

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 10, 2023 – 6:00 PM

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



AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

CONSENT AGENDA

- [1.](#) Proclamation to Recognize Arbor Day
- [2.](#) Approval of Council Meeting Minutes

SPECIAL PRESENTATIONS

- [3.](#) Events Update by Tim Murphy
- [4.](#) Presentation by the Wilmington Metropolitan Planning Organization
- [5.](#) Firehouse Subs Public Safety Foundation Grant Award
- [6.](#) Manager's Update

PUBLIC COMMENT

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

PUBLIC HEARINGS

- [7.](#) Conditional Zoning to consider a Bar at 801 Saint Joseph Street in the Highway Business District (HB). Applicant: Putter Pub, LLC

ITEMS OF BUSINESS

- [8.](#) **Text amendment** to amend Chapter 12, Sec. 12-7. Planting and protection of trees. Applicant: Town of Carolina Beach

COUNCIL COMMENTS

CLOSED SESSION - REAL ESTATE MATTER

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council October 10, 2023

SUBJECT: Proclamation to Recognize Arbor Day

BACKGROUND:

The attached proclamation will formally recognize the celebration of Arbor Day in the Town of Carolina Beach. A formal proclamation recognizing Arbor Day is a yearly requirement for a community to receive Tree City USA accreditation.

ACTION REQUESTED:

Approval of Arbor Day **Proclamation 23-2298**

Denial of Arbor Day **Proclamation 23-2298**

Proclamation



Town of Carolina Beach
Town Council

PROCLAMATION NO. 23-2298

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-saving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

NOW, THEREFORE, I, Albert L. Barbee, Mayor of the Town of Carolina Beach, do hereby proclaim April 29, 2023 as National Arbor Day, and I urge all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to promote the well-being of this and future generations.

Dated this 10th day of October, 2023.

Albert L. Barbee, Mayor

Attest: Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 10/10/2023

SUBJECT: Approval of Council Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from September 12 and 26, 2023.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, September 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 Blair Williams of Lifepoint Church 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

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. Set a Public Hearing for October 10, 2023, to Consider Conditional Zoning for a Bar at 801 Saint Joseph Street in the Highway Business District (HB) – Applicant: Putter Pub, LLC
2. Budget Amendments
3. Budget Amendment for Carryover
4. Harbor Master Position
5. Approval of Council Meeting Minutes

Council Member Benson asked to move item 4 to Items of Business.

Council Member Hoffer pointed out that the Goose Masters contract is part of the consent agenda, so the Town will soon begin chasing geese away from the Lake.

ACTION: Motion to adopt the Consent Agenda with the movement of item number 4 into Items of Business

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

SPECIAL PRESENTATIONS

6. Events Update

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

- Bring Your Own Pool Party – September 16 at 209 Charlotte Avenue (former Deck House)
- Dragon Boat Regatta – September 23 at the Boat Basin (kickoff party September 22 at SeaWitch)
- 3rd Annual Pets in the Park – October 7 at Lake Park
- Fresh & Raw Tour – October 7 at Shuckin' Shack
- 4th Annual Beachin' Car Show – October 14 at Lake Park
- Annual BBQ Fundraiser – October 28 at the Fire Department
- Halloween Golf Cart Rally – October 28 beginning at Publix and ending at the Boardwalk

Mayor Barbee said the public is invited to a push-in ceremony for the Fire Department's new truck on Sunday.

7. Community Member Recognition

Kevin Murphy of Ocean Cure showed a video of the 2023 Life Rolls On event, which involved 120 athletes and over 500 volunteers. Council recognized Mr. Murphy for his contributions to the community and presented him with a Key to the City.

8. Manager's Update

Mr. Oakley gave an update on various projects:

- Project open house – September 26 4:00-6:00 PM in Council chambers
- Boardwalk restroom – This should be ready before next summer.
- Lake Park improvements – The project is still moving forward. Crews will begin mowing sections of grass where the ropes have been removed.
- Ocean Boulevard sidewalk – The Town is awaiting N.C. Department of Transportation (DOT) signoff.
- Scotch Bonnet Lane bulkhead – This is going out to bid next week.
- Florida Avenue bulkhead – This is going to Coastal Area Management Act (CAMA) for permitting.
- Police Department recognition – Sgt. James Tice was recognized by the U.S. Secret Service for ranking 19th among 1,500 digital forensic examiners in the nation.

Mayor Barbee said he and Council Member Hoffer are meeting with DOT officials on September 21 for an update on various projects, including the Lake Park Boulevard sidewalk and 2025 paving.

Council Member Hoffer asked whether the Boardwalk restroom project may have to be put off by a certain date so work doesn't happen during the next summer season. Mr. Oakley said it's a three- to four-month project, and the Town hopes to award the contract in December so work can get started immediately.

Mayor Barbee asked when Council may be able to review rules regarding café permits for the next summer season. Mr. Oakley said this is on an upcoming workshop agenda.

PUBLIC COMMENT

Robert Bryant Jr. of 6802 Hailsham Drive in Wilmington said he was upset with the contractor that runs one of the private parking lots because he received a citation when the pay station was not operational. He asked if Council could write a letter to the private parking companies informing them of complaints the Town is receiving.

Mayor Barbee asked if the Town has any recourse for how private parking lots operate. Mr. Oakley said the Town is limited in what it can do and can't control what they charge or their hours of operation. Mayor Barbee said he's not sure the Town can do anything, but he thanked Mr. Bryant for coming out to voice his concerns.

Melinda Sininger of 1512 Carolina Beach Avenue North Unit F3 requested a meeting regarding a possible CAMA violation by a neighbor's second-floor deck structure. Ms. Fox said she is aware of the meeting request and will respond after due diligence has been performed.

ITEMS OF BUSINESS

9. Ordinance Regarding Digging Holes on the Beach – Ordinance 23-1213

Public safety personnel continue to have issues with large holes being dug on the beach. These holes can become a hazard for first responders and beach patrons. This issue had been addressed in Town code in the past, but there was not sufficient language to allow for enforcement actions to be taken. The Technical Review Committee (TRC) looked at language already adopted in other beach towns in North Carolina. After discussion with these communities, new language is being proposed for Council consideration.

Mr. Parvin presented the details. The proposed regulations are as follows:

- Hazardous conditions: defined those created by holes
- Beach strand: Alabama Avenue to North End/Freeman Park
- 12 inches deep/5 inches wide
- Toy shovels only
- Attended at all times and filled by 5:00 PM
- Civil penalty: \$50

- Any person violating the provisions of this section shall be subject to a civil penalty in accordance with the annually adopted rates and fee schedule. If a person fails to pay this civil penalty within 10 days after being cited for a violation, the Town may seek to recover the penalty by filing a civil action in the nature of debt.

Mr. Parvin said the proposed regulations were modeled mostly after what Ocean Isle Beach is doing.

Mayor Barbee said in addition to posing a hazard to first responders and the public, holes on the beach can be dangerous to sea turtles.

Mr. Oakley said the proposed regulations help the Beach Patrol have an enforcement tool. He said the purpose is not to stop a child from having fun on the beach.

Mayor Pro Tem Healy said he's not sure why the Town is going after this so hard. He said it will be tough to enforce. Mr. Oakley said he doubts many tickets will be issued. Mayor Barbee said the Town will only be going after extreme examples.

Council Member Hoffer said he doesn't love implementing new rules, but the beach is crowded now and holes can be a problem.

Mayor Barbee said public safety officials think they need these regulations to keep the beach safe.

Council Member Hoffer asked that the Town not put up an excessive number of signs about this because that would be pollution.

ACTION: Motion to approve Ordinance 23-1213

Motion made by Mayor Barbee.

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

Voting Nay: Council Member Benson

Motion passed 4-1

10. Text Amendment to Amend Chapter 16, Article VI – Schedules to Amend Schedule C, No-Parking Signs on Bertram Drive – Applicant: Town of Carolina Beach

The Portside Village homeowners association (HOA) submitted concerns about safety issues regarding ingress and egress from Bertram Drive to North Lake Park Boulevard. The HOA requested that TRC review and consider placing no-parking signs on the first several sections of grassy area in the right-of-way on the north side of Bertram Drive. The members of the HOA are concerned that vehicles parking on the grass in front of the commercial buildings along Bertram Drive are obstructing the roadway and causing visibility issues for ingress and egress on Lake Park Boulevard. TRC reviewed the request at the August meeting and did not have any objections to designating this area as no-parking.

The new language includes Bertram Drive on the list of designated no-parking areas from the intersection of North Lake Park Boulevard extending east 400 feet located on the northern side of Bertram Drive.

Planning Director Jeremy Hardison presented the details.

ACTION: Motion to approve Chapter 16, Article VI – Schedules to amend Schedule C as presented
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

11. Amend Revenue Bond Budget – Ordinance 23-1211

Staff is requesting the amount of \$385,991.28 to complete the oxidation ditch project for required repairs to the wastewater treatment plant. This total also has the 20% addition for any unseen issues that might happen. The original scope of the project included complete replacement of both oxidation ditches. This was scheduled to be done with the next round of revenue bonds and was anticipated to cost \$3,090,000. By working with multiple vendors and developing a plan for a rebuild vs. replacement, the project will be substantially cheaper. Once the first oxidation ditch is complete, staff will begin scheduling a rebuild of the second ditch. This rebuild will likely occur with the next revenue bond and is anticipated to cost more (\$500,000-\$600,000) due to many of the replacement parts needed for the first rebuild being already in stock by the Town. At the highest estimates, the Town will still save over \$2 million by utilizing the rebuild process put together by the Public Utilities Department.

Mr. Parvin presented the details.

Council Member LeCompte praised Public Utilities Director Mark Meyer for coming up with this solution.

ACTION: Motion to approve Ordinance 23-1211

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

12. Harbor Master Position

During the budget process, the Town looked at options for adding additional resources to help with harbor issues:

1. Hire a full-time employee (FTE)
2. Hire 2 part-time employees (PTE)

Staff decided to budget to hire 2 PTEs and evaluate to see if one or both should be brought on as FTEs next year or if the Town should continue with the PTE positions. After completing the interviews and re-evaluating command and control concerns, staff concluded the Town has a great opportunity for an FTE hire that would serve as the most productive complement to the current Harbor Master. The Town has reviewed this recommendation with Human Resources, and staff ran a report to show \$23,015.20

was spent last year in overtime/comp time. Furthermore, before August ended the Town had already exhausted all overtime budgeted for the Harbor Master for the fiscal year that started on July 1, 2023. By hiring one FTE, the Town believes it can actually save money and require less funding in the budget. With the management, oversight, and training for 2 PTEs, the Town believes it will not see the same savings. If approved, staff will bring back any anticipated costs after negotiating and hiring the new position.

Mr. Parvin presented the details. He said the situation in the harbor has become more complicated due to pollution and vessels sinking and being abandoned. Mr. Parvin said there is a lot more going on in the harbor now than in the past.

ACTION: Motion to approve the Harbor Master request as presented

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

COUNCIL COMMENTS

Council Member LeCompte said September 28 will be a day of community service in honor of the late Gail McCloskey, the former longtime president of the Pleasure Island Chamber of Commerce. A Facebook event has been established, and people are encouraged to use it to post photos of how they are serving the community.

Mayor Pro Tem Healy thanked residents and staff for all the events hosted in the community.

Council Member Benson asked staff to be conscious of overtime hours for non-emergency harbor-related matters.

Council Member Hoffer said he would like to pursue an ordinance restricting e-bikes on the beach strand. He said he will ask the Bike/Ped Committee to start looking into it.

Mayor Barbee said he would like to request a meeting with private parking companies to try to come to an agreement on customer service.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 7:30 PM.

CAROLINA BEACH

Town Council Workshop

Tuesday, September 26, 2023 - 9:00 AM

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



MINUTES

CALL TO ORDER

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

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem 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

DISCUSSION ITEMS

1. Employee Recognition

Mr. Parvin recognized Parks and Recreation Director Eric Jelinski for 10 years with the Town and introduced new Harbor Master Jarrett Anderson.

2. Resolution Authorizing the Town to Apply to the Wilmington Urban Area Metropolitan Planning Organization for Surface Transportation Block Grant Program

Mr. Parvin said the Town is working with the Wilmington Urban Area Metropolitan Planning Organization (WMPO) on an agreement that would allow the Town to have construction dollars for the Saint Joseph Street multi-use path. Resolution 23-2296 authorizes the Town to submit an application to WMPO in the amount of \$1,465,950 for the Surface Transportation Block Grant program.

ACTION: Motion to approve the resolution authorizing the Town to apply to the Wilmington Urban Area Metropolitan Planning Organization for Surface Transportation Block Grant program

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

Council Member Hoffer asked how much will be left in the original amount of money to put toward construction after design is done. Mr. Parvin said he will have to follow up with that figure.

Council Member Hoffer asked if the fact that the N.C. Department of Transportation (DOT) has already granted funding for the design of this project means there is a good possibility of getting money for construction. Mr. Parvin said yes, but the Town just has to go through the process, which is the purpose of today's agenda item.

Council Member Benson asked if there are any encroachment issues or other potential problems at the DOT staffing level that may hold up this project. Mr. Parvin said he is almost positive everything has been worked out and the project can move forward.

Council Member Benson asked about options for the Saint Joseph Street and North Lake Park Boulevard intersection. Mr. Parvin said there is a preferred option that he can share. Mayor Barbee said that option is right in/right out with a chicane as Saint Joseph Street comes off North Lake Park Boulevard. Mr. Oakley said he will forward all options.

3. Discussion on Sidewalk Cafes

Current permits for sidewalk cafes expire on December 31, so Council must make any changes before businesses begin applying for new annual permits.

Planning Director Jeremy Hardison gave an update on the current ordinance involving sidewalk cafes. He said there were 13 permitted in 2023, and the allowance was created in 2006 when there was only one. Mr. Hardison said the option of having a sidewalk cafe, which is an encroachment located in public space, has become more attractive to businesses over the years.

Requirements

- At 12:00 AM, all tables, chairs, barricades, stanchions, and platforms used in the operation of the sidewalk cafe shall be removed.
- The area of the sidewalk cafe shall be reopened to the public and shall not be considered part of the premises of the eating and/or drinking establishment.
- A sidewalk cafe may open at 7:00 AM each day.

Mr. Hardison said during the COVID-19 pandemic Council eased up on these regulations, which resulted in overnight encroachments when a few businesses left out their tables and chairs. He said staff plans to enforce the current ordinance unless Council indicates otherwise.

Requirements for Boardwalk encroachments

- Permitted encroachments may take place adjacent to the business structure and shall not exceed the width of the business structure.
- Allow for a minimum of 4.5 feet of area for unobstructed pedestrian travel.
- In no instance shall an encroachment exceed more than one-quarter the width of the Boardwalk with the exception of the oceanfront Boardwalk.
- The oceanfront Boardwalk may encroach up to 6 feet from the facade of the building.

Requirements for business in the Central Business District (CBD) not located on the Boardwalk

- Encroachments may be allowed on adjacent sidewalk if a minimum clearance of 3 feet is provided for pedestrian travel.
- A 2-foot buffer zone from the face of the street-side curb shall not be included as part of the accessible area for pedestrians.

Mr. Hardison said the current ordinance does not address sidewalk cafes on corner lots.

Requirements for alcoholic beverages

- The premises of the encroachment shall be clearly delineated with stanchions indicating the boundaries patrons must stay within while in possession of alcoholic beverages in open or unsealed containers.
- The consumption of alcoholic beverages shall only occur while patrons are seated at tables.
- Congregating of patrons in or around encroachment areas shall be prohibited. Alcohol consumption outside of the premises or while standing shall be a violation of Section 18-2 – Drinking in public.
- No alcohol shall be served after 11:30 PM, and all sidewalk cafes shall be closed by 12:00 AM. Any person consuming alcoholic beverages in a sidewalk cafe after such hours shall be subject to Section 18-2 – Drinking in public.

Mr. Hardison summarized the main issues as the following: corner lots in the right-of-way, barriers, and moving the cafe at 12:00 AM.

Mayor Pro Tem Healy said there are various types of stanchions used for the sidewalk cafes. He said some municipalities put medallions on the ground of the sidewalk instead, which would look better.

Council Member LeCompte said businesses that stay open until 2:00 AM have nowhere to put tables and chairs at 12:00 AM. Mayor Barbee asked what the impetus was for this rule. Mr. Hardison said the purpose was to give Town staff easy access to clean and maintain the sidewalk early in the morning.

Mr. Oakley said the Town could look into issuing stanchions that are all uniform, but medallions may be a better way to go. Mayor Barbee said the Police Department should have input about which option is easier to enforce. He said people can bump into stanchions, causing them to move, so he likes the idea of medallions.

Mr. Parvin said his understanding is that per Alcohol Law Enforcement (ALE), the area must be enclosed if alcohol is being served, so medallions would not work in those scenarios. Some Council Members questioned this, saying they have seen medallions at establishments that serve alcohol in other municipalities. Mayor Barbee said the Town needs to investigate whether medallions would work where alcohol is served.

Mayor Barbee said he would like to see corner tables at corner lots go away because they stick out and impede pedestrians. Mr. Parvin said possible options for corner lots that abut more than one setback area are that the more restrictive setback would apply, removal of the table, or the least restrictive

setback would apply. He said staff can go to the Technical Review Committee (TRC) and come back with options.

Mayor Barbee said the benefits of sidewalk cafes are huge and they give a different vibe to the area, but some tweaking of regulations is necessary to clean up things.

Mr. Parvin said staff can talk to Public Works to find out how the overnight rule can work better. He said possible options are later removal or letting tables and chairs stay out overnight. Mr. Oakley said the Town can look into changing the rule to 2:00 AM instead of 12:00 AM. Mayor Pro Tem Healy suggested considering one dedicated day per week for cleaning of the sidewalks so businesses won't have to bring in tables and chairs every night. Mayor Barbee said if Town employees have to move items that belong to businesses, they should be indemnified from any damages that occur. Mr. Oakley said the Town can look into requiring that sidewalk cafes be dismantled every Sunday night for Monday morning sidewalk cleanup. He said another option is changing the ordinance to say tables and chairs should be taken in "upon closing."

Council Member Hoffer asked if there is a regular schedule for powerwashing the sidewalk. Mr. Parvin said that will be part of TRC discussion.

Mayor Pro Tem Healy asked if any of the rules regarding signs on houses had changed because he has a large campaign sign that previously wasn't allowed. Mr. Hardison said he thinks the maximum is 20 square feet. Mr. Parvin said the Town doesn't regulate the message, just the size, which is limited for residential properties. He said what Mayor Pro Tem Healy is describing sounds like it's over the limit.

Mayor Pro Tem Healy asked if powerwashing of the sidewalk would be done if the business doesn't pull in its furniture. Mr. Oakley said the Town can either not do it or cite the business. Mayor Barbee said the Town could charge them to move their items.

Mayor Barbee asked if this issue will go before TRC in October to reach Council in November. Mr. Hardison said it's not a zoning ordinance so it doesn't have to go to the Planning and Zoning Commission, and it's not under the same statutory requirements for advertising public hearings.

Mayor Barbee asked Council Members to tell affected business owners what is being considered and encourage them to share ideas.

4. Manager's Update

Mr. Oakley gave an update on various projects:

- Project open house: This will take place today 4:00-6:00 PM.
- Boardwalk bathroom: Preliminary plans were to start work in January, but the engineer working on the design said some geotechnical work will be necessary, which could push out construction by up to 60 days, going into tourist season. In that case, construction may have to wait until after Labor Day. Council Member LeCompte asked if in the interim the current bathrooms could be cleaned, painted, and equipped with stainless-steel fixtures the Town

already has. Council gave consensus to delay construction if it cannot be completed before summer begins.

5. Committee Appointment – Police Advocacy Committee

Council made the following committee appointment:

- Jeannette Mobley – Police Advocacy Committee (term expires June 30)

Mayor Barbee said there were 11 applicants for this role, so he encouraged people to keep applying and go to meetings, which are open to the public.

COUNCIL COMMENTS

Council Member Hoffer gave an update on the meeting he and Mayor Barbee had with DOT officials. He said the 2025 Lake Park Boulevard paving project may not actually happen that year, but the Town will need a plan to give to DOT by next spring for them to review and get in line for paving. Council Member Hoffer said they thoroughly reviewed all aspects of Lake Park Boulevard, including changing angled parking from 60 degrees to 45 degrees. He said DOT officials will give information in a week or two about what can and can't be done. Council Member LeCompte asked for notes from the meeting.

Mayor Barbee said DOT will not design any parking changes, so the Town will have to pay an engineering firm to do this. He said there was just discussion at the meeting and no decisions.

Council Member Benson said he wants to know which street segments will be paved during this fiscal year. He also asked about options for the Lake during the second phase of the dredging project, including the possibility of a fountain. Mr. Oakley said he will report back to Council as the second phase gets closer and he knows what's leftover.

Mayor Pro Tem Healy thanked all the candidates who showed up for today's workshop (none were in attendance). He said he got a call from downtown business owner Chad Davis asking if the Town would consider having free parking on Black Friday. Mayor Pro Tem Healy said he thinks it would be a nice gesture.

ACTION: Motion to have free parking in all Town spaces with the exception of the Surfside lots on Thanksgiving Day and Black Friday

Motion made by Mayor Pro Tem Healy

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

Motion passed unanimously

Council Member LeCompte said a business owner received a parking ticket while unloading alcohol in the section of Raleigh Avenue between North Lake Boulevard and Canal Drive. She said she would like to propose establishing a 30-minute delivery lane for businesses in this area. Mayor Barbee said this will have to go to TRC. Council Member LeCompte said she also wants the Town to look into making the access road north of the ABC store right out only. Mr. Oakley said this is a DOT decision because there is a DOT driveway permit there, but the Town can ask DOT to look into it.

Mayor Barbee asked Ms. Hall for a status update about the audit. Ms. Hall said the auditors are still emailing questions and working through everything with the Town. She said she should have preliminary documents for review within the next week or two, and things are still on target to have the audit filed no later than October 31. Mayor Barbee expressed appreciation for Ms. Hall and said most people don't know how much work goes into an audit.

Council Member LeCompte reminded everyone that Thursday is Gail McCloskey Day and asked people to participate in community service projects in honor of the former longtime President of the Pleasure Island Chamber of Commerce, who passed away this year.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 10:10 AM.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 10/10/2023

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 Meeting 10/10/2023

SUBJECT: Presentation by the Wilmington Metropolitan Planning Organization

BACKGROUND:

Representatives from the WMPO will present the following items:

WMPO FY23 Annual Report Overview

WMPO 2050 Metropolitan Transportation Plan Development and Outreach

ACTION REQUESTED:

Discussion Only



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 10/10/2023

SUBJECT: Firehouse Subs Public Safety Foundation Grant Award

BACKGROUND:

The Carolina Beach Fire Department applied for, and was awarded \$39,900 in grant money to purchase extrication tools for the new rescue truck. Chief Griffin will give an update on what the grant money will purchase.

ACTION:

No action needed.



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council 10/10/2023

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 – October 10th, 2023

SUBJECT: **Conditional Zoning** to consider a Bar at 801 Saint Joseph Street in the Highway Business District (HB).
Applicant: Putter Pub, LLC

BACKGROUND:

The applicant, Putter Pub, LLC, is proposing a bar at 801 Saint Joseph Street as a use in the Highway Business District. Bars are allowed through the approval of conditional zoning in the Highway Business District. The proposal includes an accessory 18-hole mini golf course and on-premise alcohol sales. Under the eating and drinking establishment regulations, when on-premise alcohol is being served it requires conditional zoning.

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, Council 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 leasing an 860 sq. ft. commercial building on a 10,256 sq. ft. lot at 801 Saint Joseph Street. The building was most recently a t shirt printing shop and locksmith business. The building was built in 1983 and has historically operated as a veterinarian office. The property is surrounded by commercial uses. Across the street there is a multifamily condo building in the Marina Business District. The applicant is proposing to renovate the existing building for the use of a bar with an accessory putt-putt outdoor area. Modifications to the building also include the construction of ADA bathrooms, bar, storage, and office area. The purpose of the Highway Business District is to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. In many cases, business in the HB district serves the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas.

Consumption of alcohol on site constitutes a change of use and therefore a change in the parking requirement. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area. The total indoor gross floor area of the building is 860 square feet. The total number of required

spaces for the project is 8. No outdoor gross floor area proposed currently. There is no proposed service area outside. The parking area will remain gravel and will be designed to meet one way traffic for 90-degree parking. Concrete aprons must be installed in the driveway. The applicant proposes an 8' fence along the rear property line which must be approved by Planning and Zoning and Town Council.

The applicant is requesting a waiver to the landscaping requirement around the new accessory putt-putt area. Landscaping requirements may be waived at the discretion of the Planning and Zoning Commission and Town Council on projects requiring conditional zoning. The applicant meets the 200' separation requirement from schools, churches, and residential districts. The proposal includes removing the existing dumpster and utilizing rollouts to handle trash. There is a proposed 8' multi-use path that will adjacent to the property along the Saint Joseph St right-of way.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on May 23rd, 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.

Proposed Conditions

1. The proposed use shall be limited to an indoor bar with an accessory putt-putt outdoor area.
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 Type A landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by Planning and Zoning and Town Council.
4. The 20' drive aisle shall be designated and marked as one-way with signage.
5. Outdoor lighting shall be installed as to not disturb neighboring properties.
6. Shall provide drainage plan prior to building permit issuance and meet stormwater ordinance.
7. The building is in the AE 11 flood zone. Renovations to the building exceeding 49 percent of the value of the building shall meet FEMA requirements.
8. Concrete aprons required, stormwater must be contained on-site for all new impervious surfaces installed.

Land Use Plan

The project is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy and promoting redevelopment. The project is in conformity with the Mixed Use Commercial Future Land Use Map Character Area. This is a higher density area with a mix of uses, within the district and individual buildings.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a bar located at 801 Saint Joseph Street.

Staff recommends approval of the project with the proposed conditions.

Planning and Zoning recommended unanimous approval.

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 to allow for a bar located at 801 Saint Joseph Street 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.

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



Permit # C723-02

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:

- ① 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.
- ② The notice must include time, date, location, and project description.
- The applicant must maintain and submit to with their application a:
 - ① A copy of the letter announcing the meeting
 - ② A list of property owners contacted
 - ③ An attendance roster from the meeting
 - ④ A summary of the issues discussed
 - ⑤ 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	=	\$ 800.00
Minor Conditional Zoning Permit	=	\$ 350.00

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.

Please complete all sections of the application.

A. Property Information

Address(es): 801 ST. JOSEPH ST.

PIN(s): _____

Project Name PUTTER PUB

Size of lot(s): 10254 SQFT

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):

Mini golf course with bar

C. Applicant Contact Information

Putter Pub, LLC

Company/corporate Name (if applicable):

RYAN & LAURA O'ROURKE

Applicant's Name

312 PENINSULA DR

Mailing Address

CAROLINA BEACH NC 28428

City, State, and Zip Code

919-210-7568

Telephone

THE DIVE 458@GMAIL.COM

Email

D. Owner Contact Information (if different)

PAUL ATKINSON

Owner's Name

514 GOLDSBORO

Mailing Address

CAROLINA BEACH NC 28428

City, State, and Zip Code

919-427-0167

Telephone

debbie@marshallslooks.com

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.

Paul Athi

6/18/2023

Signature

Date

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Paul Atkinson, does hereby appoint Ryan O'Rourke 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: 6/8/23

Appointee's Name, Address & Telephone:

Ryan O'Rourke
212 PENINSULA DR
CAROLINA BEACH NC
28428

Signature of Owner: Paul Atkinson

5/11/2023

To whom it may concern,

The tenants at 801 Saint Joseph Street, Carolina Beach have scheduled an on-site Community Input Meeting for Tuesday May 23rd at 9:30 am.

Tenants will install an 18- hole mini golf course and renovate the building on the property to operate the mini golf course, serve drinks and relax. For any further information or questions please email us at Putterpubcb@gmail.com .

Best regards,

Ryan & Laura O'Rourke

Summary of Issues Discussed at Public Input Meeting for Putter Pub

We had a very good turnout for our Public Input Meeting. Over all it seemed that everyone who attended the meeting was there in support of Putter Pub and for our contribution to the positive development of Carolina Beach. We were asked lots of good questions which we will lay out below.

When will Putter Pub be open? We do not have a set date to open as of now, however the beginning of October is our goal.

What will be your hours of operation? We are still trying to determine that. We do plan to have different hours for on- season and off season. On season hours we anticipate to be 10am to 10pm, and maybe later on weekends. Off season hours, anywhere from noon until 4pm to open and close anywhere from 9-10pm and again possibly later on weekends.

Will you be open seven days a week? Yes, we will be open seven days a week.

Will you have live music? We don't plan to have live music regularly. We may incorporate live music for events, tournaments and holidays.

How will you be lighting the outdoor space? We plan to limb up and thin out the large Live Oak trees on the property and wrap lights around the limbs. We anticipate the limb lights to be enough to light the whole mini golf course. If these lights do not provide enough lighting we will add some floodlights to the corners of the building shining out and down on the course.

Do you have any plans for the exterior of the building? Yes, the middle window on the south side of the building will be enlarged and become a 9 foot wide sliding service window where customers can walk up to and be served from someone inside. We plan to paint the exterior a "beachy" color like you would find on homes in Carolina Beach.

Will you have inside seating? There will be 10-12 bar stools at the bar as well as some chairs and couches to lounge on in another area.

What will your max occupancy be? We have not received our occupancy certificate yet, we won't receive that until all the renovations are complete.

How many parking spaces will you have and will the parking lot be paved? There will 9 parking spaces, one of which will be a handicapped space. We will also have 5 "compact car" or LSV parking spaces along with some bike racks. The parking lot will remain gravel it this time.

Will you allow customers to bring their own alcohol? No, by law we cannot.

Will the owners be on site working? The owners plan to operate the business along with a staff.

Is there going to be any options for food? We will have food trucks and possibly offer a small delivery menu from our other business, The Dive.

Do you plan to put a fence up? Yes, just around the mini golf course it self.

After having the meeting and getting input from those who attended, there is no need for any changes related to the proposal based on meeting discussions.

Property Owner

YACHT ROAD PROPERTY LLC	8108 NEEDLE GRASS
MICHEL MARK DEBRA	630 SAINT JOSEPH
GIROLAMI KELLY A NEWTON RICHARD	266 FAYEMARSH
ASHTON SCOTT W KATHLEEN S	4408 TALCOTT
WINNER DAVID C JR	406 ATLANTA
LUNASEA LLC	515 CLARENDON
WILSON LARRY	630 SAINT JOSEPH
RILP NC2 LP	11995 EL CAMINO REAL
PEARSON BERTRAN J GLORIA	
HARRAL WILLIAM T LILLIA	208 KIRKFIELD
PASSMORE WARREN R HRS	9829 RIVER
MCLAMB HUBERT OWEN ETAL	2634 JUNIPER CHURCH
KTS RENTAL PROPERTIES LLC	8108 NEEDLE GRASS
HANCOCK SHELLEY ETAL	16718 FIVE POINT
BIRD BONNIE L	405 MARINA
TULLY PAUL S ERIKA B	411 CAROLINA BEACH
CAROLINA BEACH TOWN OF	1121 LAKE PARK
ISLAND BREEZE OF CB LLC	1628 SOUND WATCH
LONGS RENTAL INVESTMENTS LLC	107 CAROLINA SANDS
PROXIMITY CB LLC	102 AUTUMN HALL
CBAD LLC	1009 LAKE PARK
BEACHTIME 670 LLC	335 WATSONS MILL
KENNEDY JONATHAN N KELLI A C	600 MASHIE
MERSEREAU GLENN E TRUSTEE	1113 BEXLEY HILLS
ENNESSER JOSEPH J JR TRUSTEE	670 SAINT JOSEPH
STEUER KEITH S MELANIE C	1215 BRIERS CREEK
SCANDURA SUSAN S REV TRUST	103 RUM CAY
WEIMER DAVID A NICHOLE E	105 RUM CAY
GABBY LLC	713 SAINT JOSEPH
PDA VENTURES LLC	10820 CAHILL
HOPLITE PROPERTIES LLC	701 LAKE PARK
CCR PROPERTY LLC	301 IVY
PIERCE JAMES C NATALIE H	7201 LAUREL POINT
WOMBLE MICHAEL H	
FEDERAL POINT YACHT CLUB	910 BASIN
POWELL LARRY A SONJA U	
TAKACS A WARREN AMY E	520 STAFFORDSHIRE
MORLOCK BARRY G CAROLYN C	105 ROUGUE COVE
FEDERAL POINT YACHT CLUB	910 BASIN
ISLAND MARINA ENTERPRISES LLC	511 CLARENDON
PRESSLY JEFF ANN	630 SAINT JOSEPH
SMALL JOHN F MARSHA S	7733 SETON HOUSE
BAKER AARON E LINDSAY E	6104 GRETNA
HYNDS BARRY M LESLEY M TRONIC	6103 MOUNT CARMEL PARKE
HUNTER CHARLES E SANDRA I	5813 WHITE HERON
BRAUN JASON R ERICA M	630 SAINT JOSEPH

HAYES VIRGINIA L ET VIR	650 SAINT JOSEPH
BANNISTER LAND ENTERPRISES LLC	
SEARCY REV LIV TRUST	10 BLACKBERRY
ARAK ROBERT J	25637 BARGANCA
JIRINEC WILLIAM R	650 SAINT JOSEPH
RAGON HUGH B SHERRI S	650 SAINT JOSEPH
CONAWAY JAMES S DEBRA J	650 SAINT JOSEPH
PARKER DAREN J MICHELLE P	767 TIMBERLAKE
MCCOMBS KEITH JULIA	4201 BARKTON
VICINI DONALD C	529 DYNAMIC
HEAL CHRISTOPHER E LAURA E	670 SAINT JOSEPH
MOONEY BILLY R JR	9308 SMART
ENNESSER JOSEPH J JR TRUSTEE ETAL	7500 MCCORMICK
ESCALDI PHILIP V ROSEMARY	8488 PINE BREEZE
JSL CB PROPERTIES LLC	1108 MERCHANT
JSL CB PROPERTIES LLC	1108 MERCHANT
WINNER ENTERPRISES/CAR BCH LLC	
SOUND VIEW UOA INC	1029 LAKE PARK
DUGGAN JOSEPH D	712 SAINT JOSEPH
REAVIS STEVEN G	712 ST JOSEPH
HELIN FRANCIS J DEBRA DEAN	630 SAINT JOSEPH
SHANNON COLIN JANICE	2015 GIOVANNI
COWAN BENJAMIN A ALISA B	630 SAINT JOSEPH
ALBRIGHT KAREN M TRUSTEE	3006 NEW YARMOUTH
STANCIL FREDERICK S DIANE B	67 OLD GROVE
PURITIS MICHAEL D CHRISTINA A	9009 SAINT STEPHENS
PURITIS MICHAEL D CHRISTINA A	9009 SAINT STEPHENS
GABBY LLC	713 SAINT JOSEPH
ROOF RALPH W LIVING TRUST	221 LOCHVIEW
ALAMA SAMI T ETAL	4041 FAIRWAY GROVES
WINNER ENTERPRISES/CAR BCH LLC	
KRAMER THOMAS JOSEPH SUSAN ETAL	9 SUSAN MARIE
SAUNDERS JAMES C CARMELA L	3824 DUXFORD
JONES RICHARD H SR PATRICIA G	712 SAINT JOSEPH
WALKER DAVID K JOANN	67 POST OAK
BIGGS JOANN	677 FLEMING
PIERCE JAMES C III NATALIE H	7201 LAUREL POINT
TOLHURST FREDERICK L SUE A	712 SAINT JOSEPH
HAMM BRENDA MOORE	712 SAINT JOSEPH
MALAN JOHN J MARIAN C	712 SAINT JOSEPH
HOMICKI JOHN JOSEPH FRANCES A	128 AMSTERDAM
QUALITY HOME REPAIR & MAINTENANCE INC	103 WINNER
ST JOSEPH BUSINESS COA	
ST JOSEPH CONDOS LLC	
BDYNASTY LLC	205 GREENVILLE
ALPHA MORTGAGE CORP	1320 AIRLIE

ST JOSEPH CONDOS LLC
INNVEST LLC
BEKER TERRI
MASTERSON ALLEN L LYNN C
PALM INVESTMENT INC
BARBOUR DENNIS WANDA

727 EASTOWNE
7 FOX

917 BASIN
511 CLARENDON

5/26/2023 Public Input Meeting-Attendance Roster for Putter Pub

Sue Tolhurst
Fred Tolhurst
David Walker
Joann walker
David Weimer
Mark Michel
Debbie Michel
Ann Presley
Tim Lassiter
Jeff Hogan
Michelle Alberta
Marian Malan
Beth Terrell
Wescott Butler
Josh Morton
Whit Butler
Rich James
Ricky Brown
Wayne Rouse

PUTTER PUB LLC
 801 ST. JOSEPH STREET
 CAROLINA BEACH, NC 28428-4011

TOWN OF CAROLINA BEACH
 801 ST. JOSEPH ST


TRUIST 

PAY TO THE ORDER OF THREE HUNDRED

FOR 02 FOR 801 ST JOSEPH ST

DATE 6/15/23

\$ 350.00 DOLLARS



1011

SECURED BY EZSHIELD®
 66-112531

⑈000001011⑈ ⑆05310112⑆ ⑆131001P333320⑈

Security Features  Details on back

Re: Landscape Waiver

Ryan O'Rourke <putterpubcb@gmail.com>

Thu 9/7/2023 1:22 PM

To:Gloria Abbotts <gloria.abbotts@carolinabeach.org>

Be Advised: This email originated from outside of the Town of Carolina Beach, NC

Gloria, could you please waive the landscape requirements for Putter Pub in place of the mini golf holes? Thanks, Ryan O'Rourke

On Thu, Sep 7, 2023 at 12:06 PM Gloria Abbotts <gloria.abbotts@carolinabeach.org> wrote:

Hi Ryan,

Can you please send me a written landscape waiver request for the areas surrounding the putt putt that I can include in the packet for Planning and Zoning by the end of the day. It can just be an email.

Thank you!

Gloria Abbotts

Sr Planner

Town of Carolina Beach

[1121 N. Lake Park Blvd.](#)

[Carolina Beach, NC 28428](#)

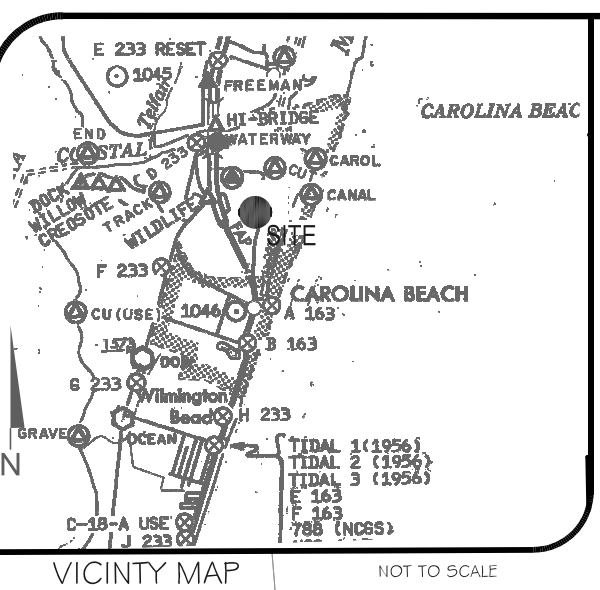
[Office: 910-458-8380](#)

www.carolinabeach.org

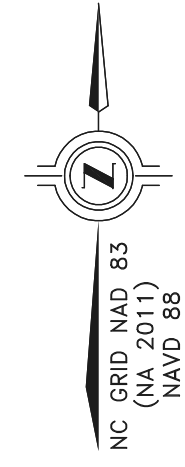


**** TOCB [Online Permitting Portal](#) - For instructions on using Portal, click [here](#)****

**** All Building Permits must be applied for through [NHC COAST](#) ****



1. The depicted survey is from an actual survey performed JULY 2023.
2. The purpose of this survey is to show visible structures, known easements on the subject parcel and does not conform to the requirements of G.S. 47-30 for recordation.
3. Structure built 1983 per GIS.
4. Setbacks are per HB Zoning - Town of Carolina Beach.
5. Parcel lies within a FEMA Zone '0.2%' & 'AE11' per FEMA Map No. 3720313000K Effective Date: August 28, 2018.
6. All distances are horizontal ground measurements unless otherwise noted.
7. All areas computed by coordinate computation method.
8. Survey basis of bearing per NC VRS Network.
9. Parcel ID No R08818-007-000.
10. This survey was executed without the benefit of a full title report and is subject to any easements, Right-of-Ways or encumbrances a full title report may reveal.
11. Putt Putt Course will encroach into the 5' buffer but will be below 30 inches tall.

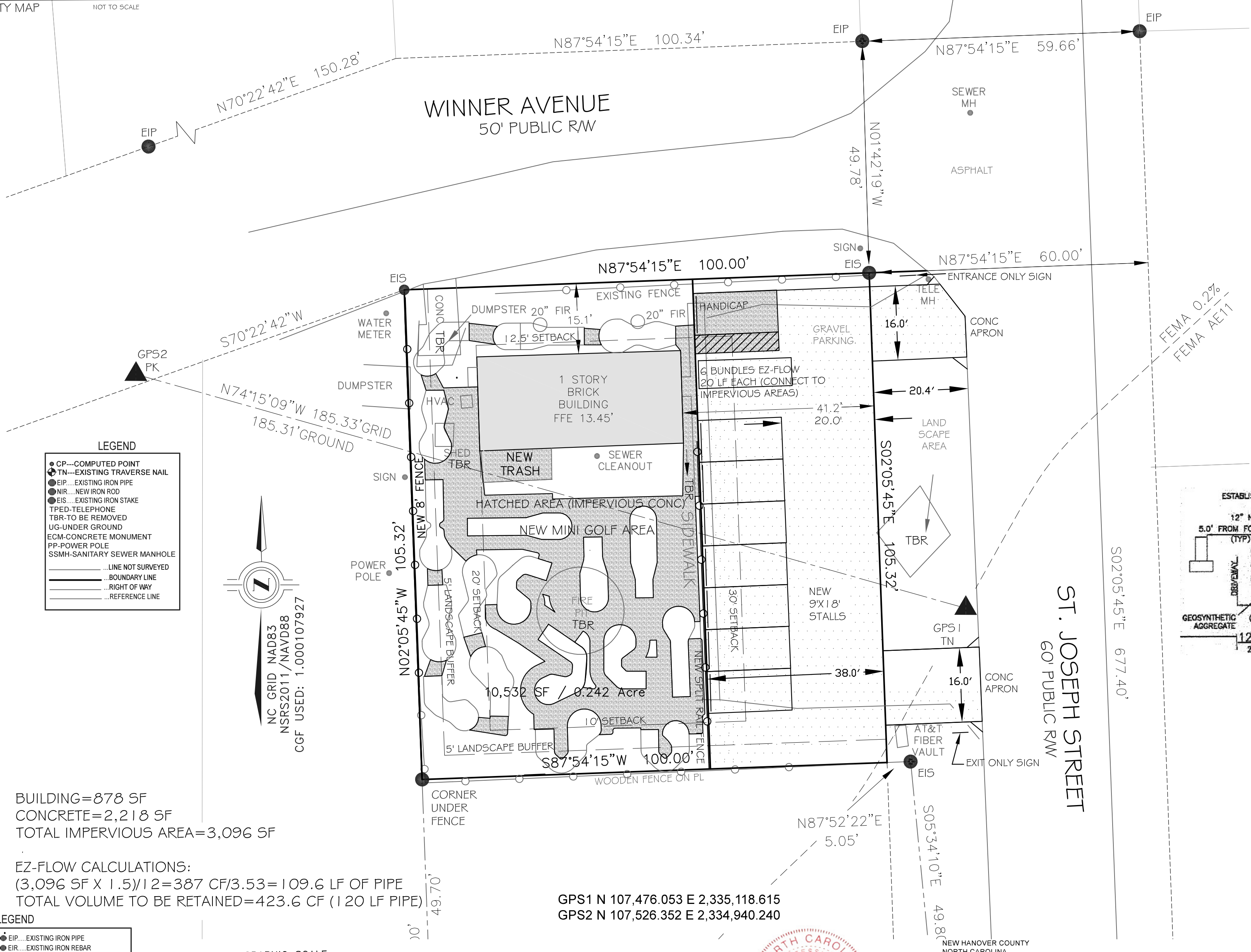


BENJAMIN F FARROW III, PLS
 1009 N. LAKE PARK BLVD, SUITE B1
 CAROLINA BEACH, NC 28428
 910-524-9595
 LICENSE: L-5104

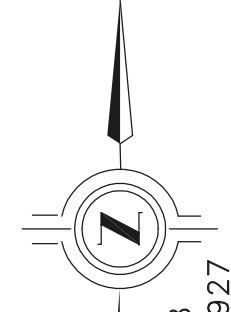
PERMIT PLAN FOR:
LOTS 57, 58, 59, 60
 ML WINNERS PROPERTY SUBDIVISION
 801 ST JOSEPH ST,
 CAROLINA BEACH,
 NEW HANOVER COUNTY, NORTH CAROLINA

DATE 9/1/2023	SCALE 1" = 20'
DRAWN BY B.F.F.	CHECKED BY B.F.F.

-DESCRIPTION-
 PERMIT PLAN
 SHEET
1 OF 1



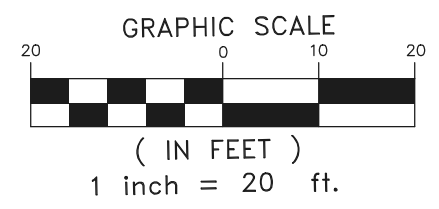
- LEGEND**
- CP—COMPUTED POINT
 - ⊕ TN—EXISTING TRAVERSE NAIL
 - ⊙ EIP... EXISTING IRON PIPE
 - ⊙ NIR... NEW IRON ROD
 - ⊙ EIS... EXISTING IRON STAKE
 - ⊕ TPED-TELEPHONE
 - TBR-TO BE REMOVED
 - UG-UNDER GROUND
 - ECM-CONCRETE MONUMENT
 - PP-POWER POLE
 - SSMH-SANITARY SEWER MANHOLE
 - LINE NOT SURVEYED
 - BOUNDARY LINE
 - RIGHT OF WAY
 - REFERENCE LINE



BUILDING=878 SF
 CONCRETE=2,218 SF
 TOTAL IMPERVIOUS AREA=3,096 SF

EZ-FLOW CALCULATIONS:
 (3,096 SF X 1.5)/12=387 CF/3.53=109.6 LF OF PIPE
 TOTAL VOLUME TO BE RETAINED=423.6 CF (120 LF PIPE)

- LEGEND**
- EIP... EXISTING IRON PIPE
 - ⊙ EIR... EXISTING IRON REBAR
 - ⊙ NIR... NEW IRON REBAR
 - DB... DEED BOOK
 - PG... PAGE
 - NF... NOW OR FORMERLY
 - LINE NOT SURVEYED
 - BOUNDARY LINE
 - RIGHT OF WAY
 - SETBACK LINE



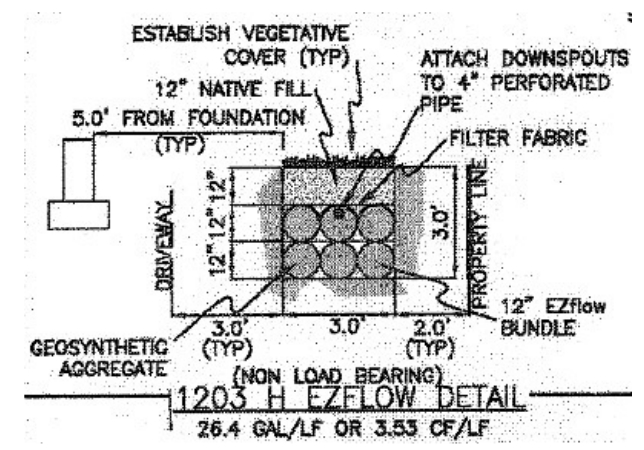
GPS1 N 107,476.053 E 2,335,118.615
 GPS2 N 107,526.352 E 2,334,940.240



NEW HANOVER COUNTY
 NORTH CAROLINA

I, BENJAMIN FARROW, CERTIFY THAT THIS PERMIT PLAN WAS FIELD LOCATED AND DRAWN UNDER MY DIRECT SUPERVISION; THE SUBJECT PARCEL IS REFERENCED IN THE NEW HANOVER COUNTY REGISTER OF DEEDS IN DEED BOOK 3428 PAGE 842 & MAP BOOK 3 PAGE 36; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM REFERENCED RECORD INFORMATION AS SHOWN HEREON; THAT THIS SURVEY DOES NOT MEET NCGS 47-30 STANDARDS AND IS NOT FOR RECORDATION, CONVEYANCE OR SALES.

N.C. PROFESSIONAL SURVEYOR L-5104



A RENOVATION FOR:

THE PUTTER PUB

801 ST JOSEPH STREET
CAROLINA BEACH, NC 28428

OWNER:

PUTTER PUB
801 ST JOSEPH STREET
CAROLINA BEACH, NC 28428

CONTRACTOR

W3 BUILT
707 A ST JOSEPH STREET
CAROLINA BEACH, NC 28428
910-599-5789

STRUCTURAL ENGINEER:

SURVEYOR

INDEX OF DRAWINGS

CVR	COVER SHEET
A1.0	EXISTING PLAN, PROPOSED PLAN, LOAD DIAGRAM
A2.0	EXTERIOR ELEVATIONS, SECTIONS
A3.0	BATHROOM PLANS AND ELEVATIONS

DIRECTORY

SCALE
N.T.S

1

ADDRESS:

801 ST JOSEPH STREET
CAROLINA BEACH, NC 28428

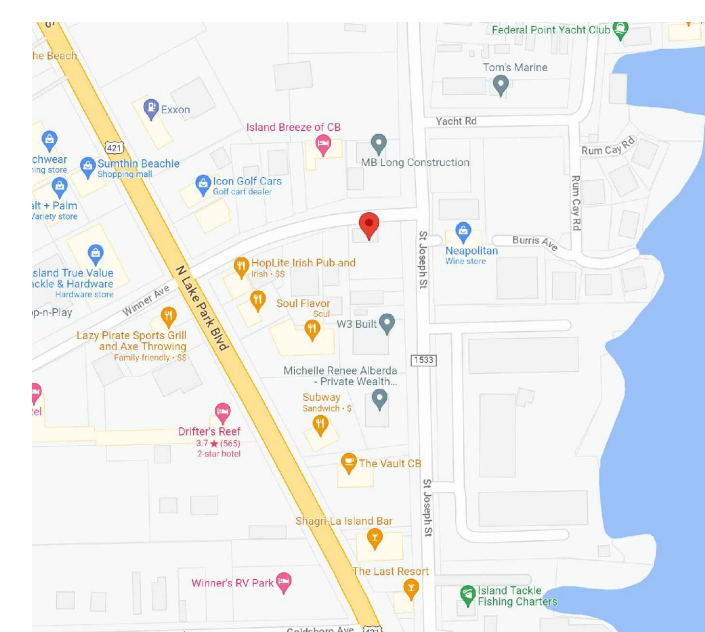
BUILDING TYPE: TYPE V CONSTRUCTION

BUILDING OCCUPANCY: ASSEMBLY GROUP A-1

BUILDING UTILITIES:

ELECTRICAL - DUKE PROGRESS ENERGY
WATER AND SEWER - CAROLINA BEACH
WATER DEPARTMENT

VICINITY MAP:



PROJECT DATA

SCALE
N.T.S

2

INDEX OF DRAWINGS

SCALE
N.T.S

X

AARON TRUDO
ARCHITECTURE

508 Wright Street Wilmington, NC 28401 | 919-706-6980

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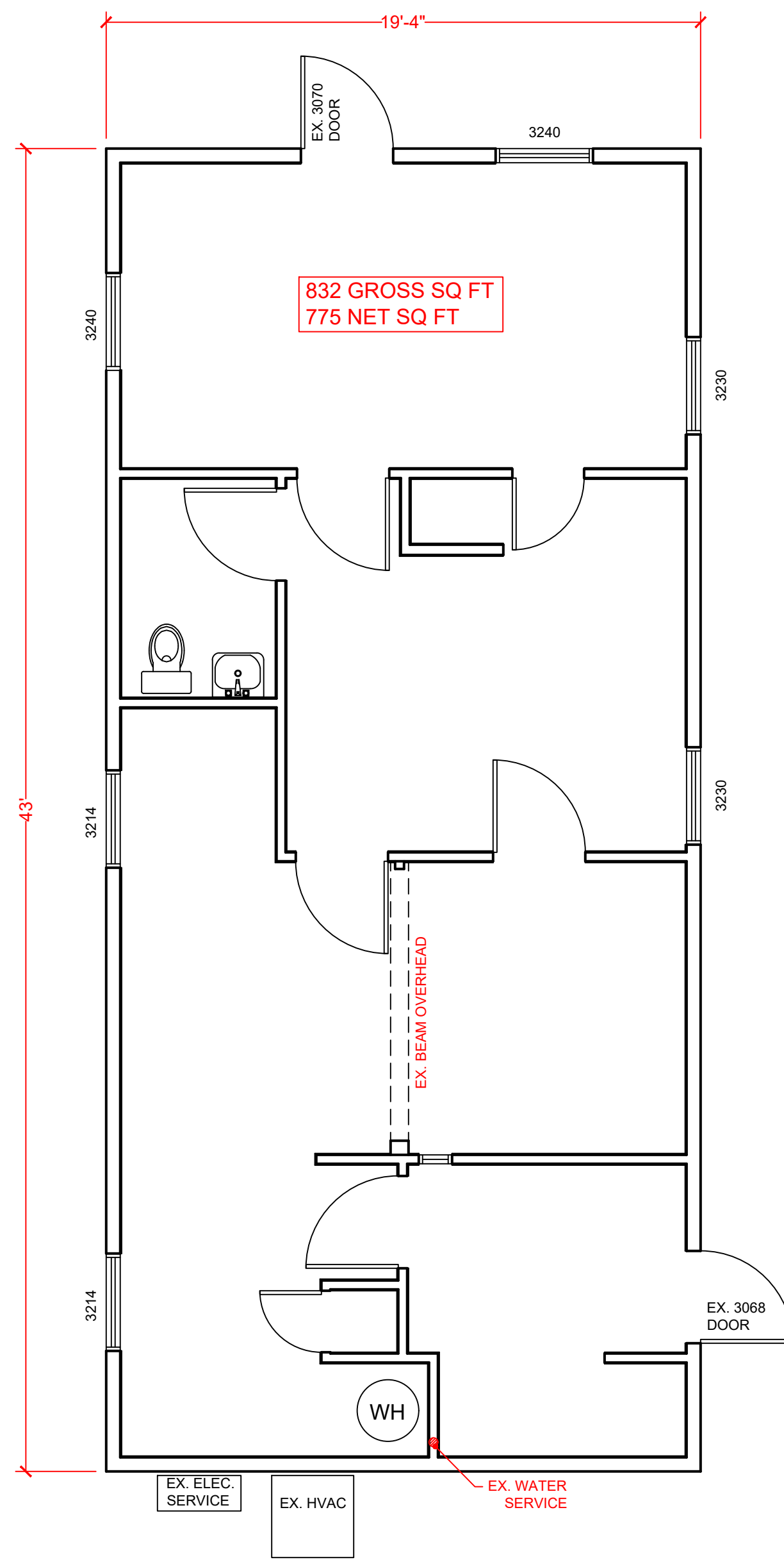
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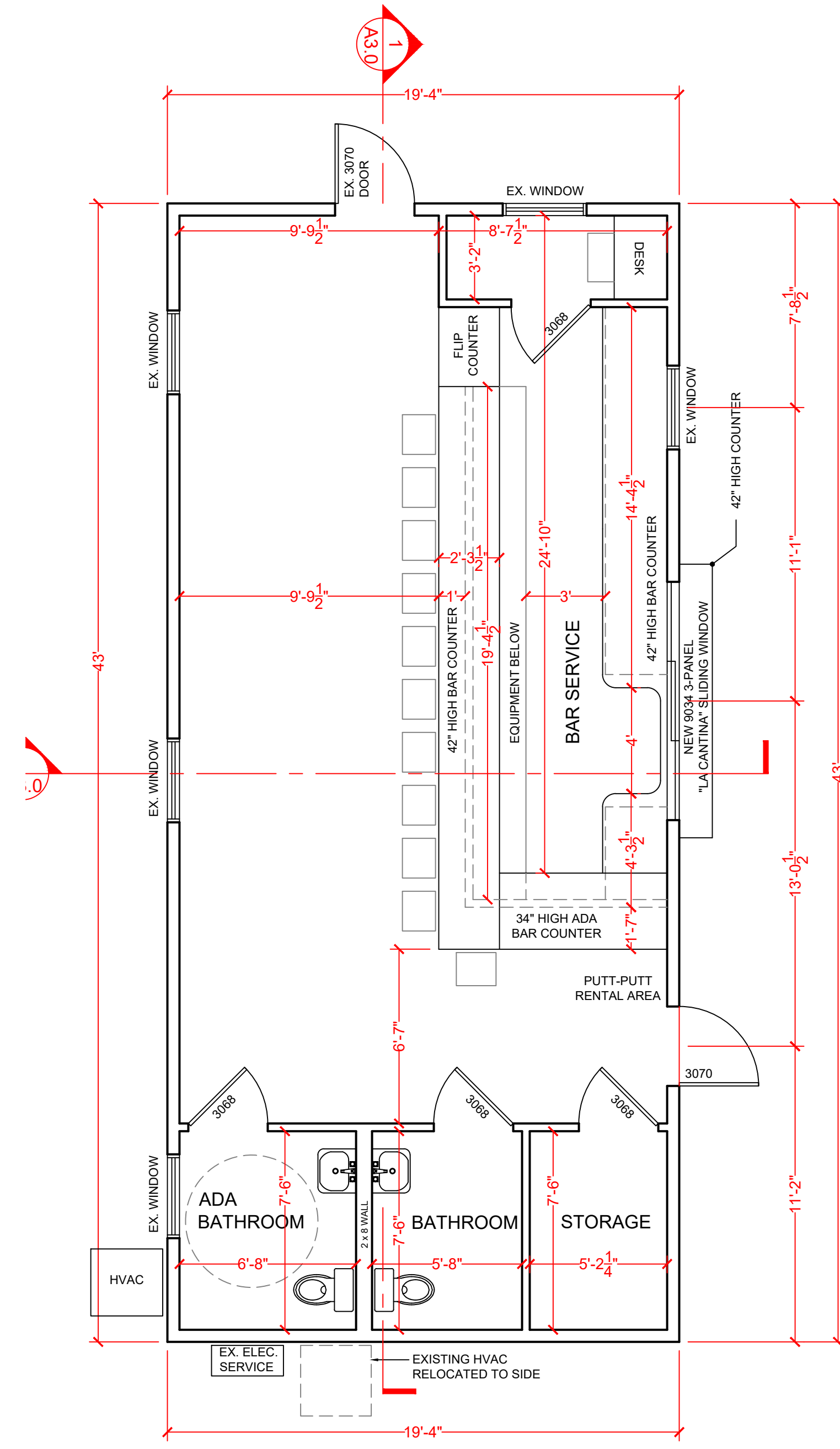
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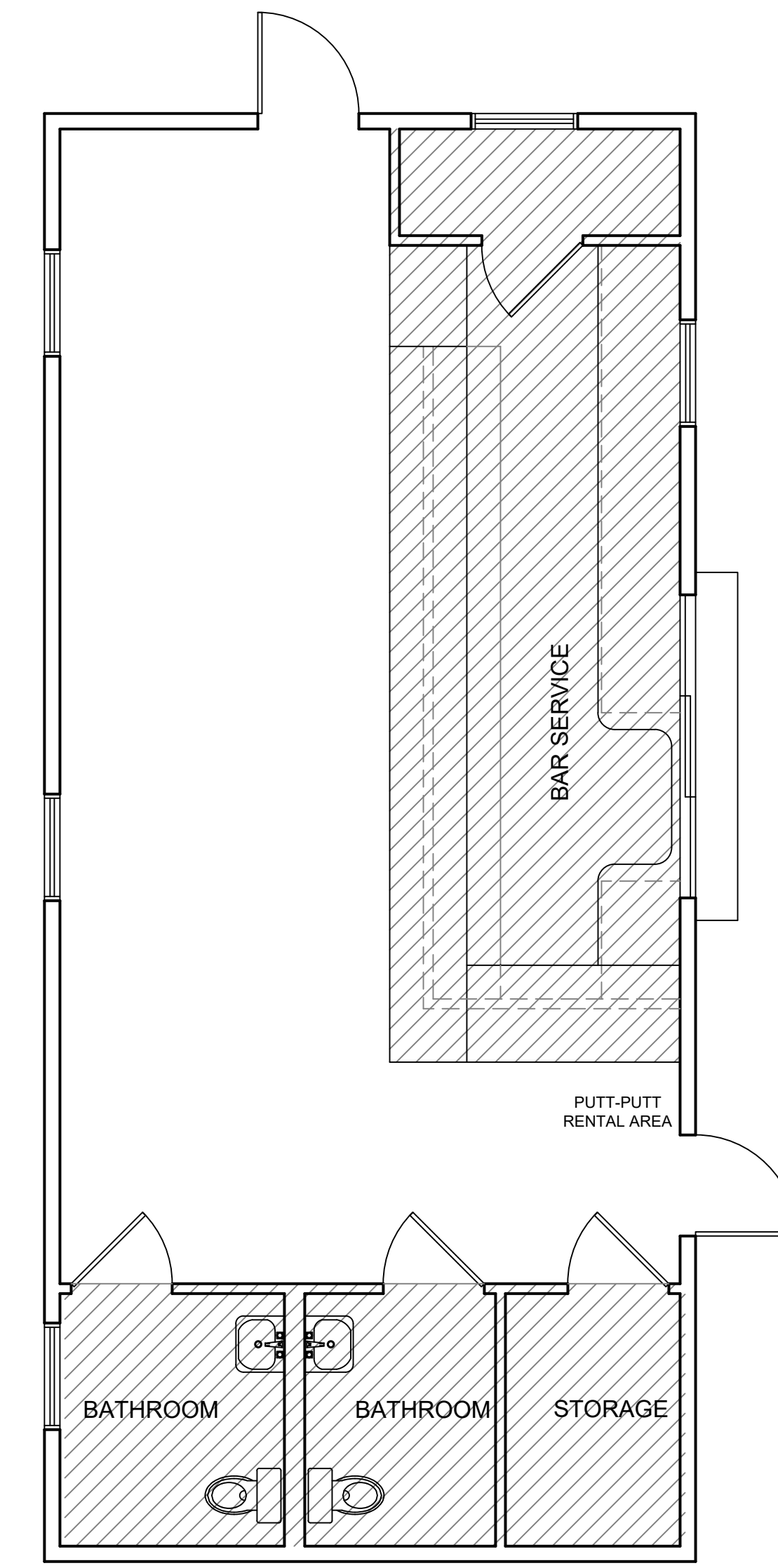
24 X 36



1 EXISTING FLOOR PLAN
A1 SCALE: 1/4" = 1'-0"



2 PROPOSED FLOOR PLAN
A1 SCALE: 1/4" = 1'-0"



3 OCCUPANCY LOAD DIAGRAM
A1 SCALE: 1/4" = 1'-0"

Bar Service:	239 Sq Ft
Bathrooms / Storage:	143 Sq Ft
TOTAL AREA NOT INCLUDED:	382 Sq Ft
TOTAL NET SQ FOOTAGE:	775 Sq Ft
TOTAL AREA NOT INCLUDED:	382 Sq Ft
TOTAL NET AREA FOR OCCUPANCY LOAD:	393 Sq Ft
OCCUPANCY CLASSIFICATION:	Assembly Group A-2
Standing and Chair Seating:	7 Sq Ft per person
TOTAL OCCUPANCY LOAD:	393 Sq Ft / 7 Sq Ft per person
TOTAL OCCUPANCY LOAD:	56 PEOPLE

AARON TRUDO ARCHITECTURE
 505 Wright Street Wilmington, NC 28401 | 919-706-6980

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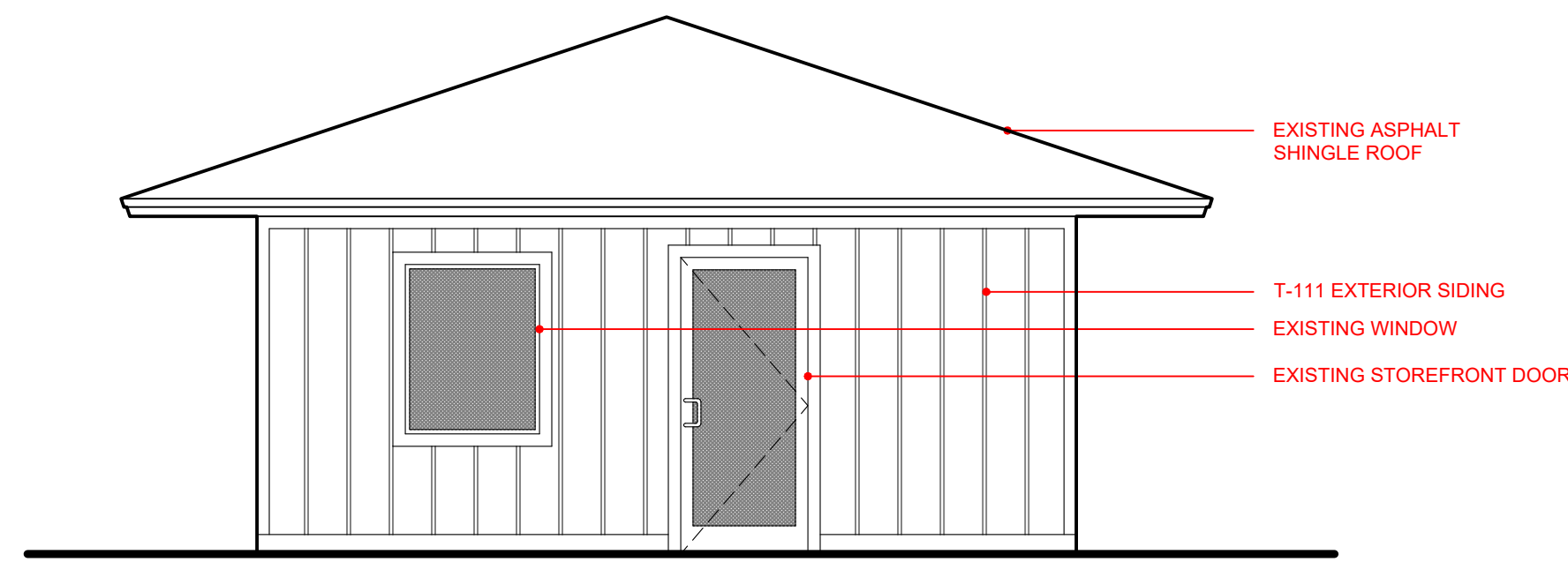
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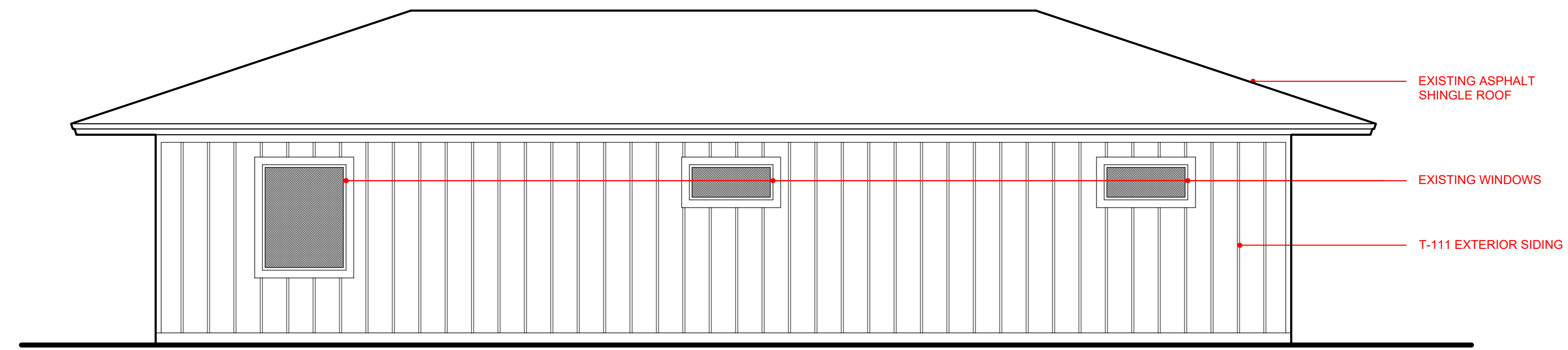
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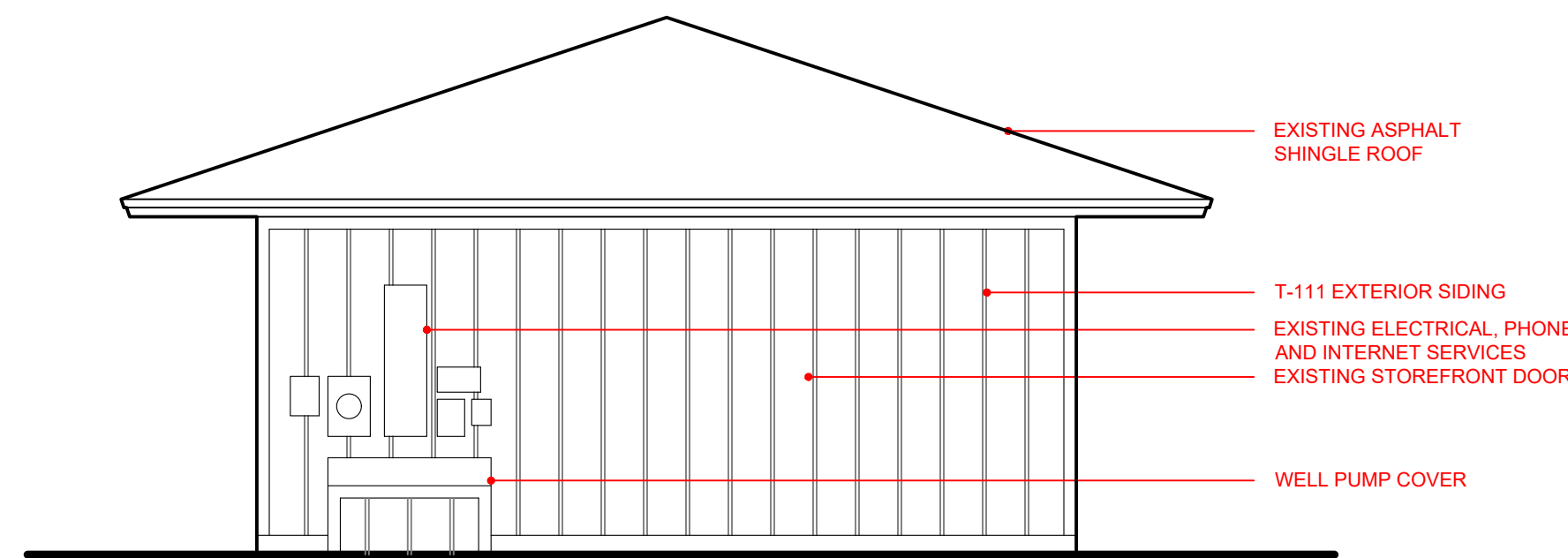
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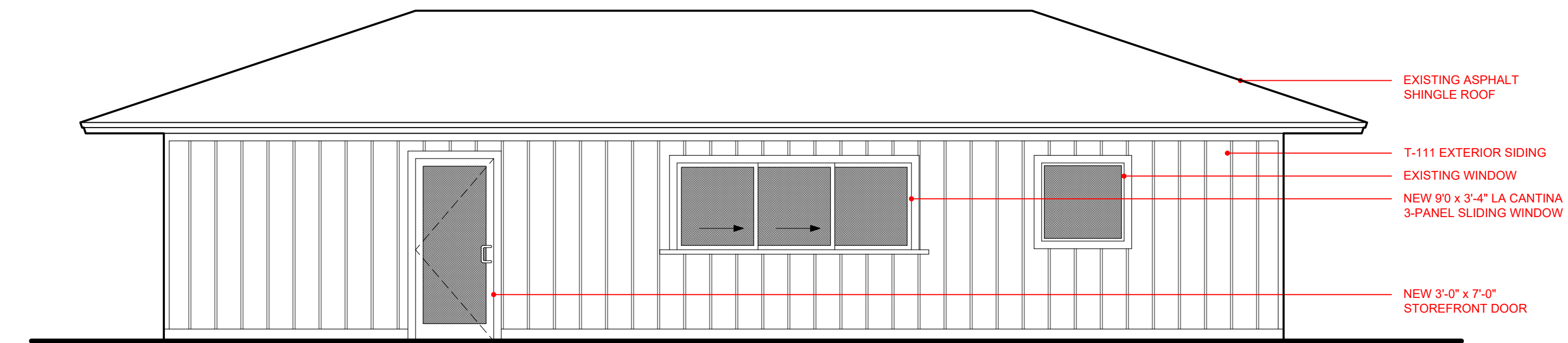
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A2 SCALE: 1/4" = 1'-0"



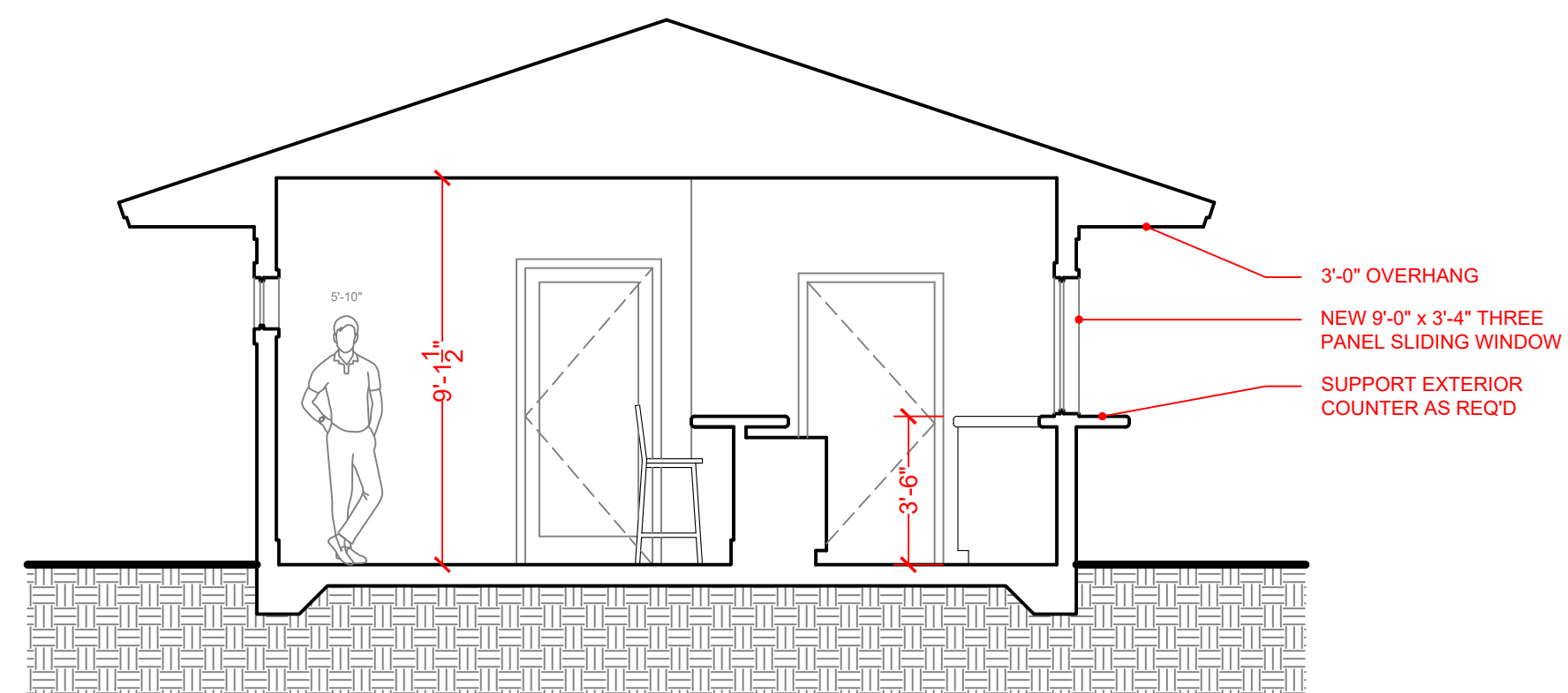
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A2 SCALE: 1/4" = 1'-0"



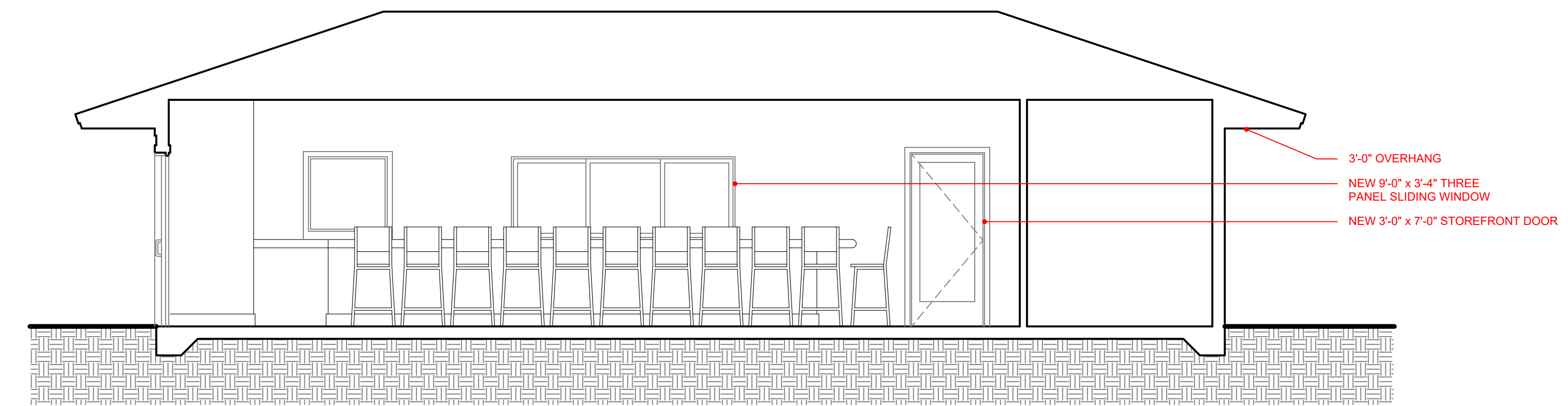
3 REAR ELEVATION
A2 SCALE: 1/4" = 1'-0"



4 LEFT ELEVATION
A2 SCALE: 1/4" = 1'-0"



5 CROSS SECTION
A2 SCALE: 1/4" = 1'-0"



6 LONGITUDINAL SECTION
A2 SCALE: 1/4" = 1'-0"

**AARON TRUDO
ARCHITECTURE**

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A.2

24 X 36

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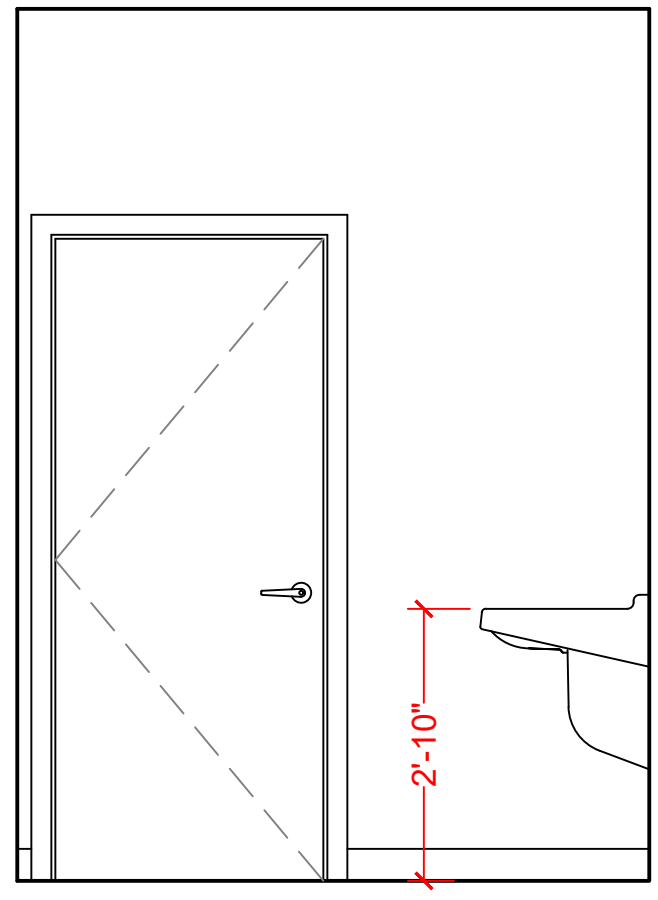
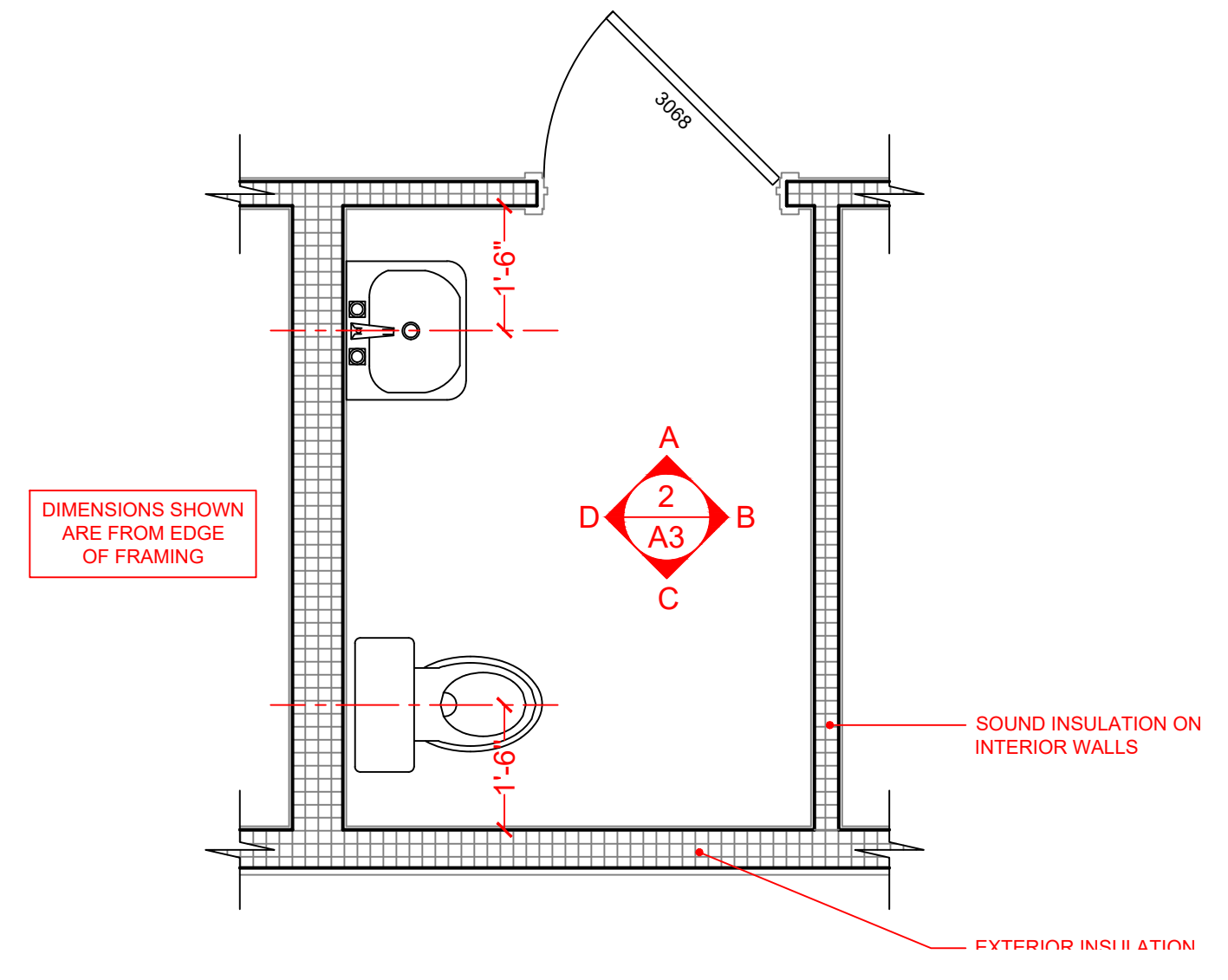
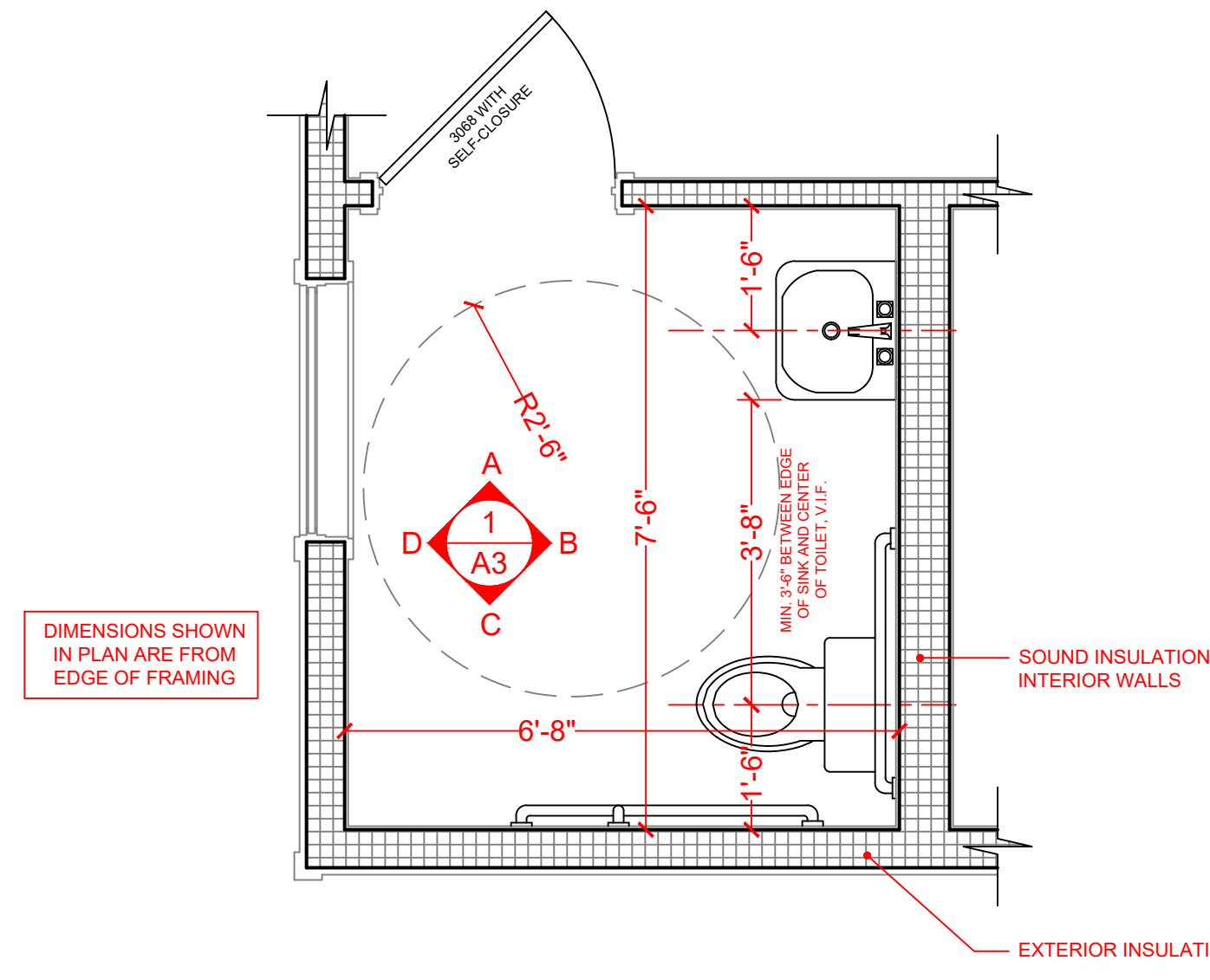
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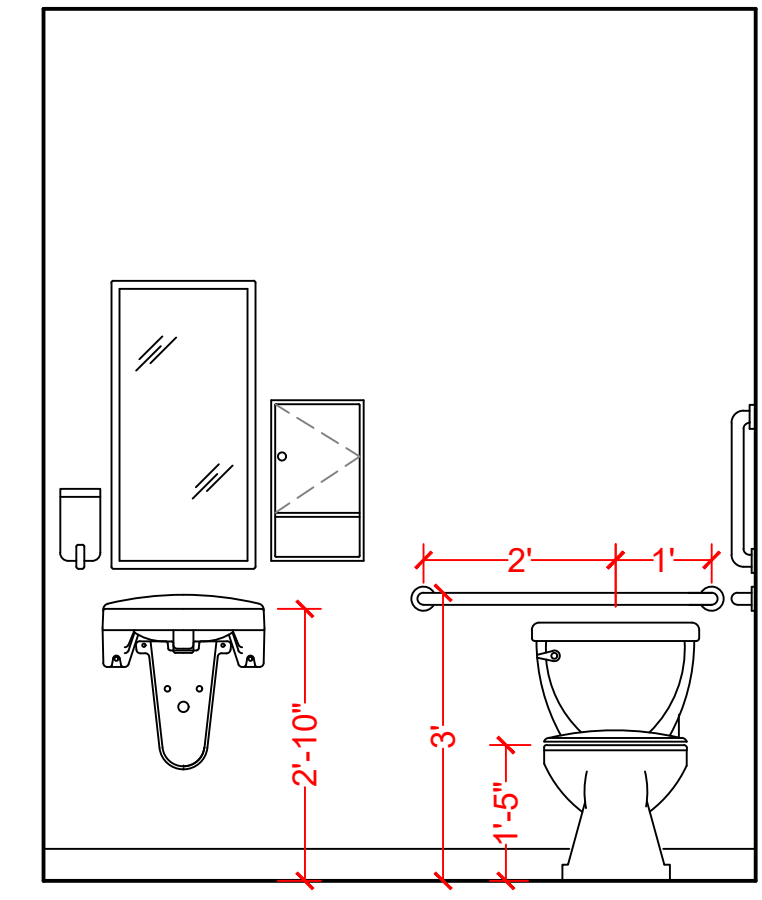
REVISION DATE(S)

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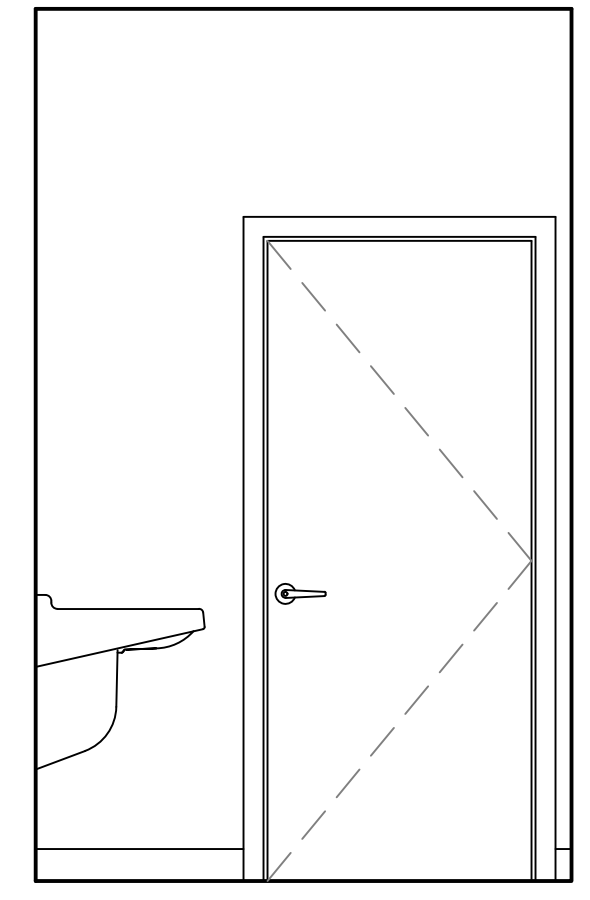
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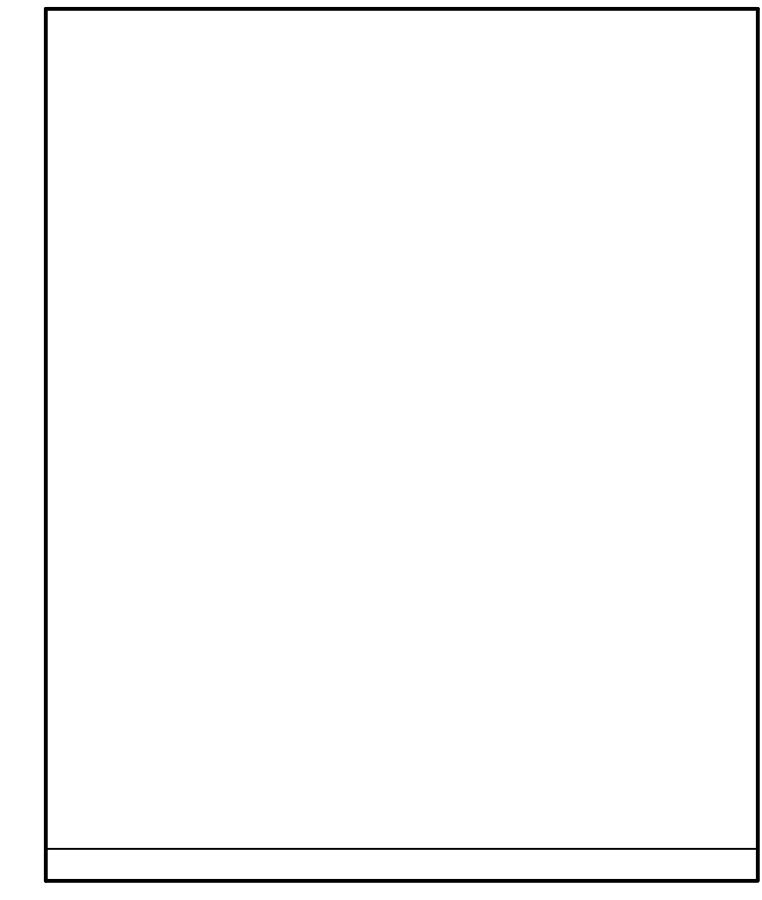
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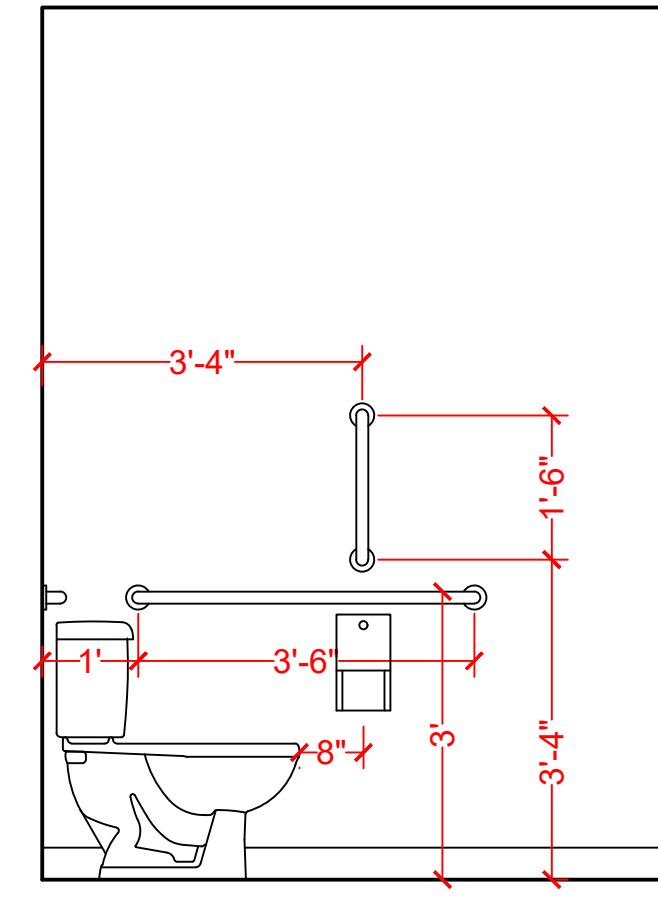
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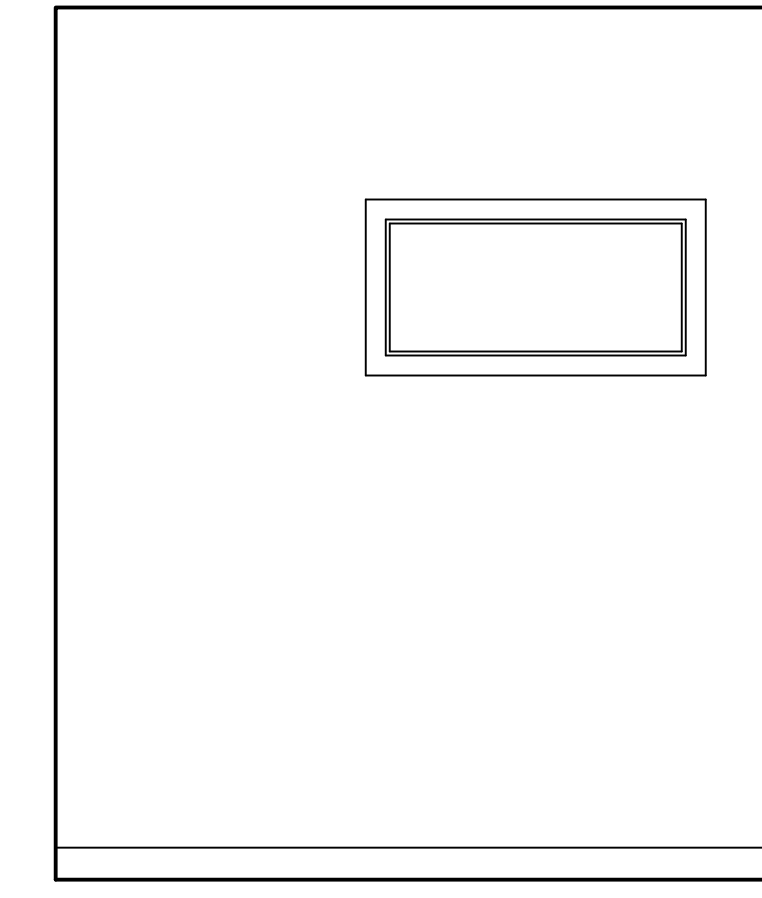
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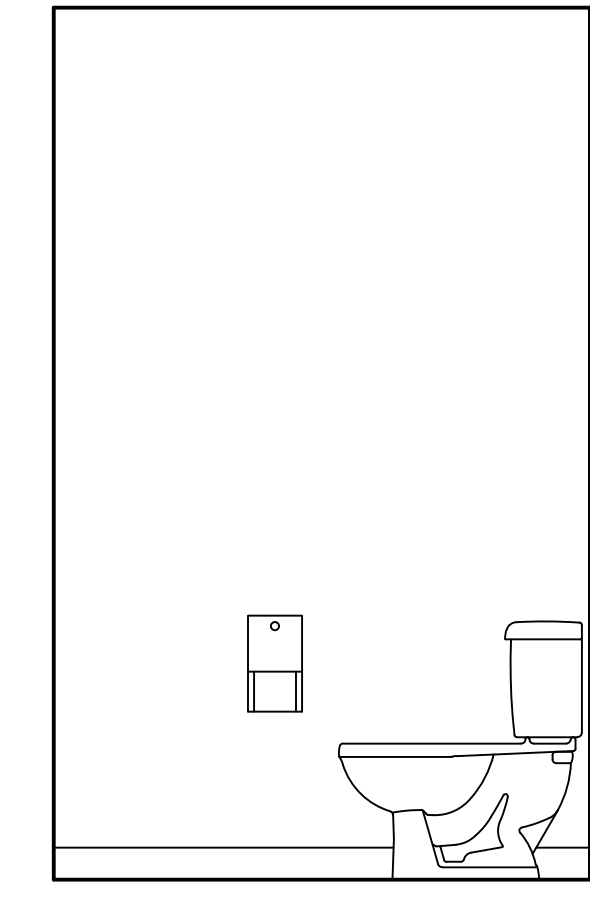
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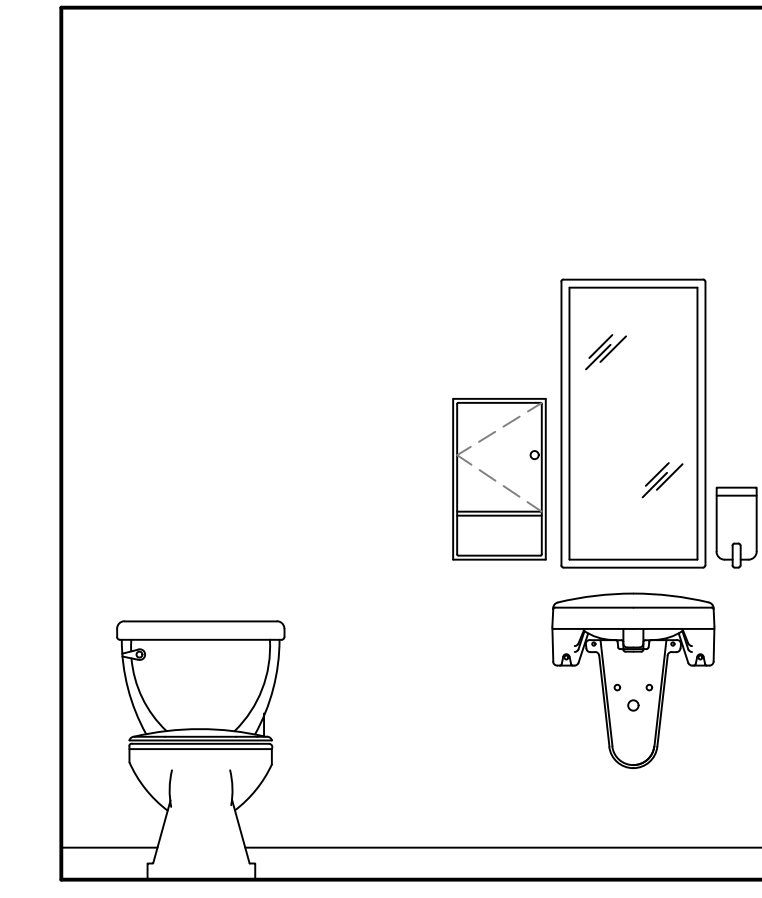
ELEVATION "C"



ELEVATION "D"



ELEVATION "C"



ELEVATION "D"

Certification for Town Council

I, Andrea I. Deopp-Norris, certify that as required in the General Statutes of the State of North Carolina, that all required notification procedures have been met for the following TC Mtg 10.10.23

Meeting Date: October 10, 2023

Project	Address	Applicant	Notices	Sunny-point	Signs	Advertisements
			Date	Date	Date	Date
Conditional Zoning - CZ23-02	to Consider a Bar at 801 Saint Joseph St (HB)	Putter Pub, LLC	9.28.23	Sunny Point 9.28.23	9.1.23	9.28.23 & 10.5.23

TCB = Town of Carolina Beach
 CZ = Conditional Zoning
 ACO = Amend Code of Ordinances

CUP MOD = Conditional Use Permit Modification
 AZO = Amend Zoning Ordinance

Andrea I. Deopp-Norris - 9.28.23

Conditional Zoning District



ORDINANCE NO. 23-1215

Ordinance Amending the Official Zoning Map of the Town to Rezone Property Containing 10,256 square feet of Land Located at 801 Saint Joseph, in the Highway Business District (HB) to Conditional Zoning (CZ) Bar.

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS §§ 160D-102, 160D-108(d), 160D-603, and 160D-702 authorizes local governments to change or modify zoning boundaries within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS § 160D-601 and Article XVII, of the Carolina Beach Land Development Code.

THEREFORE, BE IT ORDAINED:

SECTION 1: The Official Zoning Maps of the Town of Carolina Beach are hereby amended by removing the hereinafter described tract of land from the present HB, Highway Business District and putting it in the Bar Conditional District (CD) classification, said tract being more particularly described as follows:

Legal Description for Conditional Rezoning of 801 Saint Joseph Street

801 SAINT JOSEPH ST
WINNER DIV FEDERAL POINT
PARID: R08819-007-007-000

As more specifically described on Deed Recorded in Book 6328, Page 2797 of the New Hanover County Register of Deeds.

SECTION 2: The following rules, regulations, and conditions shall apply to the property described in this ordinance.

1. The use and development of the subject properties shall be in substantial accordance with the site plan submitted and approved which was prepared by Benjamin F Farrow III, PLS dated 8/30/2023.
2. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the Town of Carolina Beach Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.
4. The use and development of the subject property shall be in substantial accordance with the site plan as submitted and approved.
5. The use and development of the subject property shall meet all requirements for stormwater in accordance with the Town Stormwater Ordinance.
6. The proposed use shall be limited to a bar with accessory putt-putt area.
7. Final project must be designed to provide the required 8 parking spaces and must comply with Article 7 of the Carolina Beach Zoning Ordinance.
8. Outdoor lighting shall be installed as to not disturb neighboring properties.
9. The final project must be constructed to meet the fire code.
10. A Type A landscape buffer shall be provided along the property lines except in the areas waived by Planning and Zoning and Town Council as depicted on the approved site plan.
11. An 8' fence is authorized along the rear property line.
12. Stormwater shall be contained on site for all additional impervious surfaces.
13. Concrete aprons shall be provided for the entrance and exit.
14. A 20' drive aisle shall be provided and designated with one-way signage.
15. Drainage plan shall be submitted and approved prior to building permit issuance.
16. The building is within an AE11 flood zone, renovations exceeding 49 percent shall meet FEMA requirements.
17. Prior to the issuance of a building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations / Stormwater / Public Works, and Fire.
18. Approval of this site-specific vesting plan establishes a vested right under G.S. 160D-108. Unless terminated at an earlier date, the vested right shall be valid until 10/10/24.

SECTION 3: The Town Clerk and the Planning Director are hereby authorized and directed under the supervision of the Town Manager to change the Zoning Maps on file in the office of the Town Clerk and the Planning Division, to conform with this ordinance.

SECTION 4: That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in ARTICLE XV of the Land Development Code.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7: That this ordinance shall be effective upon its adoption by Town Council, and the Town’s receipt of written acceptance by the Applicant of all conditions adopted by the Town.

Adopted this 10th day of October 2023.

Applicant Signature: _____ Date: _____

Applicant Printed Name: _____ Date: _____

Property Owner Signature: _____ Date: _____

Property owner Printed Name: _____ Date: _____

Property Owner Signature: _____ Date: _____

Property Owner Printed Name: _____ Date: _____

Lynn Barbee, Mayor

Attest: _____

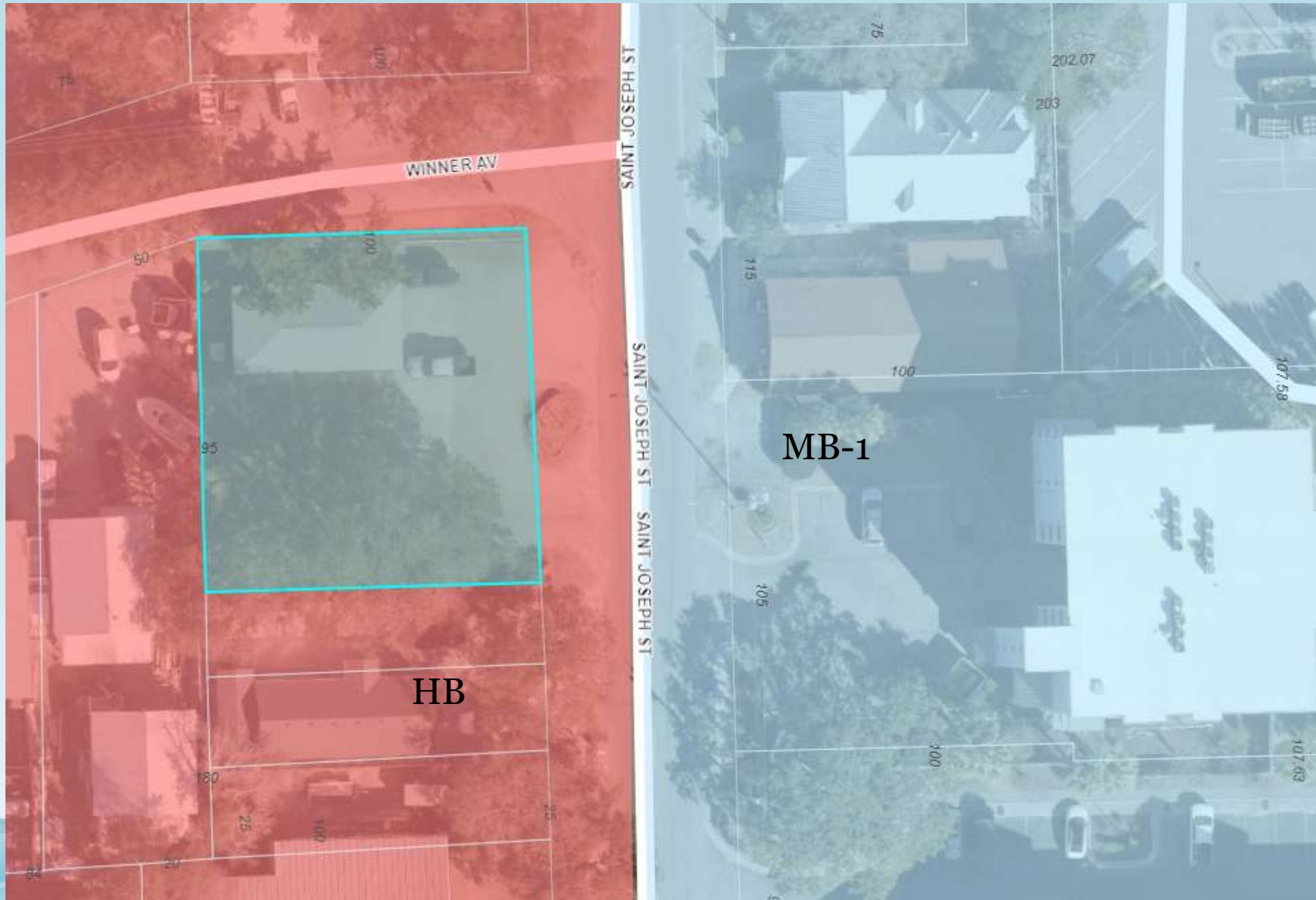
Kimberlee Ward, Town Clerk



Conditional Zoning to consider a bar at 801 Saint Joseph Street in the HB District

Applicant: Putter Pub

801 Saint Joseph Street



Previous use:
locksmith/t shirt
shop/vet office

HB:

Accommodates
businesses oriented
toward the motoring
public, district serves
the entire community
and beyond

PROPOSAL

Renovate the existing building for use of a bar with accessory putt-putt outdoor area

Change of use from office to bar requires conditional zoning



Surrounding uses



712 St Joseph



713 St Joseph



800 St Joseph



102 Winner



103 Winner

Ordinance

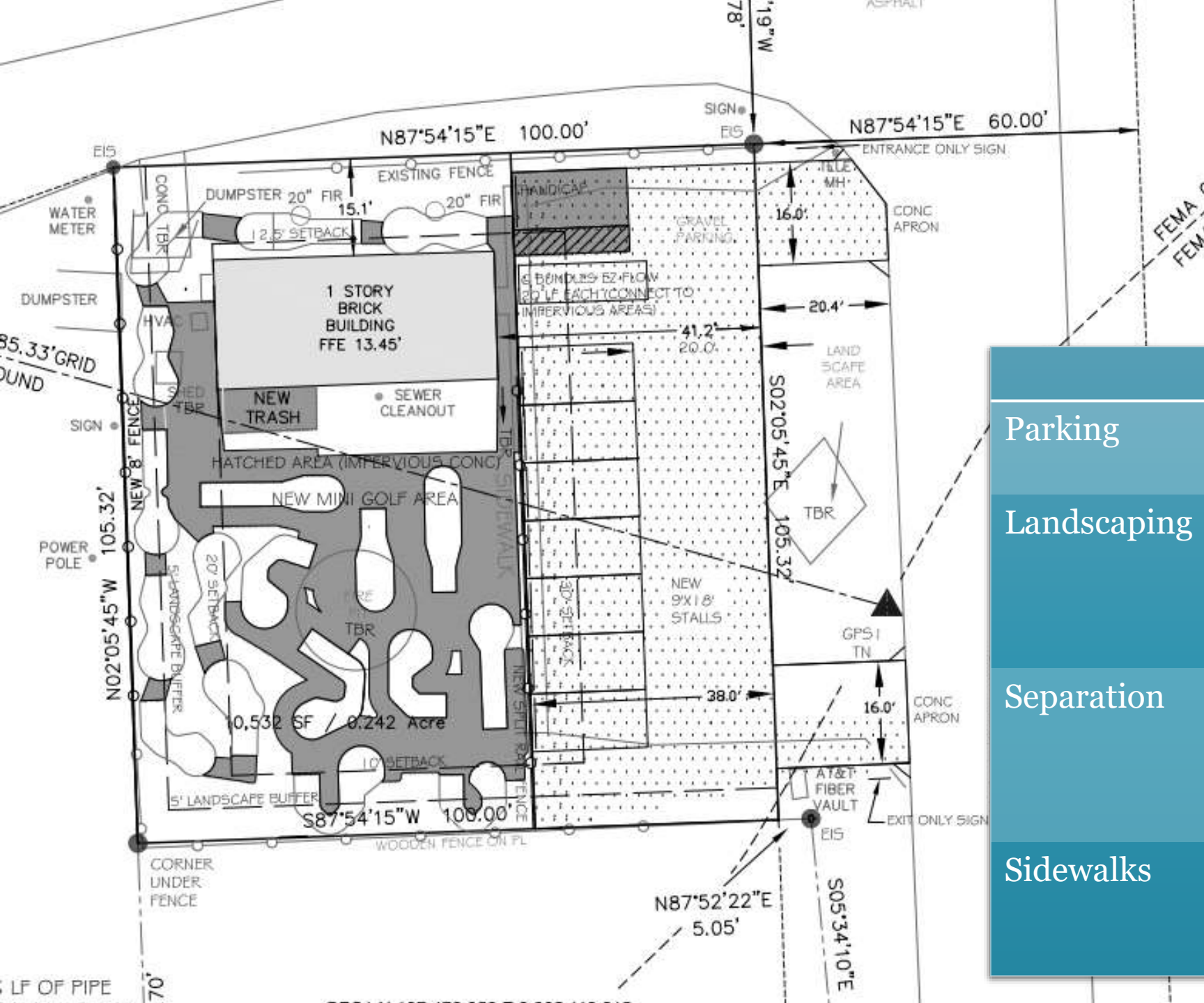
Sec. 40-72. – Table of Permissible Uses

Uses of Land	HB
BARS AND TAVERNS	CZ

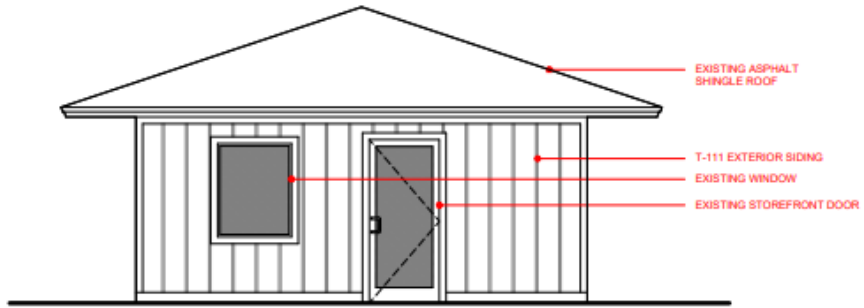
Sec. 40-261. – Development standards for particular uses.

(3) Standards for bars/taverns:

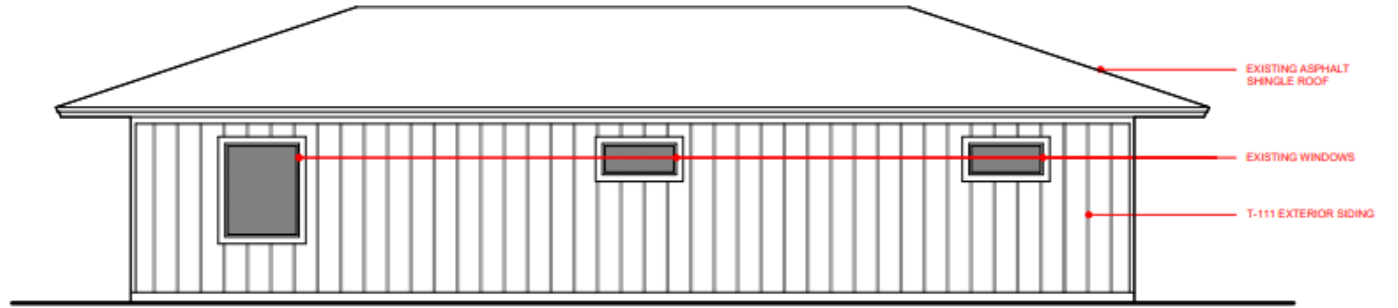
- a. Bars/taverns which because of their nature may have serious adverse secondary impacts and are therefore required to meet the minimum separation requirements of subsection (l)(3)b of this section.
- b. No new bars/taverns shall be permitted within:
 - 1. 200 feet of an established church or school;
 - 2. 200 feet of any residential district.



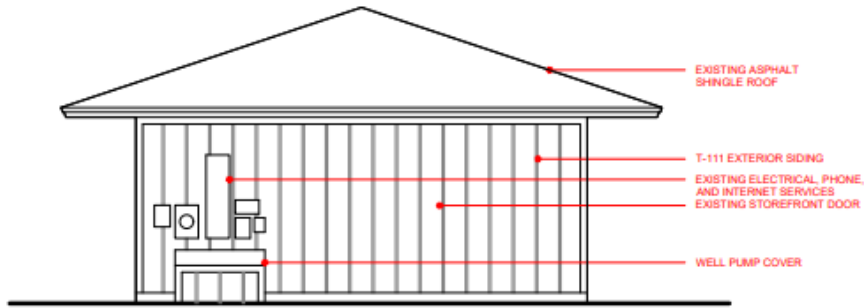
	Requirement	Proposed
Parking	1 per 110 sf – 8 spaces	8 spaces
Landscaping	Type A	Waiver requested around putt-putt area
Separation	200' from school, church, residential districts	Meets
Sidewalks		8' MUP adjacent to prop proposed



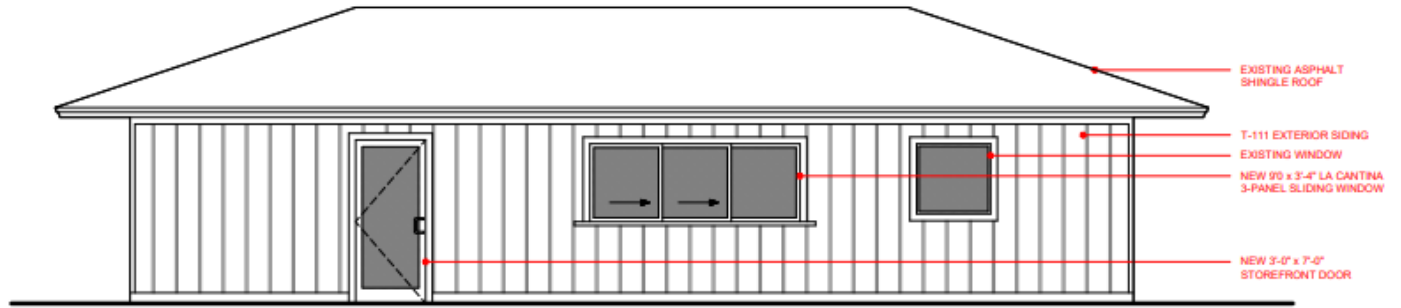
1 FRONT ELEVATION
A2 SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION
A2 SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
A2 SCALE: 1/4" = 1'-0"



4 LEFT ELEVATION
A2 SCALE: 1/4" = 1'-0"

Conditional Zoning Process

- Public meeting – May 23, 2023
- 19 people attended
- Concerns:
 - Hours of operation
 - Live music
 - Lighting
 - Seating
 - Parking

Criteria

- When evaluating the Commission shall consider:
 - Consistency with general polices and objectives of the CAMA Land Use Plan, any other adopted plans, and the Zoning Ordinance
 - Potential impacts/benefits on surrounding area and adjoining properties
 - Report of results from public input meeting

Conditions

1. Limited to indoor bar with accessory putt-putt outdoor area
2. Shall comply with all federal, state, or local law, ordinance or regulations
3. Type A Landscape Buffer shall be provided and delineated along the perimeter of the property except in areas waived by P&Z
4. 20' drive aisle shall be designated and marked as one-way with signage
5. Outdoor lighting shall be installed not to disturb neighboring properties
6. Drainage plan required prior to building permit issuance
7. Building is within AE11 flood zone, renovations exceeding 49 percent shall meet FEMA requirements

P&Z may include additional conditions (i.e. landscaping, design guidelines, buffers, infrastructure improvements, pedestrian, street and ROW improvements)

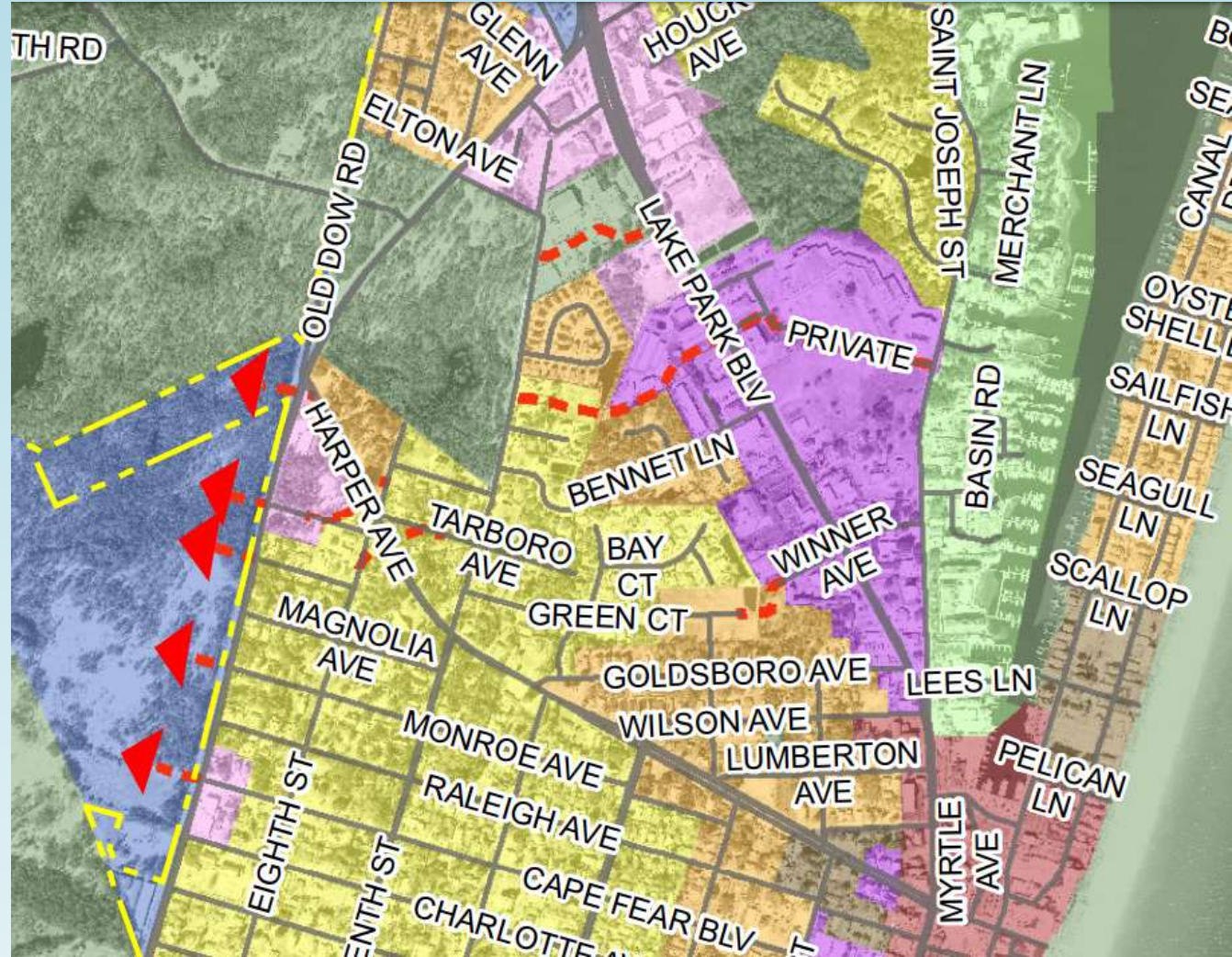
Land Use Plan Consistency

General conformity by promoting a healthy year-round economy and redevelopment. Conformity with Mixed Use Commercial FLUM Character Area.

Staff recommends approval.

Mixed Use Commercial

Higher density area with a mix of uses, within the district and individual buildings. Residential uses allowed only on upper stories; ground floor encouraged to be active. 4-5 story structures possible, unless adjacent to low or medium density residential. Attractive street facades.



Motion

Approval: The Commission, 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 bar at 801 Saint Joseph Street 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.

- Approval – landscape waiver

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 area.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner **DEPARTMENT:** Planning & Development

MEETING: Town Council October 10th, 2023

SUBJECT: **Text amendment** to amend Chapter 12, Sec. 12-7. Planting and protection of trees.

Applicant: Town of Carolina Beach

BACKGROUND:

In 2022 the Town Council directed staff to compile the necessary information to apply for Tree City USA accreditation. The Town of Carolina Beach's 2022 application for Tree City USA accreditation was rejected on the grounds that the current tree related ordinance did not specifically address protection of public trees to meet the requirements of Tree City USA.

The requirements to receive Tree City USA accreditation are to maintain a tree board, have a public tree ordinance, spend \$2 per capita on urban forestry, and celebrate arbor day.

Tree City USA is a program hosted by the Arbor Day Foundation. The program started in 1976 to celebrate communities that were committed to growing and preserving their urban canopy.

The text amendment has been reviewed by both the Technical Review Committee and the Beautification Committee. Any comments or concerns have been reflected in the final draft of the ordinance.

Proposal:

The text amendment consists of delegating tree board authority to the beautification committee, establishing clear guidelines for public tree maintenance, and setting the penalty for harming public trees as a misdemeanor with a \$500 fine. Strengthening the town's tree related ordinance to specifically address public trees and officially delegating tree board authority to the beautification committee addresses the concerns from last year's application.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

Staff recommends approval of the text amendment as proposed.

MOTION:

Approval – to amend Chapter 12, Sec. 12-7. Planting and protection of trees.

Denial – to amend Chapter 12, Sec. 12-7. Planting and protection of trees.

Ordinance 23-1214

Town of Carolina Beach
Town Council



AN ORDINANCE FOR PLANTING AND PROTECTION OF TREES

Sec. 12-7. - Planting and protection of trees.

~~Citizens may plant trees in front of their lots and around their lots on the sidewalks under the supervision of the Director of Public Works or his designee, provided they shall not plant any trees that are prohibited by law. No trees shall be planted in the streets or gutters. No person shall cut or damage any tree upon the sidewalks of the town without the permission of the Director of Public Works or his designee nor shall dig up or injure any tree nor shall tack or post any advertisement upon the trees of the town.~~

- (a) Purpose; To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Town Council herein delegates the authority and responsibility for managing public trees, delegates tree advisory board duties, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.
- (b) Definitions; As used in this Article, the following words and phrases shall have the meanings indicated:
- Damage means any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.
- Nuisance means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.
- Parkway means the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.
- Public property means all grounds and rights-of-way (ROWs) owned or maintained by the town.
- Public tree means any tree or woody vegetation on town-owned or town-maintained property or rights-of-way.
- Top or Topping means the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Ordinance 23-1214

Town of Carolina Beach
Town Council

(c) Authority and power;

- (1) Delegation of authority and responsibility. The Town Manager and/or their designee, hereinafter referred to as the "Manager", shall have full authority to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, town parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (2) Coordination among Town departments. All town departments will coordinate as necessary with the Manager and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Manager.
- (3) Interference. No person shall hinder, prevent, delay, or interfere with the Manager or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

(d) Tree Advisory Board; The Town Council hereby delegates the duties of "Tree Advisory Board" to the standing Beautification Committee,

(1) Duties. The Tree Advisory Board shall act in an advisory capacity to the Manager and shall:

- (i) Coordinate and promote Arbor Day activities;
- (ii) Support public awareness and education programs relating to trees;
- (iii) Review town department concerns relating to tree care;
- (iv) Submit an annual report of its activities to the town council;
- (v) Assist with the annual application to renew the Tree City USA designation;
- (vi) Recommend a list of tree species for planting on town property, and a list of prohibited species; and
- (vii) Other duties that may be assigned by Town Council.

(e) Tree planting and care standards;

- (1) Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations".
- (2) Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (3) Preferred species list. The Manager shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Manager.
- (4) Planting distances. No tree may be planted within sight distance triangle of a street intersection or within 10 feet of a fire hydrant.
- (5) Planting trees under electric utility lines. Only trees listed as Ornamental trees on the official town tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

Ordinance 23-1214

Town of Carolina Beach
Town Council

(f) Prohibition against harming public trees;

- (1) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Manager.
- (2) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (3) It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Manager.
- (4) Each violation of this section as determined and notified by the Manager shall constitute a separate violation, punishable by fines and penalties under Section (h), in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

(g) Adjacent owner responsibility;

- (1) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of traffic signs or drivers, thereby creating a hazard or nuisance. If an obstruction persists, the Manager shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner

(h) Violations and penalty;

- (1) Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine per the Town Rates and Fee Schedule for each offense.

(i) Appeals;

- (1) Appeals to decisions by the Manager, or to penalties imposed after violations of this ordinance, shall be heard by Town Council.

(j) Savings and repeal;

- (1) All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

(k) Severability;

- (1) Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

Ordinance 23-1214

Town of Carolina Beach
Town Council

RATES AND FEES SCHEDULE

Town Ordinance Violation Fines: [Damage or removal of trees on town maintained property - \\$500](#)

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 10th day of October, 2023.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk