

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, December 12, 2023 – 6:00 PM

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



AGENDA

CALL TO ORDER

INVOCATION GIVEN BY JEN NAU WITH LIFEPOINT CHURCH CB, FOLLOWED BY THE PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

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 (CBD). 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 & R-1B District. Applicant: CBYC, LLC
- [4.](#) Approve 2024 Town Council Meeting Schedule
- [5.](#) Request Approval to Submit ROT Reimbursement Request
- [6.](#) Approval of Council Meeting Minutes

ADMINISTRATION OF OATHS OF OFFICE

- [7.](#) Council Member Jay Healy, administered by Representative Charles W. Miller
- [8.](#) Council Member Debra LeCompte, administered by Representative Charles W. Miller
- [9.](#) Mayor Lynn Barbee, administered by Representative Charles W. Miller

COUNCIL IS SEATED AT THE DAIS

ITEMS OF BUSINESS

- [10.](#) Appointment of Mayor Pro-Tem

11. Committee Appointments

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.

COUNCIL COMMENTS

ADJOURNMENT - RECEPTION FOLLOWING IN THE ATRIUM



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council –12/12/2023

SUBJECT: Budget Amendments and Transfers

BACKGROUND:

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

Appropriations:

Appropriate \$39,900 Fire House Subs Grant to expense account 10-530-074 Fire Capital over \$10,000 for the purchase of rescue tools for the new Fire Apparatus.

Appropriate \$300.00 Police donation to account 10-510-014 Police Travel & Training to offset cost of the department's annual Christmas dinner.

Transfers:

Transfer \$50.00 from account 10-420-059 Executive Longevity Pay to account 10-550-059 Marina Longevity Pay to cover line-item shortage.

Transfer \$550.00 from account 10-510-003 Police Overtime Pay to account 10-510-059 Police Longevity Pay to cover line-item shortage.

Transfer \$1,829.82 from account 10-450-006 HR Medical Insurance to account 10-450-009 HR Workman's Compensation to cover additional cost of insurance premium.

Transfer \$200.00 from account 30-811-003 WWC Overtime Pay to account 30-811-059 WWC Longevity Pay to cover line-item shortage.

Transfer \$15,000 from account 30-811-019 WWC M&O Streets and \$15,000 from account 30-812-029 Water M&O Streets to account 30-810-050 WWTP Rental to cover the cost of leasing a new office trailer for the WWTP and removal of the old trailer.

BUDGET IMPACT:

Amendment will not impact the general fund budget.

ACTION REQUESTED:

Approve the budget amendments as presented by the Finance Director.

From: Cate Freeman <cate.freeman@carolinabeach.org>
Sent: Thursday, November 16, 2023 3:16 PM
To: Debbie Hall <debbie.hall@carolinabeach.org>
Subject: RE: ACH Remittance

Hey Debbie,

Thank you for the update. That is great news. Chief would like for it to come from the 074 account because that is where the Rescue Tools are budgeted.

Please let me know if you need anything else from me.

Thank you!

Cate Freeman
Administrative Assistant

From: Debbie Hall <debbie.hall@carolinabeach.org>
Sent: Thursday, November 16, 2023 1:41 PM
To: Cate Freeman <cate.freeman@carolinabeach.org>
Cc: Alan Griffin <alan.griffin@carolinabeach.org>
Subject: RE: ACH Remittance

Hi Cate,

The Fire House ACH posted. I've attached a copy of the bank posting detail for your records. I'll receipt this to revenue line-item 10-350-100 Fire House Subs Grant. We'll have to appropriate it to an expense line-item at the December Council meeting. **What expense account does Alan want to use for the equipment purchase?**

You can go ahead and order the equipment since we have the funds.

Regards,

Debbie Hall, Finance Director
Town of Carolina Beach
1121 N Lake Park Blvd
Carolina Beach NC 28428
(910) 458-5495
(910) 458-2997 Fax
debbie.hall@carolinabeach.org

Notice: Email correspondence to and from this address is subject to NC Public Records Law and is considered public information.

FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION, INC.

Check: E000004481 11/14/2023 Vendor: TOWCARO TOWN OF CAROLINA BEACH OBO CAROLINA BEACH

Date	Invoice Number	Comment	Amount	Discount Amount	Net Amount
11/2/2023	GRANT AWARD	CAROLINA BEACH FIRE DEPARTMENT	39,900.00	0.00	39,900.00
Totals:			39,900.00	0.00	39,900.00



CAROLINA BEACH POLICE DEPARTMENT

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



Item 1.

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

FROM: Chief C.V. Ward *C.V. Ward*

DATE: December 5, 2023

RE: Budget Transfer Request

On November 17, 2023, a donation to CBPD for \$300 was deposited into the general fund, 10-335-000. I would like to request that \$300.00 be transferred from the general fund to 10-510-014 to offset the cost of the department's annual Christmas dinner.

\$300.00

From 10-335-000 Miscellaneous Revenue

To 10-510-014 Travel & Training

Thank you for your consideration.

Fund Or Attrib	Type	Dept Desc	Disp Acct	Budget	Enc Amt	YTD	Variance
Fund Or Attrib: 10 General Fund							
Type: Expenses							
10 General Fund	Expenses	HUMAN RESOURCES	10-450-009 Workmans Compensatio	\$1,964.00	\$1,829.82	\$1,964.00	(\$1,829.82)
10 General Fund	Expenses	Police	10-510-059 Longevity Pay Plan	\$6,000.00	\$0.00	\$6,550.00	(\$550.00)
10 General Fund	Expenses	Marina	10-550-059 Longevity Pay Plan	\$100.00	\$0.00	\$150.00	(\$50.00)
				\$8,064.00	\$1,829.82	\$8,664.00	(\$2,429.82)
				\$8,064.00	\$1,829.82	\$8,664.00	(\$2,429.82)
Fund Or Attrib: 30 Utilities Fund							
Type: Expenses							
30 Utilities Fund	Expenses	Wastewater Collection	30-811-059 Longevity Pay Plan	\$2,800.00	\$0.00	\$3,000.00	(\$200.00)
				\$2,800.00	\$0.00	\$3,000.00	(\$200.00)
				\$2,800.00	\$0.00	\$3,000.00	(\$200.00)

Lynn Barbee
Mayor

Joe Benson
Council Member

Deb LeCompte
Council Member



Jay Healy
Mayor Pro Tem

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

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

BUDGET TRANSFER REQUEST

To: Debbie Hall, Finance Director

From: Mark Meyer, Public Utilities Director

Re: Budget transfer

Date: Dec 5th, 2023

Budget transfer amount: \$ 30,000

From: 30-811-019 (REPAIR AND MAINT STREETS) 15,000

30-812-019 (REPAIR AND MAINT STREETS) 15,000

To: 30-810-050 (WWTP RENTAL OF PROPERTY)

Explanation: For Lease of new trailer office for the WWTP and cost for removal of old trailer and placement of new trailer and connection of power and communications.

Mark Meyer

Director of Public Utilities, Town of Carolina Beach



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council December 12th, 2023

SUBJECT: Set a public hearing for January 9th, 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 (CBD).

Applicant: Kindred Carolina Beach, LLC

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda.

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

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

MEETING: Town Council December 12th, 2023

SUBJECT: 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 & R-1B District. Applicant: CBYC, LLC

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda.

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 12/12/2023

SUBJECT: Approve 2024 Town Council Meeting Schedule

BACKGROUND:

Each year, the Town Council is required to adopt a regular meeting schedule.

ACTION REQUESTED:

Council will review the recommended calendar of meetings and consider adopting the schedule.

RECOMMENDED MOTION:

Approve the 2024 Town Council meeting schedule with the consent agenda.

2024 Town of Carolina Beach Standing Committees
Regular Scheduled Meetings
1121 N Lake Park Blvd. Carolina Beach, NC 28428

EVENT	TIME	PLACE	DAY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Council and Committee Meetings															
Beautification Committee	6:00 p.m.	Multi-purpose room	1st Wed	3	7	6	3	1	5	3	7	4	2	6	4
Bike/Pedestrian Planning Committee	6:00 p.m.	Confrence Room	3rd Mon	16	20	18	15	20	17	15	19	16	21	18	N/A
Board of Adjustment (as needed)	6:00 p.m.	Council Chambers	3rd Mon	15	19	18	15	20	17	15	19	16	21	18	16
Centennial Committee	6:00 p.m.	Multi-purpose room	3rd Wed	17	21	20	17	15	19	17	21	18	16	20	18
Marketing Advisory Committee	2:30 p.m.	Council Chambers	4th Tue	23	N/A	26	23	N/A	N/A	N/A	27	N/A	N/A	N/A	N/A
Operations Advisory	10:00 a.m.	Confrence Room	2nd Mon	8	12	11	8	13	10	N/A	12	9	14	12	9
Parks and Recreation	7:00 p.m.	Recreation Center	1st Mon	2	5	4	1	6	3	1	5	3	7	4	2
Planning & Zoning	6:00 p.m.	Council Chambers	2nd Thu	11	8	14	11	9	13	11	8	12	10	14	12
Police Advocacy	6:00 p.m.	Multi-purpose room	1st Mon	8	5	4	1	6	3	1	6 NNO	9	7	4	2
Unified Development Ordinance Committee	4:00 p.m.	Council Chambers	3rd Wed	17	21	20	17	15	19	17	21	18	16	20	18
Town Council - Regular Meeting	6:00 p.m.	Council Chambers	2nd Tue	9	14	12	9	14	11	9	13	10	8	12	10
Town Council - Workshop	9:00 a.m.	Council Chambers	4th Tue	23	27	26	23	28	25	23	27	24	22	26	N/A
Town Council - Budget Open House	4:00 p.m.	Council Chambers		16											
Town Council - Budget Workshop	9:00 a.m.	Ft. Fisher Air Force Base		25											
Town Council - Budget Workshop	9:00 a.m.	Ft. Fisher Air Force Base		26											



AGENDA ITEM COVERSHEET

PREPARED BY: Sheila Nicholson

DEPARTMENT: Executive

MEETING: Town Council 12/12/2023

SUBJECT: Request Approval to Submit ROT Reimbursement Request

BACKGROUND:

The Town would like to request a reimbursement of \$785,750.60 from the Room Occupancy Tax fund.

ACTION:

Approve under the Consent Agenda

Lynn Barbee
Mayor

Joe Benson
Council Member

Deb LeCompte
Council Member



Jay Item 5.
Mayor Pro Tem

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

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

TO: New Hanover County Tourism Development Authority

FROM: Bruce Oakley, Town Manager, Carolina Beach

The Town of Carolina Beach respectfully requests ROT funds for reimbursement in the amount of **\$785,750.60** for the following:

Hamlet Ave. Public Bathroom Building-\$ 72,805.53

Construction of public restroom facility at Hamlet Ave. public beach access; used by visitors/tourists while at Carolina Beach; also serves as Ocean Rescue office and storage facilities; 11/22/23 payment.

Ocean Rescue/Lifeguard Expenses-\$ 535,476.63

Salaries, expenses, and benefits related to ocean rescue/lifeguard staff 11/1/22-10/31/23

Parks and Recreation Events-\$ 159,968.44

Events held by P&R to promote travel and tourism to Carolina Beach. Examples include weekly fireworks displays, band performances, Sunday night movies, family nights at boardwalk (face painters, bands, other entertainment), Christmas by the Sea, and other; 11/1/22-10/31/23

PI Chamber of Commerce Events-\$ 17,500.00

Events held by Pleasure Island Chamber of Commerce to promote travel and tourism to Carolina Beach. Examples include Beach Music Festival, Kite Festival, and other ROT eligible activities; 7/1/22-6/30/23



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 12/12/2023

SUBJECT: Approval of Council Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from 10/10, 10/24, 11/14, and 11/28.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 10, 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 Council Member LeCompte 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

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

Mayor Barbee said a closed session was added to the original 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. Proclamation to Recognize Arbor Day
2. Approval of Council Meeting Minutes

Council Member LeCompte pointed out that the consent agenda includes a proclamation to recognize Arbor Day, which is a requirement of the Tree City USA accreditation initiative.

ACTION: Motion to adopt 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

SPECIAL PRESENTATIONS

3. Events Update by Tim Murphy

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

- 4th Annual Beachin' Car Show – October 14 at Lake Park
- Pleasure Island Surf Fishing Challenge – October 20-22
- CB Skatefest – October 21 at Skate Park
- Beach Cleanup – October 22 at Carolina Beach Pier
- Annual BBQ Fundraiser – October 28 at the Fire Department
- Halloween Golf Cart Rally – October 28 beginning at Publix and ending at the Boardwalk
- Kite Festival – November 3-5 at Boardwalk beach strand (night event) and Fort Fisher State Recreation Area
- Neon Bike Brigade – November 11 beginning at Lake Park
- Police Department Bike Rodeo – November 12 at Recreation Center
- Movie at the Lake (Jaws) – October 13 at Lake Park
- Halloween Carnival – October 27 at Mike Chappell Park
- Christmas by the Sea Kickoff – November 25 at the Gazebo

Council Member LeCompte said volunteers are needed for the Bike Rodeo, and people may sign up on the Police Department's Facebook page. Mr. Murphy said they may also call the Recreation Center.

4. Presentation by the Wilmington Urban Area Metropolitan Planning Organization

Mike Kozlosky, Executive Director of the Wilmington Urban Area Metropolitan Planning Organization (WMPO), presented the organization's annual report for fiscal year 22-23. He gave an overview and reviewed the board and agency responsibilities. The report covered the following:

- Organizational assessment
- Long-range planning efforts
- 2050 Metropolitan Transportation Plan development
- Board highlights
- Transportation Demand Management program
- Office update – renovation of 525 North 4th Street
- Technical services

WMPO Deputy Director Abby Lorenzo presented details about the 2050 Metropolitan Transportation Plan, including the following:

- Overview
- Requirements
- Plan and project implementation
- Plan development
- Citizen advisory committee and technical steering committee meetings

- Public outreach
- Survey
- Website for more information and resources: www.wmpo.org

5. Firehouse Subs Public Safety Foundation Grant Award

Fire Chief Alan Griffin reported that the Fire Department applied for and was awarded a \$39,900 Firehouse Subs Public Safety Foundation grant, which will be used to purchase extrication tools for the new rescue truck.

6. Manager's Update

Mr. Parvin gave an update on various projects:

- Brandy Myers Playground – Equipment is expected on site next month.
- 2025 Lake Park Boulevard paving – Staff will meet with N.C. Department of Transportation (DOT) engineers this Friday.
- Sidewalks from Lake Park to Carolina Sands – DOT is preparing a design to present to the Town by mid-November.
- Ocean Boulevard sidewalk – DOT sent another list of questions, and staff and the engineer have responded.
- Skate Park – A contract was signed today for the expansion project.
- Marina – The marina project is still ahead of schedule.
- Stormwater piping – Columbia, Pinfish, Sand Fiddler, and Saint Joseph have been completed. Sea Ray and Mackerel are forthcoming.

Mr. Parvin asked NCDOT traffic engineer Scott James to come to the podium to allow Council Members to ask him questions about the Seagrove traffic configuration.

Regarding the effort to reconfigure stop signs in the Seagrove neighborhood, Mr. Parvin asked if bicycle and pedestrian traffic is being considered when looking at recommendations.

Mayor Barbee said he has heard about close calls with vehicles blowing through 4-way stops along the Greenway and asked for insight.

Mr. James said this is more about enforcement and not an engineering challenge. Regarding stop sign placement, he said they consider uses of the intersection in terms of conflict management; the road with the higher volume should have the right-of-way, and the lower volume should yield. Mr. James said some of the stop sign changes and other traffic controls were done to reflect the fact that this is now an emergency response route, which is given priority with all other uses balanced. He said stop signs are not to be used for speed control, and traffic calming is a response from an engineering approach if enforcement is not available and education is not working.

PUBLIC COMMENT

Matthew Lettrich of 1310 Spot Lane requested stop signs on North Carolina Avenue at Croaker, Spot, and Sea Ray.

Pete Green of 901 North Carolina Avenue, who is Vice President of the Seagrove homeowners' association, also requested stop signs at these intersections.

Luis Perez of 3 Cape Fear Boulevard introduced himself as the new General Manager of Silver Dollar. He said he is looking forward to the business enhancing and beautifying the storefront and bringing the area to life.

Olin Furr spoke about the complaint the Oceana neighborhood filed against the Carolina Beach Yacht Club and his dissatisfaction with the results.

James Sanderford also spoke about the issues between Oceana and Carolina Beach Yacht Club. In addition, he proposed the idea of putting high-visibility stop bars at the intersections on North Carolina Avenue.

Paul Levy spoke about short-term rentals. He asked Council to consider looking into implementing regulations on trash and parking.

Andrew Argenio of 103 Lanier Landing Court thanked Council and staff for finding grant money for projects.

PUBLIC HEARINGS

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

ACTION: Motion to open the public hearing to consider a Conditional Zoning permit for a bar at 801 Saint Joseph Street

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

Applicant Putter Pub LLC is proposing a bar at 801 Saint Joseph Street as a use in the Highway Business (HB) District. Bars are allowed through the approval of Conditional Zoning (CZ) in HB. 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 CZ.

The applicant is leasing the 860-square-foot commercial building on a 10,256-square-foot lot. Built in 1983, the structure was most recently a T-shirt printing shop and locksmith business and has historically operated as a veterinarian office. The property is surrounded by commercial uses. Across the street is a multi-family 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 mini golf outdoor area. Modifications to the building also include the construction of Americans with Disabilities Act (ADA)

bathrooms, bar, storage, and office area. The purpose of HB is to accommodate businesses oriented toward the motoring public that require a high volume of traffic. In many cases, businesses in HB serve the entire community and beyond. For the most part, they are located on major thoroughfares so 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 space 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 is currently proposed. There is no proposed service area outside. The parking area will remain gravel and be designed to meet one-way traffic for 90-degree parking. Concrete aprons must be installed in the driveway. The applicant proposes an 8-foot fence along the rear property line, which must be approved by the Planning and Zoning Commission and Council.

The applicant is requesting a waiver to the landscaping requirement around the new accessory mini golf area. Landscaping requirements may be waived at the discretion of the Commission and/or Council on projects requiring CZ. The applicant meets the 200-foot 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-foot multi-use path that will be adjacent to the property along the Saint Joseph Street right-of way.

As part of the application process, a community meeting is required. The applicant held the required meeting on May 23, 2023, and 19 people attended. Among concerns voiced were hours of operation, live music, lighting, seating, and parking.

Proposed Conditions

1. The proposed use shall be limited to an indoor bar with an accessory mini golf 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 the Commission and Council.
4. The 20-foot 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 AE11 flood zone. Renovations to the building exceeding 49% of the value of the building shall meet Federal Emergency Management Agency (FEMA) requirements.
8. Concrete aprons required, and stormwater must be contained on site for all new impervious surfaces installed.

Senior Planner Gloria Abbotts presented the details. She said the project is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy and redevelopment, and the project is in conformity with the Mixed Use Commercial Future Land Use Map Character Area.

Applicant Ryan O'Rourke of 212 Peninsula Drive described the project and said they are excited to provide a family-friendly outdoor activity that is ADA-accessible.

Several Council Members asked about the proposed 8-foot fence. Mr. O'Rourke said on the back side of the property there is a construction company with a lot of debris, so they would like to block this from view.

Mr. O'Rourke said items will be served through a window to mini golf players, and they can take drinks on the course.

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

Wayne Rouse of 508 Monroe Avenue, representing himself and not the Commission, said he thinks the new business being ADA-compliant is a wonderful thing because it will provide another option for people with limited mobility and send a positive message that the Town is accessible for all.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Council Member Benson said he is in favor of conditions to approve a landscape waiver and an 8-foot fence.

Council Member Hoffer said he supports the proposal, but he would rather not have an 8-foot fence because he doesn't want to set that standard around the Town.

Mayor Pro Tem Healy said the community needs more ADA-accessible activities, and he praised the applicant's effort to keep trees and work with Carolina Beach Elementary School.

Council Member LeCompte said there was a previous Commission discussion about allowing an 8-foot fence by permit. Planning Director Jeremy Hardison said the outcome was that staff can approve a fence up to 6 feet in height, but anything higher must be authorized by Council.

Mayor Barbee said since the Town shifted to a CZ process, there is much more conversation and cooperation with business owners, resulting in better projects. He said he has no problem with the fence or the project as it's proposed.

Mr. Hardison said the Commission voted to recommend approval of this CZ project with the 8-foot fence on the west side requested by the applicant.

ACTION: Motion that Council, whereas in accordance with the provisions of the North Carolina General Statutes, 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 goals and the potential impacts on the surrounding area are mitigated by the approved conditions; that includes a landscape waiver as requested and an 8-foot fence along the west side property line

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 said he's sorry this has taken so long, and he hopes the Town can learn from this and speed up the process.

ITEMS OF BUSINESS

9. Text Amendment to Amend Chapter 12, Section 12-7 – Planting and Protection of Trees

Applicant: Town of Carolina Beach

In 2022, Council directed staff to compile the necessary information to apply for Tree City USA accreditation. The Town's application was rejected on the grounds that the current tree-related ordinance does 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, a program hosted by the Arbor Day Foundation, started in 1976 to celebrate communities that are committed to growing and preserving their urban canopy.

The text amendment has been reviewed by both the Technical Review Committee (TRC) and Beautification Committee. Any comments or concerns have been reflected in the final draft of the ordinance. 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. These changes address the concerns from last year's application.

Ms. Abbotts presented the details. She said the text amendment also allows the Town to maintain a preferred tree planting list.

ACTION: Motion to amend Chapter 12, Section 12-7 – Planting and protection of trees and the 23-24 Rates and Fees Schedule to include a \$500 fine for damage or removal of trees on Town-maintained property

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 said North Carolina celebrates Arbor Day on the first Friday following March 15, and the Town is going to plant some trees next year on Arbor Day.

COUNCIL COMMENTS

Council Member LeCompte said Pets in the Park was a big success with over 1,000 people in attendance, but heavy equipment from the lake dredge project was left behind prior to the event despite a promise by the contractor to move it. She said the contractor often leaves a mess around this job site, and issues need to be addressed.

Mayor Pro Tem Healy thanked everyone who came to the public forum on Monday night. He said he wanted to stress that residents may vote for two Council candidates in the upcoming election.

Council Member Benson asked Council and staff to consider renewing the property lease where the Ferris wheel has been located for five years. Ms. Fox will review the contract and bring back options for Council to consider.

Council Member Hoffer said the Eagle Scout doing the bench project wants responses about placement. Town Manager Bruce Oakley, who attended the meeting virtually, said they will be installed next week.

Council Member Hoffer gave an update about the Greenway usage survey. He also asked staff to remove the dying palm trees around Town Hall and said he agrees that the lake job site is sloppy.

Mayor Barbee said the Town lost a resident on Monday due to a brutal crime that happened at Fort Fisher. He praised the first responders who were on scene.

CLOSED SESSION - REAL ESTATE MATTER

ACTION: Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(3); the properties being discussed include Parcel IDs R08807-013-005-000 and R08807-013-004-000

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

Mayor Barbee called the meeting back to order and said Council took no action during closed session.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 8:00 PM.

CAROLINA BEACH

Town Council Workshop

Tuesday, October 24, 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

CONSENT AGENDA

1. Appropriate Match for N.C. Department of Transportation Bike & Ped Plan FY24
2. Appropriate Remaining HVAC Loan Funds to Debt Service FY23

Council Member Hoffer said he was excited to see item 1.

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

DISCUSSION ITEMS

3. Discussion Regarding North Carolina Avenue Traffic Patterns and Surrounding Bike Path Routes

Council and staff discussed options for the intersections on North Carolina Avenue and nearby bicycle routes. The purpose was to provide staff direction on any changes to traffic patterns on and around North Carolina Avenue.

Mr. Oakley said residents recently voiced concerns about stop signs in the Seagrove area and other parts of the Town.

Mayor Barbee said as bicyclists and pedestrians proceed west from Lake Park Boulevard, they go through several four-way stop signs before reaching two intersections with active cross-traffic. He said at that point bicyclists and pedestrians are not expecting cars to cross, which causes near-misses. Mayor Barbee said the last two streets should be four-way stops for consistency.

Council Member LeCompte said the street connects the beach to the Greenway, so it's highly traveled. She said she likes the idea of four-way stops and high-visibility stop bars.

Mayor Barbee asked about the cost. Mr. Oakley said painting stop bars in conjunction with a crosswalk would be \$900 per intersection, and using thermoplastic paint would increase the cost to \$2,000 per intersection. Public Works Director Brian Stanberry said the thermoplastic option may be less if the Town uses it at multiple intersections. He said it lasts longer and is more reflective than regular paint, which could be done internally but would pose maintenance issues.

Mayor Pro Tem Healy suggested using stop signs first to see how that works. Council Member LeCompte said she likes this idea.

Council Member Hoffer said he doesn't think crosswalks are necessary and asked about the cost for just stop bars with thermoplastic paint. Mr. Stanberry said this would be about \$500.

Mayor Barbee said he would like to see stop bars investigated further.

Council Member LeCompte said residents in the area of Greenville Avenue between 5th and 6th streets would like to have back the stop sign that was recently removed. She said there was a bad accident at that corner a few months ago.

Council Member Hoffer said he is in favor of stop bars to highlight stop signs in key places, and he urged the Town to implement this solution quickly. He said this should have been done years ago.

ACTION: Motion to convert any non-four-way stops on North Carolina Avenue between Lake Park Boulevard and the bike path to four-way stops

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

Mayor Barbee said Council Member Hoffer will work with Bike/Ped Committee to come up with a list of proposed stop bar locations to be presented, discussed, and voted upon during a future meeting.

4. Discuss Property Lease at 3 Carolina Beach Avenue South

Council reviewed the current lease for the Town-owned property at 3 Carolina Beach Avenue South. The purpose was to provide staff direction on the renewal of the lease that is set to expire on January 1, 2024.

Mr. Oakley said at the last meeting there was discussion about the Ferris wheel and supporting elements on the property, which the Town bought in 2019. He said in 2020 the Town was considering purchasing the adjacent tract where the mini golf course was, but after the COVID-19 pandemic started the Town decided not to pursue this and the property was instead purchased by Carolina Beach Land Holdings, LLC. Mr. Oakley said everyone seems to be pleased with the Ferris wheel on that private property, so Council asked for options at the last meeting to allow the Town-owned property to continue to also be used for the Ferris wheel.

3 Carolina Beach Avenue South property options:

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

*Conditional Zoning (CZ) will need to be applied and approved by Council for continued operation of amusements/rides on this property.

Mr. Oakley said Carolina Beach Land Holdings prefers option 2. He asked Council for a vote to work with the property owner to pursue one of these options, not to enter into an agreement at this point.

ACTION: Motion to direct the Town Manager to put out public notice to discuss the lease option consistent with NCGS 160A-272

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

5. Manager's Update

Mr. Oakley gave an update on various projects:

- 47% available fund balance (\$9.5 million): The audit is being finalized and will be presented in November.
- Alcoholic Beverage Control (ABC) revenue \$403,000: The Town will receive this additional profit at the end of October.
- ABC e-bike grant: This will allow the Police Department to purchase two e-bikes for patrol.

- Brandy Myers Memorial Playground groundbreaking: November 2 at 10:00 AM.
- Carolina Beach Avenue North paving project: This project, which was done with a direct grant from the State, resulted in some areas where multi-meter boxes that serve condos were lowered. The Town is working to get these raised.

Mr. Stanberry gave an update on additional projects:

- Starfish: Stormwater modification today.
- Scotch Bonnet: Bulkhead designed, and Coastal Area Management Act (CAMA) permit pending.
- Clam Shell: Survey requested.
- Captain's Quarters/Canal: Survey to be scheduled.
- Florida Avenue: CAMA permit application forthcoming.
- Streetlights: A new test light will be up on Harper Avenue later today. Council Members will look and it and give feedback so staff can move forward.

Regarding Lake Park Boulevard paving, Mr. Oakley said staff met with engineers from Kimley-Horn, who will set up a meeting with the N.C. Department of Transportation (DOT) to discuss options. He said the goal is to get a plan to DOT before they get to the paving stage.

Mayor Pro Tem Healy asked about the status of possible changes in regulations for downtown sidewalk cafes. Mr. Oakley said staff is finalizing a draft of proposed new regulations, and the Pleasure Island Chamber of Commerce will share this with business owners. Mr. Parvin said the Chamber is hosting a meeting about the proposed regulations at Town Hall on November 9 at 10:00 AM. Town staff will be there to answer questions and listen to comments.

Regarding the sidewalk on Lake Park Boulevard, Mr. Oakley said DOT has done the survey, and staff is waiting for them to finish the plan so they can work together on encroachment agreements. He said for the Spartanburg Avenue sidewalk, the Town's engineer is doing the design phase, and then options will be presented to Council. Mayor Barbee said the residents he's talked to about the Spartanburg sidewalk favor the southbound crossing over northbound so people aren't walking through the Scotchman parking lot.

Mayor Barbee said in the area of Cape Fear Boulevard across from NAPA where the Town recently gave driveway permits, people are parking there and getting tickets because at night it looks like there are lines there. Mr. Parvin said staff has told parking enforcement not to issue tickets here, and the property is looking at narrowing the driveway design. He said the Town may be able to get a couple more public parking spaces here, but in the interim they will stay blacked out.

COUNCIL COMMENTS

Council Member LeCompte said she recently talked to Mr. Oakley about cleaning up the landscape around the Community Building and allowing the Carolina Beach Mural Project to do a centennial timeline mural around it. Council gave consensus to move forward with this. Council Member Hoffer asked about the condition of the building and if there is a long-term plan for it. Mr. Oakley said it needs some care. Council Member LeCompte said the building has historic value because it was built to be the public library, and kids sold bricks to fund construction. She said it needs to be preserved as part of Town history, and things shouldn't be knocked down just because they're old. Mr. Oakley said a

discussion about what the Town can do to upgrade the building may be part of the upcoming budget retreat.

Mayor Pro Tem Healy reminded everyone about the election on November 7 and urged people to vote.

Council Member Benson asked if the first phase of the lake dredge project is still scheduled to be completed next month. Mr. Oakley said the contractor has encountered a troublesome area that has taken longer than expected, but the Town is working to ensure delays are minimal.

Council Member Benson asked if the Town has any needs to discuss with State Rep. Charlie Miller following the recent approval of a State budget. Mr. Oakley said the Town will push for any water infrastructure funds it can get.

Council Member Hoffer said paving needs should come before stop bars, so he asked staff to keep that in mind.

Mayor Barbee encouraged voters to talk to candidates about their views instead of believing what others say.

Council Member LeCompte said she has invited all candidates to come to her meet-and-greet event at Good Hops Brewing this evening. She urged voters to make themselves informed.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 10:02 AM.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, November 14, 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 Pastor Jonathan Bowling of Carolina Beach Presbyterian 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

Mayor Barbee said there would be a change in the order of special presentations due to time considerations, and the purpose of the closed session has changed to a legal matter.

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. Resolution of Support for the N.C. Department of Transportation Application for a Federal Grant to Rebuild the Cape Fear Memorial Bridge
2. Budget Amendments/Transfers

ACTION: Motion to adopt 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

SPECIAL PRESENTATIONS

3. Presentation by the Volunteer Income Tax Assistance Program

James Lucas, filling in for Cully Shelton, presented information about the Volunteer Income Tax Assistance (VITA) program. He said the program is requesting continued use of the old library at 300 Cape Fear Boulevard to provide the free tax return service. Mr. Lucas said 18 volunteers completed 575 returns at this location in 2023.

4. Presentation of Annual Financial Audit

Victor Blackburn of Bernard Robinson & Company presented a summary of the annual financial audit, which included the following:

- Unmodified opinion on the audited financial statements, which is the cleanest opinion.
- Due to the amount of Federal and State funding received by the Town, the Town was required to have both a Federal and State single audit.
- Testing of those audits noted no findings or internal control issues, which resulted in unmodified opinions on the Federal and State funds subject to additional audit procedures.

The audit determined that the unassigned fund balance has increased to 47%, which is up from 31% last year. Mr. Blackburn said this is well above the 35% threshold that is considered to be the minimum for a municipality of similar size.

Mayor Barbee and Mayor Pro Tem Healy praised Ms. Hall for her hard work during the audit process.

5. Events Update by Tim Murphy

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

- Holly Jolly Trolley – November 18 at various locations
- Letters to Santa – November 20-December 4 at the Recreation Center
- Santa by the Sea – November 25, December 9, and December 16 at the Boardwalk
- Christmas Parade – December 1 on Lake Park Boulevard from Lake Park to Publix
- Holiday Market – December 2 at Lake Park
- Neon Bike Brigade – December 2 beginning at Good Hops Brewing (rescheduled from November)
- Flotilla – December 2 in the Boat Basin
- Tour of Homes – December 9 at various locations (returning for the first time since 2019)
- New Year's Eve Celebration – December 31 in Kure Beach this year

6. Manager's Update

Mr. Oakley congratulated Mayor Barbee, Mayor Pro Tem Healy, and Council Member LeCompte on their recent re-election and gave an update on various projects:

- Ocean Boulevard sidewalk – The project has gone out to bid. Bids are expected to come in \$100,000 or more higher than originally expected due to relocation of the sidewalk.
- New lamp posts – After a trial run on Harper Avenue, these are now being installed on Lake Park Boulevard and should be completed before the parade. There are approximately 45 lamps being installed.
- Bulkheads – These are being installed at Scotch Bonnet Lane and Florida Avenue. Permits for both are in the works.
- Boardwalk/Marina staining – To get ahead of the pre-season, staff will begin this project within the next few weeks. Council Member LeCompte asked that benches and swings be included in the work.
- 2025 Lake Park Boulevard paving – Kimley-Horn representatives will be at Town Hall on Wednesday morning to discuss this.
- Stormwater open house – Staff will go over projects and answer questions for the public December 5 4:00-7:00 PM. Council Member Benson asked staff to invite Marc Hortsman from WK Dickson to discuss his ideas on the dune infiltration system.

Mayor Barbee asked about the closure of Myrtle Avenue behind McDonald's. Mr. Oakley said this is to fix the broken sidewalk that was damaged during the paving project.

PUBLIC COMMENT

Paul Levy of 1606 Mackerel Lane handed out information to Council Members and expressed support for having free parking in December. He also asked Council to consider reinstating non-resident parking passes and said without them the Town is missing a revenue opportunity and alienating people who are willing to spend money here.

Kerry Machovec of 309 Georgia Avenue said Freedom Boat Club is causing traffic problems and other issues in the areas of Georgia Avenue and Florida Avenue. She said any proposal for expansion of the operation should take the community into consideration.

Wayne Rouse of 508 Monroe Avenue said he is willing to give the Town two Facebook pages he manages, Christmas by the Sea and Carolina Beach Downtown Initiative (formerly Boardwalk Makeover), each with thousands of followers.

ITEMS OF BUSINESS

7. Text Amendment to Chapter 34 – Streets, Sidewalks and Rights-of-Way, Article III.
Obstructions to Amend Sidewalk Cafe Encroachment Allowances
Applicant: Town of Carolina Beach

Council directed staff to amend the ordinance for sidewalk cafes. The concerns included removal of encroachments, size and extent of encroachments, barriers, purpose, and indemnification. A meeting was held with staff, the Pleasure Island Chamber of Commerce, and 13 business owners on November 9.

PROPOSAL

The text amendment clarifies the purpose and allowances of sidewalk cafes and other obstructions within the public right-of-way. The right-of-way is multi-modal and has Town utilities. The purpose of sidewalk cafes and other obstructions in the public right-of-way is to increase pedestrian activities by also balancing uses and ensuring they are temporary and do not interfere with safety and accessibility. The permit shall be issued annually for the calendar year. Each year the permittee shall sign an indemnification agreement. The proposed fee will be \$100 plus \$2 per square foot of the encroachment area.

All encroachments utilized for a sidewalk cafe shall be removed upon 24-hour notice from the Town. Removal of encroachments must happen for scheduled maintenance activities, such as cleaning and power washing. Failure to remove encroachments will result in a \$100 fine. For corner lots, encroachments shall not extend beyond the façade of the building. The intent of this regulation for corner lots is to ensure pedestrian accessibility and visibility along the corner. The Town will install medallions along the Boardwalk to ensure code compliance and provide a visual guide of the maximum allowable encroachments and area for alcoholic beverage consumption.

Barriers are required if patrons are drinking and being served alcohol per State statute. The existing ordinance requires patrons to remain seated while drinking alcoholic beverages. Barrier design standards are proposed and shall be:

1. A minimum of 36 inches tall and a maximum of 48 inches
2. Freestanding, stable, and removable
3. The base shall be flat-footed and square and no more than a half-inch in height
4. A minimum of two and a maximum of three rigid wood or metal poles shall be used to connect each barrier
5. Signage may be attached in accordance with the zoning ordinance

Senior Planner Gloria Abbotts presented the details. She said business owners have asked for notice before scheduled maintenance activities, so the Town plans to email owners and deliver a hard copy. Ms. Abbotts said the Town will no longer regulate operating hours for sidewalk cafes and will follow what State law allows. She said medallions on the sidewalk could be used to show encroachment limits, and the Town is looking at estimates for placing them every 10 feet.

Mayor Barbee asked which business owners attended the meeting. Council Member LeCompte said there was representation from the following: Hurricane Alley's, Salty's, Shuckin' Shack, Malama Cafe, Silver Dollar, Latella Gelato, and Beach Bumz. She said there was some question about whether medallions would be allowed because State Alcohol Law Enforcement (ALE) requires barriers, but downtown Wilmington is under the same enforcement and just has medallions marking sidewalk cafes, so the Town is going to take the same position.

Council Member LeCompte asked if retailers are required to have permits to put merchandise outside. Ms. Abbotts said they don't have to have a permit but must meet encroachment setbacks.

Mayor Barbee asked what the previous fee was for sidewalk cafes. Ms. Abbotts said it is currently \$400 and was \$200 before that. Mr. Parvin said with the new fee structure, some businesses will pay less

and some will pay more than \$400, but the idea is to make the fee more equitable based on space, which is more in line with other communities of this size.

ACTION: Motion to approve Ordinance 23-1217 amending Chapter 34, Article III. Obstructions to amend sidewalk cafe encroachment allowances

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

Ms. Fox said the motion should reference changes to the Town's Rates and Fees Schedule.

ACTION: Motion to approve an amendment to Chapter 34 to also amend the Town Rates and Fees Schedule

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

8. Appropriate Funds for the Acquisition of 1808 and 1810 Canal Drive

For the past nine years, the Town has been leasing the properties at 1808 and 1810 Canal Drive for use as a public parking lot. The property owners informed staff they wish to sell the parcels and asked if the Town would be interested in purchasing the properties. A letter of intent to purchase was presented to the owner's contingent upon the Town being able to obtain a grant to assist with the purchase. Council authorized staff to pursue a Coastal Area Management Act (CAMA) grant to assist with the acquisition cost. The grant was approved for a purchase price of \$1,000,000, with \$600,000 CAMA grant (60%) and \$400,000 Town match (40%).

Staff is asking Council to appropriate \$1,005,000 to account 10-570-074 Parking Capital, and \$10,000 from the General Fund, fund balance to cover the purchase price plus estimated closing costs. The target closing date is December 15, 2023. The Town's fund balance will be reimbursed when the grant funds are received. In lieu of financing \$400,000 at a 7% interest rate, the Town's match will come out of funds that will reimburse the purchase of Freeman Park. The appropriation will affect the budget until grant funds are received.

Mr. Parvin presented the details. He said this is a very popular lot that offers great public access to the ocean and Freeman Park.

Mayor Barbee said the Town is required to have parking for beach nourishment permits, and it may be difficult to meet the numbers without these properties.

ACTION: Motion to approve Ordinance 23-1216 establishing a budget for the acquisition, to accept the CAMA grant award, and to approve the contract to purchase

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 Hoffer congratulated Mayor Barbee, Mayor Pro Tem Healy, and Council Member LeCompte on their re-election. He said he thinks there hasn't been a repeat Council with all five of the same people since the mid-1990s or earlier, something he is glad to see because he thinks continuity in local government is underrated. Council Member Hoffer said because of this, he thinks Council should be open for business at the December meeting if necessary instead of just having the traditional ceremonial proceedings.

Council Member Hoffer said he would like to see an item about the possibility of free parking in December on the November workshop agenda.

Council Member Benson said during the January workshop he would like to see an agenda item about beach access repairs, and he also asked for an update on the paving schedule and the availability of Powell Bill funds.

Mayor Pro Tem Healy congratulated the Ashley High School football team for winning a playoff game for the first time first time in 30 years. He said he wants Council to start publicly recognizing local athletes for their accomplishments.

Council Member LeCompte said she met with Town staff at the Community Center to come up with a plan to improve that building, and she plans to bring this to Council during the January budget retreat. She said it has historical value to the community and needs to be preserved, and there are plans to put a mural for the centennial celebration around the building.

Council Member LeCompte said she has received numerous calls about dead birds at Lake Park, but this no longer seems to be an issue. She said she visits every day, and the Lake appears to be healthy and thriving. Council Member LeCompte said the Town must be vigilant, however, so she asked if staff or the current project contractor would remove the microfilament around the south side of the Lake to keep turtles and birds from getting caught in it.

Mayor Barbee asked if staff would come back to Council with details about the process for turning the newly acquired Canal Drive properties into a beach access. Mr. Oakley said the beach access would be designed, and then staff will come back to Council with any budget requirements.

Council Member LeCompte said 275 kids came to the Police Department Bike Rodeo this past weekend. She said it was a successful event that focused on safety, with kids being required to go through a safety course before they could get a raffle ticket to win a bicycle.

Mayor Barbee thanked volunteers who assisted with the Bike Rodeo.

CLOSED SESSION

9. Closed Session – Attorney/Client Privilege Case #23CV003744 Carolina Beach Land Holdings LLC vs. the Town of Carolina Beach

ACTION: Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143-318.11(a)(3); the case being discussed is 23CV003744 Carolina Beach Land Holdings LLC vs. the Town of Carolina Beach

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

Mayor Barbee called the meeting back to order and said Council took no action during closed session.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 7:45 PM.

CAROLINA BEACH

Town Council Workshop

Tuesday, November 28, 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. Dune Infiltration System Presentation by Marc Horstman with WK Dickson

Council Member Benson requested to discuss options for a dune infiltration system similar to what was implemented in Oak Island and Caswell Beach. Marc Horstman, Senior Project Manager with WK Dickson, gave an overview of the technology and how other municipalities have used it to solve flooding issues. He referenced a dune infiltration system implemented in Kure Beach 10 years ago as part of a research project by N.C. State University.

Mr. Horstman said the first step for most communities seeking a dune infiltration system is a feasibility study. He reviewed potential funding sources, such as the Golden LEAF Foundation and N.C. Emergency Management grants, and said municipalities with studies that answer the following questions are more likely to receive assistance:

- How much water and we dealing with?
- What is the seasonal high water table and permeability at potential sites?
- What type of easement restrictions or property impacts are we looking at?
- Potential construction costs?
- Permitting issues?

Mr. Horstman said municipalities that demonstrate water quality improvement and public education may receive additional points in scoring for grants.

Mayor Pro Tem Healy asked about the approximate cost for other municipalities. Mr. Horstman said Surf City spent \$750,000-\$800,000 for the site that included a pump system and \$400,000 for the non-pump system. He said the construction cost for Oak Island was \$850,000.

Mayor Pro Tem Healy asked if the Town can do this at Freeman Park. Mr. Oakley said the Town had to list requested uses when applying for the grant, and this is not a permitted use that was requested for the easement. He said there would need to be conversations with the N.C. Land and Water Fund to pursue this.

Mr. Horstman said Oak Island did an infiltration system in the secondary dune system, and Surf City's system was done in parking lots on the other side of the road from the beach and not in the dunes.

Council Member LeCompte asked about the cost and duration of a feasibility study and whether grants would be available for getting one done. Mr. Horstman said a feasibility study would take 30-60 days and range from \$40,000 to \$48,000. He said he does not recommend pursuing grants for the feasibility study because this takes a lot of effort and may not be worth it.

Mayor Barbee encouraged everyone to read the study about Kure Beach's system, which was a water-quality project.

Mayor Barbee also said the Canal Drive area has lots of issues beyond tidal flooding, and the people who live there feel ignored and want action. He said there is a lot happening, although the perception is that nothing is being done. Mayor Barbee suggested that this needs to be added to the strategic plan to change the conversation.

2. Manager's Update

Mr. Oakley gave an update on various projects:

- Stormwater open house: December 5 4:00-7:00 PM in the Town Hall Multi-Purpose Room
- Ocean Boulevard sidewalk: The pre-bid meeting is today, and the bid opening is December 8.
- Brandy Myers Memorial Playground: Equipment has been delivered, and the contractor will start installing it and then pour the pads; activity should start to take shape soon.

Mayor Barbee asked about accessibility issues for the visually impaired that had been raised about the playground. Mr. Oakley said he will check on the status of this.

Council Member LeCompte asked about the progress on the lake dredging project. Mr. Oakley said it's moving forward, but the dredge can only operate during certain times of the day per the permit. He said the project is about 30 days behind based on weather and other issues, but he still feels good about the progress. Mr. Oakley said staff will review it in 30 days to see where things stand. Council Member LeCompte asked about getting the microfilament removed. Mr. Oakley said he needs to check to make sure this is not part of the erosion control permit.

Council Member LeCompte asked for an update on the marina. Mr. Oakley said this is moving forward on schedule.

Mayor Pro Tem Healy asked if there is any update on the lease of the Ferris wheel property. Mr. Oakley said Council will hear this in January.

3. Consider Adopting Resolution 23-2300 Retaining Rountree Losee, LLP, for Legal Services in the Matter of 23CV003744 Carolina Beach Land Holdings, LLC, vs. the Town of Carolina Beach

On November 8, the Town was served a civil summons by means of certified mail dated November 1. The plaintiff is listed as Carolina Beach Land Holdings, LLC. Mayor Barbee said the Town's legal counsel has suggested that the Town augment its legal services as a result of this action.

Council Member Hoffer asked what's reasonable to convey to the public about the summons. Mayor Barbee said without Town Attorney Noel Fox present to give guidance, he would suggest not saying much about it at this time.

ACTION: Motion to approve Resolution 23-2300 to retain Rountree Losee, LLP, for legal services in the matter of 23CV003744 Carolina Beach Land Holdings, LLC, vs. the Town of Carolina Beach

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

4. Discussion Regarding Free Parking in December

At the November 14 Council meeting, Council Member Hoffer asked to have a discussion item put on the November workshop about free parking in December. He said this follows the recommendations of the Parking Committee. Council Member Hoffer said there are other parts of the parking conversation that need to happen at the budget retreat next year, but today he plans to make a motion for free parking in December again.

Council Member Benson asked how much notice the Town would need to give Pivot Parking if the Town no longer wanted to use the company and looked at the cost of doing parking enforcement in-house. Mr. Oakley said he would need to look at the contract, but he thinks it would be 30-90 days.

Mayor Barbee said he has learned to not make motions and vote on important matters such as parking in a workshop. He said he has felt the wrath of quick Council decisions, but because Council Member Hoffer is making a motion he will be forced to vote.

Council Member LeCompte said she has seen Council vote to spend taxpayer money to get out of contracts, including \$39,000 for a previous parking contract. She said she is not in favor of knee-jerk decisions that cost residents money. Council Member LeCompte said she wants November and December free, but two years ago the parking program was changed with no public input and now

Council is on the brink of doing it again. She said she does not want to vote today to do anything that would affect leases and contracts and would rather see Council make a gesture and say a comprehensive parking discussion will be on the agenda in January. Council Member LeCompte said she would like to direct staff to offer free parking on Mondays, Tuesdays, and Wednesdays in December.

Mayor Barbee said some people think the fee for breaking a contract might be minimal, but thousands of dollars could be used for other projects.

Council Member Benson said Council should look at both sides of the ledger and, for example, only approve two positions when Mr. Oakley asks for five new employees. He said Council can find things in the budget to keep from fighting about \$25,000 in December.

Mayor Barbee said he does not support cutting firefighters to give free parking. Council Member Benson said both sides of the budget need to be examined, and perhaps something like new office furniture could wait.

Mayor Pro Tem Healy said offering free parking in December is not a good business decision for the Town due to the same reasons Council Member LeCompte stated. He said there is competition with private lots, and if the Town doesn't keep previous agreements all that revenue is going to be gone. Mayor Pro Tem Healy questioned why property owners would continue to lease to the Town if they can make more money elsewhere. He said it costs \$2.50 per hour to park in downtown Wilmington, so \$2 per hour here is a fair rate.

Mayor Pro Tem Healy asked where the Town would absorb the loss of \$237,197. Council Member Benson said the Town could sell 500 non-resident passes at \$200 each. Council Member LeCompte said non-resident passes are not on tonight's agenda.

Council Member Hoffer said he doesn't think this is a knee-jerk reaction and believes there has been lots of public input. Mayor Barbee said only one person has spoken about parking during Council meetings. He said he does not consider Facebook public input because it's an amplification for the minority. Council Member Hoffer said he considers personal conversations with residents to be public input. Mayor Barbee said he doesn't agree because that is input Council as a whole is not hearing. Council Member Hoffer said residents have the opportunity to speak to any Council Member in-person or via texts, phone calls, and emails, and to him that's part of public input. He said it's not just people at the podium during a meeting because some people are scared to speak publicly.

Mayor Barbee asked for a vote on Council Member Hoffer's motion.

ACTION: Motion to make parking in December free
 Motion made by Council Member Hoffer
 Voting Yea: Council Member Benson, Council Member Hoffer
 Voting Nay: Mayor Barbee, Mayor Pro Tem Healy, Council Member LeCompte
Motion failed 2-3

Mayor Barbee said he agrees with Council Member LeCompte's suggestion about a good-faith effort similar to what was done for Thanksgiving and Black Friday. He said this doesn't change the rules or contracts. Mr. Oakley said if there is consensus of Council, he will discuss with Pivot Parking the possibility of not enforcing paid parking Mondays through Wednesdays in December.

Council Member Hoffer said if three of seven days per week is not considered a change in the contract, then perhaps four or five days also would not be considered a change. He said he would like to offer free parking every day in December, excluding leased lots. Mr. Oakley said at some point Pivot Parking is going to draw a line. Council Member LeCompte asked Mr. Oakley to get as many days as possible, but she wants to avoid the possibility of a lawsuit against the Town. Mayor Barbee said Mr. Oakley should ask for whatever can be done with minimal impact on revenue within existing contracts rather than opening up the entire parking program, which will be discussed in detail at next year's budget retreat.

Council Member Benson said contract lots seem to be an issue, so he wants to make a motion to address that. Council Member Hoffer said he would support this. Council Member LeCompte said this does not take into account the contract with Pivot Parking. Council Member Hoffer said Pivot Parking can still have the December management fee even if there is free parking in December.

Mayor Barbee said staff has had no opportunity to investigate the financial impact of some of the things being proposed tonight as well as the effect on contracts with Pivot Parking and leased lots. Council Member Benson said it's been on the agenda for over a week. Mayor Barbee said discussion is on the agenda, not action. Council Member LeCompte said she is against making a decision on the fly.

ACTION: Motion that December is a month of free parking in Town spaces except for those lots in which there is a contractual agreement with a private property owner

Motion made by Council Member Benson

Voting Yea: Council Member Benson, Council Member Hoffer

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

Motion failed 2-3

Mayor Barbee said three of five Council Members are OK with staff seeing if Pivot Parking is open to not enforcing paid parking Mondays through Wednesdays in December. Council Member Hoffer said at this point, he's OK with it also.

COUNCIL COMMENTS

Council Member LeCompte gave a rundown of upcoming events in the Town.

Mayor Pro Tem Healy said he had no comment.

Council Member Benson asked for details about the stormwater open house. Mr. Oakley said there will be information about various projects, and staff will be available to answer questions. Council Member Benson said it would be a good idea to display some information about the dune infiltration systems discussed tonight.

Council Member Hoffer said he is not bothered by contentious discussions about Town issues such as parking because the job of Council is to deliberate.

Mayor Barbee said if the five members of Council are not passionate about the Town, they should resign. He also mentioned the following:

- Staff should ask Pivot Parking to ease up on strict enforcement of the dedicated employee parking spaces at the Help Center when it's just past the organization's hours of operation.
- The Help Center is struggling to unload food into the building because there is now a parking space in what used to be a loading zone, so this should be restored.
- Staff should look into the Town providing Internet access for the Help Center and its clients who need to get online to apply for assistance, and if this is not possible explore the possibility of getting a non-profit organization to sponsor it.
- There is a line-of-sight issue at Clarendon Avenue and 6th Street, which was reported to SeeClickFix just before Thanksgiving.
- There is an issue with stop signs on the Cape Fear Boulevard multi-use path, which is frequented by e-bikes.
- Volleyball courts at Lazy Pirate may be going away, so the Parks & Recreation Committee should have a discussion about what would be needed for the Town to have volleyball courts, which is something that is in the master plan. Mayor Pro Tem Healy said the master plan has not yet been approved.
- The Bicycle/Pedestrian Committee should present a refresher of the group's priorities at Council's January or February workshop.
- Similar to something the Town of Leland offered recently, Council and the public may benefit from an economist speaking about issues such as the pressures of population growth caused by the high number of people moving to the coast.
- The Friends of CB Parks & Greenways group and the Town's Beautification Committee should have a discussion to see if there is a way to fund projects the committee is proposing.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 10:50 AM.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 12/12/2023

SUBJECT: Council Member Jay Healy

BACKGROUND:

Jay Healy will take his Oath of Office as Council Member of Carolina Beach.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 12/12/2023

SUBJECT: Council Member Debra LeCompte

BACKGROUND:

Debra LeCompte will take her Oath of Office as Council Member of Carolina Beach.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 12/12/2023

SUBJECT: Mayor Lynn Barbee

BACKGROUND:

Mayor Lynn Barbee will take his Oath of Office as Mayor of Carolina Beach.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 12/12/2023

SUBJECT: Appointment of Mayor Pro-Tem

BACKGROUND:

Nominations to appoint the Mayor Pro-Tem will be accepted from Council Members at this time. There must be at least three affirmative votes for the motion to pass.

ACTION REQUESTED:

The Mayor will ask if there are any nominations for Mayor Pro-Tem.

RECOMMENDED MOTION:

Motion to appoint the selected Council Member to Mayor Pro-Tem



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 12/12/2023

SUBJECT: Committee Appointments

BACKGROUND:

Council Members serve on Town and outside committees as Council liaisons. Council will discuss the committees that have Council representation and decide who will serve on each committee. Council Members are currently liaisons to the following committees:

Cape Fear Council of Governments: Barbee
 Carolina/Kure Beach Regional Sewer Authority: LeCompte/Benson
 CBP3: Barbee/Benson
 Pleasure Island Chamber of Commerce: Barbee
 MOTSU Liaison: Healy/Benson
 North Carolina Beach, Inlet & Waterway Association: Healy
 New Hanover County Tourism Development Authority: Barbee
 New Hanover County Transportation Advisory: Barbee
 Wilmington/New Hanover Port, Waterway & Beach Commission: Healy/LeCompte
 Bike/Ped: Hoffer
 Beautification: Hoffer
 Centennial: LeCompte
 Marketing Advisory: Healy
 Operations Advisory: Benson
 Parks and Rec: Healy
 Police Advisory: LeCompte

ACTION REQUESTED:

Council will discuss and appoint a Council Member as a liaison to each committee or keep as is.

RECOMMENDED MOTION:

Motion to keep or make changes to the assigned Council liaisons to committees.