

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 11, 2022 – 6:00 PM

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



AGENDA

CALL TO ORDER WITH INVOCATION GIVEN BY JUDGE REBECCA BLACKMORE OF ST. PAUL'S UMC

PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

CONSENT AGENDA

1. Budget Amendments/Transfers

2. Set a public hearing for November 9, 2022 to consider a Conditional Zoning application for a 24-unit townhome project located at 205, 211, and 215 Spartanburg Avenue in the R-1 Zoning District.

Applicant: WB Coastal Development, LLC

3. Set a public hearing for November 9, 2022 to consider a Conditional Zoning application for a Bar located at 604 N Lake Park Blvd in the Highway Business District.

Applicant: Shagri-La, LLC

4. Primary Response Route

5. Approval of Council Meeting Minutes from September 13, 19, and 27

SPECIAL PRESENTATIONS

6. Presentation of Annual Financial Audit

7. Events Update by Tim Murphy

8. Committee Presentation – Beautification Committee

9. Manager's Update

PUBLIC COMMENT

Public Comment allows the public the opportunity to address Town Council. Please direct your comments to Council only. Speakers should restrict comments to no more than three minutes. Items or questions presented during this time will not be discussed by Council. However, the topic may be

deferred to Town staff or a Town committee for follow-up. Please be sure to state your name and address, and speak directly into the microphone for those watching online.

ITEMS OF BUSINESS

- [10.](#) Ad-Hoc Parking Committee / Town Staff Recommendations
- [11.](#) Discussion on Removing Aerial Cables Along Cape Fear and Canal Drive
- [12.](#) Committee Appointments

COUNCIL COMMENTS

CLOSED SESSION

- [13.](#) Closed Session –Real Estate Parcel ID# R08814-001-007-000

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 10/11/2022

SUBJECT: Budget Amendments/Transfers

BACKGROUND:

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

Transfers:

Transfer \$20,000 from account 30-811-020 M&O-Infrastructure WWC to account 30-810-047 Plant Renovation WWTP. Funds were moved from Wastewater Treatment to Wastewater Collections in error during the budget process.

ACTION REQUESTED:

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

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: Sept 20, 2022

Budget transfer amount: \$ 20,000

From: 30-811-020 (WWC)

To: 30-810-047 (WWTP – (WWTP PLANT RENOVATION))

(M)

Explanation: Moved funds during budget process to wrong line so we are moving back to proper line.

Mark Meyer

Director of Public Utilities, Town of Carolina Beach



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council 10/11/2022

SUBJECT: Set a public hearing for November 9, 2022 to consider a Conditional Zoning application for a 24-unit townhome project located at 205, 211, and 215 Spartanburg Avenue in the R-1 Zoning District.

Applicant: WB Coastal Development, LLC

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council 10/11/2022

SUBJECT: Set a public hearing for November 9, 2022 to consider a Conditional Zoning application for a Bar located at 604 N Lake Park Blvd in the Highway Business District.

Applicant: Shagri-La, LLC

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Ed Parvin

DEPARTMENT: Executive

MEETING: Town Council 10/11/2022

SUBJECT: Primary Response Route

BACKGROUND:

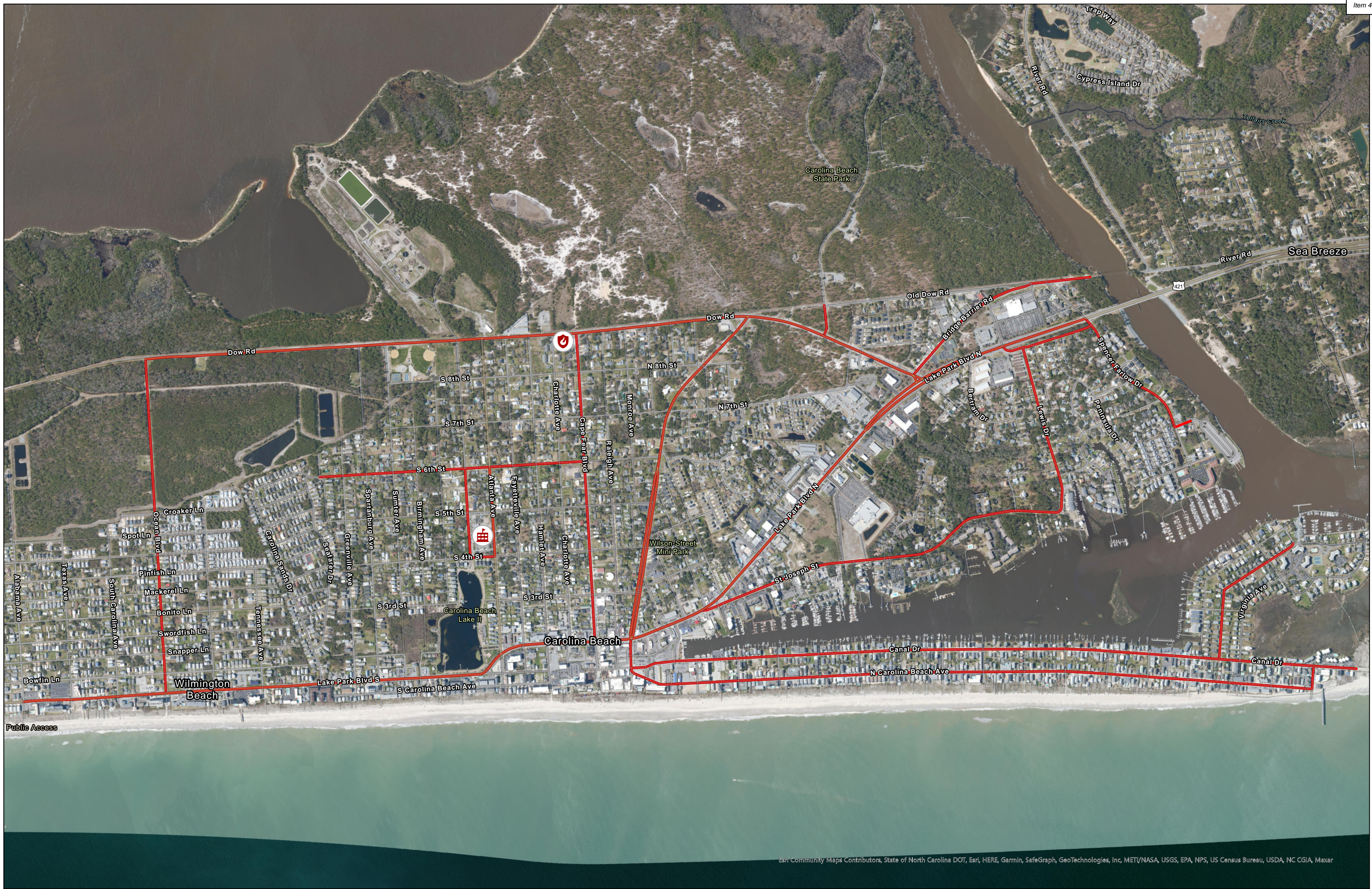
Town Council received a petition to access stop signs in the Wilmington Beach area. After meeting with traffic engineers and our public safety departments it was determined that the first step the town should take is to adopt a primary response route. This is the primary route our first responders (i.e. EMS, Fire, Police) utilize to get to an emergency in the safest and most efficient manner. Once this is in place stop signs can be further assessed.

ACTION REQUESTED:

Council reviewed this proposal at the 9/27/2022 workshop and agreed to bring it back for an official vote. A vote to approve the consent agenda will approve the request.

RECOMMENDED MOTION:

Route will be adopted upon approval of the consent agenda.



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Town of Carolina Beach

Primary Emergency Response Route





AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 10/11/2022

SUBJECT: Approval of Council Meeting Minutes from September 13, 19, and 27

BACKGROUND:

Attached are the meeting minutes from September 13, 19, and 27, 2022.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, September 13, 2022 - 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 Tyler Simmons of First Baptist 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

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

Mayor Barbee suggested moving the closed session to the beginning of the meeting. Council Members indicated agreement.

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. Starfish Grant

Council Member Benson said this was for public access at the end of Starfish Lane at Canal Drive, which is at no cost to the Town. He asked if the project would begin before, after, or concurrent with projected stormwater improvements for that street end. Mr. Oakley said this would be a concurrent project.

Council Member Benson asked if the Town has signatures from both adjacent property owners. Planning Director Jeremy Hardison said the Town has one signature but is still working with the other property owner.

Council Member LeCompte said there is a cost to the Town because the grant requires a 25% match. Mr. Parvin said that is correct.

Council Member Hoffer said he'd like more clarity on the item, particularly why signatures from neighboring property owners are necessary. Mr. Parvin said the right-of-way there is 25 feet wide and a pier would have to be 15 feet from any adjacent property. He said if it's closer than 15 feet Coastal Area Management Act (CAMA) requires a waiver, and rebuilding it completely would require signatures from both property owners. Without one of the signatures, the pier could be located closer to the signing property so there is a distance of 15 feet or more from the property that won't sign. Council Member Hoffer asked if the Town could proceed without the pier if the matter can't be worked out between the two property owners. Mr. Parvin said if staff can't work through the logistics, the project will have to come back before Council.

Mayor Barbee asked if Council is comfortable moving forward with the item. Council Benson said he would like to strike the item until the Town gets clarification from property owners as to where the pier will go. Mr. Parvin said the matter of the pier is a permitting requirement, not a grant requirement, so it doesn't need to be resolved before approving the resolution to move forward with the final grant application.

2. Emergency Operations Plan
3. Budget Amendments/Transfers
4. Approval of Council Meeting Minutes from August 9 and 23 and September 1, 2022

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

CLOSED SESSION

5. Closed Session – Attorney/Client

ACTION: Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143-318.11(a)(3)

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.

ACTION: Motion to pass Resolution No. 22-2270

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 read the resolution, which authorizes the Town to obtain a public right-of-way over property by either voluntary acquisition or condemnation. This is regarding real property in the general vicinity of the paved area connecting Florida Avenue to Georgia Avenue.

SPECIAL PRESENTATIONS

6. Presentation by Girl Scout Gold Award Candidate Madeline Fischer

Madeline Fischer is working on her Girl Scout Gold Award, the highest honor a Girl Scout can earn. She is working with Ocean Cure to promote beach accessibility and would like to have a wheelchair washing station at the beach. She also wants to develop and disseminate a QR code system to make it easier to sign up online to volunteer to sweep the beach mat.

Council Members praised these efforts.

ACTION: Motion that Town Council support Madeline Fischer in her Girl Scout Gold Award project as she's described and work with Town staff to achieve that

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

7. Events Update by Tim Murphy

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

- Dragon Boat Regatta – September 16-17 at the Marina
- Surf Movie – September 23 at the Boardwalk
- Youth Fishing Tournament – September 24 at Kure Beach Pier
- Art in the Yard – September 24 at various locations
- Pets in the Park – October 8 at Lake Park
- Beachin' Car Show – October 15 at Lake Park
- Oktoberfest – October 29-30 at the Boardwalk

Patrick Conley and Darren Keeler, both with Shuckin' Shack, spoke about a proposed celebration for the restaurant's 15th anniversary that would benefit the Leukemia & Lymphoma Society. Mr. Conley said Shuckin' Shack would like to ask the Town to block off five parking spots in front of the building for an October 22 fundraiser that would include music and an oyster roast.

Mr. Keeler said this segment of the Fresh & Raw Tour would include live music all day from local singers/songwriters, culminating with headliners Warren Garrett and CJ Solar. He said all Shuckin' Shack locations are featuring this traveling show starting next Thursday.

Council Member Benson asked what the request to the N.C. Department of Transportation (DOT) would look like. Mr. Oakley said the request may have already been made, and he thinks DOT is OK with it. Mr. Conley said DOT is good with the request as long as the restaurant has Town approval and a letter from the Police Department. Mr. Oakley said the Police Department has approved the request.

ACTION: Motion to approve the allocation of five parking places in front of Shuckin' Shack for the Fresh & Raw Tour

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

Fire Chief Alan Griffin said the United States Lifesaving Association (USLA) has asked the Town to host its South Atlantic region lifeguard competition in July 2023. The Town previously hosted the event in 2014. He said this would be a midweek event that would bring in about 200 competitors from 18 lifeguard programs.

ACTION: Motion to approve Chief Griffin's request to host the USLA South Atlantic lifeguard competition in 2023

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

Chief Griffin said the Fire Department will hold its annual BBQ fundraiser on October 22, and the event will include raffling off an e-bike worth \$2,000. He said raffle tickets are currently available for \$10 each.

Council Member LeCompte said the Town had a wonderful summer full of events and activities, and she thanked the Parks & Recreation Department for stepping up as well as volunteers who assisted. Mr. Murphy said the events and activities would not be possible without volunteers.

8. Manager's Update

Mr. Oakley gave an update on various projects and events.

Observances

October 9-15 is Fire Prevention Week, and the Fire Department has various educational activities planned for the community.

October is Breast Cancer Awareness Month, so firefighters may be wearing more pink than usual as part of the annual tradition.

Parking

Staff is reviewing recent recommendations from the Parking Committee, and Pivot Parking will also give input. Staff will present recommendations to Council at the next workshop, and the October regular meeting will include a proposed parking plan for Council to review.

Carolina Beach Avenue South

Council asked staff to look into speed limits and bike lanes, so there are proposals going to the Technical Review Committee (TRC) next month for review. The next step will be for staff to come back at Council's next workshop or regular meeting with a proposal and preliminary cost estimates.

Council Member Benson asked if there are any thoughts on what the speed limit might be. He asked if Council may have more than one option to consider. Mr. Oakley said he will bring Council the TRC recommendation, and there can be a blank resolution that may be filled in with the speed limit approved by Council.

Council Member Hoffer asked if the Bike/Ped Committee can look at this next week. Mr. Oakley said yes.

Boardwalk Bathroom

The Town has submitted an application to CAMA to construct a two-story restroom on the Boardwalk where the existing facility is. The proposed structure would have a bigger footprint. The Town does not expect it to get approved but will appeal to try to get a variance with the Coastal Resources Commission (CRC) in December. Once that occurs, the Town can move forward with design and budgetary issues.

Council Member LeCompte said the Town needs to really push Americans with Disabilities Act (ADA) accessibility and the availability of the beach mat right there.

Council Member Hoffer asked if the intent is to not tear down the current facility but improve what is there. Mr. Oakley said the goal is to start a completely new structure.

Council Member LeCompte said the Town needs to consider expediency and cost.

Marina

The south phase is almost done. The docks are built, and the Town is just waiting for them to be delivered. The east phase will start this fall ahead of schedule.

Lake Park Boulevard and Hamlet Avenue Signal Installation

The latest schedule from DOT shows this is not going to happen right away; the projected final completion date is October 2023. The project is moving forward but is out of the Town's hands. There is a long wait to get light poles.

Mayor Barbee mentioned the request for signal changes at Cape Fear Boulevard to give pedestrians a head start. He said the hope is to get this done in October, but there is a delay regarding the availability of necessary components. He said this should be done by next summer for sure.

Mayor Pro Tem Healy asked if there is any time frame on the left-hand turn into the State Park. Mr. Oakley said there is no update, but he will look into this.

Mayor Pro Tem Healy asked if there is a time frame for the Marina docks to arrive. Mr. Oakley said he thought they were going to be here today, so it should be anytime.

Council Member LeCompte said the crosswalk signal at Lake Park Boulevard and Cape Fear Boulevard in front of Pleasure Island Rentals is not working. She said it never gives a walk signal. Mr. Oakley said he will contact DOT about this tomorrow.

Council Member Benson asked about the lake dredge application for a permit from the U.S. Army Corps of Engineers for site retention of 5,000 cubic yards. Mr. Oakley said there were some routine questions, and the Town is working with an engineer to get them completed. Council Member Benson said it can take up to six months for a decision. Mr. Oakley said this is correct.

Council Member Hoffer asked about Florida Avenue. Mr. Oakley said the Town has separated paving from stormwater, received stormwater bids, and selected a contractor. He said the Town is working on a schedule to get started with stormwater and then will seek bids on paving.

PUBLIC COMMENT

Olin Furr of 440 Oceana Way asked if the eminent domain decision made as a result of the closed session means the application for the CBYC LLC fence will be discarded. Mayor Barbee asked Ms. Fox if he should answer this question. Ms. Fox said the Town will not answer any questions regarding this matter. Mr. Furr said people are concerned about that application and what it means, and blocking off a road and driveway for a resident didn't make sense to neighbors in the community. He said he hopes Council will ensure this does not happen.

Jimmy Sanderford of 418 Marina Street, representing the Oceana Marina HOA, thanked Council for what they did for the neighborhood. He also mentioned roads and suggested doing reclamation in the area because of the high water table. Mr. Sanderford said reclamation involves grinding up the road, putting in cement, compacting it, and paving it on top.

Joe Starks of 203 Florida Avenue thanked Council for doing the right thing with the right-of-way and fencing. He said this action restored confidence in taxpayers.

Jen Starks of 203 Florida Avenue thanked Council for exercising eminent domain on the property discussed during the closed session. She said it is greatly appreciated by residents in the community.

Kerry Machovec of 309 Georgia Avenue said she will finally be able to sleep due to the decision after the closed session. She thanked Council and said the issue had been weighing on her. Ms. Machovec said she appreciates the steps Council took tonight to take back the road.

Mel Machovec of 309 Georgia Avenue, who owns the house that would be affected by the proposed fence, said he appreciates Council stepping up. He said he hasn't slept in days.

PUBLIC HEARINGS

9. Conditional Zoning to Consider a Hotel with a Restaurant and Bar Located at 205, 207, and 209 North Lake Park Boulevard and 204 Harper Avenue in the Central Business District
Applicant: Jefferson C. Woodall, Architect

ACTION: Motion to open 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

On behalf of the owners, Architect Jefferson C. Woodall has applied for a Conditional Zoning (CZ) application for a four-story hotel with a rooftop bar, restaurant, and retail located at 205, 207, and 209 North Lake Park Boulevard and 204 Harper Avenue in the Central Business District (CBD). Hotels and bars are permitted by CZ in the CBD; restaurants and retail are permitted by right. Therefore, the entire project must be approved by CZ.

The proposed project would have 42 hotel units in a locally owned and operated boutique property by the same developers of The Hive in Wilmington. The subject property consists of a single-family home and the former site of Welcome Inn. The ground floor would consist of a covered parking structure, hotel entrance, and commercial space. The second floor would have 12 sleeping rooms, a pool, a pool bar, and green space. The third and fourth floors would each have 15 sleeping rooms. The rooftop would consist of a café/bar. The commercial spaces would be open to both hotel guests and the public.

Senior Planner Gloria Abbotts presented the details, including displaying photos showing existing conditions of the property and surrounding uses. She said the property owners received a Conditional Use Permit in 2016 for renovation, but due to health issues they could not continue with the improvements.

Ms. Abbotts said the proposed cabana roof and railings would go over the 50-foot height limit. She said hotels have an exception for any appurtenances 10 feet or less in height. Appurtenances are items required for the operation and maintenance of a building, including parapet walls, skylights, ventilation equipment, domes, flagpoles, cooling towers, housing for elevator equipment, stairways, tanks, fans, air conditioning and heating equipment, and similar operational devices.

Ms. Abbotts went over CZ guidelines and the CZ process and shared information about the required public meeting on July 1, when the developers met with adjacent property owners and stakeholders and noted concerns; the developers accommodated a neighbor's concern with an easement for access.

Ms. Abbotts said stormwater retention will be on site. She reviewed criteria the Commission must consider when voting and conditions of the project. She said staff recommends approval of the project.

Prior to unanimous approval by the Planning and Zoning Commission last month, Ms. Abbotts said the Commission added three conditions to the proposal: additional landscaping, transparent railing, and limiting walkable surface to 50 feet.

Wilmington Attorney Matt Nichols, who is assisting the applicant in representing the developers, highlighted a few details of the proposal and introduced Kaylie O'Connor and Robert Rosenberg, principals of Wilmington Development Group. He said Ms. O'Connor has lived in the Town since 2008.

Ms. O'Connor said she and Mr. Rosenberg developed the locally owned and operated property The Hive, which has 15 suites and opened in 2019 in downtown Wilmington. She said The Hive has a 4.7 rating on Google, has 83% direct bookings, and is the preferred lodging for film and TV productions. Ms. O'Connor said with the newly proposed project in the Town, they hope to convey a surf retro vibe.

Mr. Woodall reviewed floor plans and other details of the proposal.

Mr. Nichols said the proposal is consistent with the Town's Master Development Plan and the Town's 2020 CAMA Land Use Plan. He said granting CZ approval would offer the following benefits:

- Revitalization of an outdated property
- Significant improvement to streetscape along a portion of North Lake Park Boulevard
- Offers high-quality accommodations for guests and visitors
- Provides retail and restaurant options for Town residents and visitors
- Promotes economic development, tourism, and job creation within the CBD

Adam Zazzali of 807 Carolina Sands Drive, who owns the property directly adjacent at 203 North Lake Park Boulevard where his business Satellite Army is located, said this looks like a great project. He said he has concerns about stormwater runoff, flooding, and heavy construction going on so close to his building, which was constructed in 1945. Mr. Zazzali said when he moved his company to the building in 2008, there was more than ample parking everywhere in the area. He said he wonders what traffic will be like after the hotel is complete and how the project will impact the streetscape plan for the area. Mr. Zazzali said he just wants to be able to continue conducting business in the way his company has for almost 15 years. He said he asked for a cutout where a vehicle could go but never heard back. Mr. Zazzali said his business needs to be able to get a vehicle or two close to his building so staff can come and go with equipment.

Planning and Zoning Commission Chairman Wayne Rouse said he would answer any questions Council has about the Commission's discussion and vote on the project. Mayor Barbee asked him to elaborate about the conditions the Commission added. Mr. Rouse said the Commission added additional landscaping on the south side to make it clear there's not a path there, which would deter walking in between buildings, plus it would look nice from the road. He said the Commission wanted transparent

railing due to the proposed project exceeding the height limit. Mr. Rouse said this would reduce the appearance or illusion of height to people's eyes. He said he lives three blocks away from the project and doesn't have a problem with it, but he would like to see developers work with long-standing business owner Mr. Zazzali if possible.

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

Mayor Pro Tem Healy asked about the self-retaining runoff part of the proposal. Charles Cazier of Intracoastal Engineering, civil engineer for the project, said there have been six soils tests on the site, and the project will use an underground retainer system to allow runoff to infiltrate into the ground. He said overflow would likely enter the Town sewer system via Lake Park Boulevard, although that design is not complete. Mr. Cazier said it would be designed to a level that meets State and Town requirements.

Mayor Pro Tem Healy said The Hive has a proven track record, and he likes the idea of a Town resident giving back to the Town.

Council Member LeCompte said this will be a beautiful addition to the Town, and she is happy to hear the project will retain live oaks. She said she would like to suggest that the property owners and neighbors work out issues amongst themselves. Council Member LeCompte said there is not a single business in the CBD that has assigned parking without purchasing property for their own parking. She said if the Town gives a parking space to one business owner, then every business owner will ask for a parking space.

Ms. Fox said granting an easement as proposed is not something that she or Town staff would recommend.

Council Member Hoffer said he likes the project and is not concerned about traffic because once people park at the hotel, their cars will likely stay there. He said he's worried about Mr. Zazzali and his small business getting swallowed up. Council Member Hoffer asked developers to work with him to help him keep access. He said this should've been worked out before now.

Ms. Fox said the applicant has adhered to the CZ process. She said developers may address the issue with their neighbor if they want, but the project is at the end of the process.

Council Member Benson asked if the matter should come back in two weeks after Council has considered parking for next year, including the possibility of harvesting spots from Harper Avenue. He

said the issue with the neighbor may be addressed in a parking setting, but he doesn't think Council is in a position to tell the applicant what to do with someone else.

Ms. Fox said she wasn't suggesting that Council doesn't have the authority to impose conditions, but she was just pointing out that the way the CZ process works is that if the Town imposes conditions and the applicant doesn't agree to them, then the project goes away.

Council Member LeCompte said she personally would rather see the two parties work this out privately than for Council to impose another condition. Other Council Members indicated agreement.

Mayor Barbee said Mr. Zazzali has reasonable concern about the proximity of construction to his property, but he thinks the project having insured contractors should alleviate any worries. He said he understands Mr. Zazzali's need for access and asked the parties to work something out together because he doesn't feel comfortable imposing an easement. Mayor Barbee said the project will help with downtown revitalization.

Council Member Hoffer said he concurs and asked the parties involved to sort this out.

Mayor Barbee said both parties are well-respected members of the community and can figure this out.

ACTION: Motion that whereas in accordance with the provisions of North Carolina General Statutes, Council does hereby find and determine that the adoption of the Conditional Use District to allow for a four-story hotel with a rooftop bar at 204 Harper Avenue and 205, 207, and 209 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans, and the potential impacts of the surrounding area are mitigated by the approved conditions set forth by staff and Planning and Zoning

Motion made by Council Member LeCompte

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

Motion passed unanimously

Mayor Barbee asked if the Town will need to factor the hotel and its new two-way driveway and traffic flow into the existing Harper Avenue streetscape plan. Mr. Oakley said yes, this entrance will affect it.

10. Hearing on Preliminary Assessment Resolution to Improve the 1000 Block of South Second Street

ACTION: Motion to open 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

During the June Council meeting, a petition was heard to improve the 1000 block of South Second Street. Council wanted more information on the impacts to wetlands the improvements would have, as well as the cost associated with mitigation.

The amount of wetlands impacted is 0.03 acres or 1,306 square feet. Mitigation would cost \$14,187.83 to fill through the U.S. Army Corps of Engineers permit program. This is calculated at a 4:1 mitigation-to-impact ratio. Credits are dealt in 0.1-acre increments at \$7,093.91/0.1 acre. This amends the estimated total cost from \$571,047 to \$504,235. Two-thirds of the improvement cost will be assessed with the option to pay the assessment in seven equal annual installments at 6% per annum. The Town contribution from the General Fund would be \$168,078, bringing the per lot cost to \$56,026.

Mr. Hardison presented the details, including a project timeline that shows construction in spring/summer 2023. He said this item was not presented during budget discussions for the current fiscal year, so there is no line item set aside for this project. He said the Town would have to create that, consider this in the FY 23/24 budget, or choose to do nothing and let the developer move forward without Town involvement.

Woody Burnette of 7413 Capstone Drive in Raleigh said he bought the property in 2008. He said there was not access to his property then or now, and his neighbor across the street also can't get to his property. Mr. Burnette asked Council to approve this because he has owned the property and paid taxes for 15 years and would like some help.

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 believes the Town has a responsibility to taxpayers to provide services, and accessibility is one of them. He said now that details are available, he is ready to move forward.

Council Member LeCompte said she doesn't think the Town should deny access to anyone's property, but her concern is the Town has to pay the \$504,000 upfront and then get reimbursed, and that is not in the current budget.

Mayor Barbee said it sounds like everyone likes the project but doesn't know where to get the money.

Finance Director Debbie Hall said the Town funding the money upfront would work if it is reimbursed before the end of that fiscal year.

Mr. Burnette said he would sign a promissory note drafted by the Town's legal counsel. Ms. Fox said there is security to ensure the Town is repaid, so that's not the issue. She said Council needs to adopt a

resolution tonight that specifies the percentage of costs and the duration for which the Town is seeking repayment. Mayor Barbee asked if Council can amend the proposed resolution with payment terms. Ms. Fox said Council can amend the duration of the payment terms but not the percentage.

Mayor Barbee attempted to make two motions that he revised based on Ms. Fox's suggestions that they be more specific about the time frame.

ACTION: Motion to consider approving the preliminary assessment resolution to improve the 1000 block of South Second Street, whereas the property owners will pay two-thirds of the cost and the Town will pay one-third, where the owners will pay their sum within one year of the completion of the project

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

ITEMS OF BUSINESS

11. Ocean Boulevard Sidewalk

Mr. Parvin said the Town held workshops on August 10 and 24 to get comments on the proposed sidewalk on Ocean Boulevard. He said funding is included in the State's budget this year, so the Town is trying to move forward with an engineering and design plan.

Questions and comments collected at the workshops, which were attended by over 30 participants, included:

- Sidewalks are essential to safety
- South side
- Concrete
- Communication during the project (landscaping/irrigation)
- Multi-use path vs. sidewalk
- Who will maintain the area?
- Parking?
- Stormwater?
- 14 feet from edge of the road to edge of sidewalk

Mr. Parvin said the Town is looking to get permission to move forward and finalize plans to include a stormwater plan for the sidewalk, which will be 6 feet wide and on the south side of Ocean Boulevard.

Council Member Hoffer said he has never considered parallel parking along the street and doesn't recall that being discussed. Mr. Parvin said people can park in the grass of an undesignated right-of-way. Mayor Barbee said this should be an item for the Parking Committee in general.

Council Member Hoffer said he agrees with the residents who said the speed limit should be reduced to 25 mph. He said the Town should proceed with a plan that connects to the Greenway as well as existing sidewalks. He said the Town made developers build sidewalks in the area in the 2000s with the

idea that eventually they would connect to a larger system, so he hopes that will be included in the plan.

Mayor Pro Tem Healy asked if there is a preference for a sidewalk vs. a multi-use path. Mr. Parvin said long-range plans call for a multi-use path, but the neighborhood wants a sidewalk.

Council Member Hoffer said his recommendation is to proceed and see what the preliminary price is.

ACTION: Motion to move forward with engineering/design of the sidewalk on the south side of Ocean Boulevard that is 6 feet wide

Motion made by Council Member Hoffer

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

Motion passed unanimously

12. Text Amendment to Amend Chapter 16. Article VI. Sec. 16-207 and Sec. 16-1 to Add “No Commercial Through Traffic” Language

A petition was delivered to Council in August 2021 signed by residents of the Ocean Heights neighborhood that requested to restrict through traffic from using Ocean Heights streets as a shortcut or access through the neighborhood. The item was discussed at the July Council workshop, where Council directed staff to draft proposed language for review to restrict commercial through traffic in the Ocean Heights neighborhood.

The Ocean Heights neighborhood was platted in 1949 to include 132 lots designed to access both Dow Road and North Lake Park Boulevard. The subdivision was located in the unincorporated area of the County, not in the Town limits, when it was approved. The area was left undeveloped until the late 60s. In 1963, DOT constructed a high-rise bridge. As part of the project, Lake Park Boulevard was extended to the new bridge and a new section of Dow Road was created through the Ocean Heights neighborhood to connect to the original Dow Road. DOT bought 18 lots for the road improvements. This created 26 lots that were located on the east side of Dow Road and disconnected from the neighborhood.

Through the 70s, the majority of the Ocean Heights neighborhood on the west side of Dow Road was developed as manufactured housing. The west side of Dow Road was developed as non-residential. Commercial development took off when the Town annexed the area and put in water and sewer. The development of the neighborhood remained unchanged until a developer bought 28 lots in the neighborhood in 2006, removed many of the manufactured homes, and built three duplexes before the economic downturn. Another developer bought the remaining 25 lots and built duplexes in 2017.

Mr. Hardison presented the details. He said the neighborhood borders are between Old Dow Road, Dow Road, and Bridge Barrier Road. He said there are now three entrances to the neighborhood, and it has 19 exterior lots and 53 interior lots. The interior streets are public and maintained by the Town, and the speed limit is 25 mph.

The proposed ordinance would eliminate through traffic for commercial vehicles in the Ocean Heights residential portion of the neighborhood. The Town does not currently have any areas that prohibit commercial through traffic. Part of the amendment is to adopt a definition of commercial vehicles. The proposed commercial vehicle definition is consistent with the State definition.

Council Member Hoffer asked if there is a pitfall here because the ordinance is only as good as enforcement will be. He asked if the Town passes this and enforcement is light whether there is some way this will bite the Town.

Mayor Pro Tem Healy said it sets a precedent for other developments to do the same thing.

Mayor Barbee said the Town is creating the ordinance so enforcement can happen at all. Mr. Oakley said it may be tough to enforce and could lead to a lot more requests.

Mayor Barbee said these roads may eventually get tagged in GIS as routes that prohibit commercial traffic. Mr. Parvin said this is possible, according to the Wilmington Urban Area Metropolitan Planning Organization (WMPO).

Mayor Pro Tem Healy asked if the Town has signs for this. Mr. Hardison said staff will have to order them.

ACTION: Motion for approval to amend Chapter 16. Article VI. Sec. 16-207 and Sec. 16-1 to add “no commercial through traffic” language in the Ocean Heights subdivision

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 this is a crowded little neighborhood, and he has empathy for the residents.

13. Committee Appointments – Bike/Ped and Marketing

Council made the following committee appointments:

- Bike/Ped: Rodney Kidd
- Marketing: Dorrene Stanley

Mayor Barbee thanked everyone who applied and asked them to continue applying. He said it takes time, but membership will turn over and future opportunities will arise.

COUNCIL COMMENTS

Council Member LeCompte thanked Mr. Oakley for entertaining her idea to let residents affected by recent flooding park in Town lots overnight to keep their cars out of floodwaters. She said she’d like to ask Council to make that a standing policy when there is flooding on the North End. Mayor Barbee asked her to bring this up as part of Council’s parking recommendations. Council Member LeCompte

thanked Operations and the Police Department for being on top of the flooding, which happened quickly and involved the ocean breaching the rocks.

Mayor Pro Tem Healy mentioned that the CBD Master Development Plan was last done in 2008 and asked how often it is updated. Mayor Barbee said this is up to Council. Council Member LeCompte said she was on the steering committee for the 2008 plan. Mayor Barbee said Council should discuss this further during a future workshop.

Council Member Hoffer asked about clearing of a lot at Sixth Street and Augusta Avenue. He asked if the owner has applied for a building permit. Mr. Hardison said no, the owner applied for a clearing permit. Council Member Hoffer said it seems odd that you can apply for a clearing permit on land that is zoned Conservation. Mr. Hardison said this is just zoning terminology and is not a State or Federal designation. He said single-family development is allowed within the district and that there are no wetlands, the land is high, and there are no protected species or anything else environmental on the property. Council Member LeCompte said the lot is in the County, not the Town. Mr. Hardison said any development would have to meet the Town's landscaping ordinance.

Council Member Hoffer said he would like to have a discussion about rights-of-way and rights of use at a future workshop. Mr. Oakley said there will be some discussion of this during the September workshop item about residential parking districts.

Council Member Hoffer asked everyone not to forget about DOT plans for repaving Lake Park Boulevard in 2025.

Council Member Benson said he is looking forward to getting numbers regarding Carolina Beach Avenue South and moving toward a decision.

Council Member Benson asked if the State is testing wells and water quality for contaminants this month. Mr. Parvin said the Town is constantly doing testing with the State. Council Member Benson said there is usually an annual report in September. Mr. Oakley said he is not sure when this water quality report is coming, but he will share it with Council when available.

Council Member Barbee praised Town staff and citizen involvement and said we live in the best place there is.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 9:30 PM.

CAROLINA BEACH

Town Council Special Meeting

Thursday, September 19, 2022 – 4:00 PM

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



MINUTES

CALL TO ORDER

Mayor Barbee called the meeting to order at 4:00 p.m.

Council Members Present

Mayor Lynn Barbee

Council Member Mike Hoffer

MPT Jay Healy

Council Member Deb LeCompte

Council Member Joe Benson was excused due to travel

Also Present

Town Manager Bruce Oakley

Town Clerk Kim Ward

Assistant Town Manager Ed Parvin

Town Attorney Noel Fox

CLOSED SESSION

Mayor Barbee made a motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143-318.11(a)(5). Motion carried unanimously.

Mayor Barbee called the meeting back to order at 4:40 p.m. stating that no action was taken during closed session.

Mayor Barbee explained that Council would consider amending Resolution 22-2270 to correct a typographical error. The amended Resolution lists the correct Register of Deeds book number as 1330.

Mayor Barbee made a motion to approve the amended Resolution No. 22-2270. Motion passed unanimously.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 4:40 p.m.

CAROLINA BEACH

Town Council Workshop

Tuesday, September 27, 2022 - 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

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

Mayor Barbee said a closed session was added to the most recent version of the agenda at the end.

DISCUSSION ITEMS

1. Employee Recognition

Fire Chief Alan Griffin introduced the following new firefighters: David Shifter, Jackson Hudson, Nick Mullins, and Seth Taylor.

Public Works Director Brian Stanberry recognized Elizabeth Hewlett for 10 years of service with Public Works.

Police Chief Vic Ward recognized Sonny Russell for 10 years of full time service with the Police Department.

2. Presentation by the Bike/Ped Committee Regarding Carolina Beach Avenue South

Ricky Niec, Chairman of the Bike/Ped Committee, presented committee feedback regarding proposed improvements to Carolina Beach Avenue South. He said members looked at the following options that staff previously presented for the 30-foot right-of-way:

- Option 1 – no sidewalks, 11-foot one-way drive, two 5-foot bike lanes, 9-foot parallel parking
- Option 2 – 5-foot sidewalks on both sides, 15-foot one-way drive, 5-foot bike lane

- Option 3 – 5-foot sidewalks, 12-foot one-way drive, 5-foot bike lane, 8-foot parallel parking

He said option 1 was the closest to what the committee had envisioned, but the committee wanted to provide an alternative option consisting of six items:

- 1) Leave existing sidewalks as they are without adding additional sidewalks. (The committee discussed the fact that putting sidewalks directly behind cars backing out from under condos would be dangerous and expensive.)
- 2) Use the existing pavement for a drive aisle and a two-way bike path similar to the Cape Fear Boulevard multi-use path. There would be no parking spaces due to the limited availability of safe parking.
- 3) The bike path would be on the east side of the pavement and a minimum of 8 feet, but 10 feet would be preferred. This width would be based on the actual width of the pavement. The bike path would have a dashed line down the center of the path and be separated from the drive aisle by a double yellow line. At each intersection, there would be a highly visible vertical pipe on the bike path (like Cape Fear Boulevard) with signage to indicate no motor vehicles on the path.
- 4) The drive aisle would have the one-way arrows and use the remaining pavement on the west side.
- 5) The section of Carolina Beach Avenue South that runs east and west near Sand Pebbles condos is much narrower. This section would have a one-way bike path with a minimum of 4 feet designated for bikes to travel east (against the direction of the drive aisle).
- 6) At the south end of Carolina Beach Avenue South before the road turns west, there would be signage to indicate to southbound bike riders that their lane ends and to merge with traffic.

Council Member Hoffer said the committee found some fatal flaws with the options staff proposed. He said although there is a 30-foot right-of-way, it's compromised in a lot of places so it's important for those considering improvements to go on site to view the conditions firsthand.

Several Council Members mentioned paint on pavement as a cost-effective solution. Mayor Pro Tem Healy said if there is something in place to show that cars shouldn't hang off the road, drivers will learn not to do this. Council Member Hoffer said he's optimistic that if people can see the markings, they will adhere to them.

3. Speed Limits on Carolina Beach Avenue North and Carolina Beach Avenue South

Council requested staff assess the speeds on Carolina Beach Avenue North and Carolina Beach Avenue South. After meeting with the Wilmington Urban Area Metropolitan Area Planning Organization (WMPO), Police Department, Fire Department, and other Technical Review Committee (TRC) members, no issues were identified with the current speed limit. The assessment found that changing signs to show lower than 25 mph will have limited to no impact on the current speeds seen on the streets. Striping is being considered for Carolina Beach Avenue South, which should limit drive aisle widths and, in turn, slow down traffic. Additional on-street arrows and lane design will help clarify for the driver that Carolina Beach Avenue South is one-way going south.

Mr. Parvin presented the details.

Mayor Barbee said he would like to wait to see if the proposed traffic-calming measures take care of the problems before resorting to a speed limit change.

Mayor Pro Tem Healy said once Carolina Beach Avenue North is paved, the Town can get a true indication of the natural speed that people drive.

Mr. Parvin said the Bike/Ped Committee will take one more look at the issue before it goes back to the TRC.

Council Member LeCompte said Council Members should proceed with caution to make sure they get it right.

4. Clarendon Avenue Multi-Use Path

Council requested the Bike/Ped Committee review the Clarendon Avenue multi-use path project and bring back a recommendation. The committee voted to eliminate the project on Clarendon Avenue.

Mr. Parvin presented the details. He said he reached out to WMPO to see what the Town would need to do if Council doesn't want to move forward with this project, which is set to receive \$545,000 in grant funds from the N.C. Department of Transportation (DOT). He said the proposed resolution would put the allocated money back and the project would be removed from future consideration for the funding. Mr. Parvin said the Town has not yet incurred any costs or drawn money for this.

Mayor Barbee asked what flexibility the Town has with the money. Mr. Parvin said the project could be revised into a smaller path or just 5-foot sidewalks and still use the money. Mayor Barbee said this is the first he's heard of this level of flexibility. He suggested that Council may want to look at options one more time.

Mayor Pro Tem Healy asked how long the money is available. Mr. Parvin said he is not aware of a hard deadline, but the Town should decide one way or another in the near future. Mayor Pro Tem Healy said he wants the community to speak about this.

Mayor Barbee said he agrees that Council needs to understand what residents want. He said they may not want a multi-use path but a sidewalk instead.

Council Member Hoffer said he thinks it's time to let this go and be done. He said even if the Town just does a sidewalk, there could be utility, drainage, and logistics issues. Council Member Hoffer said the more he looks at this, the less he sees any value and there are a lot of other places where the Town can use the money with or without a matching grant. He said he's ready to stop this 10-year discussion and move on to bigger and better items.

Mayor Barbee said he doesn't see the harm in making one more pass. He said it's a different question to put out other options for the community to consider, and once Council votes the money is gone forever.

Mayor Pro Tem Healy said he agrees another look is wise. He said it will be interesting to find out whether the public really cares about this.

Mayor Barbee asked how the Town would move forward with getting public input. Mr. Parvin said the Town could host an open house showing sidewalk options to gauge interest. He said developing pointed questions might help generate better feedback.

Council Member Benson said he wants some specifics about the cost, and there is a lot to be determined.

Mayor Barbee said Council Member Hoffer has good points, but he wants to offer one more round of public discussion to be sure there's not another solution that hasn't yet been considered. He said the consensus of Council is to find some public vehicle to ask questions to the community.

5. Cape Fear Boulevard and Canal Drive One-Way Options

The Town has looked at reconfiguring Cape Fear Boulevard and Canal Drive in the downtown area east of Lake Park Boulevard on several occasions over the past 20 years. In 2010, an assessment was done by the WMPO and staff to recommend a one-way design going east on Cape Fear Boulevard and north on Canal Drive to Harper Avenue. The Town looked at this again in 2014 but opted to leave the traffic pattern the same when replacing the streets and all infrastructure.

Council has asked that staff assess this area again in 2022. TRC reviewed options for:

1. Remaining two-way
2. Remaining two-way on Cape Fear Boulevard and one-way on Canal Drive
3. Completely closing off these streets
4. One-way going east on Cape Fear Boulevard and one-way going north on Canal Drive to Harper Avenue

Staff and WMPO agreed option 4 would allow for the safest and most efficient movement of traffic.

Some possible alternatives could be:

1. Have a committee assess possible options
2. Hold a public workshop
3. Hire a traffic engineer to evaluate the area and engineer the design
4. Postpone discussions until the budget retreat
5. Other

Mr. Parvin presented the details. He said they do not have any cost estimates.

Council Member LeCompte said she has always been in favor of option 4 because the Town must find some safety mechanism to protect pedestrians as they cross Lake Park Boulevard.

Council Member Hoffer said he doesn't love the idea of one-way on Cape Fear Boulevard and asked if the Town can keep it the way it is and have a turnaround at the gazebo. Mr. Parvin said there is not enough right-of-way there to accommodate that. Council Member Hoffer said he feels like there is room for this. He said he loves the one-way concept for Canal Drive, but he's worried that changing all the parking spots on Cape Fear Boulevard will cost a fortune. He said traffic going both ways on that street will keep things moving all year long.

Mr. Parvin said there is nothing budgeted for this project during the current fiscal year, but if Council is interested he can bring this back to the budget retreat with some firmer numbers.

Mayor Pro Tem Healy said he would like to get input from local businesses about what they want to see.

Council Member LeCompte said she would like to see the feasibility of doing a turnaround circle.

Council Member Benson said he'd like to tie this project in with burying power lines.

Council Member LeCompte said it would be good to have an open house on site so the public can see exactly what is being considered.

6. Primary Response Route

Council received a petition to access stop signs in the Wilmington Beach area. After meeting with traffic engineers and Town public safety departments, it was determined that the first step would be adopting a primary response route. This is the primary route first responders use to get to an emergency in the safest and most efficient manner. Once this is in place, stop signs can be further assessed.

Mr. Parvin presented the details. This item will be on the agenda for Council's October regular meeting.

7. Parking Discussion

Council appointed an ad hoc Parking Committee in June to review several aspects of the parking program and bring back recommendations about the following topics:

- Current parking rules, regulations, rates, and fees
- How to improve communication and guest experience
- Parking zones
- Residential zones
- Handicap parking
- Private lots

The committee completed the review and presented recommendations at the August 23 Council meeting. Staff utilized the TRC and expertise from the Town's parking contractor to put ordinances together consistent with committee recommendations.

The Town will need to renegotiate a contract with Pivot Parking consistent with the current vision and ordinances. To complete this task, staff is requesting Council feedback so final ordinances/policies can be brought to Council for adoption no later than October 11.

Mr. Parvin presented the details.

Parking code: undesignated right-of-way

- Defined “undesignated parking” as unimproved right-of-way. In these shoulder areas, parking is allowed as long as the vehicle is off the drive aisle and not blocking a fire hydrant, crosswalk, intersection, driveway, etc.
- Undesignated right-of-way west of Lake Park Boulevard and 3rd Street from Alabama Avenue to Goldsboro Avenue is treated differently because you can only park in these areas if you have a residential pass.

Council Member Hoffer said he’s glad the Town is looking at this and being forward-thinking. He said the Town may have to get strict about enforcing this, but he doesn’t think it’s time yet.

Council Member LeCompte said there are already remedies on the books for violations such as parking in the drive aisle or next to fire hydrants, but it’s mostly complaint-driven at this time. She said the issue is enforcement.

Council Member Hoffer said the answer to overflow parking could be to let property owners manage what’s in front of their property. He said they could put rocks or bushes in the right-of-way if they don’t want people to park there.

Council Member LeCompte said Council needs to vet all options well because they could have unintended consequences. She said her kids park in front of her house when they visit, but they don’t have passes because they aren’t Town residents. Council Member LeCompte said the Town can put as many rules on the books as it wants, but it’s not enforcing the ordinances it already has.

Mayor Barbee said the Parking Committee was clear that the Town needs to do something in residential areas before it becomes a big problem. He said changing behavior is more difficult than setting behavior.

Mayor Pro Tem Healy said parking in residential areas is a problem now.

Parking recommendations

- Handicap: identify and implement additional spaces
- Clearly delineate public lots vs. private lots in the Central Business District (CBD)

Mr. Parvin said wayfinding is a potential solution for delineating lots.

Mayor Pro Tem Healy said he thinks the Town is wasting its money putting signs out, especially those without an identifiable symbol such as a starfish. He said tourists don’t care if a lot is public or private.

Mr. Parvin said the Town logo is already on every sign in public lots. Mayor Pro Tem Healy said that isn't going to work.

Mayor Barbee said this brings up an interesting question of who the signs should target. He said there is an online parking map that many people don't know exists, so the Town may want to consider printing it out and distributing it.

Mr. Parvin said a marketing brochure is a great idea once any upcoming changes are implemented.

Council Member Hoffer said he agrees with Mayor Pro Tem Healy that the Town logo doesn't quite jump out at people.

Council Member Benson suggested giving the parking map to people when they buy a parking pass.

Council Member LeCompte said the map could also go in short-term rentals.

Pleasure Island parking pass

- Users are included in Carolina Beach and Kure Beach Sewer Authority
- Pleasure Island shares in holding events, such as New Year's Eve
- Passes to all those needing re-entry after bridge closure due to emergency events
- Pleasure Island works together on coastal storm damage reduction

Mayor Barbee said he has had discussions with Kure Beach Mayor Craig Bloszinsky, and there is consensus to at least hold discussions about the possibility of a Pleasure Island parking pass and how it might work. Mayor Barbee and Mayor Pro Tem Healy said they will participate in further discussions with two Kure Beach representatives.

Currently there is two-hour parking west of Lake Park Boulevard on:

- Raleigh Avenue
- Cape Fear Boulevard
- Charlotte Avenue

Mr. Parvin said the proposal is for these areas to have standard parking without a two-hour limit.

Mayor Barbee said these areas are underutilized because there are no businesses back there to warrant frequent turnover of parking spaces.

The next topic was parking tickets. Mr. Parvin said currently, the fine for a parking ticket is \$100, and if not paid this goes up after five days and then again after 10 days. He said the committee asked the Town to look at an incentive for prompt payment.

Parking tickets

- 50% reduced cost if paid within 24 hours
- 25% reduced cost if paid within 48 hours

- \$25 in areas where parking has been paid but one of the designated parking space violations exists and does not cause any loss of access to surrounding public facilities such as parking spaces, sidewalks, bike lanes, etc.

Mayor Barbee said NC Parking Co. claims it has a higher collection rate using a discount method instead of a punitive method for parking fines. He said he gets a lot of calls from people who admit they did something wrong but need more time to pay.

Council Member LeCompte said she has always been a fan of incentivizing instead of penalizing.

Mayor Barbee asked if the fines would still increase as they do now after five and 10 days. Mr. Parvin said yes. Mayor Barbee said he would like for the fine to remain at \$100 for 30 days because he worries about people who are struggling financially.

Mayor Pro Tem Healy said he likes the idea of keeping the fine fixed for 30 days.

Parking rates

- March-October 9:00 AM-8:00 PM (\$5 per hour/\$25 per day)
- November-December 9:00 AM-5:00 PM (\$2 per hour/\$10 per day)
- January-February no charge

Council Member LeCompte said communication is a huge part of the parking program. She said many people don't know about the lower rates November-December.

Mayor Barbee suggested distributing a list of rules to people when they buy their parking passes.

Freeman Park

- Although the Parking Committee did not address Freeman Park, staff is recommending that the time limit for annual pass sales to specific months be eliminated
- License plate recognition
- For Freeman Park passes and re-entry decals, the Town needs an eight-week lead time to design/produce/deliver

Mr. Parvin said cutting off the sale of annual Freeman Park passes early didn't work to increase the sale of daily passes.

Mr. Parvin said the Town needs to consider whether license plate recognition for entry to Freeman Park is what it really wants to do. Council Member LeCompte said this would involve a gate. Council Member Hoffer said it seems like it would be easy to slip in behind someone. Mayor Barbee said Council would need to see how that would work.

Mayor Barbee said a re-entry permit fee after a certain date would be punitive for people who move to the Town later in the year.

Mr. Parvin said staff will amend the proposed ordinances based on these comments and bring back most of the items next month.

Council Member LeCompte said the Town needs to ensure the public understands every piece being considered in advance so they can comment.

Council Member Hoffer asked if Council should consider a special meeting for voting on parking. He said he hasn't let go of the idea of having a non-resident pass for those who don't live on the island.

Council Member Benson said he would like to see a very nuanced consideration of non-resident passes, such as September 15-May 15 west of Lake Park Boulevard for \$200 to be picked up in person one per person.

Mayor Barbee said the Parking Committee voted against non-resident passes for those who don't live on the island. He said going against this is just delaying the inevitable because the parking inventory will make this unsustainable.

Mayor Pro Tem Healy said it's not fair to residents who pay higher taxes, and that's who Council needs to consider.

Council Member LeCompte asked Finance Director Debbie Hall to provide net parking revenue for after Labor Day, which should give an idea of who is paying for parking at this time.

Council Member Hoffer said he thinks there are some faulty assumptions.

Mayor Barbee said the Town needs to get ahead of the curve, set what it wants to see five years from now, and drive behavior toward that. He said constantly measuring and adjusting in small increments creates political drama, so the Town needs to know where it's going and go there.

8. Manager's Update

Mr. Parvin gave an update on current and future projects.

Storm Preparation

Staff is working hard to prepare the Town for Hurricane Ian. The area could experience some bands of rain and wind even though the track shows it staying west of here.

Mike Chappell Park Bathroom

This is scheduled to open this week. Landscaping is about to go in, which is the last step, and then the facility can open in the next day or two.

Mayor Barbee asked if the facility will be open 24/7. Mr. Parvin said no, there will be timed locks for certain hours.

Council Member Hoffer asked if there will be a provision for shade around the building. Mr. Parvin said that is not included in this budget. Council Member Hoffer said it would be helpful to have a sail or something else to provide shelter from the sun while parents wait for their kids.

Marina

A massive check valve has gone in, so the south side infrastructure is almost complete. Floating docks will go in next week, and then shuffling of boats to enable starting on the east side will happen. The project is still on schedule.

Council Member LeCompte said there are lots of cigarette butts on the ground in the gravel lot behind the old Sharkies/Tangerine. She said people who are waiting to board charters are likely responsible for this.

Reminders

Saturday is the season's last market at Lake Park.

The lifeguard program ends this weekend.

The Unified Development Ordinance (UDO) kickoff meeting is October 19. The Planning and Zoning Commission will serve as the advisory board for this process.

Firefighter training on November 5 will involve burning a structure at the northwest corner of 5th Street and Raleigh Avenue.

Staff is proposing to move the November 8 regular Council meeting to November 9 due to the election.

ACTION: Motion that Council move the regular monthly meeting in November from November 8 to Wednesday, November 9, at 6:00 PM

Motion made by Council Member Benson

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

Motion passed unanimously

COUNCIL COMMENTS

9. Council Comments and Requests for October Agenda Items

Council Member LeCompte said she would like to hear an update on how effective the Beach Patrol was.

Council Member Hoffer said he wanted to apologize to Cindy Dunn and Karen Graybush of the Beautification Committee, who were hoping to talk about ideas for landscaping improvement plans to the area over Snow's Cut Bridge. He said he would like to see this on an agenda very soon.

Council Member LeCompte said representatives from Town committees were at the market at Lake Park this past Saturday, and this was a great success. She said they will be back again this week weather permitting to let the community know what they are doing.

Mayor Barbee said Ms. Dunn has asked to hand out some information for Council to review. He said she can do this at the end of the meeting.

Council Member Benson praised staff for Hurricane Ian preparation efforts. He reminded residents to secure loose items and take care of neighbors who may not be home.

Council Member Hoffer praised staff for the preparation that went into this workshop.

Mayor Barbee said staff did a lot of work toward making the purchase of Freeman Park possible, which was a huge win for the Town.

Council Member LeCompte said the Town could've gotten less than the \$4 million in grant funding it secured for the Freeman Park purchase, so getting the full amount was amazing.

CLOSED SESSION

ACTION: Motion to go into closed session to discuss attorney/client matters as well as a real estate matter in accordance with NCGS 143-318.11(a)(3) and (5); the property being discussed is Parcel ID R08814-001-007-000

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 12:00 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 10/11/2022

SUBJECT: Presentation of Annual Financial Audit

BACKGROUND:

Victor Blackburn from Bernard Robinson and Company will present a summary of the annual financial audit to Council.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 10/11/2022

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 10/11/2022

SUBJECT: Committee Presentation – Beautification Committee

BACKGROUND:

The Beautification Committee will present a request for Council to consider funding a project on the north side of the Snow’s Cut Bridge.

ACTION REQUESTED:

Discussion of project and budget request



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council 10/11/2022

SUBJECT: Manager's Update

BACKGROUND:

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



AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin

DEPARTMENT: Executive

MEETING: Town Council 10/11/2022

SUBJECT: Ad-Hoc Parking Committee / Town Staff Recommendations

BACKGROUND:

The Town Council appointed an ad hoc parking committee in June 2022. The committee was tasked to review several aspects of the parking program and bring back recommendations on or before September 27, 2022. Topics included by Town Council included:

- 1) Current parking rules, regulations, rates and fees
- 2) How to improve communication and guest experience
- 3) Parking zones
- 4) Residential zones
- 5) Handicap parking
- 6) Private lots

The parking committee was able to complete their review and presented their recommendations at the August 23, 2022 Town Council Workshop (attachment: parking committee recommendations). Staff utilized the Technical Review Committee and expertise from our parking contractor to put ordinances together consistent with the parking committee recommendations.

ACTION REQUESTED:

The Town will need to renegotiate a contract with PIVOT consistent with current vision and ordinances of Town Council. To complete this task, staff is requested feedback at the September 27, 2022 workshop so a final ordinance could be adopted by Town Council NLT October 11, 2022. Once this action has occurred the Town Staff will still need to:

1. Finalize a contract with PIVOT
2. Finalize brochures to educate the public on the parking requirements.
3. Work through the logistics of putting the new plans in place (i.e. purchasing and installing signage, redesign of Town website and associated software, etc).

RECOMMENDED MOTION:

Recommend adoption of the attached ordinance and updated rates and fees schedule.

ATTACHMENTS

#1 PARKING COMMITTEE RECOMMENDATIONS FOR COUNCIL

#2 OVERVIEW OF CHANGES INCORPORATED IN CODE/POLICY

ATTACHMENT #1

Parking Committee Recommendations for Council

1. Recommendation that Council create a residential zone beginning at 3rd Street or equivalent and extending west.
2. Recommendation that Council add more and better located handicap spaces.
3. Recommendation that Council consider signage changes that clearly distinguish between Town and private lots.
4. Recommendation that Council consider investigating the possibility of selling nonresident passes to CB and KB sewer authority partners.
5. Recommendation that at this time, Council take no action on creating different parking zones.
6. Recommendation that Council consider changing the 2-hour parking on Cape Fear Blvd west of Lake Park Blvd to \$5 per hour and \$25 per day.
7. Recommendation for Council to consider offering discount incentives on parking fines if paid promptly.
8. Recommendation that Council consider working with Pivot to reduce the number of tickets for minor infractions.
9. The Committee reaffirmed section 16 of the parking codes and ordinances and suggested Council consider enforcement of same.
10. Recommendation that Council consider offering free parking in January and February.
11. Recommendation that Council consider offering free parking in December.
12. Recommendation that Council continue the policy of not selling OTB parking passes.

ATTACHMENT #2
OVERVIEW OF CHANGES INCORPORATED IN CODE/POLICY

To clarify and implement the ideas from the Parking Committee Town Staff has made several recommended actions:

1. Residential zone: Staff has defined “undesigned parking” as unimproved right of way. In these shoulder areas parking is allowed as long as the vehicle is off the drive aisle and is not blocking a fire hydrant, crosswalk, intersection, driveway, etc. (see Sec 16-164 (c)) On September 27, 2022 staff presented options to limit parking in undesigned right of way. After listening to comments from Town Council and reviewing with TRC/Pivot, staff is recommending bringing back a educational brochure to distribute across the community to educate about the existing regulations in the Town Code. In 2023 staff recommends beginning enforcement of current codes in undesigned right of way associated with safety distances as described above (i.e. avoiding driveways, fire hydrants, intersections, etc).
2. Staff has met with PIVOT and we are currently obtaining a list of potential handicap spaces to be added.
3. After further discussions it was decided that creating a well-publicized brochure that shows our lots and regulations can go out to the public through paper and electronic sources. Once new rules are finalized by Town Council, we will finalize brochures and begin distributions.
4. Staff reviewed selling passes to all of Pleasure Island as a possibility due to the following:
 - a. the users are included in our water and sewer authority.
 - b. Passes to all those needing re-entry after a bridge closure due to an emergency event (i.e. hurricane)
 - c. Pleasure Island shares in holding events (i.e. New Year’s Eve)
 - d. Pleasure Island works together on Coastal Storm Damage Reduction.

Results of meeting with Kure Beach were not available when this was submitted.

5. No action was taken on parking zones.
6. Staff is recommending that parking remain 2 hour on Lake Park Blvd and current areas east of LPB. All streets west of LPB (Charlotte, Cape Fear and Raleigh) would become \$5/hour and \$25/day.
7. Staff built in a 50% reduced cost if tickets are paid w/in 24 hours and 25% reduced cost if they are paid within 48 hours. Staff also increased the time to pay a ticket prior to increases in charges to be consistent with Town Council’s direction on September 27th.
8. The fee has been reduced from \$100 to \$25 In areas where parking has been paid, but one of the designated parking space violations exist and does not cause any loss of access to surrounding public facilities (i.e. parking spaces, sidewalks, bike lanes, etc).
9. Article V Section 16 has been reworked to clarify the Town’s parking regulations.
10. The rates and fees schedule and town code have been updated to show:

- a. March – October 9am-8pm (\$5/hour & \$25/day)
 - b. November – December 9am-5pm (\$2/hour & \$10/day)
 - c. January – February no charge
11. After reviewing financials with PIVOT and in consideration for all the activities the Town invests in during December, staff recommends charging in December but keeping it at the lower rate and limited hours as stated above.
 12. OTB passes is not recommended by staff. The Town Parking pass is an allowance for local taxpayers only. For visitors outside the Town parking should remain at a cost to help facilitate the costs the Town pays to maintain the parking program and other amenities provided by the taxpayers.
 13. Freeman Park: Although the parking committee did not address Freeman Park, staff is recommending the time limit for annual pass sales to specific months be eliminated.

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

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

Re-Entry Decal (annual/sticker)

Resident/Property Owner ([new resident/property owner shall have 3 months from the date of closure/lease to obtain a free pass](#))

Fee

Free Jan 1-Mar31; \$20 Apr 1-Dec 31

Parking Pass (annual/LPR)

Resident/Property Owner

Fee

\$40.00*

*CB Property owner/resident may purchase a pass for every vehicle registered in Carolina Beach. Non-resident property owners may purchase only one pass for vehicle(s) not registered in Carolina Beach.

Non-Resident

\$100/week

CBD-Employee

\$100.00

*Employee parking pass may only be purchased by business owner/manger

Golf Cart /Low Speed Vehicle Parking Pass (annual)

Resident:

Fee

State Registered Low Speed Vehicles (LPR)

\$40.00

Non-State Registered Golf Carts (sticker)

\$60.00

Non-Resident:

Fee

State Registered Low Speed Vehicles (LPR)

\$100.00

Parking Lots

Fee

March 1 - October 31 (8 9AM-8PM)

Vehicles/Small Trucks

\$5/hour or \$25/day

Limos & Oversize Vehicles

\$10/hour or \$40/day

November 1 - ~~November 30~~ December 31 (9am-5pm)

Vehicles/Small Trucks

\$2/hour or \$10/day

Limos & Oversize Vehicles

\$5/hour or \$20/day

On-street Parking Meters (Vehicles/Small Trucks)

Fee

March 1 - October 31 (8 9am-8pm)

\$5/hr

November 1 - ~~November 30~~ December 31 (9am-5pm)

\$2/hr

December January 1 - February 28

Free

Parking Violations (16-162)	Fee
VEHICLES PARKED IN DESIGNATED PARKING SPACES	
Town-owned or operated parking areas. It shall be unlawful in any off-street lot or area owned by the town and provided for general public parking to park a motor vehicle, or for the registered owner of a motor vehicle to allow such vehicle to be parked, in any manner other than within properly designated parking spaces.	\$100.00
Parking Restrictions; all times: When signs are placed, erected, or installed giving notice thereof, or the curbing has been painted yellow in lieu of signs, no person shall park a vehicle at any time upon any street within the corporate limits.	\$100.00
Where signs have been erected which display parking time limitations, no person shall park a vehicle for any length of time exceeding the time limitation so displayed.	\$100.00
Parking in a town designated space where payment is required and not paid.	\$100.00
Parking in a space where allotted time has expired.	\$100.00
On any street or parking lot which is marked off with lines indicating the parking spaces for cars and golf carts, the cars and golf carts shall be parked between the lines.	\$100.00
Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, or bike lanes.	\$100.00
Protrusion beyond designated parking space.	\$100.00
Double parking where the vehicle encroaches into another designated parking space and prohibits the use of an adjacent parking space.	\$100.00
In no case shall a vehicle remain backed to a curb against the flow of traffic when adjacent to a one way drive aisle.	\$100.00
Vehicles parked in a designated space where a street includes two or more separate lanes and traffic is restricted to one direction, no person shall park or stand upon the left-hand side of such roadway unless signs are erected to allow such.	\$100.00
Angled Parking: Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or street edge indicated by such signs or markings.	\$100.00
Parking has been paid, but one of the above violations exist and does not cause any loss of access to surrounding public facilities (i.e. parking spaces, sidewalks, bike lanes, etc)	\$25.00

VEHICLE OBSTRUCTIONS	
Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.	\$100.00
Upon any bridge or other elevated structure or within any underbase structure.	\$100.00
On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street.	\$100.00
At hazardous or congested areas where signs or markings have been installed prohibiting such.	\$100.00
Within a designated drive aisle.	\$100.00
Vehicles parked unattended in commercial and passenger loading zones.	\$100.00
Vehicles other than buses parked in a bus stop.	\$100.00
Oversize vehicles parked on town streets.	\$100.00
Vehicles parked in "no parking anytime" zone.	\$100.00
Obstructing other vehicles: No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.	\$100.00
Unattended vehicle: It shall be unlawful for any person to leave a vehicle's engine running while it is standing parked upon the streets	\$100.00
The storage of vehicles, boats, trailers, and/or other equipment within public rights-of-way, public parking areas, or other public areas is prohibited.	\$100.00
The use of vehicles, for camping or permanent or temporary living facility within public rights-of-way, public parking areas, or other public areas.	\$100.00

VEHICLES PARKED IN UNDESIGNATED PARKING SPACES	
Vehicles parked in an undesignated parking space within an intersection or within 25 feet of an intersection.	\$100.00
Vehicles parked in an undesignated parking space within 25 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.	\$100.00
Vehicles parked in an undesignated parking space where a street includes two or more separate lanes and traffic is restricted to one direction, no person shall park or stand upon the left-hand side of such roadway unless signs are erected to allow such.	\$100.00
Vehicles parked in an undesignated parking space Within the median of a divided roadway.	\$100.00
Vehicles parked in an undesignated parking space Within 15 feet in either direction of a fire hydrant, unless a greater or lesser distance is designated and appropriate signs or markings are displayed.	\$100.00
Vehicles parked in an undesignated parking space in front of or within five feet in either direction of a private driveway or road.	\$100.00
Vehicles parked in an undesignated or unauthorized parking space on or within ten feet of a crosswalk.	\$100.00

Payment within 24 hours results in 50% off of all violations	\$100-\$50 = \$50
Payment within 48 hours results in 25% off of all violations	\$100 - \$25 = \$75
Non-Payment Penalty - additional fees charged after 5 30 calendar days (i.e. for a \$100 fine the total due = \$150)	\$50
Non-Payment Penalty - additional fee charged after 10 60 calendar days (i.e. for a \$100 fine the total due = \$200)	\$50

Freeman Park Entry/Camping

	<u>Fee</u>
*Annual Permit -on sale Dec 1—Mar 1	\$225.00
*Discounted Annual Permit - Dec 1 - Dec 31 (must be purchased and picked up in person)	\$110.00
*Daily Pass (per vehicle)	
April 1 - September 30, Monday-Sunday	\$50 per day
October 1 - March 31, Monday-Sunday	\$30 per day
*Camping Reservation (per night Labor Day through Thursday before Memorial Day)	\$50.00

*NOTE: Annual passes, daily permits, and campsite reservations are non-transferrable

Payment Processing Fees

	<u>Fee</u>
Citation Payment Fee	\$2.00 or 3% of transaction cost (whichever is higher)
Freeman Park Annual Permit Transaction fee	\$3.00 per transaction
Freeman Park Annual Permit Processor Fee	2.9% + .30
Freeman Park Camping Permit Transaction Fee	\$ 2.00 Per Transaction
Freeman Park Camping Permit Processor Fee	2.7% + .25

Credit Card Convenience Fees

Convenience fee for any/all payments made with credit card	3% of transaction cost
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Policies

1. Handicap Parking: No charges shall be administered to parking patrons that display valid handicap documentation and are parked in a designated handicap parking space operated by the Town.
2. Allocation of Freeman Park Permits and Parking Decals: All passes must be paid for in accordance with this fee scheule unless otherwise approved by Town Council.
3. Any Request for donated passes must be received by the Town Clerk a minimum of 45 days prior to the Town Council meeting.
4. Temporary parking passes may be allocated for government entitites and/or associated activities as approved by the Town Manager.
5. Full-time employees and standing committee members will receive one free parking pass. A second pass may be purchased at the Town resident rate.
6. Full-time employees and Freeman Park Committee members will receive one free Freeman Park pass annually.
7. Town Marina Boat Captains will receive two free parking passes annually
8. Former Town staff, retired after 15 years or more of full time employment with the Town may purchase one (1) parking pass at the approved residential rate.
8. No individuals shall receive additional free passes based on meeting multiple criteria above.
9. Parking passes are non-transferrable.
10. Under special documented circumstances (i.e. overnight charter vessel trip from the Town Marina) and as approved by the Town Manager or their designee, longer than 24-hour parking may be accommodated by contacting the parking office and submitting the dates and vehicle license plates and payment. Failure to make these arrangements prior to the stay will result in a violation.



ORDINANCE NO. 22-1185

Text Amendment: To amend the Chapter 16. ARTICLE V. and the 2022-23 rates and fees to update parking regulations to be consistent with the recommended practices.

ARTICLE V. STOPPING, STANDING AND PARKING¹

Sec. 16-152. Stopping in streets prohibited; exceptions.

No vehicle shall stop in any street except for the purpose of parking as prescribed in this article, unless the stop is made necessary by the approach of a fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by the giving of traffic signals, by the passing of some other vehicle or pedestrian, or by some emergency. In any case covered by these exceptions the vehicle shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing, or street intersection if it can be avoided.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-153. Definitions *Designated Parking*: Parking spaces either on-street or in lots that have been delineated with striping, wheel stops, or other similar methods.

Undesignated Parking: unmarked parallel parking areas of the right of way adjacent to drive aisles, that are unmarked, a minimum of eight (8) feet wide and are not otherwise rendered unauthorized by this ordinance.

Unauthorized Parking: Public vehicle parking that is not in compliance with local, state, or federal code.

¹Editor's note(s)—Ord. No. 20-1146 , adopted November 10, 2020, amended article V in its entirety to read as herein set out. Former article V, §§ 16-152—16-175, pertained to similar subject matter, and derived from Code 1986, § 9-110—9-117, 90-119—90-133, 90-139; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998.

State law reference(s)—Purposes for which municipal service districts may be established, G.S. 160A-536; signals on starting, stopping or turning, G.S. 20-154; stopping on highway prohibited, warning signals, removal of vehicles from public highways, G.S. 20-161; unattended motor vehicles, G.S. 20-163.

Sec. 16-154. Parking and standing; purposes prohibited.

Designated and undesignated public parking spaces are for vehicle parking only. No person shall stand or park a vehicle upon any street or public parking lot for the principal purposes of:

- (1) Displaying it for sale.
- (2) Washing, greasing, or repairing the vehicle, except for repair necessitated by an emergency.
- (3) Storage thereof by garages, dealers, or other persons when the storage is not incident to the bona fide use and operation of the automobile or other vehicles.
- (4) Storage of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another.
- (5) Utilized for commercial purposes.
- (6) Utilized for residential overflow.
- (7) Parking of any vehicle on the municipal beach strand, unless otherwise approved by the town council or Town Manager, shall be prohibited. Vehicles performing a public duty as authorized by the Town Manager shall be exempt.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-155. Parking parallel to curb; proper position.

- (a) No person shall stop, stand or park in a roadway upon which the boundaries of individual parking spaces are marked on the pavement other than parallel with the front of the curb or edge of the roadway , headed in the direction of traffic and completely within the boundaries of the delineated parking space. When no parking space boundaries are marked on the roadway the vehicle shall be parked as above except that it may not be farther than 12 inches from the curb or edge of the roadway if there is no curb.
- (b) For the purposes of this section "front of the curb" shall mean the roadside of the curb that is raised above and perpendicular to the gutter.
- (c) For the purposes of this section "edge of the roadway" shall mean the portion of the right-of-way where the improved area designed and ordinarily used for vehicular traffic meets the unimproved area not designed or ordinarily used for vehicular traffic.
- (d) Undesignated public parking spaces may be utilized for parallel parking when:
 1. the vehicle meets the regulations of this chapter
 2. the vehicle complies with on-site signage
- (e) Designated public parking spaces may be located outside the parameters of this ordinance after review and approval of the Town Manager or their designee.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-156. Lights on parked vehicles.

Whenever a vehicle is parked or stopped upon a highway, whether attended or unattended, during the period from a half-hour after sunset to a half-hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of 400 feet ahead, there shall be displayed upon such vehicle one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, and projecting a red light visible under like conditions from a distance of 500 feet to the rear; except that no lights need be displayed upon any such vehicle when parked in accordance with the town ordinances upon a highway where there is sufficient light to reveal any person within a distance of 200 feet upon such highway.

(Ord. No. 20-1146 , 11-10-2020)

State law reference(s)—Similar provisions, G.S. 20-134.

Sec. 16-157. Obstructing street end water access prohibited.

- (a) It shall be unlawful to park, leave, place, or cause to be parked, left, or placed, either permanently or temporarily on any street ends or street rights-of-way between the paved or traveled portion of the street and the waters of the sounds, creeks, channels, and ocean contiguous to the shores of the town any motor vehicles, trailers of any kind, boats, or personal property of any kind unless otherwise designated by signs or markings allowing such.
- (b) Unless otherwise designated on-site, it shall be unlawful to launch any boats or vessels from street ends or street rights-of-way between the paved or traveled portion of the street and the waters of the sounds, creeks, channels, and ocean contiguous to the shores of the town, by trailer or vehicle of any kind, and no vehicle or trailers shall be driven, pulled, or trailed in any way across street ends or street rights-of-way as described hereinabove unless otherwise designated by signs or markings allowing such.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, boats may be launched from street ends and transported to the ocean or sound at street ends by sand dolly. Sand dollies may be left at street ends during daylight hours only, and then only if they do not block or impede access of others over street ends to the water.
- (d) All sand dollies left at street ends under the provisions of subsection (c) of this section shall have the owner's name and address clearly displayed and attached thereto.

(Ord. No. 20-1146 , 11-10-2020)

- a. Sec. 16-158. Loading and unloading zones. The town may establish and sign certain parking spaces within the town for loading/unloading. Loading/unloading spaces can be identified by the Town Manager. Spaces are to only be used for purposes of loading and unloading and only for durations less than 20 minutes. Loading/unloading spaces are enforced year round and 24 hours a day.
- b. Whenever vehicle loading and unloading zones are designated and described by this chapter and when signs or markings are installed giving notice thereof, it shall be unlawful for any person to stop, stand, or park any vehicle for any purpose or period of time except in accordance with the requirements of this chapter.

(Ord. No. 20-1146 , 11-10-2020)

- c. Upon the streets, street rights-of-way, or parts thereof, designated on-site as unloading zones, no person shall stop, stand, or park a vehicle therein for any purpose other than the expeditious loading or unloading of passengers or commercial products, and then only for a temporary period of time.
- d. The designated parking spaces located on the west side of Canal Drive and south side of Carl Winner Avenue adjacent to the marina are for use by the License holders of the Town marina and their patrons. Parking shall be limited to loading and unloading. No overnight parking is permitted.

(Ord. No. 20-1146 , 11-10-2020)

- e. No vehicle while loading or unloading passengers or commercial goods in designated loading or unloading areas shall cause blockage of adjacent traffic or cause such situations as to render traffic movement hazardous or unsafe.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-159. Operator to comply with chapter; effect of proof of ownership of vehicle.

The person actually operating or in control of the operation of the vehicle at the time the vehicle is parked, shall be charged with the duty of complying with the provisions of this article. However, proof of ownership of any vehicle found parked in violation of this chapter shall be prima facie evidence that the owner parked the vehicle.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-160. Fire lanes.

Pursuant to the provisions of G.S. 20-162(b), and for the protection and safety of the lives and property of the citizens of the town, there are hereby established certain fire lanes as set forth in this section. Fire lanes may be designated on private property which constitutes a public vehicular area as that term is defined in G.S. 20-4.01(32) (or by a subsequent statute amending this statutory section) and on any highway or street as that term is defined in G.S. 20-4.01(13) (or by a subsequent statute amending this statutory section).

- (1) Fire lanes may be designated on any portion of a highway or street or public vehicular area as those terms are defined herein when the parking or placing of vehicles or obstructions in the area designated as a fire lane would interfere with the property ingress or egress of fire fighting trucks or other emergency vehicles, equipment or personnel.
- (2) Fire lanes shall be clearly marked by appropriate above ground signs, or signs and pavement markings. The person or legal entity in possession of the property on which a designation of a fire lane is made shall be responsible of [for] installation and maintenance of the required signs or pavement markings. All signs and pavement markings utilized under the provisions of this section shall be approved by the town.
- (3) No person shall park a vehicle or permit it to stand, whether attended or unattended, or put or place any object, structure, or obstruction, in a fire lane which has been established under the provisions of this section; however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in [a] shopping center or mall parking lot as long as the vehicle is not left unattended. It shall be lawful for governmental vehicles or nongovernmental emergency vehicles, including rescue squad vehicles, to stop, stand, or travel within such fire lanes when required to do so in the performance of their official duties.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-161. Handicapped parking.

1. The town manager or their designee may designate certain areas for handicapped parking and signs and/or markings shall be installed accordingly. Thereafter no person shall park or leave standing a vehicle in any parking space located on a public street or in an off-street parking facility owned or leased by the town and designated for use by the public as parking facilities and which has been appropriately designated for the handicapped when the vehicle so parked does not display the distinguishing license plate, placard or identification card as provided in G.S. 20-37.6.
2. All parking areas marked handicapped parking located on public streets and within public parking lots shall be utilized in accordance with the Town's regulations, however no fee shall apply as long as "1" of this section is met.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-162. Parking violations and Issuance of parking tickets.

When one of the violations identified in this chapter has occurred, the law enforcement officer or other person, authorized by and whose enforcement duties are as defined by the Chief of Police detecting the apparent violation is authorized to take the state and registration number of the vehicle involved, and to place a parking ticket in or on the vehicle involved, or to serve the ticket if the owner or operator is present.

- (a) A violation listed in this section shall not constitute a misdemeanor or infraction punishable under G.S. 14-4, but instead shall be subject to the civil penalties fixed by subsection (a) of this section and the civil remedies provided by G.S. 160A-175. Any properly designated town official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.
- (b) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment, civil action, or otherwise, shall belong to the town and shall be paid into the general fund of the town under such conditions as prescribed by the annual budget.
- (c) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following undesignated, designated or unauthorized parking places:
 - (1) Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, or bike lanes.
 - (2) Vehicles parked in an undesignated parking space within an intersection or within 25 feet of an intersection.
 - (3) Vehicles parked in an undesignated parking space Within 25 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
 - (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 - (6) Upon any bridge or other elevated structure or within any underbase structure.
 - (7) ~~Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanatorium, or any public building.~~
 - (8) On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street.

- (9) At hazardous or congested areas where signs or markings have been installed prohibiting such.
- (10) Vehicles parked in an designated or undesignated parking space Where a street includes two or more separate lanes and traffic is restricted to one direction, no person shall park or stand upon the left-hand side of such roadway unless signs are erected to allow such.
- (11) Within a designated drive aisle.
- (12) Vehicles parked in an undesignated parking space Within the median of a divided roadway.
- (13) Vehicles parked in an undesignated parking space Within 15 feet in either direction of a fire hydrant, unless a greater or lesser distance is designated and appropriate signs or markings are displayed.
- (14) Town-owned or operated parking areas. It shall be unlawful in any off-street lot or area owned by the town and provided for general public parking to park a motor vehicle, or for the registered owner of a motor vehicle to allow such vehicle to be parked, in any manner other than within properly designated parking spaces.
- (15) Parking in a space where allotted time has expired.
- (16) Parking in a town parking space where payment is required and not paid.
- (17) Protrusion beyond designated parking space.
- (18) Double parking where the vehicle encroaches into another designated parking space and prohibits the use of an adjacent parking space.
- (19) Vehicles parked unattended in commercial and passenger loading zones.
- (20) Vehicles parked in an undesignated parking space in front of or within five feet in either direction of a private driveway or road.
- (21) Vehicles other than buses parked in a bus stop.
- (22) Oversize vehicles parked on town streets.
- (23) Vehicles parked in "no parking anytime" zone.
- (24) Vehicles parked in an undesignated or unauthorized parking space On or within ten feet of a crosswalk.
- (25) Obstructing other vehicles: No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.
- (26) Unattended vehicle: It shall be unlawful for any person to leave a vehicle's engine running while it is standing parked upon the streets
- (27) Parking Restrictions; all times: When signs are placed, erected, or installed giving notice thereof, or the curbing has been painted yellow in lieu of signs, no person shall park a vehicle at any time upon any street within the corporate limits.
- (28) Where signs have been erected which display parking time limitations, no person shall park a vehicle for any length of time exceeding the time limitation so displayed.
- (29) Angled Parking: Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or street edge indicated by such signs or markings.
- (30) The use of vehicles, for camping or permanent or temporary living facility within public rights-of-way, public parking areas, or other public areas.

- (31) The storage of vehicles, boats, trailers, and/or other equipment within public rights-of-way, public parking areas, or other public areas is prohibited.
- (32) In no case shall a vehicle remain backed to a curb against the flow of traffic when adjacent to a one way drive aisle.
- (33) On any street or parking lot which is marked off with lines indicating the parking spaces for cars and golf carts, the cars and golf carts shall be parked between the lines.
- (d) Administration of penalties.
- (1) Payment of any cited violations shall be made in accordance with the procedures and costs as listed in the annually adopted budget.
- (2) The Finance Director or the parking contractor may accept payments in full and final settlement of the claim or claims, rights or rights of action which the town may have to enforce such penalties, by civil action in the nature of debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus additional penalties for each separate parking violation ticket. The cost and administration of violations are as set forth by the Carolina Beach Annual Budget and subject to periodic change by the Town Council.
- (3) Each day a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.
- (4) Computing overtime violations. The moving of a parked vehicle from one restricted space to another restricted space in the same block is deemed to be one continuous parking period for the purpose of determining overtime parking violations.
- (5) Accountability for parking tickets. The Chief of Police or parking contractor shall cause all parking tickets to be serially numbered and shall cause the records of the issuance and disposition of parking tickets to be so maintained that they can be accounted for. The Finance Director or parking contractor shall periodically investigate the records for the purpose of determining the disposition of the parking tickets and shall report the result of the investigation to the Town Manager.
- (6) Prima facie evidence. It shall be prima facie evidence in any court in the state that any motor vehicle which was parked in violation of any of the provisions listed in this section was parked and left upon such street, alley or public way or place by the person in whose name such vehicle is then registered with the State Division of Motor Vehicles.
- (e) Enforcement of paid parking in all town public parking spaces.
- (1) The town enforces its paid parking program between March 1 and December 31 of each year. Daily parking during this time period is enforced from 9:00 a.m. to 8:00 p.m. from March 1 to October 31 and from 9:00 a.m. to 5 p.m. from November 1 to December 31..
- (2)
- (3)

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-163. Parking passes.

- a. Town parking passes shall be distributed in accordance with the annually adopted rates and fees schedule. The term parking pass includes any authorization as set up by the Town (i.e. sticker, license plate registration, etc) to park in Town facilities.
- b. No payment shall be required where a valid town pass has been issued and the vehicle is in a designated on-street parking or in Town owned lots that state "Town Passes Accepted."
- c. Vehicles with valid town passes are not exempt from any other regulation in this chapter. For example, parking passes will be valid for not more than 24 consecutive hours in public parking lots and parking passes shall abide by two hour parking space limitations where designated.

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Editor's note(s)—Ord. No. 21-1163 , adopted November 30, 2021, amended the title of section 16-175 to read as herein set out. The former section 16-175 title pertained to parking permits.

Sec. 16-164. Paid parking program and other forms of parking.

- (a) *Designated parking.* except for those that may qualify for residential exceptions based on written criteria established by the Town Manager, time limited public parking areas for marked, on-street spaces are designated as follows:
 - (1) *Two-hour paid parking.* The town has two-hour paid parking spaces and two-hour unpaid parking spaces in various locations throughout the town. The two-hour maximum parking per space per block is implemented to encourage turnover of these spaces. These locations are identified on the Official Carolina Beach Parking Map which is adopted and amended by the Town Council from time to time.
 - (2) *Daily on-street parking spaces.* The town has installed parking signage in various on-street parking locations throughout the town. Designated parking may have reduced buffers from conflicts (i.e. intersections, crosswalks, etc) only after review and approval by the Town Manager and/or their designee. Daily on-street parking spaces require that payment be made at all times when the vehicle is occupying a space except for those times outside of enforcement periods. These signed locations are identified on the Carolina Beach Parking Map which is adopted and amended by the Town Council from time to time. Below are other regulations for paid parking spaces:
 - a. An approved payment inclusive of a registered license plate shall be made during the enforcement time periods to be valid.
 - b. .
 - c. Parking for time periods greater than 24 continuous hours in duration is prohibited unless otherwise specified by the Carolina Beach Annual Budget Rates and Fees Schedule.
- (b) *Designated parking spaces in Public parking lots.*
 - (1) The town owns or leases numerous parking lots throughout the town. These parking lots are typically equipped with pay stations, and/or pay by cell phone signage with payment instructions. Motorists that park in these lots must pay for the privilege of parking during times and dates of enforcement. Fees for paid parking lots are set forth by the Carolina Beach Annual Budget Rates and Fees Schedule and subject to periodic change by the Town Council.
 - (2) Town issued passes are valid in identified public parking lot locations. Parking passes will be valid for not more than 24 consecutive hours in public parking lots. Pay by the day vehicles must be removed by 8:00 a.m. the next morning. Lots are subject to the following provisions:

- a. Time must be on the space during enforcement time periods to be valid.
 - b.
 - c. Parking for time periods greater than 24 continuous hours in duration is prohibited (i.e. no residential overflow).
- (c) *Resident on-street parking.* The special residential exception is primarily intended to assist owner-occupied, single-family residents where existing development on nonconforming lots or uses create parking hardships. It is not intended to alleviate parking requirements for poorly planned rental property nor to serve as guest parking in residential areas.
- (1) Reasonable consideration for special residential exceptions to allow parking in no parking or time limited parking areas will be given by the Town Manager when the following criteria can be met:
- a. Applicant is a year-round resident in a nonconforming single-family dwelling or multi-unit rental structure established before 1980 and continuously in use for those purposes since established, provided subsection [(d)1.a. through d.] of this section are also met.
 - b. No off-street parking option is available on the applicant's property or by private arrangement within 500 feet of the property. (Documentation of private efforts to otherwise accommodate parking needs is required.)
 - c. Chief of Police and Fire Chief verifies that on-street parking will not pose substantial safety problems for emergency vehicles.
 - d. Parking requests for more than one vehicle per adult year-round resident otherwise meeting the above criteria will not qualify for exceptions. In no instance shall more than two public spaces be allocated for a single property.
- (d) *Taxi only parking area.* The designation and location of such locations shall be approved by the Town Manager.
- (e) *Police parking areas.* The designation and such locations shall be approved by the Police Chief.
- (g)
- (h)
- (i)
- (j) ~~*Prohibited turns.* It shall be unlawful to make a left turn from the north bound lanes of U.S. Highway 421 (N. Lake Park Boulevard) in the area beginning at the northern road right-of-way line of Carl Winner Avenue at the intersection with U.S. Highway 421 (N. Lake Park Boulevard) and proceeding north along U.S. Highway 421 to a point 50 feet therefrom.~~
- (Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-165. Immobilization of vehicles.

- (a) The Town Manager or his designee may immobilize by the use of wheel locks and tow any vehicle which is illegally parked in violation of this chapter or is parking in a town parking space and has three or more issued violations. Ability for immobilization will occur upon issuance of the third citation with the first two being unpaid and issued on separate days. For the purpose of determining whether an illegally parked vehicle has had issued against it three or more, unpaid parking tickets issued on at least three separate days, it shall be

sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle having received the tickets are the same.

- (b) If a wheel lock is attached to a vehicle, a notice shall be affixed to the windshield or other part of the vehicle so as to be readily visible. The notice shall include the following:
1. A warning that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle. The town shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle.
 2. An immobilization fee and any additional parking fees pursuant to the town's annually adopted rate and fee schedule shall be charged for the removal of the wheel lock.
 3. The address and telephone number to be contacted to pay such charges to have the wheel lock removed.
- (c) If civil penalties due and the immobilization fee as herein provided are not paid, or satisfactory arrangements in lieu of payment are not made, within 24 hours of the attachment of the wheel lock, such vehicle may be towed to any public or private impoundment lot which complies with the provisions of article VII of this chapter. If a private contractor tows and stores the vehicle he may impose against the vehicle his customary fees and charges for such services. Once a vehicle has been towed, the Town Manager or his designee shall mail or cause to have mailed, a notice of towing to the registered owner and lien holders, if any are known, at the address or addresses reported to the town by the state department of motor vehicles.
- (d) Upon payment of all civil penalties and overdue and unpaid parking tickets issued for the vehicle and of all other charges authorized by this section, including immobilization, towing, and storage fees, the vehicle shall be released to the owner or any other person legally entitled to claim possession of the vehicle.
- (e) All towing and storage charges incurred in connection with impounded vehicles shall constitute a lien upon such vehicles as provided in G.S. 44A-2.
- (f) The owner or other person entitled to possession of the vehicle which has been immobilized pursuant to this section may submit a request for hearing to the Police Chief or his designee by certified mail or personal delivery within seven days from the receipt of the notice provided for in subsection (c) of this section; if a request for a hearing is not made within the allotted time, the right to a hearing shall have been waived. If a hearing is requested, a statement shall be sent to the requesting party to inform him of the time and place of the hearing, of the basis of the vehicle's immobilization and towing, of the rules governing conduct of the hearing, of the right to present evidence as to why the vehicle should not have been immobilized and towed, and of the right to be represented by counsel. The Police Chief or his designee shall serve as the hearing officer, shall conduct a hearing and shall prepare a written report of his findings within three days of the hearing. The report shall state his conclusion as to whether the vehicle was properly immobilized and towed and the reasons underlying his conclusion. If it is concluded that the vehicle was improperly immobilized and towed then any improper charges shall be canceled, or if paid, rebated.
- (g) It shall be unlawful for any person, firm or corporation to remove from a vehicle a wheel lock thereon pursuant to this section or to remove from impoundment any vehicle placed therein pursuant to this section without all civil penalties, immobilization fees and other applicable charges (i.e. parking citation and damage to wheels locks) having first been paid or an approved payment plan having been made.
- (h) The Town Manager is authorized to establish guidelines to adjust the amount of civil penalties imposed pursuant to this section to promote the resolution of any claim against persons with ten or more outstanding delinquent parking tickets.

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-166. Appeal of parking violations.

- (a) Any person charged with a violation of the town's parking ordinances shall have the right to appeal such violation by filing written notice of appeal within seven days after issuance of the citation giving notice of such violation. Notice of appeal must be completed on the appeal website, hand delivered or mailed, or emailed so as to arrive within the seven-day timeframe specified herein at the office of the Manager of the Carolina Beach parking program located at 1708 Canal Drive, Carolina Beach, N.C. 28428.
- (b) The manager of the Carolina Beach parking program designated under the provisions of the Carolina Beach parking program shall render a decision on such appeal within ten business days of the date of filing of the appeal. Notice of appeal decision will be emailed to the appealing party.
- (c) The decision of the independent hearing officer as described in subsection (b) above shall be final.
- (d) As a matter of policy, the town will not accept the following as legitimate grounds for dismissal of parking violations:
 - (1) Lack of knowledge of the town's parking regulations;
 - (2) Conflicts or tardiness going to or returning from appointments and/or destinations;
 - (3) Inability to find a valid parking space; and
 - (4) Failure to have appropriate or sufficient money to make payment.

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-167. Amendments by Town Council.

Any portion of this article amended by action of Town Council shall not nullify the remaining portion of the article.

(Ord. No. 20-1146 , 11-10-2020)

Secs. 16-168—16-203. Reserved.



AGENDA ITEM COVERSHEET

PREPARED BY: Joe Benson

DEPARTMENT: Clerk

MEETING: Town Council 10/11/2022

SUBJECT: Discussion on Removing Aerial Cables Along Cape Fear and Canal Drive

BACKGROUND:

Council Member Benson requested a discussion on removing the aerial cables along Cape Fear Boulevard and Canal Drive that are owned by AT&T.

ACTION REQUESTED:

Discussion



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Clerk

MEETING: Town Council – 10/11/2022

SUBJECT: Committee Appointments

BACKGROUND:

A member of the Bike/Ped Committee resigned on 9/19/2022. This is an unexpired term that is set to expire on 6/30/2023.

A member of the Police Advisory Committee resigned on 9/27/2022. This is unexpired term that is set to expire on 6/30/2023.

A copy of the applications can be found at:

https://library.municode.com/nc/carolina_beach/munidocs/munidocs?nodeId=4338a75e76c35

ACTION REQUESTED:

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

Committee Appointment 10-11-2022

Item 12.

Bike/Ped Committee

Please select **ONE**:

- Bill Stoll
- Christi Siegel
- Daniel Kempf
- David Marshall
- Jeffrey Tarvin
- Jerry Davis
- John Dismukes
- John Marshall
- Karin Harriss
- Laura Mandato
- Pamela Grillini
- Scott Pate (serves on Beautification Committee)
- Shane Kennan

Police Advisory Committee

Please select ONE:

- Bill Skinner
- Butch LeCompte (serves on Ops)
- David Cole (serves on Ops)
- David Marshall
- Dorrene Stanley (serves on MAC)
- Fred Grady
- Hope Combs
- John Dismukes
- Matthew Shuttleworth (serves on Ops)
- Michael Hannan
- Michael Puritis (non-resident, business owner)
- Paul Levy (serves on Ops and BOA)
- Steve Wright (serves on Ops)
- Tim Howard (serves on BOA and MAC)

Council Member Signature



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Council Meeting 10/11/2022

SUBJECT: Closed Session –Real Estate Parcel ID# R08814-001-007-000

RECOMMENDED MOTION:

Motion to go into closed session to discuss a real estate matter pursuant to North Carolina General Statute 143-318.11(a)(5). The property being discussed is Parcel ID # R08814-001-007-000.