

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, January 14, 2025 – 6:00 PM

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



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## AGENDA

### CALL TO ORDER

### INVOCATION AND PLEDGE OF ALLEGIANCE

### ADOPT THE AGENDA

### CONSENT AGENDA

- [1.](#) Resolution of Support for the WMPO Application for a USDOT Grant
- [2.](#) Adopt a Resolution of Intent to close 15' X 188.24' of the alleyway at the intersection of Glenn Ave between lots 17-23, Block 3
- [3.](#) Set a public hearing for February 11, 2025 – Text Amendment to UDO Article 3, nonconforming situations. Applicant: North Pier Holdings, LLC
- [4.](#) Appropriate funds for Ocean Sidewalk Project
- [5.](#) Budget Amendments/Transfers
- [6.](#) American Rescue Plan Budget Amendment
- [7.](#) Approval of Council Meeting Minutes

### SPECIAL PRESENTATIONS

- [8.](#) Centennial Service Award Presented to Ms. Pat Efird
- [9.](#) 30 Minute Recess to Honor Ms. Pat Efird in the Town Hall Multipurpose Room
- [10.](#) Events Update by Tim Murphy
- [11.](#) 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.*

#### **ITEMS OF BUSINESS**

- [12.](#) Consider approving an ordinance to amend the rates and fees schedule to update parking, re-entry, LSV, and golf cart fees and regulations. Applicant: Town of Carolina Beach

#### **COUNCIL COMMENTS**

#### **CLOSED SESSION**

- [13.](#) Closed Session – Attorney/Client

#### **ADJOURNMENT**



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council 1/14/2025

**SUBJECT:** Resolution of Support for the WMPO Application for a USDOT Grant

### **BACKGROUND:**

The Wilmington Urban Area Metropolitan Planning Organization (WMPO) is requesting a resolution for the FY 24-25 application to the United States Department of Transportation's (USDOT) Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) discretionary grant program from planning partners and community stakeholders. The goal of the WMPO application to the PROTECT program is to secure funding to develop a regional, transportation Resilience Improvement Plan for the Wilmington metropolitan area.

The PROTECT discretionary grant program, established by the 2021 Bipartisan Infrastructure Law (BIL), aims to fund initiatives that boost the resilience of surface transportation networks like highways, public transit, ports, and intercity passenger rail. Eligible applicants for the grant program include states, metropolitan planning organizations (MPOs), local governments, special purpose districts or public authorities with a transportation function, and Tribal governments. Two grant award types are offered: planning grants and resilience improvement grants. The total amount of funding available is \$876 million for two applications periods, FY24-25 and FY 26. Up to \$576 million is available for the current FY 24-25 funding opportunity of which up to \$56 million is set aside for planning grants. PROTECT planning grants support the development of a Resiliency Improvement Plan that applies a systemic approach to evaluating transportation system vulnerabilities and that identifies short- and long-term planning activities and investments to improve resilience. Planning grants are funded with a 100% federal cost share, requiring no local matching funds if awarded. In addition, projects identified within a Resilience Improvement Plan then become eligible for implementation funding through the PROTECT program along with qualifying for further cost reductions if the Resilience Improvement Plan is incorporated into long-range transportation plans and/or if a specific project is prioritized within the Resilience Improvement Plan.

### **ACTION:**

Adopt Resolution 25-2320 supporting the application.

# Resolution



Town of Carolina Beach  
Town Council

**RESOLUTION NO. 25-2320**

**A RESOLUTION OF SUPPORT FOR THE WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION’S RESILIENCE IMPROVEMENT PLANNING GRANT APPLICATION THROUGH THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION PROGRAM**

**WHEREAS**, the United States Department of Transportation has developed a discretionary grant program to address surface transportation resilience to natural hazards through the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program; and

**WHEREAS**, the Bipartisan Infrastructure Law has appropriated up to \$576 million for the PROTECT Program for FY 2024 and 2025; and

**WHEREAS**, the program supports the development of a Resilience Improvement Plan that addresses immediate and long range transportation network needs related to comprehensive natural hazard preparedness to limit transportation disruptions, and to identify and assess areas of vulnerability within the transportation network to be considered and prioritized for future resiliency projects; and

**WHEREAS**, the PROTECT Program encourages entities, including metropolitan planning organizations and local governments, that are interested in obtaining implementation funds through the PROTECT Program have an adopted Resilience Improvement Plan; and

**WHEREAS**, the Wilmington Urban Area Metropolitan Planning Organization planning area has observed transportation network disruptions due to natural hazard events such as flooding and has a high likelihood of future flooding and severe weather events such as hurricanes; and

**WHEREAS**, a Resilience Improvement Plan that covers the Wilmington Urban Area Metropolitan Planning Organization would include the Town of Carolina Beach.

**NOW THEREFORE, BE IT RESOLVED** that the Town of Carolina Beach supports the application from the Wilmington Urban Area Metropolitan Planning Organization to develop a Resilience Improvement Plan for the Wilmington metropolitan region through the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program.

**ADOPTED**, this 14<sup>th</sup> day of January, 2025.

\_\_\_\_\_  
Albert L. Barbee, Mayor

ATTEST:

\_\_\_\_\_  
Kimberlee Ward, Town Clerk

January 14, 2025

Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RE: Support for the Wilmington Urban Area Metropolitan Area Planning Organization's Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Discretionary Grant Application

Dear Secretary of Transportation,

We are issuing this letter in support of the Wilmington Urban Area Metropolitan Planning Organization (WMPO) and their application for funding under the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Discretionary Grant Program, to develop a comprehensive surface transportation resilience improvement plan for the Wilmington, NC metropolitan region.

As the regional Metropolitan Planning Organization for the Wilmington, North Carolina metropolitan area, the WMPO is highly qualified to lead the development of a resilience improvement plan as they operate on a regional scale to provide multimodal transportation network planning and technical service support to their member jurisdictions and planning partners. The WMPO also works to identify projects and funding sources to grow and improve the transportation network within their planning area while facilitating regional collaboration in the best interest of the public. Public safety and equity are critical components of the work the WMPO undertakes and both topics are at the forefront of their planning initiatives. Furthermore, the WMPO has a history of involvement in regional resilience initiatives through collaboration on university studies, staff publications, and inclusion of resiliency topics in past metropolitan transportation plans.

In Carolina Beach, we coordinate closely with the WMPO in areas such as traffic impact studies, bike and pedestrian planning, and technical review processes.

In conclusion, the Town of Carolina Beach fully supports the WMPO as they seek federal funding under the PROTECT program to develop a surface transportation resilience improvement plan that would include our jurisdiction, and that will aim to reduce negative impacts to our transportation network and improve public safety related to natural hazard events such as flooding. We encourage you to look favorably on their application and thank you for your consideration of this letter.

Sincerely,

Mayor Albert L. Barbee  
Town of Carolina Beach



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Jeremy Hardison, Community Development Director

**DEPARTMENT:** Community Development

**MEETING:** Town Council – 14 JAN 2025

**SUBJECT:** Adopt a Resolution of Intent to close 15' X 188.24' of the alleyway at the intersection of Glenn Ave between lots 17-23, Block 3

### BACKGROUND:

#### **SUMMARY OF THE REQUEST**

The petition submitted by Chad Shingleton is to close 15' X 188.24' of the alleyway at the intersection of Glenn Ave between lots 17-23, Block 3. The area to be closed includes 4 lots that face Kenneth Avenue and 3 lots that face Glenn Avenue.

#### **ANALYSIS**

Typically, when a road closure occurs the land is divided as equitably as possible, generally by way of a '50/50' split between the adjoining land owners on each side of the right-of-way. The applicant owns both sides of the closure area. In this instance not all of the properties adjoining the alleyway are making the request. The alleyway was originally platted in 1949 as a 15' alley as part of the Ocean Heights Subdivision plat. The alleyway remains unpaved and no utilities are located within the alleyway.

#### **THE PROCESS FOR STREET/ALLEYWAY CLOSURES:**

##### **1 - Petition or Request for Street/Alley Closing**

The Technical Review Committee has reviewed the depicted the areas to be closed. There are no utilities within the alleyway. There are no objections from staff to the closure.

##### **2 - Resolution of Intent to Close**

The Town Council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. If the resolution is passed then the public hearing will be on February 11, 2025.

##### **3 - Publication of Resolution of Intent to Close and Notification to Adjoining Property Owners**

The resolution would be published once a week for four successive weeks prior to the hearing, a copy thereof will be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.

#### **4 - Public Hearing Following Four Weeks of Advertising**

At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley.

#### **5 - Record at Register of Deeds the Resolution Ordering Street Closed**

A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street or any portion thereof, is located.

#### **6 – Ownership of the right-of-way after closure**

All right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

#### **ACTION REQUESTED**

To adopt a resolution of Intent to close 15' X 188.24' of the alleyway at the intersection of Glenn Avenue between lots 17-23, Block 3.

#### **RECOMMENDED MOTION:**

Adopt a resolution of Intent to close 15' X 188.24' of the alleyway at the intersection of Glenn Avenue between lots 17-23, Block 3 to be published once a week for four successive weeks prior to the February 11, 2025, council meeting.



**Town of Carolina Beach, NC  
Planning and Development**

1121 N. Lake Park Boulevard  
Telephone: (910) 458 2999 FAX: (910) 458 2997  
www.carolinabeach.org

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**STREET CLOSING PETITION**  
CLOSING OF PUBLIC STREETS AND ALLEYS

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**Section A.**  
**SUBMITTAL REQUIREMENTS**

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*PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). If any information is missing from the petition package, you will be asked to complete the petition and re-submit, so please check the list below carefully before you submit:*

- \$500 FILING FEE.** The petitioner(s) pays for advertisement in a newspaper of general circulation for four consecutive weeks, 2 hours staff analysis, 2 hours in hearings, 4 hours of clerical time (agenda preparation, hearing minutes, legal advertisements, typing) 1 hour case close-out.
  - NEW HANOVER COUNTY PROPERTY IDENTIFICATION MAP.** The petitioner(s) must obtain a New Hanover County Property map from the Carolina Beach Planning Department showing the existing roadway to be closed and all abutting properties.
  - DESCRIPTION OF THE STREET OR ALLEY.** The petitioner(s) must list the description of the street or alley (using the form on Page 3 of this application, and give his / her name, address, city, state, zip code and telephone number.
  - LIST OF PROPERTY OWNERS.** The parcel identification number, names and addresses of the property owners utilizing the street right-of-way should be listed on Page 4&5. The petitioner(s) should obtain the signature of each property owner listed on the petition.
- 

**STREET AND ALLEY CLOSING PROCESS:**

In order to meet all legal requirements regarding closing a street or alley or abandoning public right-of-way, it is recommended that the petitioner(s) employ counsel. This will also assure property owners of clear title to the petitioned property in the event the Town Council chooses to adopt a resolution to close the street.

Once the petition has been received, the Planning Department will coordinate a review of the proposed street closing with other Town Departments. Town Administration will make a recommendation to the Town Council. The Council will hold a public hearing, and then decide if the closing is in the public interest. If they determine that it is, they will pass a resolution closing the street or alley. At this time, the abutting property owners may submit recombination plats showing the new property lines to the Planning Department, wherein they will be authorized for recording in the New Hanover County Register of Deeds office.

All of the items noted above shall be delivered to town hall or be mailed to:

Carolina Beach Planning Department  
1121 N. Lake Park Blvd.  
Carolina Beach, NC 28428



**Section C.**  
SUMMARY INFORMATION

1. Official street or alley name: Partial Alley Closure TSLK 3 Ocean Heights

2. Location of the street or alley: From (name of intersecting street) Glenn Ave extending (direction) \_\_\_\_\_  
(distance in feet) 190 to (name of intersecting street; if dead in or turnaround, state "termination") \_\_\_\_\_

3. Two (2) copies of tax maps or subdivision plats drawn to scale (at least 1" = 50') depicting the public street or alley right-of-way requested to be closed, showing the names of adjacent property owners, and indicating the location in relation to adjacent intersections and streets.

1. REASON FOR CLOSING THE STREET:

To add more sq footage to bordering lots ~~as well as~~ landscape & maintain  
so it may be landscaped & maintained properly

3. THIS PETITION WAS SUBMITTED BY:

NAME: Chad Shingleton

MAILING ADDRESS: 1415 Croaker Ln

CITY: Carolina Beach STATE: NC ZIP: 28428

DAYTIME TELEPHONE: 919 868 - 5088 FAX: \_\_\_\_\_

4. TODAY'S DATE: 11/11/24

5. NEW HANOVER COUNTY PROPERTY MAP – Attached is a copy of the New Hanover County Property Map which shows the subject street or alley and surrounding properties (Obtain from Carolina Beach Planning Department, 1121 N. Lake Park Blvd.)

WE, THE UNDERSIGNED PROPERTY OWNERS, owning land utilizing the street or alley shown on the attached map, hereby petition the Carolina Beach Town Council to close and withdraw acceptance of dedication of such land for street purposes. The parcel identification numbers below refer to parcels as shown on the attached map dated \_\_\_\_\_.

PARCEL IDENTIFICATION NUMBER R08809-004-001<sup>-000</sup> ROAD FRONTAGE (from deed) \_\_\_\_\_  
PROPERTY OWNER: T.O.O. Construction Co. Inc  
MAILING ADDRESS: 1415 Croaker Ln  
CITY: Carolina Beach STATE: NC ZIP: 28428  
SIGNATURE: [Signature]

PARCEL IDENTIFICATION NUMBER R-08813-003-001<sup>-000</sup> ROAD FRONTAGE (from deed) \_\_\_\_\_  
PROPERTY OWNER: \_\_\_\_\_  
MAILING ADDRESS: SAME  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SIGNATURE: [Signature]

PARCEL IDENTIFICATION NUMBER R-08813-003-002<sup>-000</sup> ROAD FRONTAGE (from deed) \_\_\_\_\_  
PROPERTY OWNER: \_\_\_\_\_  
MAILING ADDRESS: SAME  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SIGNATURE: [Signature]

PARCEL IDENTIFICATION NUMBER R-08813-003-014<sup>-000</sup> ROAD FRONTAGE (from deed) \_\_\_\_\_  
PROPERTY OWNER: \_\_\_\_\_  
MAILING ADDRESS: SAME  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SIGNATURE: [Signature]

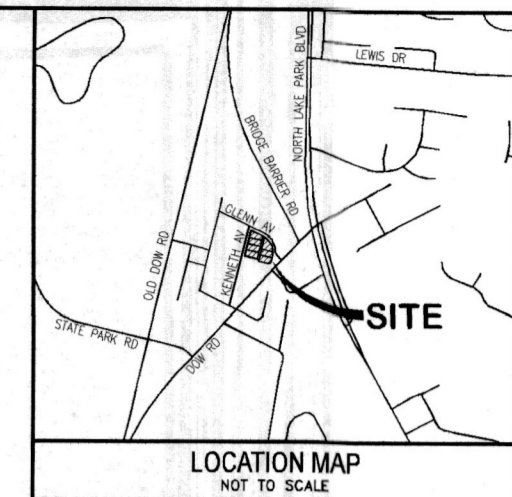
PARCEL IDENTIFICATION NUMBER R-08813-003-013<sup>-000</sup> ROAD FRONTAGE (from deed) \_\_\_\_\_  
PROPERTY OWNER: \_\_\_\_\_  
MAILING ADDRESS: SAME  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SIGNATURE: [Signature]

PARCEL IDENTIFICATION NUMBER \_\_\_\_\_ ROAD FRONTAGE (from deed) \_\_\_\_\_  
PROPERTY OWNER: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_

PARCEL IDENTIFICATION NUMBER \_\_\_\_\_ ROAD FRONTAGE (from deed) \_\_\_\_\_  
PROPERTY OWNER: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_

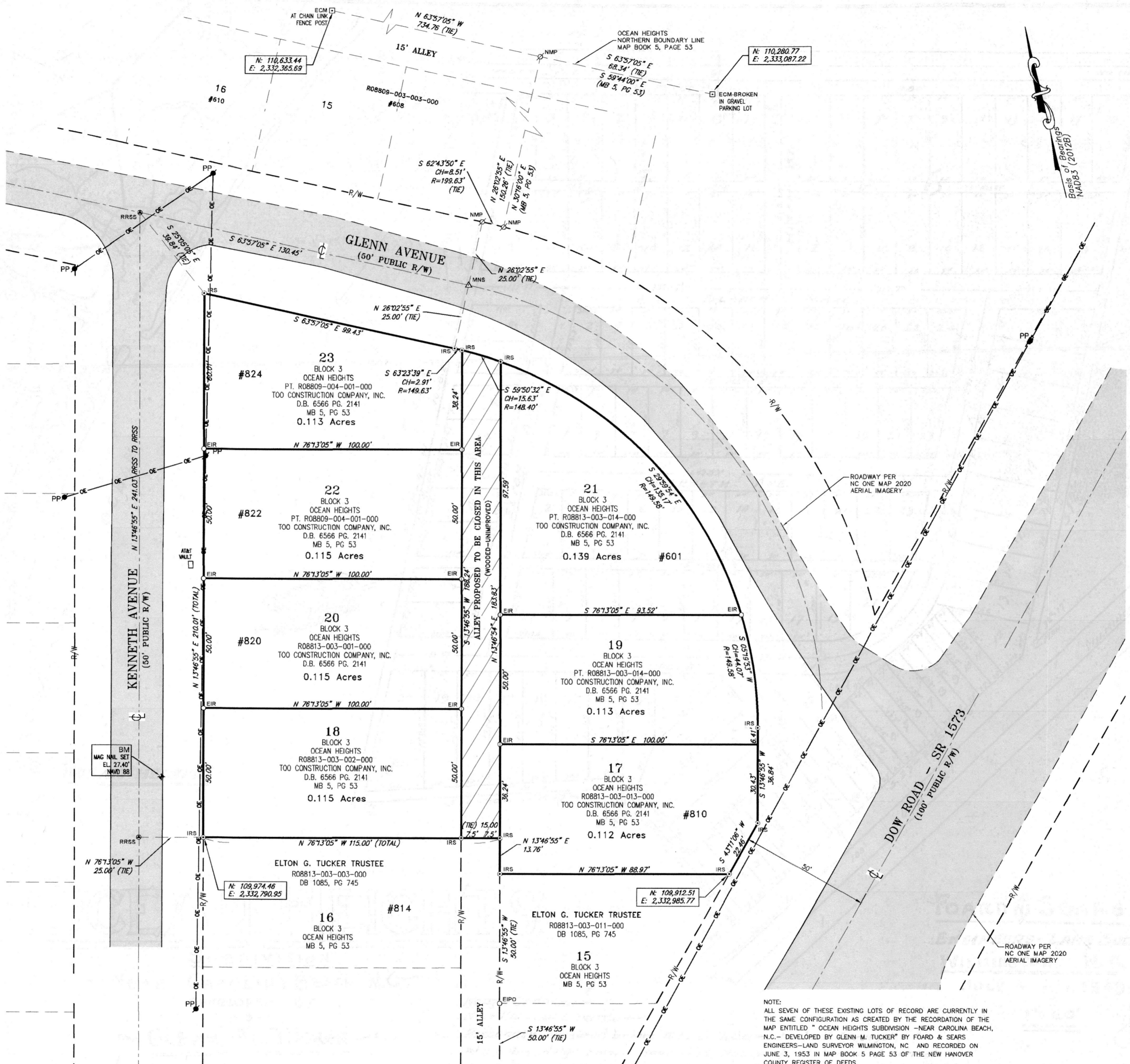
I, VERNON DEREK DANFORD, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION. DESCRIPTION AS SHOWN ON THE FACE OF THIS MAP, RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY DASHED LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS NOVEMBER, A.D. 2024.

*V. Derek Danford*  
 VERNON DEREK DANFORD  
 N.C. PLS No. L-4528



- NOTES**
1. THESE LOTS ARE LOCATED IN ZONE "X" PER FRIS ON FIRM MAP NUMBERS 3720313100K & 3120313000K DATED: 08/28/2018.
  2. THESE LOTS ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, OR COVENANTS OF RECORD.
  3. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS OR RIGHT OF WAYS NOT SHOWN HEREIN.
  4. "BEST FIT MODEL" UTILIZED BASED UPON THE PREPONDERANCE OF EVIDENCE FOUND.
  5. NO GRID BEARINGS DERIVED USING TOPCON UNIT, UTILIZING NORTH CAROLINA VRS SYSTEM.
  6. ALL BEARINGS SHOWN ARE NC GRID (NAD83 2011S) EXCEPT AS SHOWN.
  7. ALL PROPERTY CORNERS ARE IRON PIPES OR REBAR, UNLESS OTHERWISE NOTED. THE WOODEN STAKES SERVE TO PROTECT AND MARK THE AREA OF THE ACTUAL CORNERS, WHICH ARE TYPICALLY AT OR BELOW GROUND.
  8. ALL DISTANCES ARE HORIZONTAL GROUND, IN US SURVEY FEET.
  9. COMBINED FACTOR: 1.00009281.
  10. ZONING = MH, TOWN OF CAROLINA BEACH, NC.
  11. THIS SURVEY IS OF SEVEN EXISTING LOTS OF RECORD.
  12. NOGS MONUMENT NOT FOUND WITHIN 2,000 FEET.
  13. AREA BY COORDINATE METHOD.

- LEGEND**
- = EXISTING IRON PIPE (EIP)
  - = EXISTING IRON REBAR (EIR)
  - ⊠ = EXISTING MONUMENT FOUND (ECM)
  - ⊡ = CONCRETE MONUMENT SET (CMS)
  - △ = MAG NAIL FOUND (MNF)
  - ▽ = MAG NAIL SET (MNS)
  - ⊙ = IRON PIPE SET (IPS)
  - ⊚ = IRON REBAR SET (IRS)
  - ⊛ = RAILROAD SPIKE SET (RRSS)
  - ⊜ = NON-MONUMENTED POINT (NMP)
  - ⊝ = BENCHMARK LOCATION
  - ⊞ = CENTERLINE
  - R/W = RIGHT OF WAY
  - EP = EDGE OF PAVEMENT
  - GS = GROUND SHOT
  - PP = POWER POLE (PP)



NOTE:  
 ALL SEVEN OF THESE EXISTING LOTS OF RECORD ARE CURRENTLY IN THE SAME CONFIGURATION AS CREATED BY THE RECORDATION OF THE MAP ENTITLED "OCEAN HEIGHTS SUBDIVISION - NEAR CAROLINA BEACH, N.C. - DEVELOPED BY GLENN M. TUCKER" BY FOARD & SEARS ENGINEERS-LAND SURVEYOR WILMINGTON, NC AND RECORDED ON JUNE 3, 1953 IN MAP BOOK 5 PAGE 53 OF THE NEW HANOVER COUNTY REGISTER OF DEEDS.

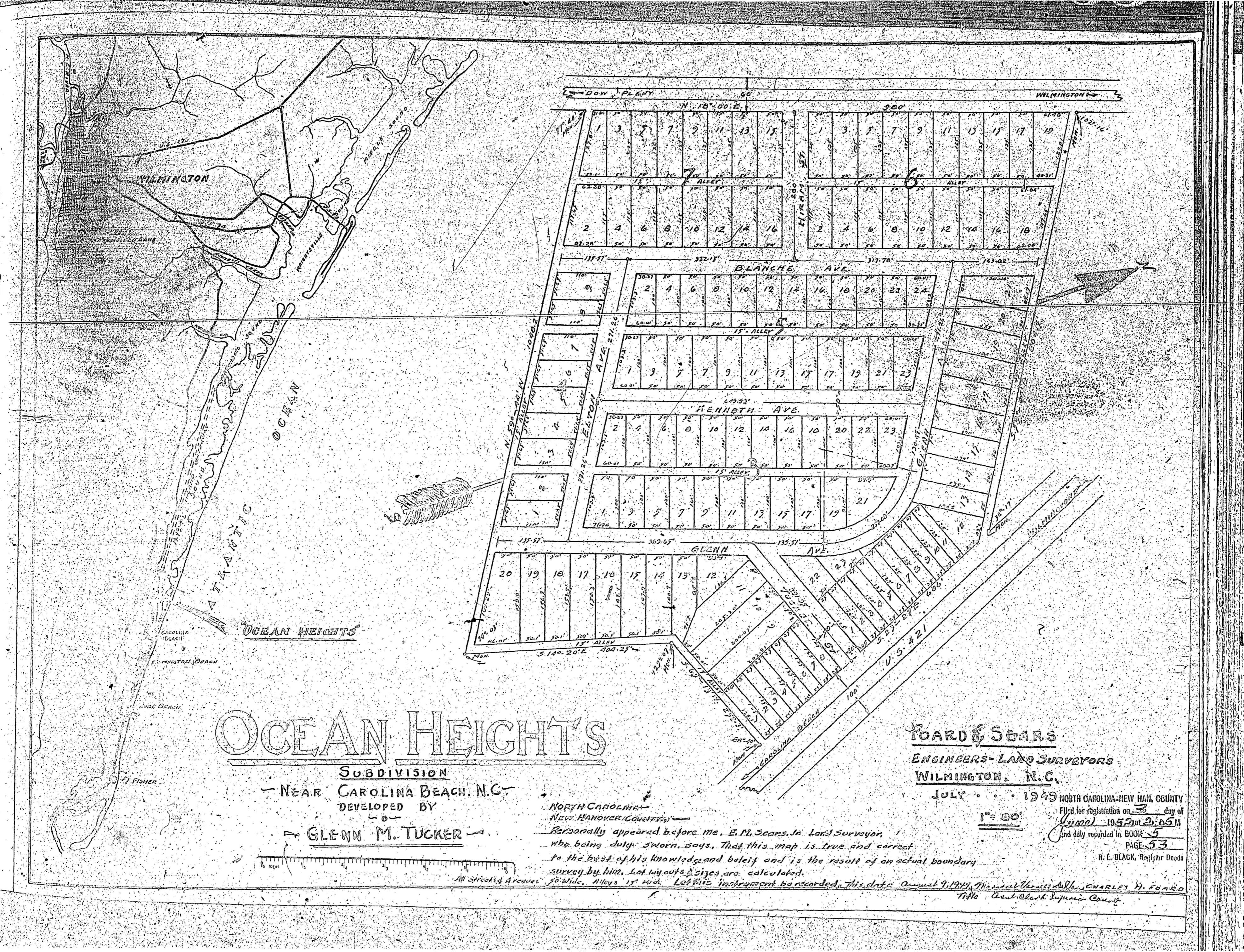
**DANFORD & ASSOCIATES**  
 LAND SURVEYING, P.C.  
 4022 1/2 GLENDEN DRIVE  
 SUITE 202  
 WILMINGTON, NC 28403  
 PHONE 910 799 4916  
 FIRM LIC# C-2797  
 email: ddanf@danfordandassociates.com

MAP OF EXISTING PARCELS OF LAND & ALLEY CLOSURE EXHIBIT MAP  
**LOTS 17, 18, 19, 20, 21, 22, & 23 BLOCK 3**  
**OCEAN HEIGHTS MAP BOOK 5 PAGE 53**  
 TOO CONSTRUCTION COMPANY, INC. LANDS DEED BOOK 6566 PAGE 2141  
 TOWN OF CAROLINA BEACH NEW HANOVER COUNTY NORTH CAROLINA

NOVEMBER, 2024

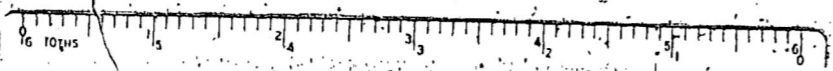
1 INCH = 20 FEET

© DANFORD & ASSOCIATES LAND SURVEYING, PC



# OCEAN HEIGHTS

SUBDIVISION  
 NEAR CAROLINA BEACH, N.C.  
 DEVELOPED BY  
**GLENN M. TUCKER**

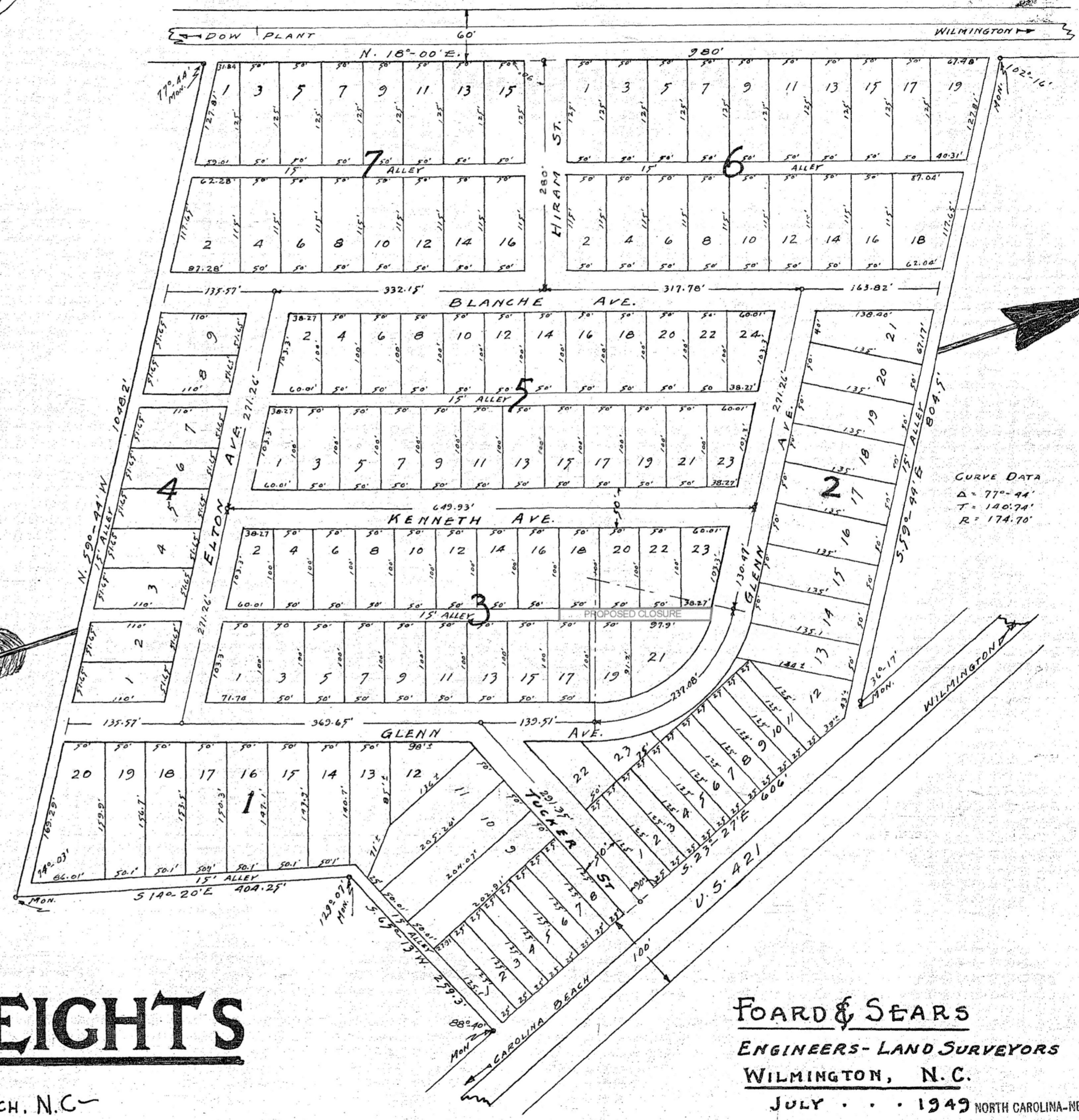
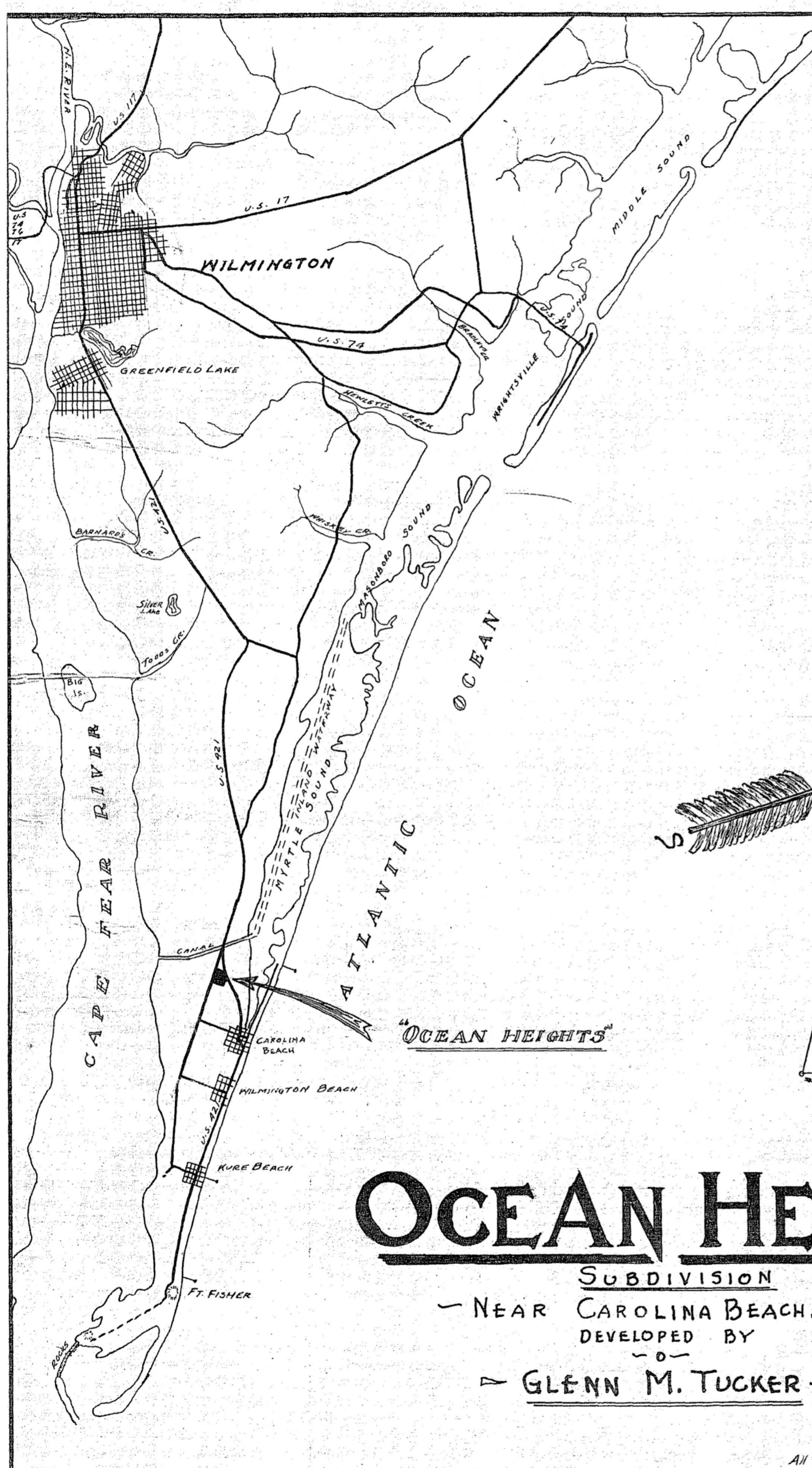


NORTH CAROLINA  
 NEW HANOVER COUNTY  
 Personally appeared before me, E. M. Sears, Jr., Land Surveyor,  
 who being duly sworn, says, that this map is true and correct  
 to the best of his knowledge and belief and is the result of an actual boundary  
 survey by him. Lot layouts & sizes are calculated.

All streets & Avenues 30' wide, Alleys 15' wide. Let this instrument be recorded, this date August 9, 1949, Manual Verdict, CHARLES H. FOARD  
 Title Clerk Superior Court.

**FOARD & SEARS**  
 ENGINEERS - LAND SURVEYORS  
 WILMINGTON, N.C.

JULY . . . 1949 NORTH CAROLINA-NEW HAN. COUNTY  
 Filed for registration on 3 day of  
June 1949 at 2:05 P.M.  
 and duly recorded in BOOK 5  
 PAGE 53  
 N. E. BLACK, Register Deeds



# OCEAN HEIGHTS

SUBDIVISION  
 - NEAR CAROLINA BEACH, N.C. -  
 DEVELOPED BY  
 - O -  
 - GLENN M. TUCKER -

**FOARD & SEARS**  
 ENGINEERS - LAND SURVEYORS  
 WILMINGTON, N.C.

JULY . . . 1949  
 NORTH CAROLINA - NEW HAN, COUNTY  
 Filed for registration on 3 day of  
June 1952 at 2:05 P.M.  
 and duly recorded in BOOK 5  
 PAGE 53  
 R. L. BLACK, Register Deeds

NORTH CAROLINA -  
 NEW HANOVER COUNTY,  
 Personally appeared before me, E. M. Sears, Jr. Land Surveyor,  
 who being duly sworn, says, That this map is true and correct  
 to the best of his knowledge and belief and is the result of an actual boundary  
 survey by him. Lot layouts & sizes are calculated.  
 All streets & avenues 50 wide, Alleys 15 wide. Let this instrument be recorded. This date August 9, 1949. My commission expires with CHARLES H. FOARD  
 Title Clerk Superior Court

Resolution of Intent



**RESOLUTION NO. 25-2321**

This is a **Resolution of Intent** to close 15' X 188.24' of the alleyway at the intersection of Glenn Avenue between lots 17-23, Block 3.

WHEREAS, the **Carolina Beach Town Council** has received an application signed by the petitioner owning lots 17-23, Block 3 abutting Glenn Avenue and Kenneth Avenue adjacent to the closure; and

WHEREAS, the Town Attorney and appropriate members of the town staff have investigated the sufficiency of the application; and

WHEREAS, the Town Council is of the opinion that the proposed portions of right of way should be closed and the closing of the same is in the public interest, all in accordance with NCGS 160A-299.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Carolina Beach, North Carolina, as follows:

1. The Town Council intends to close to close the 15' X 188.24' LOT #S portion of the alleyway.
2. The Town Council will hear all persons on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual at a public hearing to be held at 6:00 p.m. on the 11<sup>th</sup> day of February, 2025 in the Council Room at the Carolina Beach Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina.
3. The Town Clerk is hereby directed to cause this resolution to be published once a week for four successive weeks prior to the scheduled hearing.
4. The Town Clerk is further directed to send by registered or mail or certified mail a copy of this resolution to all owners of property adjoining the street or portion thereof described above as reflected by the tax records of New Hanover County, and to post in at least two (2) prominent places along said street or portion thereof a notice of the proposed closing and said hearing.

Adopted by The Carolina Beach Town Council this 14<sup>th</sup> day of January 2025.

(SEAL)

\_\_\_\_\_  
Albert L Barbee, Mayor

Attest:

\_\_\_\_\_  
Kim Ward, Town Clerk

\_\_\_\_\_  
Noel Fox, Town Attorney



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Community Development

**MEETING:** Town Council 14 JAN 2025

**SUBJECT:** Set a public hearing for February 11, 2025 – Text Amendment to UDO Article 3, nonconforming situations.

Applicant: North Pier Holdings, LLC

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**BACKGROUND:**

**ACTION REQUESTED:**

Adopt the consent agenda.

**RECOMMENDED MOTION:**



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Finance

**MEETING:** Town Council – 1/14//2025

**SUBJECT:** Appropriate funds for Ocean Sidewalk Project

### **BACKGROUND:**

The Town of Carolina Beach received a \$900,000 SCIF Grant from the State of North Carolina for Paving Carolina Beach Avenue North and a sidewalk on Ocean Boulevard in February 2022. The Town used \$437,725 of the grant for the paving project leaving \$462,275 for the sidewalk. The bid for the project was \$908,254.55 requiring an additional \$434,422.47 (Freeman Park grant was used instead of fund balance) to fund the project. The NCDOT engineers have identified revisions required to meet NCDOT storm drainage standards and submitted change order number #1. The change order estimated the additional construction cost to be \$126,297.27 which does not include the engineering, survey and permitting costs of 94,268.75. The contractor has also submitted change order number #2 in the amount of \$10,631.84 to cover storm pipe removal and paving at Bowfin Lane.

### **Appropriations:**

Appropriate \$104,900.59 to account 46-580-074 Ocean Sidewalk Capital Project fund as follows: \$7,243.57 interest earned on Grant Funds and \$97,657.02 from the General Fund fund balance to cover engineering, survey and permitting costs of the project.

### **BUDGET IMPACT:**

The appropriation will affect the budget.

### **ACTION REQUESTED:**

- Approval Grant Ordinance number 25-1246 amending the budget for the Ocean Sidewalk Project.



**ORDINANCE NO. 25-1246**  
**AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET TO AMEND THE PROJECT FUND FOR OCEAN SIDEWALK & CBAN IMPROVEMENTS PROJECTS**

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

**SECTION ONE:**

That the Fiscal Year 2024-2025 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Ocean Sidewalk & CBAN Improvements Capital Project by establishing the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
46-580-074	Ocean Sidewalk	\$ 1,034,551.82	\$ 1,139,452.41	+\$ 104,900.59
46-581-074	CBAN Improvements	\$ 437,725.00	<u>\$ 437,725.00</u>	- \$ .00
<b>TOTAL</b>			<b>\$ 1,577,177.41</b>	

**SECTION TWO:**

That the Fiscal Year 2024-2025 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Ocean Sidewalk & CBAN Improvements Capital Project by establishing the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
46-329-000	Interest Earned	\$ 57,273.12	\$ 64,516.69	+ \$ 7,243.57
46-397-000	SCIF Grant	\$900,000.00	\$ 900,000.00	+ \$
46-350-000	Transfer from GF	\$515,003.70	<u>\$ 612,660.72</u>	+\$ 97,657.02
<b>TOTAL:</b>			<b>\$ 1,577,177.41</b>	

**SECTION THREE:**

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

Duly adopted this 14th day of January 2025.

\_\_\_\_\_  
Albert L Barbee, Mayor

ATTEST:

\_\_\_\_\_  
Kimberlee Ward, Town Clerk



**CHANGE ORDER NO. 2**  
**GENERAL CONSTRUCTION CONTRACT**  
**OCEAN BOULEVARD SIDEWALK PROJECT**  
**TOWN OF CAROLINA BEACH, NC**  
**December 30, 2024**

**OWNER:** Town of Carolina Beach  
**ENGINEER:** Engineering Services, P.A.  
**CONTRACTOR:** C M Mitchell Construction Company, Inc.  
**PROJECT #:** 202235-CA

**DESCRIPTION OF CHANGE:**

The change order includes revisions to the original total contract amount (Adding back the \$33 in line item #19), the addition of existing storm pipe removal and paving at Bowfin Lane, additional storm pipe for connection at D158, and updates to the contract time.

**CONTRACT COST SUMMARY:**

ORIGINAL CONTRACT AMOUNT:	\$908,254.55
AMOUNT OF PREVIOUS CHANGE ORDERS:	\$126,297.27
<b>AMOUNT OF THIS CHANGE ORDER (No. 2):</b>	<b>\$10,631.84</b>
REVISED CONTRACT AMOUNT:	\$1,045,183.66
UPDATED CONTRACT COMPLETION DATE:	June 7, 2024

I certify that my bonding company will be notified that my contract has been increased by the amount of the change order, and that a copy of the approved change order will be mailed upon receipt by me to my surety.

C M Mitchell Construction Company, Inc. by: Charles M Mitchell Date: 12-27-2024  
Charles M. Mitchell, President

Town of Carolina Beach, NC by: [Signature] Date: 1/2/25  
Bruce Oakley, Town Manager

Attachments: Itemized material costs

*PK*



# AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Finance

**MEETING:** Town Council – 1/14/25

**SUBJECT:** Budget Amendments/Transfers

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**BACKGROUND:**

I have received several budget amendment requests. Transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendment. I have also attached a copy of the supporting documentation for the appropriation.

**Appropriations:**

Appropriate \$169,000 to account 30-812-074 Water Capital Over \$10,000 from the Utility Fund fund balance for engineering, survey and permitting cost of the Well 15 and Filter at Alabama Projects.

**Transfers:**

Transfer \$9,236.00 from account 10-409-015 GF Debt Service to account 10-650-051 Boardwalk Liability/Flood Insurance to cover flood insurance policy for the Boardwalk Restroom as required by Truist Bank for the life of the loan.

Transfer \$205,696.20 from departmental -004 COLA accounts to the -002 Wage accounts for the General Fund; transfer \$57,631 from departmental -004 COLA accounts to the -002 Wage accounts for the Utility Fund to cover the Cost-of-Living increase implemented in July.

**BUDGET IMPACT:**

The appropriation for Well 15 & filter at Alabama will impact the Utility Fund budget.

**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 LeCompte  
*Mayor Pro Tem*

Mike Hoffer  
*Council Member*

Bruce Oakley  
*Town Manager*

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

## **BUDGET TRANSFER REQUEST FROM UTILITIES RESERVE FUND**

**To:** Debbie Hall, Finance Director

**From:** Mark Meyer, Public Utilities Director

**Re:** Budget transfer

**Date:** December 19<sup>th</sup> 2024

**Budget transfer amount:** \$ 169,000

**Explanation:** This is for the Engineering cost for Well 15H and the additional filter for the Alabama water treatment plant and all piping to connect them together. This Project will be encompassed in the upcoming Revenue Bonds. If you have any questions, please let me know. See attached E-Mail and documentation.

**Mark Meyer**

**Director of Public Utilities, Town of Carolina Beach**

Mark,

I would typically need 90% of that to get to permitting plans, plus the survey and half of the Hydrogeologist. ( $\$147,000 + \$15,000 + \$7,500 = \$169,000$ )

Its possible we don't use all of the survey budget.

Brian Cox, PE  
Engineering Services, PA  
1202 Benson Rd., #200  
Garner, NC 27529  
(o) 919-662-7272

Trans Date	Description	Debit	Credit
12/3/2024	NATIONAL GERNERAL INSURANCE	\$9,236.00	\$0.00
		\$9,236.00	\$0.00

GL Account History List - Ending Balance Debit: \$9,236.00

Date: 12/18/2024 4:02 PM

Item 5.

BUDGET AMENDMENTS/TRANSFERS				
Date	DESCRIPTION	GL #	DEBIT	CREDIT
1/14/2025	Transfer budgeted COLA monies to wage	10-420-002	13,865.14	
	line items.	10-420-004		13,865.14
		10-430-002	3,233.00	
		10-430-004		3,233.00
		10-440-002	8,002.00	
		10-440-004		8,002.00
		10-450-002	7,361.00	
		10-450-004		7,361.00
		10-491-002	17,611.00	
		10-491-004		17,611.00
		10-510-002	69,562.00	
		10-510-004		69,562.00
		10-520-002	2,479.00	
		10-520-004		2,479.00
		10-530-002	39,230.00	
		10-530-004		39,230.00
		10-550-002	3,357.00	
		10-550-004		3,357.00
		10-580-002	22,448.00	
		10-580-004		22,448.00
		10-620-002	17,263.06	
		10-620-004		17,263.06
		10-650-002	1,285.00	
		10-650-004		1,285.00
	<b>General Fund Totals</b>		<b>205,696.20</b>	<b>205,696.20</b>
		30-800-002	11,974.00	
		30-800-004		11,974.00
		30-810-002	9,787.00	
		30-810-004		9,787.00
		30-811-002	16,967.00	
		30-811-004		16,967.00
		30-812-002	3,620.00	
		30-812-004		3,620.00
		30-900-002	15,283.00	
		30-900-004		15,283.00
	<b>Utility Fund Totals</b>		<b>57,631.00</b>	<b>57,631.00</b>
	<b>Total Transfers</b>		<b>263,327.20</b>	<b>263,327.20</b>

Item 5.

COLA Used

Dept Desc	Disp Acct	Budget	Used YTD	Variance	% Remaining	Notes
Executive	10-420-004 C.O.L.A./Merit Pay	\$16,487.00	(\$13,865.14)	\$2,621.86	15.90%	Money from unfilled communications position
Clerk	10-430-004 C.O.L.A./Merit Pay	\$3,233.00	(\$3,233.00)	\$0.00	0.00%	
Finance	10-440-004 C.O.L.A./Merit Pay	\$8,002.00	(\$8,002.00)	\$0.00	0.00%	
HUMAN RESOURCES	10-450-004 C.O.L.A./Merit Pay	\$7,361.00	(\$7,361.00)	\$0.00	0.00%	
Community Development	10-491-004 C.O.L.A./Merit Pay	\$21,012.00	(\$17,611.00)	\$3,401.00	16.19%	Money from unfilled Building Inspector
Police	10-510-004 C.O.L.A./Merit Pay	\$69,562.00	(\$69,562.00)	\$0.00	0.00%	
Lifeguards	10-520-004 C.O.L.A./Merit Pay	\$15,368.00	(\$2,479.00)	\$12,889.00	83.87%	COLA was budget to cover increases in lifeguard wages if needed.
Fire	10-530-004 C.O.L.A./Merit Pay	\$39,230.00	(\$39,230.00)	\$0.00	0.00%	
Marina	10-550-004 C.O.L.A./Merit Pay	\$3,357.00	(\$3,357.00)	\$0.00	0.00%	
ENVIRONMENTAL	10-580-004 C.O.L.A./Merit Pay	\$22,448.00	(\$22,448.00)	\$0.00	0.00%	
Parks & Recreation	10-620-004 C.O.L.A./Merit Pay	\$17,601.00	(\$17,263.06)	\$337.94	1.92%	
Boardwalk	10-650-004 C.O.L.A./Merit Pay	\$1,285.00	(\$1,285.00)	\$0.00	0.00%	
	<b>Total General Fund</b>		(\$205,696.20)			
W&S Administrative	30-800-004 C.O.L.A./Merit	\$11,974.00	(\$11,974.00)	\$0.00	0.00%	
Wastewater Treatment	30-810-004 C.O.L.A./ Merit	\$9,787.00	(\$9,787.00)	\$0.00	0.00%	
Wastewater Collection	30-811-004 C.O.L.A./Merit	\$16,967.00	(\$16,967.00)	\$0.00	0.00%	
Water	30-812-004 C.O.L.A./Merit	\$3,620.00	(\$3,620.00)	\$0.00	0.00%	
Stormwater Drainage	30-900-004 C.O.L.A./Merit	\$15,283.00	(\$15,283.00)	\$0.00	0.00%	
	<b>Total Utility Fund</b>		(\$57,631.00)			
<b>Totals</b>		<b>\$282,577.00</b>	<b>(\$263,327.20)</b>	<b>\$19,249.80</b>		





## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Finance

**MEETING:** Town Council – 12/31/2024

**SUBJECT:** Amend Grant Project Ordinance for ARP

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**BACKGROUND:**

To prevent forfeiture of funds, all unspent American Rescue Plan (ARP) money must be committed (by contract) prior to December 31, 2024. Several of the budgeted stormwater projects came in underbudget leaving a \$24,402 balance. This ordinance will amend the ARP Grant Project budget to add a line-item for Stormwater Equipment purchased on October 20, 2024. The amendment will prevent the Town from having to return the funds to the US Treasury.

**ACTION REQUESTED:**

Approval of Ordinance No. 25-1248

**ORDINANCE NO. 25-1248**  
**A GRANT ORDINANCE TO AMEND THE BUDGET FOR THE**  
**AMERICAN RESCUE PLAN WATER, SEWER & STORMWATER PROJECTS**

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

**SECTION ONE:**

That the Fiscal Year 2024-2025 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the American Rescue Plan Utility Fund Grant Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
35-601-074	Florida Ave	\$ 243,674.42	\$ 243,674.42	\$ .00
35-602-074	Spartanburg Ave	\$ 140,117.85	\$ 140,117.85	\$ .00
35-603-074	Maryland Ave/Virginia Ave	\$ 47,945.02	\$ 47,945.02	\$ .00
35-604-074	Basin Road	\$ 7,690.00	\$ 7,507.84	-\$ 182.16
35-605-074	Eastern Hamlet	\$ 48,901.21	\$ 48,901.21	\$ .00
35-606-074	Seventh Street	\$ 75,395.00	\$ 75,395.00	\$ .00
35-607-074	Sumter Ave/Seventh St	\$ 16,429.92	\$ 16,429.92	\$ .00
35-608-074	Greenville Ave	\$ 65,573.84	\$ 65,573.84	\$ .00
35-609-074	St Joseph Pipe Replacement	\$ 54,953.05	\$ 54,953.05	\$ .00
35-610-074	400 N 3 <sup>rd</sup> Stormwater	\$ 11,006.51	\$ 8,500.00	-\$ 2,506.51
35-611-074	1400 Sea Ray Stormwater	\$ 27,000.00	\$ 27,990.00	+\$ 990.00
35-612-074	1400 Bonito Stormwater	\$ 28,000.00	\$ 6,355.80	-\$ 21,644.20
35-613-074	4 <sup>th</sup> & Monroe Stormwater	\$ 23,000.00	\$ 29,579.30	+\$ 6,579.30
35-614-074	Birmingham & 6 <sup>th</sup> Strmwtr	\$ 80,000.00	\$ 72,361.57	-\$ 7,638.43
35-615-074	Stormwater Equipment	\$	\$ 24,402.00	+\$ 24,402.00
35-600-005	FICA Tax	\$ 9,565.49	\$ 9,565.49	+\$ .00
35-600-007	Retirement	\$ 13,877.36	\$ 13,877.36	+\$ .00
35-600-010	(401) Law Enforcement	\$ 1,503.80	\$ 1,503.80	+\$ .00
35-600-009	Premium Pay	\$ 125,039.00	\$ 125,039.00	+\$ .00
<b>TOTAL</b>		<b>\$ 1,019,672.47</b>	<b>\$1,019,672.47</b>	<b>\$ .00</b>

**SECTION TWO:**

That the Fiscal Year 2024-2025 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the American Rescue Plan by amending the following Utility Fund Grant Project Ordinance:

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

**SECTION THREE:**

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

Duly adopted this 31st day of December 2024

\_\_\_\_\_  
 Albert L. Barbee, Mayor

ATTEST:

\_\_\_\_\_  
 Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council Meeting 1/14/2025

**SUBJECT:** Approval of Council Meeting Minutes

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**BACKGROUND:**

Attached are the meeting minutes from December 10, 2024.

**ACTION REQUESTED:**

Review and consider approving under the consent agenda.

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, December 10, 2024 - 6:00 PM

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



## MINUTES

### CALL TO ORDER

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

### PRESENT

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

### ALSO PRESENT

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

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

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. Budget Amendments/Transfers FY25
2. Boardwalk Restroom Capital Project Budget Ordinance 24-1245
2. Approve 2025 Town Council and Committee Meeting Schedule
3. Room Occupancy Tax (ROT) Reimbursement Request in the amount of \$1,006,484.58
4. Approval of Council Meeting Minutes

Council Member Benson asked about the \$185,000 appropriation for engineering, survey, and permitting cost of the Stormwater Force Main Project. Mr. Oakley said this is part of the 2025 bond, and the Town will be reimbursed unless another means to pay for this is identified. He said staff will be coming back next month with another transfer for water projects, and right now the goal is to get the bond issued before June 30 so this budget year can be reimbursed.

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

Motion made by Mayor Barbee

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

*Motion passed unanimously*

**SPECIAL PRESENTATIONS**

## 5. Recognition of Dennis Barbour

Council recognized former Mayor Dennis Barbour for receiving a lifetime achievement award from the N.C. Beach, Inlet and Waterway Association.

## 6. Events Update by Tim Murphy

Tim Murphy, Community Services Manager, thanked staff for their work during the recent Christmas Parade and reviewed upcoming events:

- “Elf” Movie – December 14 at Lake Park
- Island of Lights Tour of Homes – December 14 at various locations
- Santa by the Sea – December 21 at Lake Park
- New Year’s Eve Celebration – December 31 at the Boardwalk

## 7. Update from Federal Point Historic Preservation Society President Gene Costa

Gene Costa, President of the Federal Point Historic Preservation Society, gave a report on the group’s projects, including updated displays, new technology, and improved ways to preserve collections. The Federal Point History Center is located next to Town Hall and is open Thursday through Saturday from 10:00 AM to 4:00 PM.

Mayor Barbee encouraged everyone to become a member of the group and expressed appreciation for the work of Mr. Costa and others.

Council Member Hoffer said a lot of people don’t realize the center maintains a library with a lot of priceless information. Mr. Costa said there are over 1,000 file folders with information about Federal Point, which is the area from Monkey Junction to the ferry landing at the south end of Pleasure Island. He said scholars come there to do research because they can’t find this data anywhere else.

Mayor Barbee said the center is run by volunteers and is a labor of love.

## 8. Manager’s Update

Mr. Oakley reviewed the budget FY 2025-26 schedule:

- Budget open house – January 15
- Council strategic planning sessions – February 20-21
- Public hearing for non-profit requests – March 11

- Public hearing for community input – April 8
- Budget workshop – April 22
- Budget workshop (if necessary) – May 6
- Budget open house – May 6
- Budget message presented to Council – May 27
- Budget adoption – June 10

Mr. Oakley gave an update on various projects:

- The beach nourishment project is still moving forward. The U.S. Army Corps of Engineers (ACOE) plans to hold a public meeting on the project before work starts.
- The Ocean Boulevard sidewalk project has started. It should be completed by June.
- The Boardwalk bathroom project should start in January. A portable restroom facility will be available in the parking lot across from the old Fork n Cork location during construction.
- Creech & Associates will conduct the facility study project. Staff will be meeting with them soon to get started.
- The Lake Park pump house project is out for bid.

Council Member Benson asked about money in the Brandy Myers Memorial Playground project for replacing the dated bathroom facility at Lake Park. Mr. Oakley said staff looked at a pre-fabricated facility similar to what is at Mike Chappell Park but determined it would not work because it needs to be flood-proof and elevated, so they are still working through this with engineers.

Community Development Director Jeremy Hardison reported the following recent developments:

- Oceaneer Motel at Alabama Avenue and South Lake Park Boulevard is doing renovations and will be at the Board of Adjustment meeting on December 16 to request a front yard variance for a walkway.
- Items coming to the next Technical Review Committee (TRC) include:
  - Subdivision request at 1215 Saint Joseph Street
  - Partial alley closure on Glenn Avenue
  - 4-unit multi-family structure at 703 South Lake Park Boulevard
  - Review lot coverage requirements
  - Traffic-calming policy
  - Beautification Committee's plans for Lake Park at Clarendon Avenue
- Demolitions are scheduled for 1215 Saint Joseph Street and 708 Harper Avenue.

Council Member Benson asked about ACOE-designated wetlands on the 5 acres at 1215 Saint Joseph Street. Mr. Hardison said there are definitely some wetlands on the site, and the current developer has been going back and forth with the ACOE on how much potentially can be disturbed. He said this will be a topic of discussion at TRC. Council Member Benson asked who will notify adjacent property owners if a permit is issued. Mr. Hardison said a permit requires advertisement, but he will check on whether adjacent property owners have to be notified. He said as part of the public hearing for the subdivision process, the Town does notify neighbors.

## **PUBLIC COMMENT**

Matthew Shuttleworth of 625 Tarboro Avenue spoke about the long-term development of Freeman

Park. He asked about extending the drivable portion of the beach, what the stipulations of the grant are, forming a committee to work on the future of the park, automating the gate for the upcoming summer season, and whether the park now qualifies for beach nourishment. Mr. Shuttleworth said his vision for Freeman Park is an eco-friendly attraction with minimal impact, similar to the Fort Fisher Hermit Trail.

Natalie Evans of 1205 Saint Joseph Street spoke about the clearing of 1215 Saint Joseph Street. She said she is concerned about overbuilding in that area, particularly regarding the potential for flooding. Ms. Evans asked Council to review undisturbed properties to use for protected and undeveloped green space.

Ryan McDade, owner of Tow 2 Tow Towing & Recovery, spoke about the service his company provides to the Town. He said they work closely with the Police Department and have earned the relationship they have with them today. Mr. McDade said their business model puts the community first with one phone call, and if the Town votes to have another towing company in the rotation, it would be detrimental to the overall dedication that the Town receives today due to the low volume of accidents on the island. He said his company does not hold a monopoly but has put in the time and earned the trust of the community.

Matt Dunn of 907 Ocean Boulevard spoke about parking and said it would be inconvenient for Town residents, especially families with small children and the elderly, to not have the ability to park close to beach accesses. He said the solution needs to strike a balance, and he feels the Town must accept some responsibility for the current parking situation.

Betty Jo Phelps of Carolina Sands spoke in favor of having a towing rotation. She encouraged Council to expand the qualifications for wrecker applicants to include those located in New Hanover County within 10 miles of the Town to create a fair and unbiased opportunity for everyone.

J.R. Bullock of 4904 Carolina Beach Road, owner of Towriffin Towing, thanked Council for considering his request to add more towing options for the Town.

Cindy Dunn of 915 Tidewater Lane asked Council to consider quality of life for taxpaying citizens when making decisions regarding parking, especially when it comes to young families and older people trying to get to the beach.

Sarah Finn of 508 Raleigh Avenue asked Council to consider residents over revenue when it comes to parking. She said her family, which includes small children, can't walk or ride bikes to the beach for safety reasons, adding that taking away resident passes to ocean lots will devastate the lifestyle of residents. Ms. Finn read the results of a survey she created about parking options and asked Council to consider early bird pricing for a small window in January. She also suggested striking a balance between the price of car and golf cart passes.

Mark Miller of 702 Seafarer Drive asked why residents are only allowed 2 free re-entry decals. He said he shouldn't have to pay additional money to get on the island when he's already paying taxes. *(Mr. Parvin gave clarification about this during item 10.)*

Bob Ponzoni of Canal Drive said it's hard to hear the speakers and asked that the microphone volume be raised.

## **PUBLIC HEARINGS**

9. Conditional Zoning to Consider a K-5 School at 105 Dow Road at Seaside Chapel  
Applicant: Seaside Chapel

Applicant Seaside Chapel is proposing a K-5 school at its property on 105 Dow Road. This property is located in the R-3 Residential Zoning District. Schools are allowed through the approval of Conditional Zoning (CZ) in R-3. The proposal includes renovating the existing 2-story Family Life Center building into a school that allows grades K-5. Kindergarten and 1st grades will be on the ground floor and 3rd-5th grades on the second floor. The building includes a gym and kitchen.

The property is a 2.52-acre lot surrounded by 4 roads: Dow Road, Charlotte Avenue, 8th Street, and Hamlet Avenue. R-3 mainly consists of single-family houses. The lot has 4 existing structures: 1-story chapel (built 1975), single-family residence (built 1977), 1-story worship sanctuary (built 1999), and 2-story Family Life Center (built 2005). The 2-story Family Life Center expansion to the chapel was approved through a Conditional Use Permit (CUP) in 2005. In 2020, Seaside Chapel was approved, through a CUP, to use the Family Life Center to operate a daycare and add a playground.

The CZ proposal consists of the renovation of the 2-story Family Life Center into a K-5 school with the original 9 classrooms being combined into a total of 5. The fellowship hall will be converted into a gym. The existing elevator, stairs, bathrooms, and kitchen will remain. No expansions to the building are proposed. When the Family Life Center was approved, a total of 86 parking spaces were required. Because changes in Town ordinances have reduced the parking requirements for churches, 58 parking spaces are required for the proposed school (1 per classroom + 5 for visitors = 11 spaces), church (1 per 300 square feet of indoor gross floor area = 44 spaces), and single-family house (2 per dwelling unit + 0.5 per bedroom over 2 = 3 spaces). Seaside Chapel proposes installing a total of 72 parking spaces.

Wilmington Metropolitan Planning Organization (WMPO) was asked and subsequently determined a traffic study was not warranted for the proposed school. To mitigate school pickup traffic, the parking lot was designed to queue cars through the parking lot. The 8th Street entrance to the parking lot will be blocked during school dropoff and pickup to funnel traffic into and out of the parking lot through the Hamlet Avenue entrance. The parking lot will consist of pervious gravel that meets State requirements. The proposed queuing plan shows a total of 34 cars held onsite within the drive aisles of the property.

As part of the application process, a community meeting is required. The applicant held the required meeting on January 21, 2024, and 18 people attended, voicing concerns about dropoff and pickup vehicle queuing and the potential increase in traffic. As a result, the applicant closed off the 8th Street driveway during dropoff and pickup to help with the flow and used the N.C. Department of Transportation's school traffic calculations to come up with the queuing plan.



The project is in general conformity with the 2020 Land Use Plan by promoting family-friendly character and meeting the low-density residential area description. The parcel is located in the low-density residential district, which consists of primarily large-lot, single-family, detached residential neighborhoods. Existing, by-right, entitled, higher-intensity uses will continue to be supported in low-density residential areas.

Staff recommends approval of the project with the proposed conditions:

1. Restoration of the previously required landscape buffer surrounding the 8th Street fenced-in playground as described in the 2020 Conditional Grant Order for 105 Dow Road.
2. At least 8% of the gross paved area of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape, such as a square, rectangle, or triangle.
3. Refuse collection agency to be used must be included in final site plans. The refuse collection site must be enclosed on 3 sides by a minimum 6-foot opaque fence.
4. Pervious gravel drive aisles will meet N.C. Department of Environmental Quality (DEQ) pervious pavement design criteria.
5. Any proposed signage will have to meet all standard zoning requirements in the future.
6. The Fire Department recommends a Knox Box to be installed on the building.

The Planning and Zoning Commission voted 4-2 to recommend approval of the project with the suggested staff conditions and an additional condition of a requirement that once per year, the Town receives from the applicant certification of a properly functioning pervious driveway.

**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*

Planner Haley Moccia presented the details. She reviewed current uses, surrounding uses, existing and proposed floor plans, the site plan, and criteria that must be considered in making a decision.

Council Member Benson asked if there are still two conditions from October 2020 that have not yet been met. Ms. Moccia said the grant order at that time said the playground must be fenced in, and as of now that has not happened, but they have applied for a fence permit at the Town has approved it. She said they have turned in photos of planted vegetation, but Town staff has not yet inspected it.

Council Member Healy asked if the school would be able to add additional K-5 classes beyond what they have proposed or whether they would have to come back to get approval. Ms. Moccia said if they add another classroom, they would have to come back through the CZ process.

Mayor Barbee asked if the applicant wanted to speak.

Dana Vess, speaking on behalf of Seaside Chapel, said they will continue to run the daycare during after-school hours and summer. She said there will be a maximum of 15 students in 1 classroom per grade, and that will fill the facility. Ms. Vess said traffic coordinators will direct cars to come down Cape Fear Boulevard to 8th Street with no left turns. She said they could put 40-42 cars onsite if they do double lanes, and pickup time would take about 20 minutes. Ms. Vess said regarding the playground and fencing, she thought the fencing was required by the State not the Town, and they didn't put in a playground until 2022 so there was no need to put a fence around nothing. Ms. Vess said the fence is scheduled to be started in the morning, and the vegetation was there.

Council Member Healy said the fence was a requirement from the Town. Ms. Vess said she interpreted that Seaside Chapel was requesting to put up a fence, not that it was a requirement.

Mayor Barbee asked if anyone from the public wanted to speak.

Katie Ray of 808 Cape Fear Boulevard handed out packets of information from concerned residents. She said they are concerned about stormwater, drainage, traffic safety, noise levels, effects on property values, and the impact of a private business entity competing with Carolina Beach Elementary School.

Chuck Newell of 110 M Avenue in Kure Beach said he is mainly concerned about stormwater management in the area and this development putting more water into the system, making existing problems worse. He recommended that the applicant be required to make some concessions or proffers to help with the stormwater system.

Jerry Vess of 105 Dow Road, Pastor of Seaside Chapel, thanked Council for considering this request and said he is speaking on behalf of church members present. He said the goal of Seaside Chapel is to serve the community, and the school is another way to do this. Mr. Vess said the school will operate as a non-profit organization, not a business, and will put 10% of its annual budget into the community. He said they have worked tirelessly to address and mitigate traffic concerns as much as possible, and traffic will only be during brief time periods, not throughout the day. Mr. Vess said the school offers an option for a Biblical-based education.

Dotty Guidici of 707 Hamlet Avenue said she is concerned about stormwater intrusion into the neighborhood. She said the Seaside Chapel property is a large, flat parcel of high elevation, so water fills it up and runs off. Ms. Guidici showed photos of flooding in the area and said the project needs a more detailed stormwater analysis before moving forward. She said every heavy rainfall causes a significant financial cost to residents due to water intrusion into sheds and garages and washouts of driveways and landscaping.

Brigitte Simone Hendy of 101 South 8th Street said she is concerned about Seaside Chapel's commitment to meet future zoning requirements due to them not following through on the previous conditions to operate a daycare. She said that project was contingent upon a fence and a landscape buffer, and she is unsure whether the 3 plants recently planted qualify as proper landscaping. Ms. Hendy said she also worries about the safety impact on the Island Greenway because 8th Street is narrow and has no sidewalks or shoulders, and there is the potential for cars to pick up gravel in their

tire treads and spread it along the Greenway, making it dangerous for skateboarders, rollerbladers, and bicyclists. She also said she believes traffic around the Fire Department could delay emergency response times during periods when there is a high volume of calls.

Kevin Murphy of 712 Hamlet Avenue said he is a teacher at Carolina Beach Elementary School and is outside every day during pickup, which runs back about 5 blocks from the school. He said the proposed school will have grave effects on the historic existing school, which has already lost students and staff.

Jim Norwood of 5 South 8th Street said after the new building was constructed on the church property, he started seeing significant amounts of water intrusion onto his property. He also said he is concerned about traffic crossing in front of his house twice per day and the potential for safety hazards posed by jamming extra cars along the Greenway. Mr. Norwood also questioned whether parents will continue to abide by the traffic pattern for the proposed school. He said the existing elementary school has been there for 100 years and is a mainstay.

Mike, who did not give his last name, of Charlotte Avenue and 8th Street urged the Town to consider unanswered questions and potential impacts the project poses to the community. He mentioned concerns about water mitigation and drainage, traffic infrastructure, the existing elementary school, and the failure of the applicant to meet the minimal requirements from 2020. He said a tax-exempt entity will not contribute to the tax base and will strain stormwater systems, traffic management, and other local infrastructure. He said studies should be required before the project can move forward, and he cited 300 signatures in the packet from community members supporting these statements and questions.

Jeff Page of 926 Carolina Sands Drive said he supports the proposed school and believes it offers a great benefit to the residents of the Town. He said it is small compared to the existing elementary school, and he believes there have been a lot of scare tactics tonight. Mr. Page said the project will be a net positive to the community by offering choice, and he encouraged Council to take the recommendation of the Planning and Zoning Commission and staff.

Ricky Niec of 702 Clarendon Avenue said the proposed project is just adding a sidewalk, not any new buildings, and it won't infringe on neighbors' ability to enjoy the use of their property. He said the applicant is not asking for a rezoning to put duplexes but is instead requesting to do something already prescribed in the Land Use Plan, so he asked Council to grant the request.

Brian Marlowe, a member of Seaside Chapel, said he doesn't live on the island but wants to offer his support for the proposal. He said this property is already being used with 100 cars onsite every week, so it can be done. Mr. Marlowe said stormwater is a known issue that has been in the area forever, but he doesn't think the project will make it worse or better. He asked Council to do what's best for the Town and said this is a great opportunity and a great addition for the Town.

Tom Toby of 6605 Oliver Court in Wilmington, a member of Seaside Chapel, said the proposed school offers an opportunity for people who do not want their children to go to public school. He said the existing elementary school is not the only public school losing students, and the small proposed school

will have almost no effect. Mr. Toby said the project is a Christian alternative for the south side of the County, and he asked Council to approve it.

Tim Merrick of Greenville Avenue said he is concerned about traffic and the project's impact on public education. He said as a new member of the County Board of Education, he knows that losing pupils means losing funding for a school. Mr. Merrick said school choice is important, but this is not a free school so only certain people will be able to go, and all citizens deserve a quality education from a school that is well-funded. He said siphoning off funding from the existing elementary school will affect people with the least amount of money.

**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*

Ms. Fox instructed Council to refrain from considering sentiment about public education and the historical importance of the existing elementary school in their deliberations tonight and said the effect of a private institution on a public school should not be part of this discussion.

Council Member Hoffer said he agrees there are some things Council Members must put out of their minds when making this decision tonight, including management and their ability to run a school. He said Council does need to look at how this proposal will affect citizens around it, and therefore he is worried about the potential for traffic and possible growth of the school. Council Member Hoffer said residents of this area moved there because it's the quietest part of the Town, and that weighs on him.

Council Member Benson said he is concerned that the applicant is just now getting around to complying with conditions established in 2020.

Council Member Healy said he lives one block from Seaside Chapel and they are good stewards of the Town, but he has concerns about stormwater and is disappointed there wasn't a traffic study. He said the area of 8th Street and Charlotte Avenue is a lake when it rains, and he worries that the gravel parking lot will not remain pervious after a year. Council Member Healy said he is not sure this is in harmony with the neighborhood due to the unknowns involved with the final product, but he believes the applicant went through the proper channels and he would approve the project based on that.

Mayor Pro Tem LeCompte said her main issues are traffic and stormwater, and she believes a traffic study should have been required once staff members were factored into the count. She said the Town can't continue to allow residents' property to be flooded because of a lack of stormwater drainage, and while she loves Seaside Chapel she does have concerns about the proposal.

Mayor Barbee praised the members of the public who spoke and said they presented their case professionally and thoughtfully. He said he has concerns about the number of students and traffic, although he agrees Seaside Chapel is a stellar member of the community. He asked Council Members if

there are any conditions that would mitigate the concerns they have, and he inquired about the boundaries of conditions that may be imposed.

Ms. Fox said Council may propose conditions tied to mitigating impacts related to the proposed use. She said a traffic study would not be a condition but rather additional information that would help determine whether other conditions need to be imposed. Ms. Fox said staff can speak further about the stormwater discussion that went on during the TRC process.

Mr. Hardison said it was determined that there must be some improvements made to the property surface via a durable surface that would meet erosion control. He said they could either use asphalt and be required to retain stormwater onsite or put down a State-approved pervious surface, which is what they are proposing, and the Planning and Zoning Commission came up with the additional condition to ensure it remains pervious.

Council Member Hoffer said he feels that when the southern part of the County needs something, there is an expectation that the Town will provide it, and this is frustrating and burdensome. He said he thinks this will mostly be a school for kids who live off the island, and he said churches in that area should step up if there is a need.

**ACTION:** Motion that Town Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the Conditional Zoning district to allow for a school K-5 at 105 Dow Road 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 and the Planning and Zoning Commission requirement that once per year the Town receives from the applicant certification of a properly functioning pervious driveway

Motion made by Council Member Benson

Voting Yea: Mayor Barbee, Council Member Healy

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

*Motion failed 2-3*

## ITEMS OF BUSINESS

### 10. Parking Program Overview by Town Staff

Town staff presented a parking program overview and ways to mitigate recent ACOE restrictions to remain eligible for Coastal Storm Risk Management (beach nourishment).

Mr. Oakley said the Town worked with the ACOE, Ms. Fox, and Pivot Parking to come up with options based on citizen input. He said before Mr. Parvin presents the information, he wanted to clarify that the Town is not blaming the ACOE for this situation and considers the agency a great partner. Mr. Oakley said this is a result of an interpretation made by the ACOE, which is their right. He said based on their interpretation, the Town would be in the same spot if it had continued to offer non-resident passes at different rates from resident passes, as had been done previously.

Mr. Parvin also clarified an earlier comment that residents must pay for re-entry passes beyond a certain number. He said residents may get a free re-entry pass during the months of January, February,

and March for every vehicle they have registered in the Town, and the situation at hand does not have anything to do with re-entry passes.

Mr. Parvin reviewed information about the 2024 parking season and then presented options for Council to consider for 2025 in light of the ACOE requirement that 767 parking spaces near the beach strand must have equal availability for everyone.

#### Option #1 – No/Limited Change

1. Limit residential passes to the lots/on-street spaces outside the 767 spaces restricted by the ACOE beach nourishment contract
2. \$40 residential pass: designated on-street spaces and downtown lots
3. \$100 downtown employee pass: limited to same area as residential passes
4. \$100 low-speed vehicle (LSV) pass available in all public parking spaces

Mr. Parvin said based on recent conversations with the ACOE, the Town may be able to count some on-street parking spaces toward the 767-space allotment, freeing up some of the spaces in the currently restricted lots. He said the Town may have the ability to reconfigure things a bit, but it is not yet known exactly how that will look.

Mayor Pro Tem LeCompte asked if this includes a \$100 7-day pass. Mr. Parvin said nothing else has changed, so that would still be available and open to everyone.

#### Option #2 – Cap

1. Charge \$350/parking pass
2. Number of passes would be limited to 6,000
3. \$100 LSV pass available in all public parking spaces

Mr. Parvin said they saw this option as losing revenue. Mayor Barbee asked if Option #1 meets the budget that Council has approved. Mr. Oakley said it does as best as staff can tell. He said for Option #2, at some point people will not be buying it so the Town would lose money.

Council Members brought up the potential issue of not knowing who can park in residential areas because now that is designated by those who have a residential parking pass. Mayor Pro Tem LeCompte said maybe a re-entry pass would allow you to park in residential areas. Mayor Barbee asked staff to make a note about how to handle residential zones with Option #2.

#### Option #3 – Two Passes

1. Charge \$225 for a beach parking pass (in-person purchase only, non-transferable, and sticker-issued, limit of 3,000 passes)
2. Charge \$30 residential pass (designated on-street and downtown parking)
3. Charge \$75 downtown business employee pass: limited to same area as residential passes
4. \$100 LSV pass available in all public parking spaces

Mr. Parvin said the beach parking pass would be for the 767 parking spaces in beachfront areas, and the other pass would be for all the remaining spaces.

Council Member Benson said there should be a map given to each person buying a pass showing exactly where it goes. He said the limit of 3,000 seems arbitrary. Mr. Oakley said all the figures are estimates that staff came up with to minimize loss of revenue. Council Member Benson said the Town could adjust hourly rates in premium lots as a lever to achieve that benchmark, as well as automate the Freeman Park gate to save money. Mr. Oakley said staff is trying to separate the parking discussion from Freeman Park revenues and expenses, but complete automation may not be possible because Town employees would need to man the gate during certain hours and some people may try to pay cash.

Council Member Healy said he is not in favor of residents paying \$225 for a beach parking pass because residents pay higher taxes than those living outside the Town. He said he is in favor of Option #1 but with a reduced price of \$30 for the residential pass because there would be fewer spaces from which to choose.

Mayor Barbee said with the growth in southern New Hanover County, any change made to non-residential parking passes will be a nightmare. He said the Town is working through Congressional delegations to put pressure on the issue, but the ACOE is not the bad guy and is just trying to do its job. Mayor Barbee asked everyone to be patient with the process. He said Option #1 is not ideal, but it's the only one that meets the budget, and he hopes staff can come up with some ways to help residents have some parking spaces near the beach with their passes.

Council Member Healy said people don't want to pay more taxes, and parking is a big revenue generator. He said it's important that the Town get this program right to take care of the taxpayer while keeping quality of life, and hopefully over time there can be some negotiations with the ACOE.

Council Member Hoffer said he likes Option #3 because it's simpler and gives people more options. He said his concern is how to explain to someone who doesn't own an LSV why they have to pay twice as much as someone who does. Council Member Hoffer said the Town needs to look at how to price Option #3 and possibly consider an early bird in-person discount.

Mayor Barbee said he is adamant about not increasing property taxes to subsidize non-resident parking. He said he needs to hear from staff about where the money comes from with Option #3 because the Town often kicks the can down the road to make people happy, causing problems in the future.

Council Member Healy said he does worry that residents will get tired of being ping-ponged if the ACOE loosens the reins and more changes are made. Mr. Oakley said there are a lot of variables and many things can happen, such as numbers changing and losing private lots, so this will be an ongoing discussion.

Mayor Pro Tem LeCompte said she thinks the Town needs to be sure what the impacts will be for whatever decision is made, especially how any changes will affect leased lots and their revenues. She suggested that Council and the public have an opportunity to see the next proposal as soon as

possible. Mr. Oakley said they do their best to get out options as soon as possible. Mayor Pro Tem LeCompte asked staff to provide numbers on the amount of each pass sold last year.

Mr. Parvin said he heard support for Option #1 and Option #3, so staff will bring these back in ordinance form for a Council decision in January, which will be followed by a date to sell passes. Mr. Oakley reminded the public that they may give input anytime.

11. Consider Amending Chapter 16 Article VII Wrecker/Towing Services and Repeal Section 18-78 Vehicle Towing and Storage – Police Department Eligible List, Section 18-79, and Section 18-80 Amend the Rates and Fees Schedule to Include Towing Application Fee

The following is an amendment overview of proposed towing regulations:

Organized the ordinance based on:

1. Regulations that apply to all towing/wrecker operators
2. Regulations that apply to private/trespass towing procedures
3. Regulations for operators providing towing for public property/impoundment purposes

Proposed

- Combined Article VII Wrecker/Towing Services and Impoundment and Section 18-78 Vehicle Towing and Storage – Police Department Eligible List
- Changed age of individual operating a towing/wrecker consistent with State law
- Clarified policy for the Police eligibility list
- Changed from towing any automobile or truck regardless of size or weight to capable of towing the type of automobile or truck requested to be towed
- Changed from to have facilities to protect from the elements vehicles damaged by exposure to take the appropriate precautions to protect damaged vehicles from the exposure of weather elements and have sufficient fenced storage space with security lighting to protect vehicles from break-ins, theft, and damage
- Changed from having a garage located within the Town to within New Hanover County located 3 miles from Town limits
- Added to rates and fees schedule a \$200 towing/wrecker application fee

Mr. Hardison presented the details of the issue, which focuses on when the Police Department needs towing service for a vehicle. He said the goal is to have one section that addresses towing, and based on previous comments from Council, staff now has a proposed ordinance. Mr. Hardison said this will open up the ability for other companies to be eligible because only 1 company currently meets the criteria that the garage must be located within Town limits.

Mayor Barbee said he wants to hear from Police Chief Vic Ward about whether the proposed changes will work for his department.

Chief Ward said the Town does not have a tow problem, and he is focused more on response time than how far away a garage is. He said he doesn't have an issue with the garage being as far as 10 miles away from Town limits as long as they can respond within 30 minutes.



Mr. Hardison said there are 3 ordinances that need to be amended so the proposed changes can take effect.

**ACTION:** Motion to approve Ordinance 24-1241, Ordinance 24-1242, and Ordinance 24-1243 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*

12. Consider Entering into a Contract with Atlantic Coast Fire Trucks for the Replacement of Engine 21

The National Fire Protection Association (NFPA) recommends that a fire engine should be in front-line service for 10 years. After this period, the engine should transition to reserve status, where it serves as a backup or is used less frequently. Retirement from the fleet is recommended after 20 years of service, as modern fire apparatuses are often equipped with advanced technology and features that make them more effective and older vehicles may face reliability and safety concerns.

Engine 22 is a 2016 model and is currently the Fire Department's first-out apparatus. It will be at the end of its front-line status when the new engine arrives.

Engine 21 is a 2003 model, which means it is currently 21 years old as of 2024.

Based on the NFPA's recommendations, Engine 21 is at the end of its service life and should be considered for replacement.

It currently takes about 2 years to build a new fire engine. If the Town enters into a contract, the new engine would likely not be available until 2026 (assuming the build process starts now in 2024).

Current Environmental Protection Agency (EPA) changes in motors will create a price increase estimated at \$58,000 if the Town cannot meet the window of the current motor availability. There is a projected price increase of 4.5% for 2025 effective January 1, 2025.

Fire Chief Alan Griffin presented the details. He said the Town would save about \$100,000 by going to contract on this now, when the current price is \$1,118,955. He said he is asking Council to authorize a 1% contingency that allows the Town Manager to be flexible with change orders. Chief Griffin said the Town is not spending the money out of the general fund now but just signing a contract, and once the engine is built Council would approve financing.

**ACTION:** Motion to authorize the Town Manager to enter into a contract subject to the approval of the Town Attorney with Atlantic Coast Fire Trucks LLC for the purchase of a new fire engine; the contract price is \$1,118,955 with a no more than 1% contingency, which would be an \$11,189.55 allowance in the final bill cost

Motion made by Mayor Barbee

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

*Motion passed unanimously*

### **COUNCIL COMMENTS**

Mayor Pro Tem LeCompte said the Island of Lights Tour of Homes is Saturday, and she thanked staff for decorating Town Hall, which will be part of the event.

Council Member Healy thanked all staff members for their hard work throughout the year.

Council Member Hoffer mentioned that he wanted Council to start visualizing a Welcome to Carolina Beach sign in front of CVS where the Island of Lights sign currently is. He also said the last steering committee meeting for the Bike/Ped Master Plan update is Monday at 4:00 PM, and because he is unable to attend, he asked another Council Member to go. Mayor Pro Tem LeCompte and Council Member Benson both said they are available.

Council Member Benson said he would like Seaside Chapel to come back to Council with their request for a school. Mr. Hardison said the statute does not allow them to bring the request back for one year unless there is a substantial change to the use. Council Member Benson also asked about smoke testing results in November. Mr. Oakley said the purpose is to know where there is infiltration so repairs can be made.

Mayor Barbee said tonight was difficult for making decisions, and he thanked the public for being professional with their comments and Council Members for listening and voting their conscience.

### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 10:00 PM.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council Meeting 1/14/2025

**SUBJECT:** Centennial Service Award Presented to Ms. Pat Efird

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**BACKGROUND:**

Mayor Barbee will present the Centennial Service Award to Ms. Pat Efird.

**ACTION:**

No action needed.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council Meeting 1/14/2025

**SUBJECT:** 30 Minute Recess to Honor Ms. Pat Efird in the Town Hall Multipurpose Room

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**BACKGROUND:**

30 Minute Recess

**ACTION:**

Motion to recess the meeting for 30 minutes.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Tim Murphy

**DEPARTMENT:** Parks and Rec

**MEETING:** Town Council Meeting 1/14/2025

**SUBJECT:** Events Update by Tim Murphy

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**BACKGROUND:**

Tim Murphy will give an update on the upcoming events.

The Pleasure Island Chamber will request to extend the Beach Music Festival to two days (Saturday and Sunday). A motion for approval will be needed.

The Centennial Committee will give an update on the events scheduled for the Centennial Celebration.

**ACTION REQUESTED:**

Approval will be needed for the Beach Music Festival.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Executive

**MEETING:** Town Council 1/14/2025

**SUBJECT:** Manager's Update

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**BACKGROUND:**

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



## AGENDA ITEM COVERSHEET

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

**MEETING:** Town Council 1/14/2025

**SUBJECT:** Consider approving an ordinance to amend the rates and fees schedule to update parking, re-entry, LSV, and golf cart fees and regulations. Applicant: Town of Carolina Beach

### BACKGROUND:

The Town Council gave staff direction at their December 2024 meeting to work with the ACOE on developing a parking plan that would meet federal regulations. Staff met with the ACOE on December 20<sup>th</sup> and reviewed the options Town Council was considering.

The ACOE was willing to open up some additional parking for island passes in exchange for adding additional designated parking spaces in Town that met or exceeded their requirements. Their requirements will continue to fluctuate annually based on how the Town grows, but this year it was based on:

1. 767 equally available spaces for all. In other words, these spaces should not allow for Island passes. We can charge for them but everyone (regardless of where they live) should be charged the same.
2. LSV/Golf Carts are proposed to have an issued parking pass that is available regardless of where they live. These spaces could also count towards the 767 as long as the Island Pass was not also allowed in the parking space(s).
3. A minimum of 10 parking spaces per ¼ mile ring should be equally available (no allowance for Island Passes)

With these parameters in mind, we were able to obtain the ACOE's tentative approval to add two lots and some on-street parking to the list of areas that allow for Island Passes (Alabama West and North Pier Lot). To be able to create this allowance the Town would need to increase on-street parking. A plan showing where we can add additional spaces is under works and will be available for your review prior to the Town Council meeting.

**ACTION REQUESTED:**

The attached ordinance keeps the current parking plan approved by the ACOE in place. The only exceptions are:

1. Adding two additional lots that will accept the island pass
2. Reducing Island passes from \$40 to \$30
3. Utilize free re-entry passes to allow parking in undesignated residential right of way
4. Additional ROW having delineated parking (wheel stops).

**RECOMMENDED MOTION:**

Recommend adopting Ordinance No. 25-1247 amending the rates and fees schedule to update parking, re-entry, LSV, and golf cart fees and regulations.



# 2025/26 Parking Plan

01/14/2025

# Overview of the 2024 season

## PARKING BREAKDOWN

- 1417 on-street and parking lot spaces
- 57 Handicap
- 60 Golf Cart
- 13 - 30 minute spaces

## REVENUE

GROSS: \$3,129,575.48

NET: \$2,359,543.24

## PASSES SOLD

Residential: 6,870

LSV: 1282

CBD: 525

Golf Cart: 485

7 Day: 175

# Transactions per zip code in 2024



Zip Code	Transactions	Location	Revenue
28401	2931	Wilmington	\$34,856.41
28402	67	Wilmington	\$734.39
28403	3303	Wilmington	\$37,643.05
28404	46	Wilmington	\$527.36
28405	2512	Wilmington	\$28,972.51
28406	39	Wilmington	\$469.68
28407	1	Wilmington	\$10.30
28408	137	Wilmington	\$1,453.82
28409	10387	Wilmington	\$112,365.48
28410	5	Wilmington	\$69.01
28411	2415	Wilmington	\$27,833.68
28412	16677	Wilmington	\$188,267.83
28428	1635	Carolina Beach	\$16,392.40
28429	553	Castle Hayne	\$6,644.94
28433	22	Hampstead	\$310.03
28480	147	Wrightsville Beach	\$1,708.77

# Island Pass 335

# No pass allowed 611

# Free 50

Item 12.

- North Pier 23
- Weeks 25
- Fisherman's 72
- Marina 31
- Town Hall 66
- Palms 56
- Atlanta East 17
- Alabama West 45

- Canal 23
- Sandpiper 29
- Harbor Master 85
- Surfside East 139
- Surfside West 64
- Harper 52
- Fayetteville 21
- Hamlet 35
- Hewett 18
- Shell 48
- 807 CBAS 9
- CBAS 16
- Tennessee 18
- Ocean 21
- SC 7
- Texas 9
- Alabama East 17

- Community Center 19
- CB Lake 31 @ 2hrs

**PARKING LOTS  
W/IN 1/4 MILE OF  
THE BEACHFRONT**

## Island Pass 351

- South of CB Lake 63
- East of LPB from CB Lake to Harper 75
- Lake Park North of CB Lake and west 200
- CBAN near pier on-street 13

## No pass allowed 61

- Oceanfront CBAN street ends 29
- Oceanfront street end CBAS 10
- Canal street end on N End 8
- CBAS on-street 6
- Raleigh on-street 8

## Free 45

Item 12.

- Harper 30
- AT&T 15

ON-STREET PARKING W/IN ¼ MILE OF THE BEACHFRONT

## Island Pass

- 335 Lots
  - 351 On-street
- 686 TOTAL**

## No pass allowed

- 611 Lots
  - 61 On-street
- 672 TOTAL**

## Free or time restricted

- 50 Lots
  - 45 On-street
- 95 TOTAL**

Item 12.

## TOTALS FOR LOTS AND ON-STREET PARKING

$$672 + 95 = 767$$

# How do I park in on the side of the road in the Residential Zone?

Item 12.

1. Undesignated parking spaces (i.e. grass area in the right of way that is just off of the street) may be utilized by all residents with a Re-Entry Pass
2. Re-entry passes are FREE from January 1-March 31. April 1<sup>st</sup> to December 31<sup>st</sup> they are \$20/each.
3. Re-entry passes may be received for every vehicle you have registered in CB.
4. [Parking Map](#)

# Where do we park if it floods?

1. Signing up for CodeRED Alerts is free...it's also a very important tool to keep you informed of emergency situations in our community.
2. Parking enforcement will be suspended for areas where flooding is occurring





# Moving Forward

1. Designate remaining on-street parking to ensure we have 767 distributed evenly.
2. Clarify signage
3. Create educational materials
4. Press releases, social media posts.
5. Update website

# Changes needed from Town Council

1. ~~\$40~~\$30/Residential pass.
2. \$100 LSV/Golf Cart Pass available in all public parking spaces
3. Vehicles parked in undesignated residential parking areas shall have a current re-entry decal.

# Motion

ORDINANCE NO. 25-1247 AMEND THE RATES AND FEES SCHEDULE TO  
UPDATE PARKING, RE-ENTRY, LSV, AND GOLF CART FEES AND  
REGULATIONS.

# Ordinance 25-1247

Town of Carolina Beach  
Town Council



AN ORDINANCE TO AMEND THE RATES AND FEES SCHEDULE TO UPDATE PARKING, RE-ENTRY, LSV, AND GOLF CART FEES AND REGULATIONS.

## PARKING, RE-ENTRY, LSV, GOLF CART, AND FREEMAN PARK FEES

Re-entry, parking, golf cart, and Freeman Park permits must be renewed annually. Costs are listed below:

**Re-Entry Decal (annual/sticker)**

CB Resident/Property/Business Owner

**Fee**  
Jan 1-Mar 31: Free/Apr 1-Dec 31:  
\$20 each

Vehicles parked in undesignated residential parking areas shall have a current re-entry decal

**Parking Passes (annual/LPR)**

**1. Island** (Resident/Property/Business Owner) ~~(includes LSV)~~

**Fee**  
~~\$40.00~~ **\$30.00\***

CB and KB property owners/residents may purchase a parking pass for every vehicle registered in Carolina Beach or Kure Beach. Non-resident property owners may purchase only one pass for vehicle(s) not registered in Carolina Beach. Island passes shall only be utilized in on-street and lot spaces identified as accepting Island parking passes.

2. Non-Resident

CBD-Employee (may only be purchased by business owner/manager; employees only-no contract/1099 staff)  
Visitor parking pass (good for 7 days)

**Fee**  
\$100.00  
\$100/week

# Ordinance 25-1247

Town of Carolina Beach  
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**3. LSV/Golf Cart Permit (annual)\***

~~Resident/Property/Business Owner:~~ May be purchased by anyone and can be utilized in all public parking spaces.

Non-State Registered Golf Carts (decal) **Fee**  
\$100.00

\*Effective July 1, 2023, only golf cart owners that have purchased permits in the previous calendar year may continue to renew their permit; no new permit applicants shall be allowed; golf cart permit sales will end December 31, 2027 and only state registered low speed vehicles will be permitted.

**Parking Lots**

March 1 - October 31 (9AM-8PM)	<b><u>Fee</u></b>
Vehicles/Small Trucks	\$6/hour or \$25/day
Limos & Oversize Vehicles	\$10/hour or \$40/day
November 1 - February 28	Free

**Designated Premium Parking Lots**

January 1 - December 31 (9AM-8PM) \$7/hour or \$35/day

**Designated On-Street Parking**

March 1 - October 31 (9AM-8PM)	<b><u>Fee</u></b> \$5/hr
November 1 - February 28	Free

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 14<sup>th</sup> day of January 2025.

\_\_\_\_\_  
Albert L. Barbee, Mayor

\_\_\_\_\_  
Kimberlee Ward, Town Clerk

Town of Carolina Beach  
Ordinance No. 25-1247



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council Meeting 1/14/2025

**SUBJECT:** Closed Session – Attorney/Client

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**RECOMMENDED MOTION:**

Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143.318.11(a)(3). The matter being discussed is 23 CVS 3744 Carolina Beach Landholdings, LLC vs. Town of Carolina Beach.