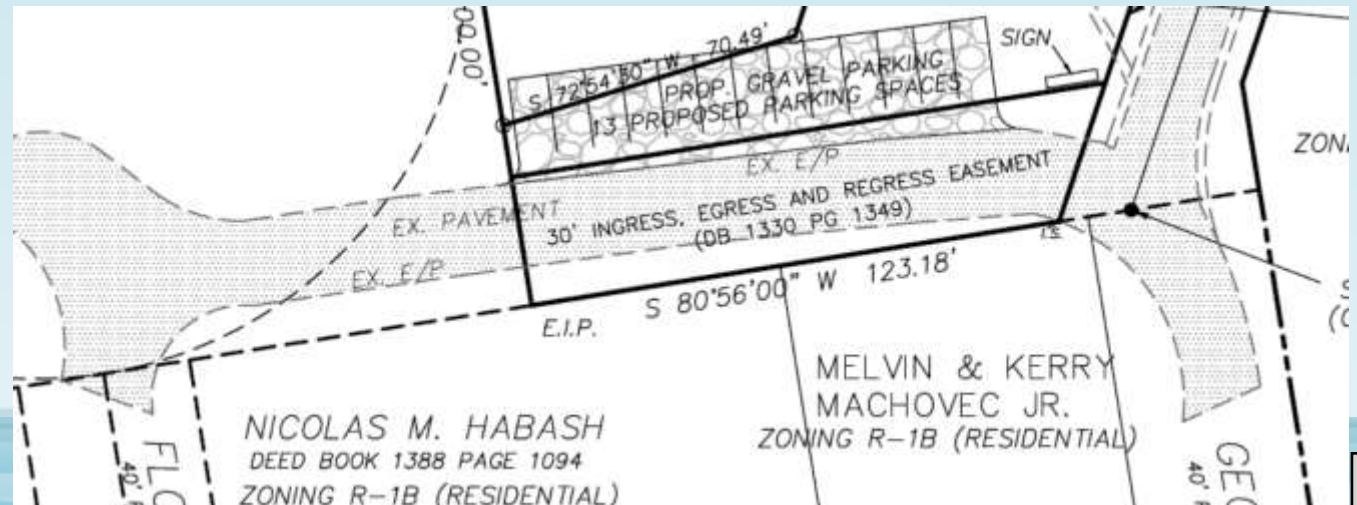
North: Oceana Gate

7 Specific standards. Applicant must make provisions for:

Item 10.

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

- Parking spots on the connector road between Florida Ave and Georgia Ave. This area is designated as an access easement right-of-way.
- Due to the Increase congested usage and density of the area to support traffic demands, trash service and public safety staff proposes a condition to convert the existing Georgia Ave 30' town access easement to a 30' town public right-of-way.



7 Specific standards. Applicant must make provisions for:

(2) Off-street parking

Commercial Marinas per Article V. is 1 parking space per wet boat storage space, 1 per 2 dry storage, 1 per service bay, 1 per 2 employees + required for all other on-site uses.



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

7 Specific standards. Applicant must make provisions for:

Item 10.

(3) Refuse and service area

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

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

No upgrades are required with the modification.

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

The addition of two parking spaces and the dumpster relocation is being located closer to the property line. The location of the spaces and dumpster will trigger landscaping. The applicant is requesting a waiver of landscaping requirements.

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

The applicant is proposing to move the existing sign.

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

No new upland structures are proposed

4 General conditions.

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

The orientation of the boat storage spaces will be double parking boats in existing slip. This is the first design of this type of layout for boat storage spaces. Could cause conflicts with vessels trying to maneuver in and out and around docked vessels. The ordinance does not address the design of boat storage spaces.

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

Meets all conditions and specifications except for the landscaping requirements with the additional parking spaces.

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

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

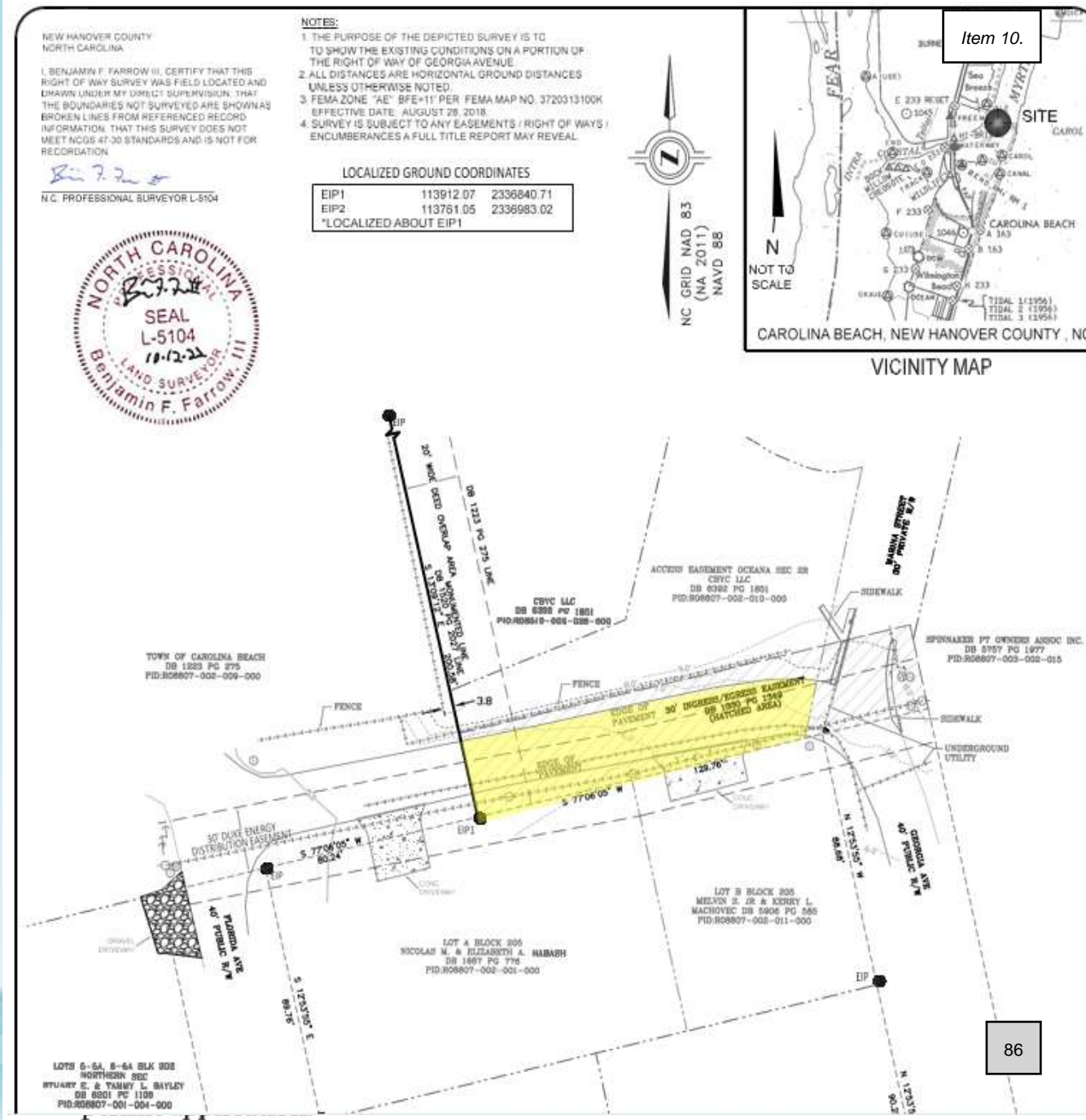
(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Marina Commercial Mixed Use area includes commercial uses that includes water-oriented services and businesses. These businesses rely on water access, so structures are purpose-built and traditional maritime activities are common. Existing parking lot is in a low density residential, LUP sates *Continue to reduce overall nonconformities in the town, but also respect existing uses and entitlements,*

Conditions

1. Type B 10' landscaping requirements to be waived for the additional proposed new parking spaces.
2. Food truck will need to meet Sec. 14-21
3. Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
4. Dedicate the area depicted in Exhibit 1 to the Town for Public Access
5. Must meet all local, state, and federal requirements.

Exhibit 1 Area of Town Dedication



Planning & Zoning Commission Recommendation

Item 10.

Voted 7-0 to recommend denial for the application approval of the special use permit to expand 89 boat storage spaces and that it did not meet specific standards and general conditions.

(1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.

(2) That the use does not meet all required conditions and specifications;

(3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(4) That the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies

Action

Recommend approval of the special use permit to expand the 89 boat storage spaces and that it meets specific standards and general conditions.

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

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

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

Reasons for denial must be specifically stated by Town Council :

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



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Clerk

MEETING: Town Council 2/13/2024

SUBJECT: Consider Designating an Ex-Officio Position on the Marketing Committee to be held by the Pleasure Island Chamber of Commerce

BACKGROUND:

The Carolina Beach Marketing Committee is made up of 7 regular voting members and 1 alternate member. All positions are members at large. Staff felt it would be beneficial to the Marketing Committee to have a representative from the Pleasure Island Chamber of Commerce serve on the committee.

If Council approves, an additional member would be added to the Marketing Committee, for a total of 9 members.

ACTION REQUESTED:

Motion to approve adding a position on the Marketing Committee for the Pleasure Island Chamber of Commerce Director or their designee.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Clerk

MEETING: Town Council 2/13/2024

SUBJECT: Committee Appointments – Marketing Advisory Committee and Police Advocacy Committee

BACKGROUND:

Two members of the Marketing Advisory Committee resigned. Both unexpired terms end on 6/30/2025.

One member of the Police Advocacy Committee resigned leaving an unexpired term of 6/30/2025.

ACTION REQUESTED:

Please review the applications and make your selection on the ballot. Mayor Barbee will receive the final tallies and announce the appointment.

Committee Appointments 2/13/2024

Item 12.

Marketing Advisory Committee

Please select **TWO**:

- Christi Siegel
- Cole Hudson
- David Marshall (serves on BOA)
- Jeannette Mobley (serves on PAC)
- Jim Tollens
- Mike Matsinger

Police Advocacy Committee

Please select **ONE**:

- Bryan Taylor
- Crystal Lee
- David Cole
- David Marshall (BOA Alternate)
- Hope Combs
- Jim Tollens
- Kitty McClellan
- Matthew Shuttleworth (serves on Ops Committee)
- Steven Wright (serves on Ops Committee)

Council Member Signature