

CAROLINA BEACH

Town Council Regular Meeting

Wednesday, January 10, 2024 – 6:00 PM

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



AGENDA

CALL MEETING BACK TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

CONSENT AGENDA

1. Set a public hearing for February 13, 2024, to consider a Special Use Permit Modification for additional boat slips located at 401 Marina Street PID 313115.74.1321.000 & 313115.64.8036 in the Marina Business & R-1B District. Applicant: CBYC, LLC
2. Adopt resolution to designate staff to authorize to execute and file applications for federal and state assistance.
3. Approval of Council Meeting Minutes

SPECIAL PRESENTATIONS

4. Events Update by Tim Murphy
5. Update from the Friends of CB Parks and Greenways
6. Presentation by Girl Scout Troop 4785 regarding their 2024 Silver Award Project
7. Manager's Update

PUBLIC COMMENT

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

PUBLIC HEARINGS

- [8.](#) Conditional Zoning Modification to consider an outdoor drinking and serving area as well as landscaping for the Event Venue / Bar at 205 Charlotte Avenue in the Central Business District (CBD). Applicant: Kindred Carolina Beach, LLC

ITEMS OF BUSINESS

- [9.](#) 2024 Parking Policy Discussion
- [10.](#) Consider Entering a Lease Agreement for Town Owned Property at 3 Carolina Beach Avenue South (PID: R09006-021-004-000)
- [11.](#) Appropriate funds for Ocean Sidewalk Paving Project
- [12.](#) Consider Supporting the Seabreeze Highway Marker Dedication Ceremony Scheduled for May 31, 2024.

COUNCIL COMMENTS

CLOSED SESSION

- [13.](#) Closed Session – Personnel

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council January 9, 2024

SUBJECT: Set a public hearing for February 13, 2024, to consider a Special Use Permit Modification for additional boat slips located at 401 Marina Street PID 313115.74.1321.000 & 313115.64.8036 in the Marina Business & R-1B District. Applicant: CBYC, LLC

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda.

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Haridson, Planning & Development Director

DEPARTMENT: Planning & Development

MEETING: Town Council – 09 01 2024

SUBJECT: Adopt resolution to designate staff to authorize to execute and file applications for federal and state assistance.

BACKGROUND:

FEMA has announced a grant program to mitigate losses for properties insured under the National Flood Insurance Program (NFIP). The Town sent outreach letters to flood prone properties. Staff received 20 applications for grant assistance to potentially elevated dwellings about the flood design requirement. The State seeks letters of interest from community who are interested in flood mitigation assistance.

ACTION REQUESTED:

Adopt resolution to designate staff town to apply for grant mitigation assistance to elevate flood prone homes.

RECOMMENDED MOTION:

Adopt resolution designation of applicants agent.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 1/9/2024

SUBJECT: Approval of Council Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from 12/12/2023.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, December 12, 2023 - 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 Jen Nau of Lifepoint Church Carolina Beach and Pledge of Allegiance.

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

Mayor Barbee recognized the following elected officials in attendance: State Rep. Charlie Miller, Kure Beach Mayor-Elect Allen Oliver, Kure Beach Commissioner John Ellen, and Kure Beach Commissioner-Elect Connie Mearkle.

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

CONSENT AGENDA

1. Budget Amendments and Transfers
2. Set a Public Hearing for January 9, 2024, to Consider a Conditional Zoning Modification for an Outdoor Seating Area and Landscaping at the Event Venue/Bar at 205 Charlotte Avenue in the Central Business District
Applicant: Kindred Carolina Beach, LLC

3. Set a Public Hearing on January 9, 2024, for a Special Use Permit Modification to Consider Additional Boat Slips and Expanding the Eating and Drinking Establishment Located at 401 Marina Street in the Marina Business and R-1B District
Applicant: CBYC, LLC
4. Approve 2024 Town Council Meeting Schedule
5. Request Approval to Submit Room Occupancy Tax Reimbursement Request
6. Approval of Council Meeting Minutes

Council Member Benson asked about plans to consolidate Town operations at the Military Ocean Terminal Sunny Point (MOTSU) site and move them toward Dow Road. Mr. Oakley said Town staff is still preparing plans and will submit the storage tank for approval in April, followed by the proposed consolidated building to house staff and water treatment.

Council Member Hoffer pointed out that budget workshops are on the schedule now.

Regarding item 3, Ms. Fox said it has been a while since Council has had a Special Use Permit modification to consider, so she reminded Council that ex parte communications, such as email messages from the public, should be forwarded to Town staff, and Council Members should not attend Board of Adjustment or Planning and Zoning Commission hearings related to this application.

ACTION: Motion to approve the consent agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

ADMINISTRATION OF OATHS OF OFFICE

7. Mayor Pro Tem Healy, administered by Rep. Miller
8. Council Member LeCompte, administered by Rep. Miller
9. Mayor Barbee, administered by Rep. Miller

COUNCIL IS SEATED AT THE DAIS

Mayor Barbee said it's rare that a new Council would not have any changes from the previous Council, but that is what happened this time.

Council Member LeCompte, Mayor Pro Tem Healy, and Mayor Barbee offered words of thanks on their re-election.

Mayor Barbee recognized County Board of Commissioners Vice Chair and former Town Mayor LeAnn Pierce for her attendance.

ITEMS OF BUSINESS

10. Appointment of Mayor Pro Tem

Mayor Barbee explained the role of the Mayor Pro Tem, which is to step in if the Mayor is absent.

ACTION: Motion to nominate Council Member LeCompte for Mayor Pro Tem
 Motion made by Mayor Pro Tem Healy, seconded by Council Member Benson
 Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer,
 Council Member LeCompte
Motion passed unanimously

11. Committee Appointments

ACTION: Motion that committee appointments stay as they are, both internal and external
 Motion made by Mayor Barbee
 Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Benson, Council Member
 Healy, Council Member Hoffer
Motion passed unanimously

PUBLIC COMMENT

Matt Dunn of 907 Ocean Boulevard congratulated the recently re-elected Mayor and Council Members. He said the decision to change the parking program two years ago was a mistake, and he hopes Council will get input from all stakeholders when making a decision that could have negative effects. Mr. Dunn said he would like to see the issue approached with civility and an understanding of how it impacts everyone.

COUNCIL COMMENTS

Council Member Hoffer said continuity is important with elected bodies and he is glad to have his three colleagues return, but he reminded everyone that there are issues that must be handled.

Council Member Benson reminded everyone about the Paws Place Dog Rescue fundraiser featuring Jim Cantore of The Weather Channel as a guest bartender at SeaWitch on December 22.

Mayor Pro Tem LeCompte wished everyone a Merry Christmas and Happy Holidays.

Council Member Healy thanked everyone for coming to the meeting.

Mayor Barbee said he and Council Members love each other but sometimes fight like family.

ADJOURNMENT - RECEPTION FOLLOWING IN THE ATRIUM

Mayor Barbee adjourned the meeting at 6:15 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 1/9/2024

SUBJECT: Events Update by Tim Murphy

BACKGROUND:

Tim Murphy will give an update on the upcoming events.

ACTION REQUESTED:



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Workshop 1/9/2024

SUBJECT: Update from the Friends of CB Parks and Greenways

BACKGROUND:

The Carolina Beach Parks and Greenways group will give Council an update on the projects.

ACTION REQUESTED:

None



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 1/9/2024

SUBJECT: Presentation by Girl Scout Troop 4785 regarding their 2024 Silver Award Project

BACKGROUND:

Girl Scout Troop 4785 will present their idea for their 2024 Silver Award Project.

ACTION:

Discussion



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council 1/9/2024

SUBJECT: Manager's Update

BACKGROUND:

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



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council – January 9th, 2024

SUBJECT: **Conditional Zoning Modification** to consider an outdoor drinking and serving area as well as landscaping for the Event Venue / Bar at 205 Charlotte Avenue in the Central Business District (CBD).
Applicant: Kindred Carolina Beach, LLC

BACKGROUND:

The applicant, Kindred Carolina Beach, LLC, was approved for an event venue / bar at 205 Charlotte Avenue as a use in the Central Business District on July 11th, 2023. Event venues / bars are allowed through the approval of conditional zoning in the Central Business District. The proposal approved in July did not include any outdoor areas (Attachment 2). Sec. 40-261.(o)(6)c. requires that any changes to the outdoor areas shall be considered a major modification of the conditional zoning approval.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, the review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, the Commission shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.

3. The report of the results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, the Planning and Zoning Commission may recommend, that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on the following:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

Proposal:

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

The purpose of the Central Business District is to accommodate, protect, rehabilitate, and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism.

Alcohol point of sale in an outdoor area shall be located a minimum of 20' from any property line.

Outdoor areas designated for point of sale and consumption shall be designated on the site plan and shall have a barrier that is 4' to 6' in height.

The parking requirement for event venues is 1 per 110 square feet of indoor gross floor area. No parking shall be required for outdoor gross floor area if the establishment is located within 500 feet of public parking spaces. A 50% reduction in the parking requirement shall apply to outdoor gross floor area if the establishment is not within 500 feet of public parking spaces. The total indoor gross floor area of the building is 6,990 square feet. The total number of required spaces for the project is 64. There are 148 total spaces within 500 feet.

The applicant is requesting a waiver to the landscaping requirement to accommodate for an existing propane tank as stated in the narrative in the application packet. Landscaping requirements may be waived at the discretion of the Planning and Zoning Commission and Town Council on projects requiring conditional zoning. There is an existing 6' fence between the building and the neighboring properties in the MX district.

Event venues must comply with all ABC and/or ALE standards. On-premise alcohol sales are limited to the duration of the event.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on November 10, 2023. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from neighboring properties. Outdoor space was discussed at the public input meeting but is no longer part of the scope of this project.

Proposed Conditions

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

Land Use Plan

The conditional zoning is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy, providing a family-friendly community, and promoting redevelopment. One of the goals of the Land Use Plan was to continue to support the central business district as a destination downtown with activities for families, residents, and visitors. Expanding opportunities for public activities, including events, should be pursued. The project is in conformity with the Downtown Business Area Future Land Use Map Character Area. This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain

a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning modification to approve an outdoor seating area and landscaping for an event venue / bar located at 205 Charlotte Avenue.

Staff recommend approval of the project with the proposed conditions.

Planning and Zoning recommended unanimous approval of the project with the proposed conditions.

MOTION:

Approval – whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Conditional Use District Modification to allow for an outdoor seating area and landscaping for an event venue / bar located at 205 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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

Attachments:

1. Application package
2. July 11, 2023 Approved Site Plan
3. Proposed site plan

1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
permits@carolinabeach.org
Phone (910) 458-2999



Permit # _____

TOWN OF CAROLINA BEACH Conditional Zoning Application

The Conditional Zoning process for the Town of Carolina Beach may be found in the ordinance (Sec. 40-527).

Prior to the application submission, the applicant must conduct a Public Input Meeting. The following are the public meeting requirements:

- The applicant must mail notice of said meeting to all property owners within 500 feet of the perimeter of the project bounds no less than 10 days prior to the meeting.
- The notice must include time, date, location, and project description.
- The applicant must maintain and submit to with their application a:
 - o A copy of the letter announcing the meeting
 - o A list of property owners contacted
 - o An attendance roster from the meeting
 - o A summary of the issues discussed
 - o The results and any changes related to the proposal based on meeting discussions

Each application submitted to staff must be legible, contain the public scoping meeting required information, and provide all other required materials to be accepted as a completed application. Supplemental application materials may include, but not be limited to, site plans, building designs, engineered drawings, stormwater designs, landscaping plans, project narratives, Federal and/or State permits/permissions, and Traffic Impact Analyses. **It is strongly suggested that the applicant set up a meeting with Planning Staff prior to the submission deadline, to ensure the application is complete.**

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

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

Major Conditional Zoning Permit	=	\$ 1,000.00
Minor Conditional Zoning Permit	=	\$ 500.00

This permit will be scheduled for the next possible Technical Review Committee, provided the public scoping meeting has taken place and the application is otherwise complete.



2023 Submission Deadlines & Meeting Dates

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

PURPOSE

Conditional zoning allows flexibility with regard to the zoning regulations. Subject to high standards of planning and design, certain uses may be allowed in certain districts or on properties provided they can be developed to minimize any adverse effects they might have on surrounding properties. Conditional Zoning allows for public and governing board input to help any proposed project meet its goals while also contributing to the positive development of Carolina Beach.

Please complete all sections of the application.

A. Property Information

Address(es): 205 Charlotte Ave

PIN(s):

Project Name Kindred Carolina Beach LLC

Size of lot(s): 18,750sqft

B. Application for Conditional Zoning

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

Kindred Carolina Beach would like to landscape the property to include one pervious artificial turf area for outdoor seating. We would also like to replace the existing sidewalk with a pervious paver stone walkway.

We are requesting a waiver to the vegetative buffer to the west side of the building (Details in narrative)

We would also like to place an exterior walk-in cooler/freezer that is attached to the back east side of the building.

C. Applicant Contact Information

Kindred Carolina Beach LLC
Company/corporate Name (if applicable):

David Hamlet
Applicant's Name

1414 Snapper Lane #2
Mailing Address

Carolina Beach, NC 28428
City, State, and Zip Code

434-942-7411
Telephone

david.matthew.hamlet@gmail.com
Email

D. Owner Contact Information (if different)

Owner's Name

Mailing Address

City, State, and Zip Code

Telephone

Email



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

I. Site Plan Criteria

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

Yes No N/A

- The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- An appropriate scaled plan
- Title block or brief description of project including all proposed uses
- Date
- North arrow
- Property and zoning boundaries
- The square footage of the site
- Lot coverage (buildings, decks, steps)
- Location of all existing and proposed *structures* and the setbacks from property lines of all affected structures to remain on-site
- Design of driveways and parking
- Adjacent right-of-ways labeled with the street name and right of way width
- Location of all existing and/or proposed easements

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

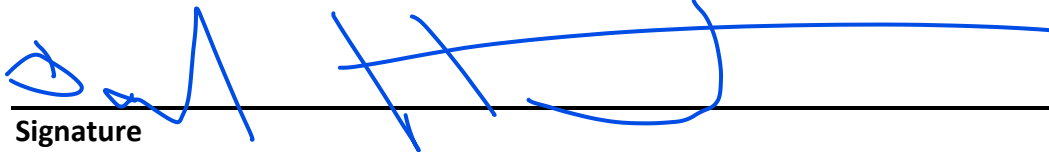
Yes No N/A

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

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

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

OWNER'S SIGNATURE: In filing this application for a conditional zoning, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief.

 10 / 10 / 2023

Signature **Date**

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

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

Date: _____

Appointee's Name, Address & Telephone:

Signature of Owner: _____

kindred

Town of Carolina Beach,

On behalf of Kindred Carolina Beach LLC, we are submitting our conditional zoning application for the addition of an outdoor courtyard area. The changes to this site plan compared to the initial site plan are as follows.

- Removing 1380 sqft of impervious concrete and replacing it with:
 - 853 sqft of pervious turf
 - 16' x 32' will be a courtyard area.
 - 525 sqft paver stone walkway.

All dimensions and sqft can be found on the attached site plan.

The addition of the courtyard area will reduce the entrance width but will maintain the minimum 20' width requirement. This will not affect any existing parking.

We are also requesting a vegetative buffer waiver as there is an existing 500lb propane tank in the area which backs up to a newly installed 6' fence and approximately 5 foot deep of bamboo. We do intend to add landscaping to hide the existing propane tank as shown on the new site plan.

We will also be adding a 7.5' x 13.5' exterior walk-in cooler which will be located on the back east side of the building. This can also be seen on the site plan.



Thank You,

Kindred Weddings and Events

kindred

Dear Carolina Beach Resident,

You are invited to a Public Input Meeting for a Conditional Zoning Application regarding the addition of the outdoor courtyard space to the facility of Kindred Weddings and Events (the former deckhouse restaurant), located at 205 Charlotte Avenue.

The Conditional Zoning Applicant will be requesting the following.

- The addition of an outdoor courtyard space to Kindred Weddings and Events. The event venue has already been approved by the Town of Carolina Beach. However, we are just adding a courtyard to our space.

See attached site plan:

Public Input Meeting Details

Friday, November 10th, 2023

9:00am

Kindred Weddings & Events
205 Charlotte Avenue
Carolina Beach, NC 28428

Michael Urti
Broker/Realtor
Nest Realty
910.460.6890
Michael.urti@nestrealty.com



kindred

PLEASE SIGN IN BELOW

DATE: 11/10/23

NAME	PHONE	EMAIL	ADDRESS
Beth Terrill	407-242-7216	Bethelw@bnc.com	604 Ocean Blvd Cuddeback Beach NC 28429
William Butler	910-599-3252	billfishbutler@gmail.com	206 Texas
Wescott Butler	910 5995789	wescottbutler@rocketmail.com	206 TEXAS
CASSIE HEALY	804-512-4864	healy.cassie@gmail.com	701 MANOTTE AVENUE
DEB REHEWITT	919 723 7715	dreg162@aol.com	510 GOLDSBORO
WENDY JACKSON	919 604 2650	wendyjackson.nc@gmail.com	512 GOLDSBORO

Comments from Public Input Meeting

1. Wescott Butler asked how the courtyard area will impact stormwater retention. We explained it will help as we will be removing impervious concrete and replacing it with pervious pavers and artificial turf.



NEST REALTY
112 Cape Fear Blvd
Carolina Beach
North Carolina

Island
PO Box
Car

Darrel Pershing
200 Third St S Unit 1
Carolina Beach, NC 28428

152
Wilmington

NEST REALTY
112 Cape Fear Blvd
Carolina Beach
North Carolina, 28428

Apple Eight Sp Carolina Beach
814 E Main St
Richmond, VA 23219

SHIPPING PACKAGES (FOR DOMESTIC ONLY)
NEST REALTY

SEE AN ASSOCIATE

Signature Confirmation
Form 153, January 2016
U.S. Postal Service Signature Confirmation (Registered Mail)
U.S. POSTAGE AND TIME AT USPS.COM OR



CAROLINA BEACH
1323 BRIDGE BARRIER RD
CAROLINA BEACH, NC 28428-3931
(800)275-8777

10/25/2023 03:30 PM

Product	Qty	Unit Price	Price
US Flag Bklt/20	3	\$13.20	\$39.60
U.S. Flag	13	\$0.66	\$8.58

Grand Total: \$48.18

Credit Card Remit \$48.18

Card Name: VISA
Account #: XXXXXXXXXXXX8872
Approval #: 00118G
Transaction #: 465
AID: A0000000031010 Chip
AL: VISA CREDIT
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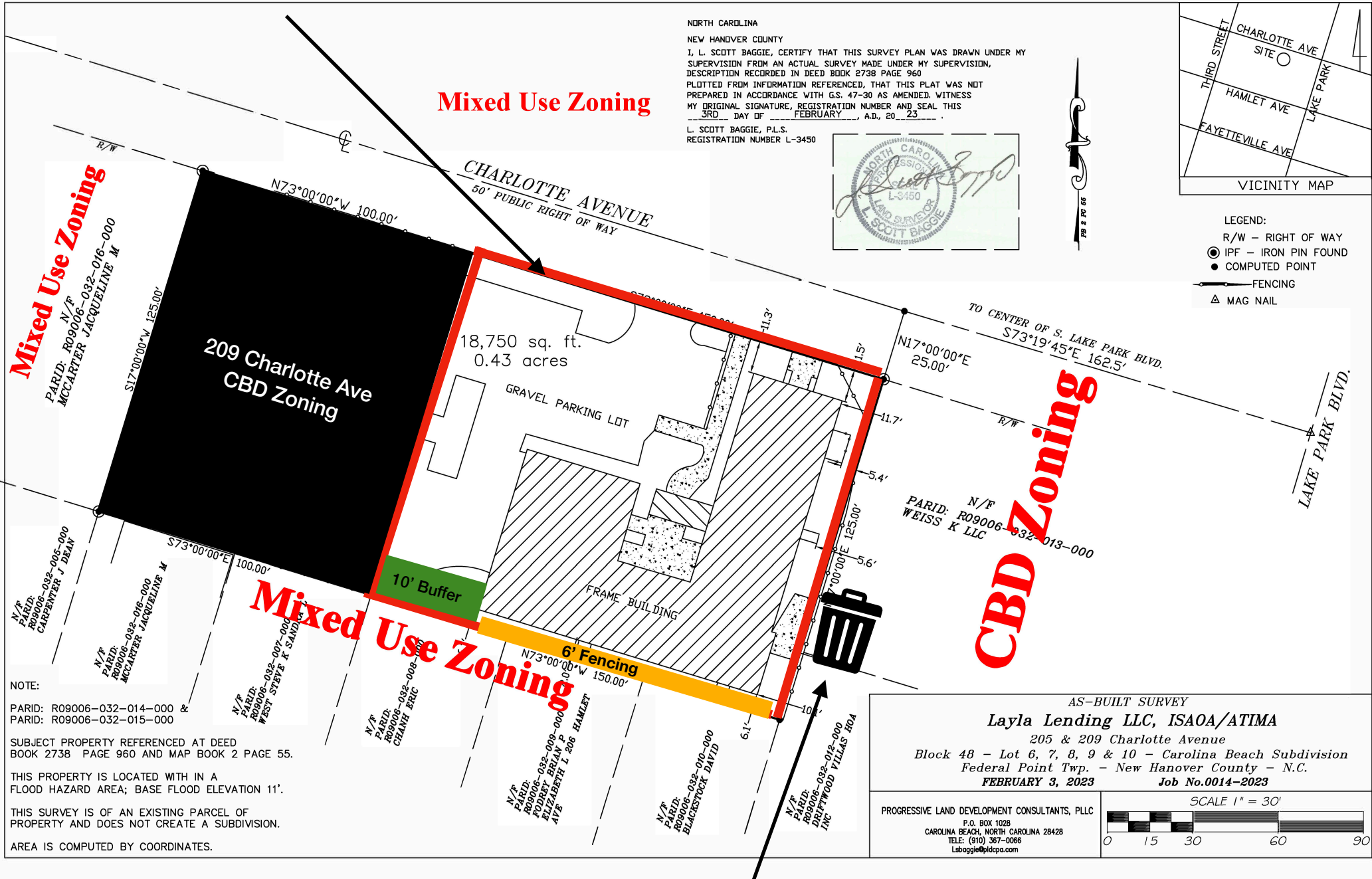
STAMPED



205 Charlotte Avenue
 Lot Sqft = 18,750 sq.ft.
 Building Footprint = 6,990 sq.ft.
 Building Lot Coverage = 37.28%

Gross Floor Area = 6,990 sq.ft.
 Parking Spaces Needed = 64
 Public Parking Spaces within 500' = 148

Item 8.



Shared Dumpster with Kate's Pancake House

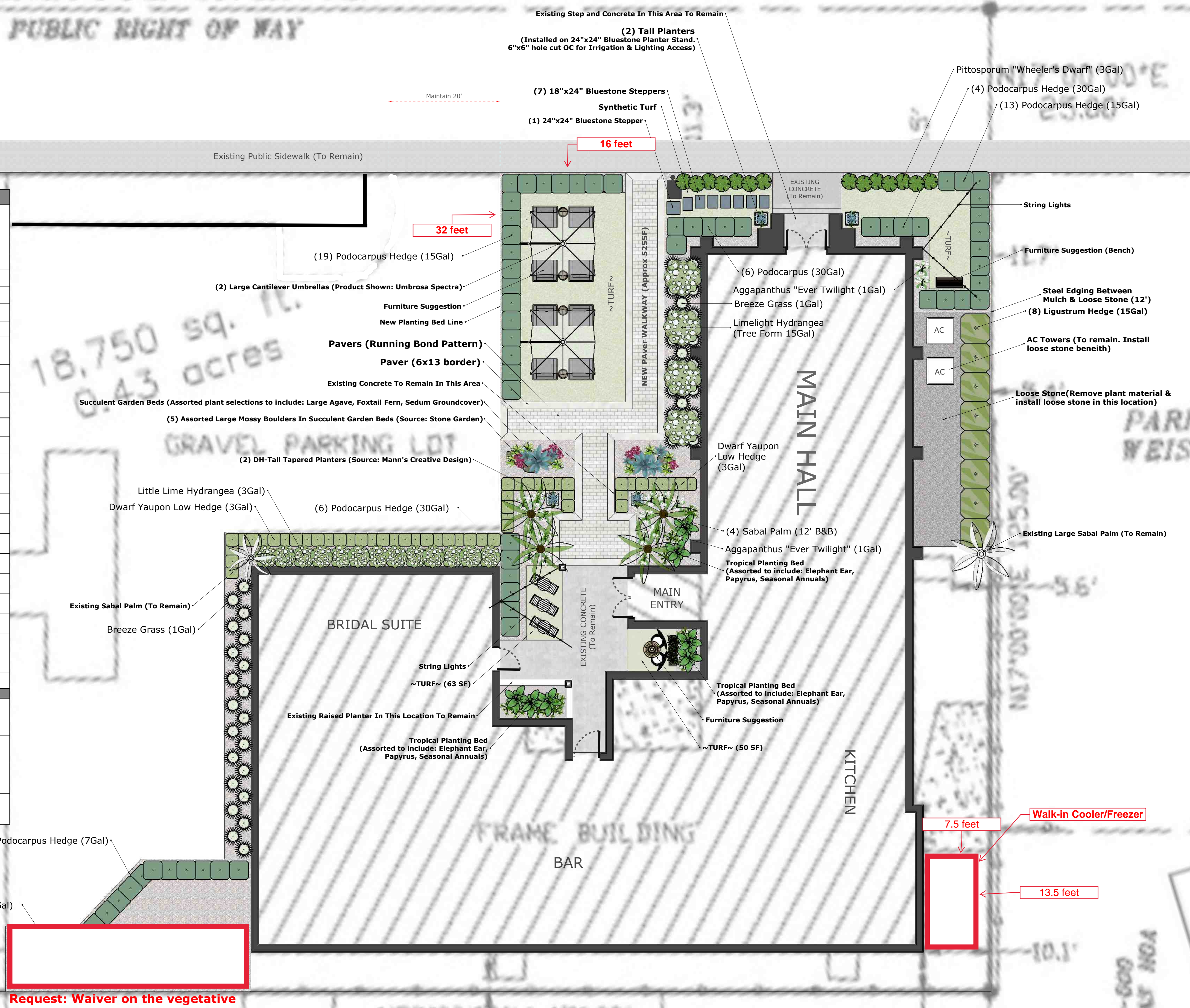


CHARLOTTE AVENUE

50' PUBLIC RIGHT OF WAY

Quantity	PLANT MATERIAL	Install Size
TREES		
4	Sabal Palm	12'B&B
4	Tree Form Limelight Hydrangea	15Gal
SHRUBS		
8	Ligustrum	15Gal
16	Podocarpus macrophyllus 'Maki'/Podocarpus	30Gal
32	Podocarpus macrophyllus 'Maki'/Podocarpus	15Gal
14	Podocarpus macrophyllus 'Maki'/Podocarpus	7Gal
51	Dwarf Yaupon "Ilex Bordeaux"	3Gal
14	Pittosporum (Wheeler's Dwarf)	3Gal
13	Little Lime Hydrangea	3Gal
PERENIALS		
50	Breeze Grass	1Gal
16	Agapanthus (White)	1Gal
8	Foxtail Fern	2Gal
9	Firewitch Sedum (Red)	1Gal
2	Agave (Large)	10Gal
5	Agave (Med/Small)	3Gal
7	Giant Elephant Ear	3Gal
10	Egyptian Cypress	3Gal
OTHER		
2	Agave (Large Planter Centerpieces)	10Gal
2	Agave (Med Planter Centerpieces)	3Gal
4	Angelina Sedum (In Planter)	4" Pots
4	Firewitch Sedum (In Planter)	4" Pots
Quantity	Site Materials	
Approx 525 SF	New Paver/Concrete (Type TBD)	
Approx 2,118 SF	Mulch/Combined Planting Beds SF	
Approx 853 SF	Synthetic Turf	
Approx 417 SF	Loose Stone (Same as stone in parking lot)	

* Removing 1380 sqft of impervious surface and replacing, pavers and turf.



Notes and Revisions:

Designed by:
Drew Holmgren
Drawn by:
Drew Holmgren

Date: 10/20/2023 Version: 1.0

Sheet Title:
Outdoor Spaces Masterplan

DISCLAIMER: All material quantities are approximate estimates only based on scaled plan. The contractor, installer or property owner/owners should site verify all material calculations before approving material quantities. Drew Holmgren & HOLMGREN Luxury Exterior Design are not responsible for material quantities and cannot be held liable for any increased costs or change orders associated with material selections, quantities or take off calculation associated with this plan. Background image for artistic reference only.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 1/9/2024

SUBJECT: 2024 Parking Policy Discussion

BACKGROUND:

Council will review the public input that has been provided and make recommendations for the 2024 parking season.

ACTION:

Provide staff direction on the 2024 parking season.

2024/25 Parking Plan

01/09/2024

Public Outreach

- Online Feedback (12/1 – 12-14-2023)
- Public Input Session (12-13-2023)
- Continued feedback to staff, contractor, and Town Council

- 139 written responses from Residents/Business Owners/Property Owners
- 88 written responses from outside Carolina Beach

Issues Identified

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

Owned Parking Lot and On-street Rates

Item 9.

March – October 9am-~~8pm~~ 9pm (\$5/hour & \$25/day)

Premium Parking Lot Rates

January – December 9am-~~8pm~~ 9pm (\$7/hour & \$35/day)



REDUCE PARKING TICKET FROM \$100 to \$60



25% reduced cost if they are paid within 48 hours (\$45 for \$60 ticket and \$18.75 for a \$25 ticket)



\$25 In areas where parking has been paid, but one of the designated parking space violations exist and does not cause any loss of access to surrounding public facilities (i.e. parking spaces, sidewalks, bike lanes, etc).

All tickets: \$50 increase after ~~15~~ 30 and 60 days unpaid.

Signs

Item 9.

1. New signs
2. Existing Signs

- Pay to Park
- 7 days a week
- 9am – 9pm
- March 1 – October 31st
- \$5/hour & \$25/day
- Text CBEACH to 12345 or use QR code
- For assistance: (910) 458-4614
- Town Passes Accepted
- You are at the Shell Lot

5. Look for innovations to limit resource needs and improve the program

Working with contractor on implementing new strategies for consideration in the 24/25 budget

6. Constantly changing rules becoming confusing and frustrating

Request a two (2) year commitment to the general framework of this program

7. Use ambassadors and business owners to promote and educate the public on the program

Outreach materials, website, information app

ADOPT ORDINANCE NUMBER 24-1219

AFTER REVIEW WITH STAFF, COMMUNITY, AND CONTRACTOR THE
PROPOSED OPTION ACCOMPLISHES ALL GOALS WITHOUT LOSS OF
REVENUE.

Ordinance 24-1219

Town of Carolina Beach
Town Council



AN ORDINANCE TO AMEND THE PARKING PROGRAM IN THE RATES AND FEES SCHEDULE AND SECTION 16-162 (5) ENFORCEMENT OF PAID PARKING IN ALL TOWN PUBLIC PARKING SPACES.

<u>Parking Lots</u>	<u>Fee</u>
March 1 - October 31 (9AM-8 9 PM)	
Vehicles/Small Trucks	\$5/hour or \$25/day
Limos & Oversize Vehicles	\$10/hour or \$40/day
January November 1 - February 28	January – February Free
<u>Premium Parking Lots</u>	
January 1 – December 31 (9am-9pm)	\$7/hour & \$35/day
November 1—December 31 (9AM-5PM)	
Vehicles/Small Trucks	\$2/hour or \$10/day
Limos & Oversize Vehicles	\$5/hour or \$20/day
<u>Designated On-Street Parking</u>	<u>Fee</u>
March 1 - October 31 (9AM-8 9 PM)	\$5/hr
November 1—December 31 (9AM-5PM)	-\$2/hr
January 1—February 28	Free
<u>Freeman Park Entry/Camping</u>	<u>Fee</u>
*Annual Permit	\$225.00
*Discounted Annual Permit - Dec 1 - Dec 31 (must be picked up in person)	\$110.00

Town of Carolina Beach
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Ordinance 24-1219

Town of Carolina Beach
Town Council

*Daily Pass (per vehicle)		
April 1 - September 30		\$50 per day
October 1 - March 31		\$30 per day
*Camping Reservation (per night Labor Day through Thursday before Memorial Day)		\$50.00
*NOTE: Annual passes, daily permits, and campsite reservations are non-transferrable		
<u>Payment Processing Fees</u>		<u>Fee</u>
Third-Party Citation Processor Fee		\$3.50
Third-Party Citation Credit Card Merchant Fee		\$3.00 or 3% of transaction cost(whichever is higher)
Third-Party Parking Permit Processor Fee		\$3.00
Third-Party Parking Permit Credit Card Merchant Fee		2.8% + .20
Third-Party Freeman Park Annual Permit Transaction fee		\$3.00 per transaction
Third-Party Freeman Park Annual Permit Processor Fee		2.9% + .30
Third-Party Freeman Park Camping Permit Transaction Fee		\$ 2.00 Per Transaction
Third-Party Freeman Park Camping Permit Processor Fee		2.7% + .25
<u>Credit Card Convenience Fees</u>		<u>Fee</u>
Convenience fee for any/all payments made with credit card		3% of transaction cost
<u>Policies</u>		
1. Handicap Parking: No charges shall be administered to parking patrons that display valid handicap documentation and are parked in a designated handicap parking space operated by the Town.		
2. Allocation of Freeman Park Permits and Parking Decals: All passes must be paid for in accordance with this fee schedule unless otherwise approved by Town Council.		

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Town Council

3. Any Request for donated passes must be received by the Town Clerk a minimum of 45 days prior to the Town Council meeting.
4. Temporary parking passes may be allocated for government entities and/or associated activities as approved by the Town Manager.
5. Full-time employees and standing committee members will receive one free parking pass. A second pass may be purchased at the Town resident rate.
6. Full-time employees and Freeman Park Committee members will receive one free Freeman Park pass annually.
7. Town Marina Boat Captains will receive two free parking passes annually
8. Former Town staff, retired after 15 years or more of full time employment with the Town may purchase one (1) parking pass at the approved residential rate.
9. No individuals shall receive additional free passes based on meeting multiple criteria above.
10. Parking passes are non-transferrable.
11. Under special documented circumstances (i.e. overnight charter vessel trip from the Town Marina) and as approved by the Town Manager or their designee, longer than 24-hour parking may be accommodated by contacting the parking office and submitting the dates and vehicle license plates and payment. Failure to make these arrangements prior to the stay will result in a violation.
12. One-time all day parking purchase/payment allows for movement to any Town parking space. Payment by the hour does not transfer to other spaces.
13. Low Speed Vehicles shall meet all the same parking requirements as all other vehicles.
<u>14. When development occurs where public parking is needed for access the permit holder may reserve up to 2 parking spaces for \$10/day per space from March – October and \$10/week per space from November – February. The reserved spaces shall be in front of the impacted property or in spaces identified by the Town if work occurs in a remote area (i.e. beachfront). The parking shall only be reserved while the development permit is active. The permit holder shall sign an indemnification and liability agreement prior to using the parking spaces.</u>
<u>15. Premium Parking lots are designated parking lots identified by on-site signage that indicates one or more of the following: longer enforcement timeframes, higher rates, and no resident passes accepted.</u>

Ordinance 24-1219

Town of Carolina Beach
Town Council

Ordinance Violations		
Chapter 16-Motor Vehicles and Traffic: General		
Violation	Ordinance-Code Reference	Fine
Chapter 16-Motor Vehicles and Traffic: Vehicles Parked in Designated Parking Spaces		
Violation	Ordinance-Code Reference	Fine
Town-owned or operated parking areas. It shall be unlawful in any off-street lot or area owned by the town and provided for general public parking to park a motor vehicle, or for the registered owner of a motor vehicle to allow such vehicle to be parked, in any manner other than within properly designated parking spaces.	16-162	\$100.00 <u>\$60.00</u>
Parking Restrictions; all times: When signs are placed, erected, or installed giving notice thereof, or the curbing has been painted yellow in lieu of signs, no person shall park a vehicle at any time upon any street within the corporate limits.	16-162	\$100.00 <u>\$60.00</u>
Where signs have been erected which display parking time limitations, no person shall park a vehicle for any length of time exceeding the time limitation so displayed.	16-162	\$100.00 <u>\$60.00</u>
Parking in a town designated space where payment is required and not paid.	16-162	\$100.00 <u>\$60.00</u>
Parking in a space where allotted time has expired.	16-162	\$100.00 <u>\$60.00</u>
On any street or parking lot which is marked off with lines indicating the parking spaces for cars and golf carts, the cars and golf carts shall be parked between the lines.	16-162	\$100.00 <u>\$60.00</u>
Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, or bike lanes.	16-162	\$100.00 <u>\$60.00</u>
Protrusion beyond designated parking space.	16-162	\$100.00

Town of Carolina Beach
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Ordinance 24-1219

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		<u>\$60.00</u>
Double parking where the vehicle encroaches into another designated parking space and prohibits the use of an adjacent parking space.	16-162	\$100.00 <u>\$60.00</u>
In no case shall a vehicle remain backed to a curb against the flow of traffic when adjacent to a one way drive aisle.	16-162	\$100.00 <u>\$60.00</u>
Vehicles parked in a designated space where a street includes two or more separate lanes and traffic is restricted to one direction, no person shall park or stand upon the left-hand side of such roadway unless signs are erected to allow such.	16-162	\$100.00 <u>\$60.00</u>
Angled Parking: Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or street edge indicated by such signs or markings.	16-162	\$100.00 <u>\$60.00</u>
Parking has been paid, but one of the above violations exist and does not cause any loss of access to surrounding public facilities (i.e. parking spaces, sidewalks, bike lanes, etc.)	16-162	\$25.00
Chapter 16-Motor Vehicles and Traffic: Vehicle Obstructions		
Violation	Ordinance-Code Reference	Fine
Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.	16-162	\$100.00 <u>\$60.00</u>
Upon any bridge or other elevated structure or within any underbase structure.	16-162	\$100.00 <u>\$60.00</u>
On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street.	16-162	\$100.00 <u>\$60.00</u>
At hazardous or congested areas where signs or markings have been installed prohibiting such.	16-162	\$100.00 <u>\$60.00</u>
Within a designated drive aisle.	16-162	\$100.00

Ordinance 24-1219

Town of Carolina Beach
Town Council

		\$60.00
Vehicles parked unattended in commercial and passenger loading zones.	16-162	\$100.00 <u>\$60.00</u>
Vehicles other than buses parked in a bus stop.	16-162	\$100.00 <u>\$60.00</u>
Oversize vehicles parked on town streets.	16-162	\$100.00 <u>\$60.00</u>
Vehicles parked in "no parking anytime" zone.	16-162	\$100.00 <u>\$60.00</u>
Obstructing other vehicles: No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.	16-162	\$100.00 <u>\$60.00</u>
Unattended vehicle: It shall be unlawful for any person to leave a vehicle's engine running while it is standing parked upon the streets	16-162	\$100.00 <u>\$60.00</u>
The storage of vehicles, boats, trailers, and/or other equipment within public rights-of-way, public parking areas, or other public areas is prohibited.	16-162	\$100.00 <u>\$60.00</u>
The use of vehicles, for camping or permanent or temporary living facility within public rights-of-way, public parking areas, or other public areas.	16-162	\$100.00 <u>\$60.00</u>
Chapter 16-Motor Vehicles and Traffic: Vehicles Parked in Undesignated Parking Spaces		
Violation	Ordinance-Code Reference	Fine
Vehicles parked in an undesignated parking space within an intersection or within 25 feet of an intersection.	16-162	\$100.00 <u>\$60.00</u>
Vehicles parked in an undesignated parking space within 25 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.	16-162	\$100.00 <u>\$60.00</u>

Ordinance 24-1219

Town of Carolina Beach
Town Council

Vehicles parked in an undesignated parking space where a street includes two or more separate lanes and traffic is restricted to one direction, no person shall park or stand upon the left-hand side of such roadway unless signs are erected to allow such.	16-162	\$100.00 <u>\$60.00</u>
Vehicles parked in an undesignated parking space Within the median of a divided roadway.	16-162	\$100.00 <u>\$60.00</u>
Vehicles parked in an undesignated parking space Within 15 feet in either direction of a fire hydrant, unless a greater or lesser distance is designated and appropriate signs or markings are displayed.	16-162	\$100.00 <u>\$60.00</u>
Vehicles parked in an undesignated parking space in front of or within five feet in either direction of a private driveway or road.	16-162	\$100.00 <u>\$60.00</u>
Chapter 16-Motor Vehicles and Traffic: Vehicles Parked in Undesignated Parking Spaces (continued)		
Violation	Ordinance-Code Reference	Fine
Vehicles parked in an undesignated or unauthorized parking space on or within ten feet of a crosswalk.	16-162	\$100.00 <u>\$60.00</u>
Citation Payments:	16-162	
Payment within 48 hours results in 50 <u>25%</u> off of all violations		
Non-Payment Penalty - additional fees charged after 15 <u>30</u> calendar days (i.e. for a \$100 fine the total due = \$150)		\$50.00
Non-Payment Penalty - additional fee charged after 30 <u>60</u> calendar days (i.e. for a \$100 fine the total due = \$200)		\$50.00

Ordinance 24-1219

Town of Carolina Beach
Town Council

Section 16-163 (5) *Enforcement of paid parking in all Town public parking spaces.*

The Town shall enforce the paid parking program in accordance with the dates and times as listed in the annually adopted rates and fees schedule.

~~a. The Town enforces its paid parking program between March 1 and December 31 of each year. Daily parking during this time period is enforced from 9:00 a.m. to 8:00 p.m. from March 1 to October 31 and from 9:00 a.m. to 5:00 p.m. from November 1 to December 31.~~

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 09th day of January, 2024.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 1/9/2024

SUBJECT: Consider Entering a Lease Agreement for Town Owned Property at 3 Carolina Beach Avenue South (PID: R09006-021-004-000)

BACKGROUND:

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

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

1. Enter into a new lease for less than year or until September.
2. Enter into a new lease of town lot beyond a year. The term of the lease can be greater than a year but not longer than 10 years if the Town Council determines that the property will not be needed by the town for the term of the lease. This option will require a published 30-day notice to the public that includes the terms of the lease including rental or lease payments and will have to be adopted at a regular council meeting.
3. The parties could execute an encroachment agreement for the Ferris wheel support apparatus.
4. The parties could exchange equal pieces of real property.
5. An offer to purchase the property could be presented to the Town. If the offer is accepted it would be subject to the upset bid requirements defined in North Carolina General Statutes.

Carolina Beach Land Holdings, LLC asked to pursue a ten-year lease. Before you is a resolution that would grant the proposed lease at \$400.00 a month. As required by General Statute, the Town published a 30-day notice that the Town Council would consider the resolution to consider the lease at its January 9, 2024, regular meeting.

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

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

ACTION:

Discuss and make a motion to approve or deny the request.

Project	Loan	% of Loan	Debt Service
Hamlet	840,897.17	70.07%	\$ 74,201.33
3 CBAS	359,102.83	29.93%	\$ 31,689.63
	1,200,000.00		105,896.00
3 CBAS Debt Service			
Paid	Loan Payment	Hamlet %	Debt Service
12/5/2023	103,904.00	29.93%	31,098.47

The loan is fixed principal, so the payment amount goes down each year.

THIS LEASE AGREEMENT ("Lease") made and entered into this the 1st day of January 2024 ("Effective Date"), by and between the CAROLINA BEACH LAND HOLDINGS LLC whose address is 1202 N Lake Park Blvd (hereinafter collectively called "Tenant") and The Town of Carolina Beach, a municipality, whose address is: 1121 N. Lake Park Boulevard, Carolina Beach, North Carolina, 28428 (hereinafter called "Owner")

WITNESS

In consideration of the rentals to be paid to the Owner by the Tenant, as hereinafter provided, and of the covenants and agreements upon the part of the Owner and the Tenant to be kept and performed, the Owner hereby leases to the Tenant, and the Tenant leases from the Owner, that real property known as 3 CAROLINA BEACH AVES and as described on Exhibit A ("Leased Premises").

1. **Term of Lease.** The term of the Lease shall begin on January 1, 2024 and shall terminate in 9 years, 11 months ("Term"), unless the term is sooner terminated in accordance with the provisions herein. Notwithstanding the foregoing, either party may terminate this Lease by providing fifteen (15) days' notice of its intent to terminate to the other party. Notice shall be given in accordance with Paragraph 16 of this Lease.

2. **Rental.** Except as otherwise expressly provided herein, during the term of this Lease, Tenant shall pay to Owner Four hundred dollars per month (\$400.00) ("Rent") for Rental which shall be due without demand on the first day of each month. In addition to the Rent, Tenant agrees to accommodate placement of a minimum of two (2) photo props and a minimum of six (6) tables designed to accommodate four or more persons each and that are available for public use.

3. **Utilities.** During the terms of this Lease, Tenant shall pay for all utilities used in or about the Leased Premises.

4. **Events of Default.** The happening of any one or more of the following events (hereinafter any one of which may be referred to as an "Event of Default") during the term of this Lease, or any renewal or extension thereof, shall constitute a breach of this Lease on the part of the Tenant: (a) Tenant fails to pay the Lease Rental as provided for herein; (b) Tenant abandons or vacates the Leased Premises; (c) Tenant fails to comply with or abide by and perform any other obligation imposed upon Tenant under this Lease.

5. **Remedies Upon Default.** Upon the occurrence of Event of Default, Owner may pursue any one or more of the following remedies separately or concurrently, without prejudice to any other remedy herein provided or provided by law; (a) if the Event of Default involves nonpayment of Lease rental and Tenant fails to cure such default within five (5) days after receipt of written notice thereof from Owner, or if the Event of Default involves a default in performing any of the terms or provisions of the Lease other than the payment of the Lease rental and Tenant fails to cure such default within fifteen (15) days after receipt of written notice of default from Owner, Owner may terminate this Lease by giving written notice to Tenant and upon such termination shall be entitled to recover from Tenant damages as may be permitted under applicable law; or (b) if the Event of Default involves any matter other than those set forth in item (a) of this paragraph, Owner may terminate this Lease by giving written notice to Tenant and, upon such termination, shall be

may terminate this Lease by giving written notice to Tenant and, upon such termination, shall be entitled to recover from the Tenant damages in an amount equal to all rental which is due and all rental which would otherwise have become due throughout the remaining term of this Lease, or any renewal or extension thereof (as if this Lease had not been terminated); or (c) upon any Event of Default, Owner, as Tenant's agent, without terminating this Lease, may enter upon and rent the Leased Premises, in whole or in part, at the best price obtainable by reasonable effort, without advertisement and by private negotiations and for any term Owner deems proper, with Tenant being liable to Owner for the deficiency, if any, between Tenant's rent hereunder and the price obtained by Owner on reletting, provided however, that Owner shall not be considered to be under any duty by reason of this provision to take any action to mitigate damages by reason of Tenant's default. In the event Owner hires an attorney to enforce its rights upon default, Tenant shall in addition be liable for reasonable attorney's fees and all costs of collection.

6. **Insurance.** Tenant agrees to and hereby does indemnify and save Owner harmless against all claims for damages to persons or property by reason of Tenant's use or occupancy of the Leased Premises, and all expenses incurred by Owner because thereof, including attorney's fees and court costs. Supplementing the foregoing and in addition thereto, Tenant shall during the term of this Lease and any extension or renewal thereof, and at Tenant's expense, maintain in full force and effect comprehensive general liability insurance with limits of \$1,000,000 per person and \$1,000,000.00 per incident, and property damage limits of \$1,000,000.00, which insurance shall contain a special endorsement recognizing and insuring any liability to Tenant under the first sentence of the paragraph, and naming Owner as additional insured. Tenant shall provide evidence of such insurance to Owner prior to the commencement of the term of this Lease and from time to time as reasonably requested.

7. **Environmental.** Lessee shall keep and maintain the Premises in compliance with and shall not cause or permit the premises to be in violation of any federal, state, or local laws, ordinances or regulations relating to environmental conditions on, under or about the Premises, including but not limited to, soil and groundwater conditions.

8. **Effect of Termination of Lease.** No termination of this Lease prior to the normal ending thereof, by lapse of time or otherwise, shall affect the Owner's right to collect rent for the period prior to termination thereof.

9. **Quiet Enjoyment.** So long as Tenant observes and performs the covenants and agreements contained herein, it shall at all times during the Lease term peacefully and quietly have and enjoy possession of the Leased Premises, but always subject to the terms hereof. Provided, however, that in the event Owner shall sell or otherwise transfer its interest in the Leased Premises, Tenant agrees to attorn to any new owner or interest holder and shall, if requested by Owner, execute a separate agreement reflecting such attornment, provided that said agreement requires the new owner or interest holder to recognize its obligations and Tenant's lights hereunder.

10. **Holding Over.** If Tenant remains in possession of the Leased Premises after expiration of the term hereof, with Owner's acquiescence and without any express agreement of the parties, the Tenancy shall be a week-to-week tenancy.

11. **Attorney's Fees.** In the event that any action or proceeding is brought to enforce any term, covenant, or condition of the Lease on the part of Owner or Tenant, the prevailing party in such litigation shall be entitled to recover reasonable attorney's fees and costs.

12. **Rights Cumulative.** All rights, powers and privileges conferred hereunder upon parties hereto shall be cumulative and not restrictive of those given by law.

13. **Waiver of Rights.** No failure of Owner to exercise any power given Owner hereunder or to insist upon strict compliance by Tenant of its obligations hereunder and no custom or practice of the parties at variance with the tenants hereof shall constitute a waiver of Owner's right to demand exact compliance with the tenants hereof.

14. **Time of Essence,** Time is of the essence in this Lease.

15. **Definitions.**

(a) "Owner" as used in this Lease shall include the undersigned, its heirs, representatives, assigns, and successors in title to the Leased Premises.

(b) "Agent" as used in this Lease shall mean the party designated as same by Owner, its heirs, representatives, assigns, and successors.

(c) "Tenant" shall include the undersigned and its heirs, representatives, assigns, and successors; and if this Lease shall be validly assigned or sublet, shall also include Tenant's assignees or sublessees as to the Leased Premises covered by such assignment or sublease.

(d) "Owner", "Tenant", and "Agent" include male or female, singular and plural, corporation, partnership or individual, as may fit the particular parties.

16. **Notices.** All notices required or permitted under this Lease shall be in writing and shall be personally delivered or sent U.S. certified mail, return receipt requested, postage prepaid. Notices to Tenant shall be delivered or sent to the address shown at the beginning of this Lease, Notices to Owner shall be delivered or sent to the address shown at the beginning of this Lease and notices to Agent, if any, shall be delivered or sent to the address where rental payments are made.

All notices shall be effective upon delivery. Any party may change its notice address upon written notice to the other parties, given as provided herein.

17. **Entire Agreement.** This Lease contains the entire agreement of the parties hereto, and no representatives, inducements, promises or agreements, oral or otherwise, between the parties, not embodied herein shall be of any force or effect. This Lease may not be modified except by a writing signed by all parties hereto.

18. **Authorized Lease Execution.** Each individual executing this Lease as director, officer, partner, member, or agent of a corporation, limited liability company, or partnership represents

and warrants that he is duly authorized to execute and deliver this Lease on behalf of such corporation, limited liability company, or partnership.

TENANT: CAROLINA BEACH LAND HOLDINGS LLC

Signature

Printed Name

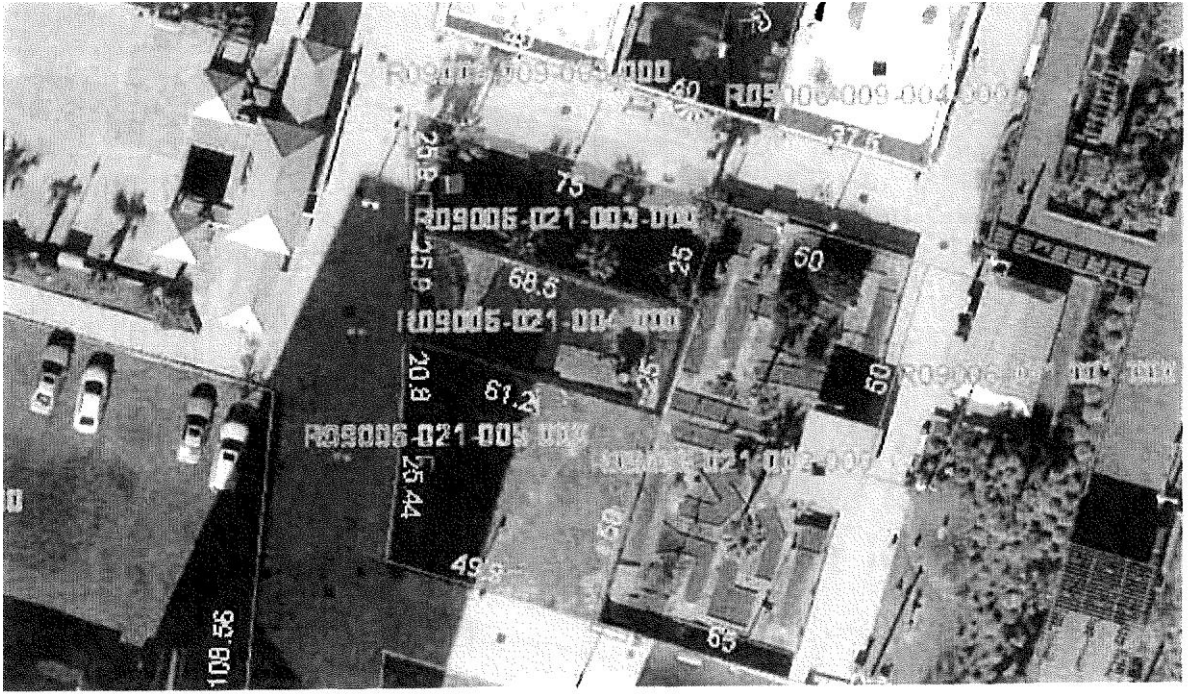
OWNER: TOWN OF CAROLINA BEACH

Signature

Printed Name

EXHIBIT A

IN THE TOWN OF CAROLINA BEACH: BEING ALL OF LOT NO. TWO (2) ACCORDING TO THE PLAN OR MAP OF THE FIRST DIVISION, WHICH SAID PLAN OR MAP IS RECORDED IN MAP BOOK 2 AT PAGE 104 AND BEING THE SAME PROPERTY CONVEYED TO J. E. WEBB BY DEED RECORDED FEBRUARY 11, 1935, IN BOOK 233 AT PAGE 445; BOTH OF THE RECORDS OF THE OFFICE OF THE REGISTER OF DEEDS OF NEW HANOVER COUNTY.



Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 24-2301

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE FOR TOWN OWNED PROPERTY LOCATED AT 3 CAROLINA BEACH AVENUE SOUTH, CAROLINA BEACH, NORTH CAROLINA (R0900-021-004-000)

WHEREAS, the Town owns vacant, unimproved real property located at 3 Carolina Beach Avenue South, Carolina Beach, North Carolina (R0900-021-004-000) ("Property"); and

Carolina Beach Landholdings, LLC owns real property adjacent to the Property; and WHEREAS, Carolina Beach Landholdings, LLC has requested to lease the Property and has proposed the following terms: Term: 9 years 11 months and Monthly Rent: \$400.000

WHEREAS, according to N.C.G.S. § 160A-272(a), the Property may be leased or rented for such terms and upon such conditions as the Council may determine, but not for longer than 10 years (except as otherwise provided in subsection (b1) of this section) and only if the Council determines that the Property will not be needed by the Town for the term of the lease; and .

WHEREAS, N.C.G.S. § 160A-272(b) authorizes the Town to enter into leases of up to 10 years upon resolution of the Town Council adopted at a regular meeting after 10 days' public notice; and

WHEREAS, the Town of Carolina Beach gave notice of proposed terms and its intent to Lease the Property by publication in the Wilmington Star Newspaper on November 30, 2023 as required by;

NOW, THEREFORE, BE IT RESOLVED that:

- 1) the Property is not needed by the Town during the term of the Lease
- 2) the Property should be leased to Carolina Beach Landholdings, LLC under the following terms:
 - a. Term: 9 years and 11 months
 - b. Monthly Rental: \$400.00
- 3) the Town Manager shall prepare and execute a written lease necessary to the effectuate these terms and others terms recommended by the Town Attorney

ADOPTED, this 9th day of January, 2024.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 1/9/2024

SUBJECT: Appropriate funds for Ocean Sidewalk Paving Project

BACKGROUND:

The Town 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 \$446,725 of the grant on the paving project with \$473,832.08 remaining for the sidewalk. The lowest responsible responsive bid for the project was \$908,254.55. As a result, an additional \$434,422.47 is needed prior to approval of the contract.

Appropriations:

Appropriate \$434,422.47 to account 46-580-074 Ocean Sidewalk Capital Project fund; \$20,976 interest earned on Grant Funds and \$413,446.47 from the General Fund fund balance. The fund balance will be reimbursed when grant funds are received for the purchase of Freeman Park.

BUDGET IMPACT:

The appropriation will affect the budget until the Town receives the grant funds.

ACTION REQUESTED:

- Approval Grant Ordinance number 24-1218 amending the budget for the Ocean Sidewalk Project.

ORDINANCE NO. 24-1218
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 2023-2024 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	\$ 473,832.08	\$ 908,254.55	+\$434,422.47
46-581-074	CBAN Improvements	\$ 446,725.00	\$ <u>446,725.00</u>	+\$
TOTAL			\$ 1,354,979.55	

SECTION TWO:

That the Fiscal Year 2023-2024 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the 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	\$ 20,557.08	\$ 41,533.08	+ \$ 20,976.00
46-397-000	SCIF Grant	\$900,000.00	\$ 900,000.00	+
46-399-000	Transfer from GF	\$.00	\$ <u>413,446.47</u>	+\$ 413,446.47
TOTAL:			\$ 1,354,979.55	

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 9th day of January 2024.

Albert L Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk

**Town of Carolina Beach
Ocean Boulevard Sidewalk Project
Bid Tabulation**

				C.M. Mitchell Construction Co. Inc.		Sidewalk Const. Cost	Stormwater Const. Cost
Item #	Item Description	Quantity	Units	Unit Price	Cost		
1	Concrete Sidewalk 5 ft. wide, 4" Thick (1,976 LF)	1,098	SY	\$ 102.04	\$ 112,039.92	\$ 112,039.92	
2	Concrete Sidewalk 5 ft. wide, 6" Thick (205 LF)	115	SY	\$ 109.96	\$ 12,645.40	\$ 12,645.40	
3	ADA Ramp w/Truncated Domes	20	EA	\$ 924.00	\$ 18,480.00	\$ 18,480.00	
4	Crosswalk Stripes per NCDOT	215	LF	\$ 1.65	\$ 354.75	\$ 354.75	
5	Site Grading	1	LS	\$ 27,500.00	\$ 27,500.00	\$ 13,750.00	\$ 13,750.00
6	NCDOT Asphalt Patch 10" Thick	10	SY	\$ 687.50	\$ 6,875.00		\$ 6,875.00
7	Town Street Asphalt Remove & Replace (Per Detail)	105	SY	\$ 1,082.71	\$ 113,684.55		\$ 113,684.55
8	Concrete Driveway (6") Removal & Replace	52	SY	\$ 138.72	\$ 7,213.44		\$ 7,213.44
9	Asphalt Driveway Removal & Replace (2" Asphalt 6" Stone)	10	SY	\$ 3,602.50	\$ 36,025.00		\$ 36,025.00
10	Gravel Driveway (6") Removal & Replace	22	SY	\$ 55.00	\$ 1,210.00		\$ 1,210.00
11	NCDOT Concrete Curb and Gutter	25	LF	\$ 35.20	\$ 880.00	\$ 880.00	
12	15" RCP Class III, Storm Drain Pipe, w/Stone Bedding	324	LF	\$ 76.74	\$ 24,863.76		\$ 24,863.76
13	18" RCP Class III, Storm Drain Pipe, w/Stone Bedding	953	LF	\$ 84.92	\$ 80,928.76		\$ 80,928.76
14	24" RCP Class III, Storm Drain Pipe, w/Stone Bedding	211	LF	\$ 105.04	\$ 22,163.44		\$ 22,163.44
15	30" RCP Class III, Storm Drain Pipe, w/Stone Bedding	48	LF	\$ 139.35	\$ 6,688.80		\$ 6,688.80
16	15" RCP Flared End Section	1	EA	\$ 1,845.03	\$ 1,845.03		\$ 1,845.03
17	18" RCP Flared End Section	4	EA	\$ 2,016.74	\$ 8,066.96		\$ 8,066.96
18	Concrete Pipe Collar (Per NCDOT Detail 840.72)	2	EA	\$ 1,936.00	\$ 3,872.00		\$ 3,872.00
19	2'-2"x3' Precast DOT Box w/Frame & Grate	55	EA	\$ 3,163.00	\$ 173,965.00		\$ 173,965.00
20	3'x3' Precast DOT Box w/Frame & Grate	8	EA	\$ 3,494.43	\$ 27,955.44		\$ 27,955.44
21	4'x4' Precast DOT Box w/Frame & Grate	1	EA	\$ 4,484.43	\$ 4,484.43		\$ 4,484.43
22	3'x5' Precast DOT Box w/Frame & Grate & MH Lid	1	EA	\$ 5,254.43	\$ 5,254.43		\$ 5,254.43
23	Manhole and Drop Inlet Top Adjustments	1	LS	\$ 15,120.72	\$ 15,120.72		\$ 15,120.72
24	Interference - Precast DOT Box w/Frame & Grate	4	EA	\$ 3,934.43	\$ 15,737.72		\$ 15,737.72
25	4" DIP Sanitary Sewer Service Pipe Replacement	100	LF	\$ 117.70	\$ 11,770.00		\$ 11,770.00
26	6" Water Line Relocation under Storm Drainage, Includes four (4) 45 degree DIP bends, megalug fittings and DIP pipe (See Detail).	1	EA	\$ 6,930.00	\$ 6,930.00		\$ 6,930.00
27	Fire Hydrant Relocation	3	EA	\$ 3,300.00	\$ 9,900.00	\$ 3,960.00	\$ 5,940.00
28	Silt Fencing	1,500	LF	\$ 5.50	\$ 8,250.00	\$ 8,250.00	
29	Drop Inlet Control Sediment Devices	64	EA	\$ 495.00	\$ 31,680.00	\$ 15,840.00	\$ 15,840.00
30	Seeding, Erosion & Dust Control	1	LS	\$ 38,500.00	\$ 38,500.00	\$ 19,250.00	\$ 19,250.00
31	Traffic Control	1	LS	\$ 36,960.00	\$ 36,960.00	\$ 18,480.00	\$ 18,480.00
32	Soils and Concrete Testing	1	LS	\$ 6,710.00	\$ 6,710.00	\$ 6,710.00	
33	Construction & Final As-Built Survey	1	LS	\$ 13,200.00	\$ 13,200.00	\$ 6,600.00	\$ 6,600.00
34	Mobilization (Max. 3%)	1	LS	\$ 16,500.00	\$ 16,500.00	\$ 8,250.00	\$ 8,250.00
BID TOTAL:					\$ 908,254.55	\$ 245,490.07	\$ 662,764.48

Notes on Breakdown

Split 50/50

Split 40/60 to Stormwater

Split 50/50

Split 50/50

Split 50/50

Split 50/50

Split 50/50



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 1/9/2024

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

BACKGROUND:

MPT LeCompte is requesting the Town Council consider making a donation toward the Seabreeze Highway Dedication Ceremony scheduled for May 31, 2024.

ACTION:

Discussion and motion to approve a donation supporting this event.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Council Meeting 1/9/2024

SUBJECT: Closed Session – Personnel

RECOMMENDED MOTION:

Closed session to discuss a personnel matter in accordance with NCGS 143-318.11(6).