

CAROLINA BEACH

Town Council Regular Meeting

Wednesday, November 09, 2022 – 6:00 PM

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



AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

CONSENT AGENDA

1. Set a public hearing for December 13, 2022 to consider a Conditional Zoning application for a 22-unit townhome project located at 205 and 211 Spartanburg Avenue in the R-1 Zoning District. Applicant: WB Coastal Development, LLC
2. Set a public hearing for December 13, 2022 to consider a voluntary annexation for a 20,853 sq. ft tract located on 601 Augusta Ave into the Town of Carolina Beach municipal boundaries. Applicant: Parris Stratton
3. Approval of Council Meeting Minutes from October

SPECIAL PRESENTATIONS

4. Events Update by Ed Parvin
5. Filming Request – "Vacation 911"
6. Manager's Update

PUBLIC COMMENT

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

PUBLIC HEARINGS

7. **Conditional Zoning** to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 604 N. Lake Park Blvd. Applicant: Shagri-La LLC

ITEMS OF BUSINESS

- [8.](#) **Text Amendment:** Consider amending Chapter 16 Article II Sec. 16-75. – Rules and regulations for golf carts. Applicant: Town of Carolina Beach
- [9.](#) 2nd Street/Water and Sewer Assessment
- [10.](#) Committee Appointment

COUNCIL COMMENTS

CLOSED SESSION

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

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council 11/9/2022

SUBJECT: Set a public hearing for December 13, 2022 to consider a Conditional Zoning application for a 22-unit townhome project located at 205 and 211 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: Jeremy Hardison, Planning Director **DEPARTMENT:** Planning

MEETING: Town Council – 9 November 2022

SUBJECT: Set a public hearing for December 13, 2022 to consider a voluntary annexation for a 20,853 sq. ft tract located on 601 Augusta Ave into the Town of Carolina Beach municipal boundaries.
Applicant: Parris Stratton

BACKGROUND:

ACTION REQUESTED

Set public hearing for December 13th

RECOMMENDED MOTION:

Approve consent agenda



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 October

BACKGROUND:

Attached are the meeting minutes from October, 2022.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 11, 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 former Town Council Member Tom Bridges and Pledge of Allegiance.

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

CONSENT AGENDA

1. Budget Amendments/Transfers
Applicant: WB Coastal Development, LLC
2. Set a Public Hearing for November 9, 2022, to Consider a Conditional Zoning Application for a Bar Located at 604 North Lake Park Boulevard in the Highway Business District
Applicant: Shagri-La, LLC
3. Primary Response Route
4. Approval of Council Meeting Minutes from September 13, 19, and 27

Council Member Benson thanked Mr. Parvin for the previous presentation about the Primary Response Route item. He said this provides a starting point for traffic safety concerns.

ACTION: Motion to adopt the consent agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

SPECIAL PRESENTATIONS

5. Presentation of Annual Financial Audit

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

- The Town received an unmodified opinion on the audited financial statements, which is the cleanest opinion an organization can receive and has remained the same over the past several years.
- Due to the amount of Federal and State funding received by the Town, the Town was not required to have a single audit but was required to have extra audit procedures performed under Government Audit Standards.
- No findings or internal control issues were noted, and the Town received an unmodified opinion related to Government Auditing Standards.

Mr. Blackburn also presented slides for the general fund balance – which was 31 percent in 2022 – governmental activities net position, business type activities net position, and debt service coverage ratio.

Council Member Benson asked how the addition of \$4 million in grant funding would affect the fund balance. Finance Director Debbie Hall said this would increase the fund balance some because the Town will be using that money to pay off debt service for Freeman Park, and the remainder will go into the storm reduction fund.

Mayor Barbee thanked Mr. Blackburn and Ms. Hall and said the numbers are good. He said he is proud of where the Town's financials have been, and this didn't happen by accident.

6. Events Update by Tim Murphy

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

- Pleasure Island Surf Fishing Challenge – October 14-16 at various locations
- Beachin' Car Show – October 15 at Lake Park
- Ghostbusters Movie – October 21 at Lake Park
- Golf Cart Extravaganza – October 23 beginning at Publix
- Halloween Carnival – October 28 at Mike Chappell Park
- Oktoberfest – October 29-30 at the Boardwalk
- Neon Bike Brigade – November 12 beginning at Lake Park
- Police Department Bike Rodeo – November 13 at the Recreation Center

Mr. Murphy also presented some preliminary information about Christmas by the Sea activities and said details will be coming next month.

Mayor Barbee expressed appreciation to Mr. Murphy and said he thinks residents can see all the hard work that goes into the events.

Mayor Pro Tem Healy said the Parks & Recreation Department purchased a train due to getting a deal from the Wilmington Railroad Museum. Mr. Murphy said the Town will be using the train for some programming at the Boardwalk.

7. Committee Presentation – Beautification Committee

Beautification Committee Chairman Cindy Dunn and Vice Chairman Karen Graybush presented a request for Town funding of a project on the north side of Snow's Cut Bridge.

Mayor Pro Tem Healy said he is behind this project, but Council needs more answers.

Council Member LeCompte said she would like to see itemization of the proposed charges.

Mr. Oakley said if Council wants to move forward with this, staff should work with contractors to get pricing and analyze labor costs. He said funding would need to come from a budget amendment or transfer.

Council Member Hoffer said he supports this project and wants to see what the Town can do before February instead of kicking it down the road. He said the Town may need to get creative about funding.

Mayor Barbee said the next steps would be for Mr. Oakley to try to nail down actual costs and figure out where to get the money.

8. Manager's Update

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

Hurricane Ian

Because storm surge and high tide occurred at same time, water was 3 feet over road elevation in some areas. Winds of 77 mph were recorded at Federal Point and 62 mph at Myrtle Grove. There was no significant damage to Town property, and crews got out right away for cleanup efforts. The Town is getting a quote for restacking the rocks on the North End and filling in sand behind them following Coastal Area Management Act (CAMA) approval. Mayor Barbee said it was good to see how prepared staff was for the storm.

Brandy Myers Memorial Playground/Lake Park Improvements

Surveying is complete, and design discussions to create a plan start tomorrow. Lake improvements are on schedule; the Town is awaiting final approval from the U.S. Army Corps of Engineers to move forward with bid and design.

Florida Avenue and Paving Projects

Stormwater improvements on Florida Avenue should happen before the end of next week, depending on tidal influence. Paving bids will go out next week for Paving Condition Index (PCI) projects, but this will not include Florida Avenue and Carolina Beach Avenue North because those streets will need a different method of paving.

Marina Project

The south phase is getting closer to completion every day. Floating docks have arrived, but some still need to be installed. All of the necessary materials are there to finish, and the project will move directly into the east phase as soon as the south phase is done.

Beach Patrol

During this past season, there were 1,700 public education moments with officers regarding violations such as dogs on the beach, digging holes, glass bottles, and alcohol. The Beach Patrol wrote 76 citations, and 19 of those were warnings; six were dismissed after further discussion.

The Town is discussing transitioning the Beach Patrol to the Police Department. The idea is that the presence of an officer alone will get more compliance. This would still be a seasonal position that could also help on the Boardwalk.

Mayor Barbee asked if staff has looked into complaints about canopies hampering visibility for Ocean Rescue. Mr. Oakley said staff will revisit this and other beach-related matters and bring back ideas at a future Council workshop.

Bike/Ped Projects

The Saint Joseph Street path is entering the engineering design phase. The engineer is working on revised plans for the Ocean Boulevard sidewalk project.

Mayor Barbee brought up the Clarendon Avenue multi-use path project discussed at the last Council workshop. He said after further research, he agrees with Council Member Hoffer that the Town needs to kill the project and release grant funding. He asked if there was any concern about this, and no one expressed any objection. Mr. Parvin said stopping this project could be done through a resolution for adoption on the consent agenda at the next meeting.

Boardwalk Bathroom

The Town's application to CAMA to construct a two-story, handicap-accessible restroom on the Boardwalk where the existing facility is was formally rejected, as expected, so the Town is working on a variance for the project, which will require a rendering. This will put off any action from the Coastal Resources Commission (CRC) until February, when the group will meet in Ocean Isle Beach. The Town feels good about its chances for obtaining a variance.

Council Member Hoffer asked about the new restroom facility at Mike Chappell Park. Mr. Oakley said it is up and running. Council Member Hoffer said this happened quietly, so he wanted to emphasize this bit of progress.

Council Member Benson said there is a private property owner who is willing to have an earthen-mound DredgeSOX placed on her property to mitigate tidal overwash onto the Town's right-of-way on Canal Drive, which could require a CAMA permit. He asked what the expectations are to proceed. Mr. Hardison said a minor permit would be necessary, which would entail a typical review time frame of two weeks and a \$100 fee.

PUBLIC COMMENT

Patrick Boykin of 712 Glenn Avenue said he has reported health and safety concerns about the property next door to him at least three times since the beginning of the year, but he has not seen any progress other than a violation letter sent to the property owner on April 20. He said there is an accumulation of trash and debris as well as a tree that has been down since Hurricane Isaias, which could be a nesting place for nuisance wildlife. Mr. Boykin said he also opened a Town service request regarding the issue on September 1, but the trash problem persists. He said he is now looking for help at the County and State level to see what can be done to rectify the situation. Mr. Boykin said he also submitted a Town service request for repair of a pothole on the street in front of his property, but nothing has been done about that either. He said as a taxpayer, he feels he should reasonably expect these issues to be addressed in a timely manner. Mr. Boykin thanked the Town for putting up speed limit signs in Ocean Heights, although he said it did take a long time after residents petitioned for them.

Paul Levy of 1606 Mackerel Lane thanked Mayor Barbee and Town staff for working on parking reciprocity with Kure Beach. He said he hopes both Councils will ratify the proposals because this will go a long way toward strengthening relationships on the island. Mr. Levy said he would also like Council to consider the following: allowing non-resident property owners to obtain more than one parking tag or a transferrable tag, reducing \$100 parking fines to \$50 unless the violation involves blocking traffic or a fire hydrant, and allowing parking passes for non-residents who live on the other side of the bridge. Mr. Levy said residents need to get former Mayor LeAnn Pierce elected to the County board, and the best way to help do this is by solving the over-the-bridge parking pass problem, ideally tonight.

ITEMS OF BUSINESS

9. Ad Hoc Parking Committee/Town Staff Recommendations

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 workshop. Staff utilized the Technical Review Committee (TRC) and expertise from Pivot Parking, the

Town's parking contractor, to put proposed 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 requested Council feedback at the September 27 workshop so a final ordinance can be adopted tonight. Once this has occurred, staff will need to:

- Finalize a contract with Pivot Parking
- Finalize brochures to educate the public on parking requirements
- Work through the logistics of putting the new plans in place (purchasing and installing signage, redesigning the Town website and associated software, etc.)

Mr. Parvin presented the details.

Parking code: undesignated right-of-way

- Defined "undesignated parking" as unimproved right-of-way (grass). In these shoulder areas, parking is allowed if the vehicle is off the drive aisle.

Vehicles shall not be:

- Within 25 feet of any intersection
- Within 25 feet of flashing beacon, stop sign, or traffic-control signal located at the side of a street or road
- Parked facing toward traffic
- Within the median of a divided roadway
- Within 15 feet of a fire hydrant
- In front of or within 5 feet of a driveway
- Within 10 feet of a crosswalk

Undesignated right-of-way

- 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.

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

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.

Parking tickets

- 50% reduced cost if paid within 24 hours
- 25% reduced cost if paid within 48 hours
- 15- and 30-day increases vs. five and 10 days
- \$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.

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

Freeman Park

- Remove time limit for annual pass sales to specific months
- Require in-person purchase of early bird passes for Freeman Park from Town Hall or Parking Office
- For Freeman Park passes and re-entry decals, the Town needs an eight-week lead time to design/produce/deliver

Council Member Hoffer said this is a grand improvement from last year.

Mayor Barbee said he likes the segmentation of violations. He said in the past only non-payment of parking was considered, but there are parking errors that can be made even though parking is paid. He said it's a matter of a mistake vs. flagrant intent.

Council Member Benson asked if Kure Beach is still doing passes for people who live off the island. Mr. Parvin said yes.

ACTION: Motion to approve Ordinance No. 22-1185 as presented with the condition that Kure Beach also passes a similar ordinance to reciprocate parking with the Town

Motion made by Mayor Barbee

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

Voting Nay: Council Member Hoffer

Motion passed 4-1

Council Member Hoffer said things were running so fast that he wasn't sure what he was voting on. Mayor Barbee recapped what Mr. Parvin had presented.

Ms. Fox said the question had already been called with a majority vote, so if any votes changed as a result of what Council Member Hoffer is asking then Council would have to undo the action already taken. Mayor Barbee said regarding the current motion, Council Member Hoffer can vote yes or no or not vote, which is considered a yes vote. Council Member Hoffer said his vote is no.

Council Member LeCompte said earlier this year she was in favor of year-round passes for those who don't live on the island, a measure that failed. She said since then, the Town has sold 7,200 resident passes with less than 800 Town-owned parking spaces, and this doesn't even account for the additional population growth expected in the next five to 10 years. Council Member LeCompte said although she thinks there is not space for non-resident passes in the high season, she wants to take a look at offering non-resident passes in the off-season as a way to look after businesses that contribute to the tax base. Her proposal is offering non-resident passes September 15-May 15 at \$300 each. Council Member LeCompte said this is a compromise that is guaranteed unencumbered income for the Town. She said she'd also like to consider selling parking hang tags at \$150 each for Town business owners outside of the Central Business District (CBD), such as real estate agents and investment bankers, who want to take clients to lunch. Council Member LeCompte said it will be important to get public input on these proposals to make sure Council gets it right this time. She said she doesn't want to debate this tonight but wants to ask Mr. Oakley and other staff to explore these possibilities and come up with future recommendations.

Council Member Hoffer said Council hasn't yet seen third-quarter parking data, which represents three of the Town's busiest months. He said there is not enough information for him to make a decision about non-resident passes, including for Kure Beach, which is why he voted no earlier.

Mayor Barbee asked Mr. Oakley to come back during a future meeting with more information about Council Member LeCompte's proposals.

10. Discussion on Removing Aerial Cables Along Cape Fear and Canal Drive

Council Member Benson requested a discussion on burying the aerial cables along Cape Fear Boulevard and Canal Drive that are owned by AT&T. He said in the past there was a quote of about \$71,000 for this, but he thinks the Town should get another quote and look at indirect costs that may be incurred. Council Member Benson said his main objective for tonight was to gauge Council interest. Council Members indicated they would like to see this done.

Mayor Pro Tem Healy said this project would be nice to have, but he wants to know how much it will cost and where the Town will get the money.

Mayor Barbee said he would like a presentation of the history and other details at an upcoming workshop, and then Council can give direction forward.

11. Committee Appointments

Council made the following committee appointments:

- Bike/Ped: John Dismukes
- Police Advisory: Bill Skinner

Mayor Barbee congratulated the new committee members. He said there were many qualified applicants for only two openings, so he encouraged those not selected to participate now by going to meetings and giving input.

COUNCIL COMMENTS

Mayor Pro Tem Healy brought up the previously unsuccessful effort to implement a Municipal Service District (MSD) tax and said although the timing and rollout were bad, if that had passed there would be enough money right now to do the cable project discussed tonight.

Council Member Benson said the Operations Advisory Committee is planning to present an update to Council in November.

Mayor Barbee thanked Parking Committee members for their work toward finding common-sense solutions.

CLOSED SESSION

12. Closed Session – Real Estate Parcel ID R08814-001-007-000

ACTION: Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(5); the parcel 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 8:15 PM.

CAROLINA BEACH

Town Council Workshop

Tuesday, October 25, 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

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

DISCUSSION ITEMS

1. Employee Recognition

The following employees were recognized for their years of service:

- Bryce Smithson, 10 years (Parks & Recreation)
- Nyllia Mann, 25 years (Executive)

2. Proclamation Naming October 25, 2022, Marie Underwood Day

Mayor Barbee read Proclamation No. 22-2273 naming October 25, 2022, Marie Underwood Day in honor of her 100th birthday.

ACTION: Motion to approve the resolution

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 LeCompte gave details about a community parade being held for Ms. Underwood this afternoon. Afterward, she said Mayor Barbee with present Ms. Underwood with a key to the Town and the proclamation, and community members will gather to sing “Happy Birthday” to her.

3. Clarendon Avenue Multi-Use Path

Mr. Parvin said the Town received a grant several years ago for a multi-use path on Clarendon Avenue from the Lake to Mike Chappell Park. He said the Town looked at options for several years and then brought it back to the Bike/Ped Committee for review, but there was not a lot of support for moving forward and the committee voted to eliminate the project. Mr. Parvin presented Resolution No. 22-2272, which would approve returning the grant back to the Wilmington Urban Area Metropolitan Planning Organization (WMPO) and N.C. Department of Transportation (DOT). He said the Town could consider this project again after a number of years and developing a bike/ped plan to support it.

ACTION: Motion to adopt the resolution to cancel the Clarendon Avenue multi-use path project and return those funds to the WMPO

Motion made by Mayor Barbee

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

Motion passed unanimously

4. Manager’s Update

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

Beautification Project

At the last meeting the Beautification Committee gave a presentation about landscaping the median on the north side of Snow’s Cut Bridge, but there was some sticker shock regarding the proposed cost. Staff, Council Member Hoffer, and the Beautification Committee came up with ways to make the plan more feasible, so the current proposal is to do about 50 feet initially instead of the whole median. Non-profit organizations may be willing to contribute money to help finish the project. There is no solid cost estimate, but staff thinks it will be about \$5,000 and not more than \$10,000. The Town will try to find initial funding in the budget, but if things come up short staff will come to Council for any budget transfers or amendments.

Council Member LeCompte said the N.C. Wildlife Federation is a possible partner for funding and expertise.

Mayor Barbee asked if the initial cost can be absorbed in the current landscaping budget. Mr. Oakley said yes, staff will look to see what can be funded in the current budget but come back to Council if more money is necessary.

Mayor Pro Tem Healy said it’s important to have a good first impression coming into Town and he’s all for getting it started, but he’s interested to see the final number.

Council Member LeCompte said maintenance is a big issue for her. She said the Town tends to plant things and forget they are there, so maintenance costs need to be built into whatever is done. Mr. Oakley said this can be added to the existing landscaping contract.

Mayor Barbee said he thinks this is a good start.

ACTION: Motion of support for the Beautification Committee's plan as presented by the Town Manager

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

Cape Fear/Canal Underground Utilities

The latest cost estimate for putting AT&T lines underground, including concrete replacement and removing poles, is about \$80,000 to \$85,000. Council can move forward with this now or wait for the next budget.

Council Member Benson said this is not yet a firm quote. Mr. Oakley said staff wants to have a conversation with AT&T but hasn't yet heard back.

Mayor Barbee said he wants to wait until there is a real number.

Council Member LeCompte said she wants to know why AT&T didn't put the lines underground when Duke Energy was burying lines. She said staff needs to find out whether the Town has already paid for this and it just didn't happen.

Mr. Oakley said he will compile history/research and send out a briefing to Council.

Financial Update

Finance Director Debbie Hall gave an update on where the Town stands after the first quarter of the fiscal year. She said while the fund balance went from 35% to 31%, the available amount actually increased \$1.8 million and the overall fund balance went up \$89,000, which is no small feat after the purchase of Freeman Park. Ms. Hall said the percentage is down because you take the total fund balance and divide it by expenditures, which included the purchase of Freeman Park even though part of that was financed and not actually spent during this fiscal year. She said the audit was submitted to the Local Government Commission (LGC) last Thursday, and she will distribute audited financial statements as soon as they are available.

Mayor Barbee said the Town spent \$7 million to buy a piece of property cherished by the community and the fund balance still went up, which is fantastic. He gave Mr. Oakley and his team credit for this.

Council Member LeCompte asked if staff has heard about the grant money from the N.C. Land and Water Fund. Mr. Oakley said staff is meeting with representatives from the organization this week and hopefully will have more information soon.

Ms. Hall said sales and use tax collections for July and August were up 25.19% over the same period in fiscal year (FY) 21/22. Mayor Barbee said some people might attribute this to inflation, but the increase far exceeds the inflation rate.

Ms. Hall said the ad valorem property tax collection rate for FY 22 was 99.38%, and it has been steady for this year. She said room occupancy tax (ROT) collections for July and August were up 13.39% over the same period last fiscal year. She said hotel collections are down but other rentals are up, and overall this looks positive for the economy. Ms. Hall also reviewed the percentage increase/decrease of various revenue sources between FY 22 and FY 23: Alcoholic Beverage Control (ABC) tax, building inspections, parking lots, parking meters, and parking permits. She said revenue from all of these sources was up with the exception of parking permits, which was down a little because of changes the Town made to how passes are sold. Ms. Hall said overall, the revenue sources show strong growth.

Ms. Hall said the available utility fund balance for FY 22 was \$2,410,713, which is an increase of \$1,459,838 over FY 21. For the utility fund revenue comparison, she noted the following:

- Monthly collections are up over the prior fiscal year.
- Connection fees are reduced if water and sewer taps already exist.
- System development fees are charged when new customers are added to the water/sewer system or there is an increase in meter size.

Mayor Barbee said as available land runs out, the development rate may remain the same but system development fees will decrease. He praised Ms. Hall for a good, clear, and concise report.

5. Presentation by Pivot Parking and Vendors

Mr. Parvin introduced Tina Reid of Pivot Parking, who gave a quarterly financial update.

Beginning of season update reminders

- Implemented Text 2 Park in all parking areas
- New signage
- 23 parking codes created
- Parking codes start with "CB" and include abbreviation for location name and/or street address
- Customers can text or scan QR code
- Customers can start parking sessions prior to paid parking time/start, which is popular in the Weeks Lot with charter boat customers
- New permit portal/new citation portal
- License plate recognition (LPR) equipment installed

Parking gross revenue for 2022 (January-September) was \$2,992,888.80, which includes, from highest to lowest, Text 2 Park, pay stations, permits, meters, and violations. Ms. Reid also presented the revenue per location of the top 10 revenue locations for the third quarter (July, August, and September).

Text 2 Park gross revenue for the third quarter was \$658,963 with 58,226 transactions. The top ZIP codes using Text 2 Park during the third quarter were as follows (in no particular order): six from Wilmington, Belville, Wake Forest, Apex, and Cary. Text 2 Park gross revenue March-September was \$1,327,638.25, or 44% of total parking revenue.

Pay station gross revenue for the third quarter was \$364,540 with 29,499 transactions. The most used lots during this period were Palms, Surfside East, and Town Hall. Pay station gross revenue March-September was \$743,659.59, or 25% of total parking revenue. There are 17 currently operational pay stations, and in 2023 there is the possibility of eliminating five or six.

Mayor Barbee asked about the cost to operate Text 2 Park vs. meters and pay stations. Ms. Reid said pay stations require paper, printers, software fees, and keeping the motherboard and other internal parts in working order. She said in a salty environment, it's good to get a pay station to last four or five years. Ms. Reid said she doesn't have an exact number, but the cost of operating these is significantly more than Text 2 Park.

MacKay meter gross revenue for the third quarter was \$139,682.30 with 22,790 transactions. MacKay meter gross revenue March-September was \$293,272.95, or 10% of total parking revenue. Because support for the current meter system has stopped and upgrading is costly, it is likely all meters will not be operational by the end of 2023.

Parking permit sales for the third quarter totaled \$19,540 for a quantity of 465. This includes residential, low-speed vehicle (LSV) for residents and non-residents, golf cart, business employee, re-entry decals, and seven-day visitor.

Citation data for the third quarter included 2,020 written citations, 121 warning citations, and 1,214 paid citations. The third quarter collection rate was 83%. Ms. Reid said the industry-standard goal is about 72%.

The citation data also included the number of residential parkers that were hit by LPR during July (248), August (214), and September (372). Mayor Barbee said he would like to know the percentage of what LPR hit in terms of residential parkers vs. non-residential parkers. Ms. Reid said Pivot can drill out that information. Mayor Barbee said this would give an indication of how much residential passes are being used.

Freeman Park revenue for 2022 (January-September) was \$644,631.21. This includes, from highest to lowest, daily passes, camping, and permits. The figure does not include permit sales from December 2021, which would add about \$238,000. Freeman Park third quarter (July-September) gross revenue was \$241,544 with 3,663 transactions.

Overall total revenue including parking and Freeman Park for November 2021-September 2022 was \$3,958,884.01, up from \$3,238,379.09 for November 2020-September 2021.

Total third quarter parking operational expenses were \$147,967.32. This does not include any expenses paid directly by the Town or the incentive management fee. Mayor Barbee said he would like

to know how this compares to what was budgeted. Ms. Reid said she would have to look up that figure.

The presentation also included information about potential new paid parking areas, the capability of the LPR system to provide data, and occupancy counts, something Pivot was able to provide to the Town upon request at no extra charge.

Potential parking updates for 2023

- Electric vehicle (EV) charging stations
- Pay station conversion to Text 2 Park only
- Paint/maintenance/new curb stops
- Enforcement/right-of-way enforcement
- Signal boosters/portable cell towers
- Permeable parking lot pavers
- Updated enforcement vehicles
- More permanent signage

Mayor Barbee said the Parking Committee recommended re-evaluating and increasing handicap parking, which is something that still needs to be addressed. He said this was a great presentation, and the overall numbers are fantastic.

Mayor Barbee said he would like the Town to look into a practice he noticed in Indianapolis for defunct parking meters. He said rather than leaving the poles with a metal sign, they had a cap to go on the post with parking instructions, which blended in well and concealed the fact that it was a leftover parking meter. Mayor Barbee said it's important to think of the aesthetics of converting parking meters.

Council Member Benson asked if the Town is on par with revenue over expense numbers. Mr. Oakley said expenses are on track with what was budgeted for this fiscal year.

Mayor Barbee said the Town not only changed parking companies but also its management philosophy so there would be more input and control of expenses. He said although it was not necessarily the fault of Reef Parking, the previous parking management company, the former contract hid a lot of expenses that are now transparent. Mayor Barbee said this has enabled Council to have the knowledge to take a deeper dive into those expenses during the next budget cycle to see if there is anything that can be done to control or reduce them.

Mr. Oakley said staff is already identifying and looking into some ways to save on expenses.

Ms. Reid said one way the Town may save money is through credit card fees. She said Pivot uses a different merchant than the Town, but Pivot's merchant has analyzed the situation and indicated it can save the Town money.

Mayor Barbee said this type of partnership to help drive down costs is why the Town changed parking management companies, and he thanked Pivot for the effort.

Mayor Pro Tem Healy said he is pleased with revenue but a little shocked by expenses. He said he is looking forward to next year because hopefully the initial setup costs will be absorbed.

Council Member Hoffer said the presentation was very professional, and he expressed appreciation for the data Pivot supplies.

Ms. Reid said Pivot's analytics are a team effort.

Next, two separate vendors demonstrated how a gate arm could benefit Freeman Park. Ms. Reid said Pivot has been looking into ways to potentially automate access.

Cody Shealy of Parkonect gave a presentation on the following:

- Who Parkonect is
- Its connected platform
- Software, data, and integrations
- Operational summary
- Questions and answers

Mayor Barbee said a system like this would be helpful for days when Freeman Park reaches capacity because it would allow the Town to know exactly how many people have left and if more people can enter. He said the exit gate must be fast to prevent backups on the soft sand.

Council Member Hoffer shared concerns about the exit gate.

Mayor Barbee said a system that eliminates mechanical parts would be helpful because the salt environment is harsh.

Council Member Benson said he is worried about backups on Canal Drive.

Ms. Reid said the intent is not to completely remove attendants. She said on the busiest days there could be an attendant assisting to make the process even quicker.

Mayor Pro Tem Healy asked if the process of entry is faster without an attendant. Ms. Reid said with updated equipment, such as a touchscreen, either vendor would speed up the process over what is in place now.

Mayor Pro Tem Healy asked about cost. Mr. Shealy said there are six different solutions. Mr. Parvin said normally this is something staff would review at this stage before bringing more details, including price, to Council, but staff wanted Council to be part of the initial presentations for a change this big. Mayor Barbee said the purpose now is not to go through pricing but to be introduced to potential technology.

Mayor Barbee said the Town should make the Freeman Park entry/exit process as painless as possible and remove obstacles. He said the customer service element of using technology to make it seamless for people is good for the Town.

Ali Clough, Brian Roberts, Aaron Davis, and Jason Baker of Carolina Time & Parking Group gave a presentation on the following:

- Easy for the customer to use
- Experienced local direct partner that responds quickly
- Fast and high percentage read rate for LPR cameras
- Highly secure operating system (OS)-less devices/fastest and most reliable parking access and revenue control systems (PARCs) equipment in the industry
- Technologically advanced and scalable system
- Stainless-steel enclosures and true visible touchscreen
- Client owns its data and open application programming interface (API) software solution

Mayor Barbee said he likes some of the guest experience things he's seen today. He said guest experience goes a long way.

COUNCIL COMMENTS

6. Council Comments and Requests for November Agenda Items

Council Member LeCompte said while the raw numbers on parking this year look excellent, when revenue over expenses is taken into consideration there is a very small net gain. Mayor Barbee said compared to the biggest year the Town has ever had, this is a phenomenal number.

Council Member LeCompte said she wants to put some options for next year on the next agenda. She said she wants to see bottom line numbers for Freeman Park this year and wants to know how many of the 656 non-resident parking permits sold in 2021 were to Kure Beach residents. Council Member LeCompte said the Town needs to offer a welcoming experience to visitors, and the changes to citations were a step in the right direction, although more tweaking is necessary. She said with an \$80,000 loss on parking permits this year, the Town needs to consider some off-season parking options during the next Council meeting.

Mayor Barbee said this should be part of the November 22 workshop rather than the November 9 regular meeting because that's how other parking-related items were handled. He said this gives time for discussion before it's brought back to a regular meeting for public comment.

Council Member LeCompte said she would be fine with putting it on the agenda for the November 22 workshop.

Council Member Hoffer said he voted against the parking proposal at the last meeting because the Town didn't yet have data for the third quarter, but now that he has seen it he wants to bring back non-resident parking permits and free parking in December. He said he would like to discuss this at the November 9 regular meeting because it's during the evening when the public can easily attend.

Mayor Barbee reiterated that this should be discussed at a workshop before appearing on a regular meeting agenda.

Council Member Hoffer said he's flexible when it comes to the parliamentary procedure but wants to propose those changes at some point. He said non-resident parking permits should be open to everybody, not just Kure Beach residents.

Council Member Benson said he thinks the data proves there is capacity.

Council Member Hoffer said a big part of what he wanted to see was capacity as well as overall performance. He said now that he's seen the data, he's comfortable proposing non-resident parking permits and free parking in December.

Mr. Oakley asked for confirmation that this would be for the November 22 workshop. Council Member Hoffer said Council is running short on time. Mayor Barbee said the passes wouldn't go on sale until next year, so it's not necessary to rush it on the November 9 regular meeting agenda. Council Member LeCompte said it is incumbent upon Council to get it right. The parking items will come back for discussion at the November 22 workshop.

Mayor Barbee said it's interesting to note that six Wilmington ZIP codes were the top users of Text 2 Park during the third quarter. He said he would like to know what the revenue loss would be if you take out these ZIP codes that are likely to purchase non-resident parking passes.

Mayor Barbee said both the financial and parking updates show the Town is very healthy and the overall picture is very good, and he praised all involved.

CLOSED SESSION

7. Closed Session – Real Estate Parcel ID R08814-001-007-000

ACTION: Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(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.

ACTION: Motion to approve the Offer to Purchase agreement entered into by and between Gregory L. Basinger et al. and the Town of Carolina Beach on 10/25/2022 for property located at 1101 North Lake Park Boulevard, which contains the following terms:

1. Purchase price: \$2 million
2. Earnest money: \$50,000
3. Conditions precedent to closing:

- a. Approval of LGC of financing terms
- b. Receipt of \$4 million of grant funds for purchase of Freeman Park
- c. Satisfactory Phase I Environmental Site Assessment

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

ACTION: Motion to appropriate the funds for the earnest money for Parcel ID R08814-001-007-000 from the fund balance

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

ADJOURNMENT

Mayor Barbee adjourned the meeting at 11:30 AM.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 11/9/2022

SUBJECT: Events Update by Ed Parvin

BACKGROUND:

Ed Parvin will give an update on the upcoming events.

ACTION REQUESTED:



AGENDA ITEM COVERSHEET

PREPARED BY: Chief C.V. Ward

DEPARTMENT: Police

MEETING: Town Council 11/9/2022

SUBJECT: Filming Request – Vacation 911

BACKGROUND:

Glistening Productions has requested to film the series, “Vacation 911”, in Carolina Beach. The series covers the day-to-day activities of police departments in tourist destinations. The producers aim to provide a real reflection of law enforcement and crime, and not fabricated “reality”. The show will demonstrate how crime is being dealt with effectively. Carolina Beach police officers will be used in the filming of this episode.

ACTION REQUESTED:

Discuss and consider approving the request. Glistening Productions will be available by Zoom to answer any questions from Council.

MOTION REQUESTED:

Motion to approve Glistening Productions’ request to work with Chief Ward on the filming of “Vacation 911” in Carolina Beach.



Vacation 911: Production Overview



The Ask



Following on from the success of a previous series we produced for the UK television network Channel 4 - Tourist Police - we are now looking to find a beautiful and filmic vacation destination that is popular with American tourists to film a brand-new similar series called **Vacation 911**. The whole series will be filmed in the one aspirational and appealing location and will follow the day-to-day activities of the police who protect and serve the area, telling stories of crimes involving tourists who are either perpetrators of, or victims of, crimes.



The Show

Vacation 911 will be an observational documentary series that follows the work of the police in the tourist hotspots of the chosen destination as they tackle everyday crimes and offer support to visiting tourists.

The show will follow a select number of law enforcement officers (agreed in advance in collaboration with the relevant authorities) in several locations around the region, riding with the officers as they attend to everyday emergencies and run street patrols in their area, observing operations at a select number of police stations, and understanding how the work of law enforcement forms part of the country's emergency services operations.





Filming Style

The series will be filmed in true *vérité* style, not as a constructed and fabricated "reality". We aim to provide a real reflection of law enforcement and crime in the region and positively demonstrate that it is being dealt with effectively.

The overall narrative should honestly highlight the work of the police in the region and the challenges they are called on to resolve every day. To do this, we would "ride" with the police, follow them on patrols, and film their daily interactions with the public. Following the officers so closely "humanizes" the institution for viewers, allowing them to get to know the real people taking care of them and learn more about the work they do.



Regional Economic Impact

Item 5.

Vacation 911 will be an exciting and entertaining series, but it is also an opportunity to inform and educate viewers about the activities of law enforcement as they safeguard the public. Far from focusing on the kind of headline grabbing crimes that occur rarely in an officer's career, Vacation 911 will demonstrate the variety and complexity of the situations the police attend to daily. This will instil confidence with potential new visitors to the region and thereby help increase tourist numbers.

The ambition of the series is to film at multiple locations around the region, allowing the whole area to be a stunning and enticing backdrop to the storylines we follow. We will see people enjoying themselves, by day and by night, in the region's most attractive and popular resorts, beaches, outdoor pursuits destinations, bars and nightclubs, and we will meet tourists who have chosen to visit for their vacation.

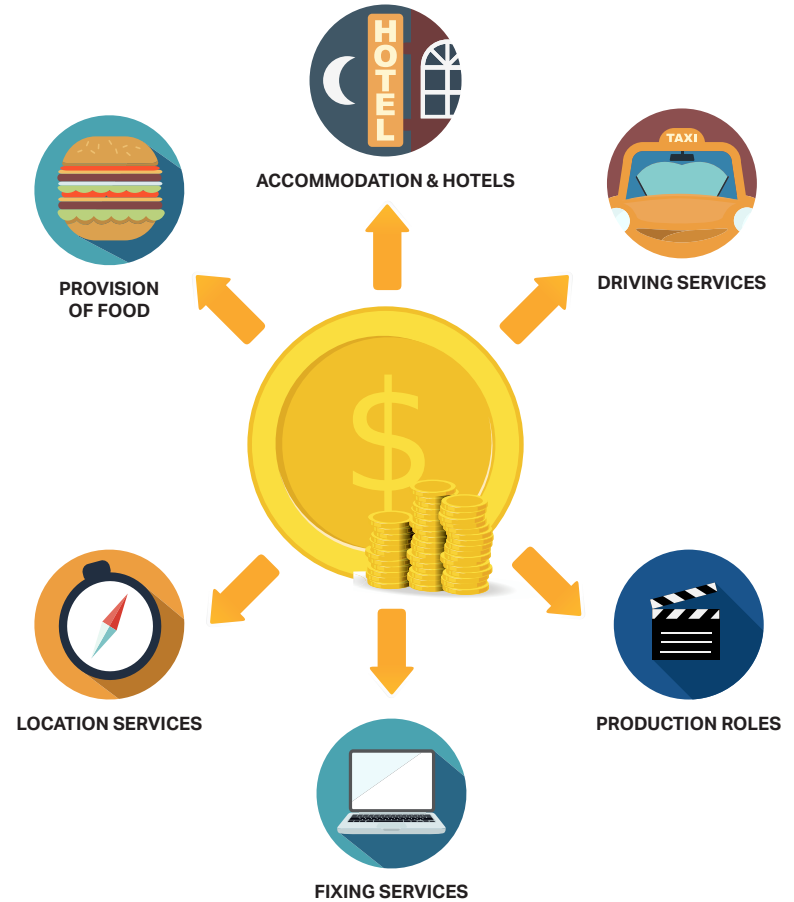
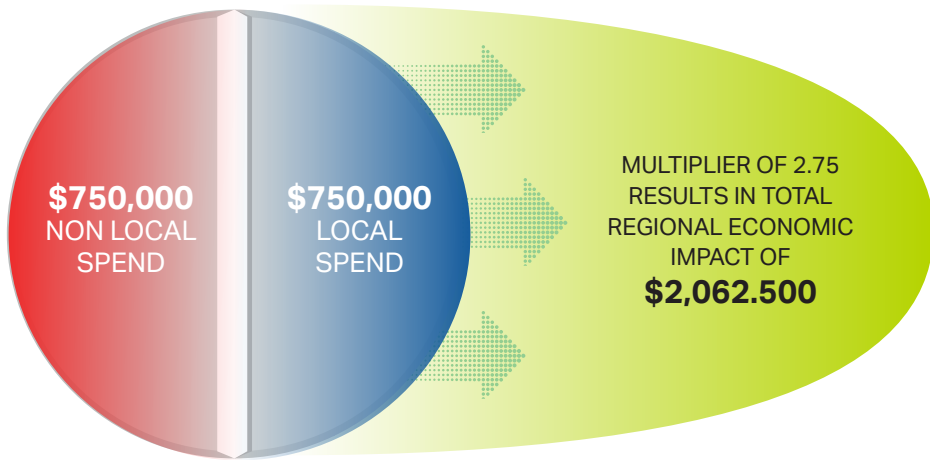
As the series follows activity all over the region, this provides an opportunity for local product integration of destinations of interest to tourists, hotels, restaurants, bars, clubs, activities, local produce and products, as well as tourist services, to be naturally integrated into the series. There is also scope to produce promotional material for the region or individual services separately from the series as an added bonus.

Our sincere and congruent aim with this project is to show the area off as a beautiful vacation destination – perhaps the least challenging aim of the entire project to ensure success in!



Vacation 911 will bring employment and skills development to the region for around 5-6 months, with local crew employed in various critical roles during filming, as well as for the provision of food and accommodation, driving services, fixing services and location services in the lead up to and during production.

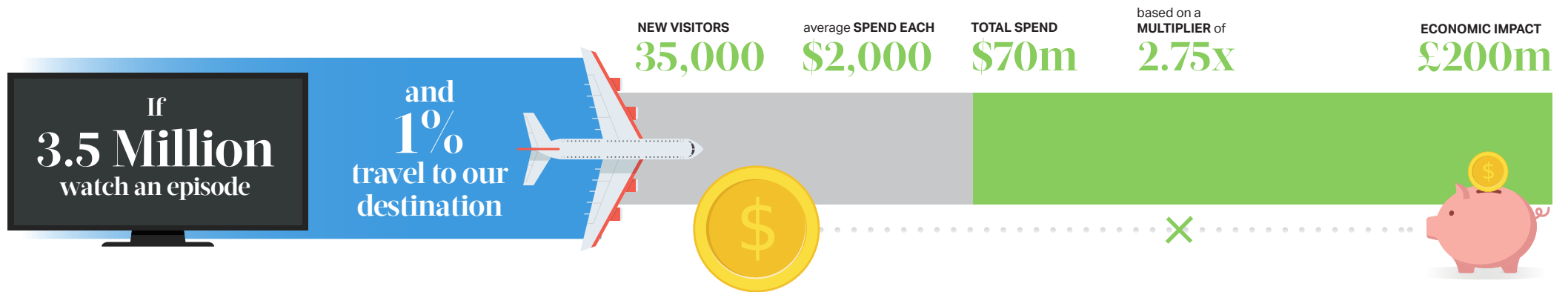
We do not have final budget figures yet but, working on the assumption that we will initially produce 10 x one hour episodes, we estimate that the total budget would be around \$1.5 million of which approximately 50 percent would be spent in the region. Allowing for an economic multiplier of 2.75, this would potentially lead to an immediate boost of more than \$2 million into the region. In addition, over the course of the transmission of the series, we anticipate an increase in visitor numbers which would produce further economic benefits for the region.



We have several networks interested in Vacation 911, in particular the Reelz channel, and we will also have an international distributor lined up to distribute the series to other territories around the world.

Reelz is currently enjoying record viewing figures in the US for its verité crime production **On Patrol: Live**, which achieved around 7 million views in the first few weeks of release. That figure positioned Reelz as the most watched cable network among adults aged 25-54 and 18-49 every Saturday night that the show aired, and further led to the network commissioning an off-shoot production of the show which now also airs in a prime-time position every Friday. This is a major growth area for the network, which is keen to create new and engaging content for an audience that has demonstrated a strong appetite for reality programming in the true crime genre.

Assuming **Vacation 911** reached just 50 percent of the audience reached with **On Patrol:Live**, this means 3.5 million would be exposed to the show, and if just one percent of this number was inspired to visit, spending an average of \$2,000 each, this would mean 35,000 people would spend \$2,000 – which translates to a potential financial benefit to the region of \$70 million. Using the multiplier of 2.75, the economic impact would be around \$200 million.



Proposed Filming & Broadcast Schedules

We anticipate that the production of the initial season would be embedded in the region for filming for around 4-5 months, plus additional pre-production work in advance of filming.

Vacation 911 would be a returnable, repeatable series that is not “time-stamped” and can be endlessly repeated by the commissioning channel as well as other international distributors, making it an enduring promotion for both the beautiful local area and the positive efforts of law enforcement in the region to safeguard residents and visitors. Ideally, we would choose to film during high season for US travellers, in particular Spring Break, as we would also like to capture some of the energy that younger tourists bring to the region – capturing both the daytime and night-time experiences they sometimes require support from the police to enjoy.

We anticipate the series would broadcast first in the US during winter 2024, and will be repeated throughout that year and beyond. We also anticipate sales of the show to many European territories as well as ones in Australia, South America, Asia and South Africa. As some of these would be pre-sales, they also would be transmitting around the same time as the US launch.



The Production Team

The team behind *Vacation 911* is very experienced in creating this type of programming and has previously gained access to other globally recognised and sensitive institutions to create compelling and multi-episodic series, including NASA, CERN, and several international police forces, hospitals and emergency rooms.

The team recognises that a strong collaborative approach to the production will make this an exciting and advantageous showcase for the region as a destination.

Angela Smith – *Creative Director*



Originally from the UK but now based in Los Angeles, Angela has almost 30 years in content creation, working as Executive Producer, Creator, Producer, Director and Showrunner in the UK, US and Ireland. For 14 years, she was CEO of Turn On Television, where she created more than 30 productions including three seasons of *Conmen Case Files* for Netflix and the *Crime and Investigation Network* and *Tourist Police* for Channel 4 as well as other unscripted programs for Discovery, Discovery Health, Animal Planet, MTV Channel 5, ITV1, ITV2, Granada, Living TV, Tubi, Sky Travel and Nick Jr., before attracting venture capital funding and rebranding as Glistening Productions. Angela oversees a large unscripted development slate.

Item 5.

Kyle Prince – *Development Executive*



Based in the UK, Kyle began his career as a researcher on popular Channel 4 series *Gamesmaster* and *The Big Breakfast* before becoming a producer and director on Bronze Emmy-winning *Home on Their Own* (ITV1), *Airline* (ITV1) and the first season of *I'm A Celebrity.. Get Me Out of Here!* (ITV1). As a series director, he worked on many of Channel 4's key returnable brands, including *The Sex Education Show*, *Secret Eaters* and the Emmy-winning *Embarrassing Bodies: Live from the Clinic*, before becoming a series producer and showrunner for, among others, *Discovery International* and Channel 4, then an editor/director on RTE's RTS award-winning *The Fitting Room*.

Sarah Walters – *Development Producer*



Based in our Manchester (UK) office, Sarah has worked in print and broadcast news media for 18 years with a particular focus on culture and social history. From 2004, she worked as a multi-media features journalist and current affairs columnist for the biggest regional UK newspaper, the *Manchester Evening News*. Since moving into broadcast in 2017, she has worked as a researcher, writer and assistant producer on several award-winning and award-nominated documentary programs and factual entertainment series for the likes of the BBC, Channel 4 and Amazon Prime, as well as written a number of shorts for younger audiences.



Commitments

The production is committed to an honest and respectful portrayal of law enforcement in the region.

The production is committed to maintaining positive relationships with the government and government agencies to ensure it can be a returnable proposition. The success of the series rests upon a strong and respectful relationship with key institutions and people in the area, and the producers are committed to maintaining a positive and collaborative relationship with all the key participants. To ensure good relations, the

production is willing to provide a factual accuracy viewing of all episodes before each episode is transmitted and will welcome meaningful input throughout the production.

Working with the footage the production generates, the production could commit to creating an advertisement for the local Tourism Department, as a gesture of our goodwill and another bonus for the region.

We welcome questions and will be happy to clarify any further detail you require.





AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council 11/9/2022

SUBJECT: Manager's Update

BACKGROUND:

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



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council – November 9, 2022

SUBJECT: **Conditional Zoning** to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 604 N. Lake Park Blvd.
Applicant: Shagri-La LLC

BACKGROUND:

The applicant, Shagri-La LLC, applied for a Conditional Zoning application for a bar/tavern in the Highway Business District. The proposal includes providing on-premise wine, beer, and liquor. When on-premise alcohol is being served and the use is not classified as a standard restaurant, the ordinance defines the use as a bar. The ABC requires restaurants to have food comprise at least 30 percent of their sales, or it is classified as a bar. A bar is allowed through the approval of a conditional zoning district in the Highway Business District.

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

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

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.

2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

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

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

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

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

Proposal:

The applicant is proposing to change the use of the business from a restaurant to a bar at 604 N. Lake Park Blvd. No new bars/taverns shall be permitted within 200 feet of an established church or school or 200 feet of any residential district. This location meets that separation requirement.

The purpose of the Highway Business (HB) district is to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. In many cases, businesses in the HB district serve the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas.

The existing building is a two-unit commercial building built in 1998. It meets the current lot coverage and setbacks requirements. No additions are proposed outside of the current footprint. The applicant is providing 11 on-site parking spaces and 4 off-site parking spaces across Lake Park Blvd, in the Winner RV Park on property adjacent to the public right-of-way. The parking space amount and location was approved in the original Conditional Use Permit approved on December 9, 1997.

The building consists of 3,200 Sq. ft. of indoor area. The most recent previous use was an eating and drinking establishment, which has the same parking calculation as bars and taverns. At the time of the approval of the existing building, the 1984 Zoning Ordinance did not require pedestrian access between off-site parking and the building. Staff recommends pedestrian access improvements are installed that consists of a 5' sidewalk adjacent to N Lake Park in front of the property.

CUP 97-2 Conditions:

1. Make findings for approval of the Conditional Use Permit required by Zoning Ordinance Section 602.5. (1984)
 - a. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - b. That the use meets all required conditions and specifications;
 - c. That the Use will not substantially injure the value of adjoining or abutting property;
 - d. That the location and character of the of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Carolina Beach and its environs;
2. All Federal, State, and Local requirements;
3. Landscaping pursuant to the Landscape Ordinance; Planning & Zoning Commission recommends in lieu of landscaping along 421 applicant may pour sidewalk in public right-of-way.
4. Six (6) foot high buffer, or combination landscaping, consistent with Section 704. Buffers of the Zoning Ordinance. (1984)

Staff Proposed Conditions

1. 5' Sidewalk must be installed per Sec. 40-150(5) to provide safe pedestrian access between off-site parking and the building.
2. The 4 off-site parking spaces at 605 N Lake Park Blvd shall be designated with signage, wheel stops, and an approved parking surface.

P&Z Proposed Conditions

P&Z recommended approval of the project 4-1 with only the following condition:

1. The 4 off-site parking spaces at 605 N Lake Park Blvd shall be designated with signage and wheel stops.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on August 26, 2022. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties.

Land Use Plan

The project is in general conformity with the 2020 Land Use Plan it supports to sustain a healthy and vibrant locally-oriented economy. This area is recognized as a higher density area with a mix of uses, within the district and individual buildings.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a bar located at 604 N. Lake Park Blvd.

Staff recommends approval of the project as proposed. P&Z recommends approval 4-1.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for a bar located at 604 N. Lake Park Blvd. is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning Director

DEPARTMENT: Planning and Development

MEETING: Town Council 11/9/2022

SUBJECT: **Text Amendment:** Consider amending Chapter 16 Article II Sec. 16-75. – Rules and regulations for golf carts.
Applicant: Town of Carolina Beach

BACKGROUND:

The Police Department has requested for the Town’s golf cart regulations to be consistent with state statute.

ACTION REQUESTED:

Consider the amendment and make a motion for recommendation.

RECOMMENDED MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the following ordinance amendment to Chapter 16 Article II Sec. 16- 75 – Rules and regulations for golf carts is consistent with state law.

Denial - based on inconsistencies with provisions of the NCGS.



ORDINANCE NO. 22-1188

Text Amendment: To amend the Chapter 16. ARTICLE II Sec. 16-75 – Rules and regulations for golf carts.

Sec. 16-75. Rules and regulations for golf carts.

Carts may only be operated within the town in accordance with the following rules and regulations. An individual who operates a cart in violation of these rules and regulations shall be subject to the penalty provisions of section 16-78 or other criminal charges as allowed by law. The following rules and regulations apply to the operation of carts:

- (1) Carts shall only be driven on roads posted 35 miles per hour or less. This does not prohibit a cart from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) Carts must have liability insurance coverage.
- (3) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles.
- (4) Carts must be equipped with headlights, a rearview mirror, side mirrors on each side of the cart, reflex reflectors, windshields, windshield wipers, tail lights and turn signal lamps.
- (5) Carts shall be equipped with at least one fixed operational mirror allowing the operator to see behind the cart.
- (6) No one is allowed to stand on a golf cart while it is in operation and may only have the appropriate amount of people that the golf cart is designed to carry.
- (7) The operator of the golf cart must be at least 16 years of age and possess a valid driver's license.
- (8) Any person who operates a golf cart on public streets and roads must adhere to all applicable state and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.
- (9) Seat belts are required for every person seated on the golf cart. Seat belts must be worn by all passengers ~~including children~~ exceeding 8 years of age and exceeding 80lbs of weight. A child passenger less than 8 years of age and less than 80lbs in weight shall be properly secured in a weight appropriate passenger restraint system.
- (10) Weight appropriate passenger restraint systems may only be used in the front seat or another forward facing seat within a cart.
- ~~(10)~~ (11) All required safety equipment must be installed to NCDOT Specifications and in place before the golf cart is registered with the town.
- ~~(11)~~ (12) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Carolina Beach which governs the operation of motor vehicles.

(Ord. No. 17-1064 , 9-12-2017)

Adopted this 9th day of November, 2022.

Mayor Albert L. Barbee

Attest: Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin

DEPARTMENT: Executive

MEETING: Town Council 11/9/2022

SUBJECT: Street/Water and Sewer Assessment

BACKGROUND:

The property owners on the 1000 block of S. Second Street lying between Greenville and Carolina Sands Neighborhood filed with the Town Clerk a petition to improve the right of way in front of their properties. The length of the unimproved right of way is approximately 270 feet and is adjacent to 4 impacted parcels. The following were adopted by Town Council at public hearings:

1. Preliminary assessment resolution 21MAR2022
2. Resolution directing the right of way be improved with a street, stormwater and utilities. 13SEP2022

ACTION REQUESTED:

To move forward with the improvement, the Town needs to adopt a budget for paving and a budget for the water/sewer.

RECOMMENDED MOTION:

Adopt Ordinance No. 22-1186 to complete the paving and drainage and Ordinance No. 22-1187 to complete the associated water and sewer.

ORDINANCE NO. 22-1186
AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET CREATING A
CAPITAL PROJECT ORDINANCE FOR THE 2nd STREET PAVING & DRAINAGE
PROJECT

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

SECTION ONE:

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the 2nd Street Paving & Drainage Capital Project by amending the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
62-562-046	Professional Services	\$	\$ 72,498	+ \$
62-562-074	Capital Over \$10,000	\$	<u>\$ 236,830</u>	+ \$
TOTAL			\$ 309,328	

SECTION TWO:

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the 2nd Street Paving & Drainage Capital Project by amending the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
62-350-000	Transfer from General Fund	\$ 0.00	<u>\$ 309,328</u>	+ \$
TOTAL:			\$ 309,328	

SECTION THREE:

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

Duly adopted this 9th day of November 2022.

Albert L Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk

ORDINANCE NO. 22-1187
AN ORDINANCE TO AMEND THE UTILITY FUND BUDGET CREATING A
CAPITAL PROJECT ORDINANCE FOR THE 2nd STREET WATER/SEWER
PROJECT

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

SECTION ONE:

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the 2nd Street Water/Sewer Capital Project by amending the following Utility Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
63-814-046	Professional Services	\$	\$ 25,287	+ \$
63-814-074	Capital Over \$10,000	\$	\$ <u>169,620</u>	+ \$
TOTAL			\$ 194,907	

SECTION TWO:

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the 2nd Street Water/Sewer Capital Project by amending the following Utility Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
63-350-000	Transfer from General Fund	\$ 0.00	\$ <u>194,907</u>	+ \$
TOTAL:			\$ 194,907	

SECTION THREE:

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

Duly adopted this 9th day of November 2022.

Albert L Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Clerk

MEETING: Town Council Meeting 11/9/2022

SUBJECT: Committee Appointment

BACKGROUND:

A member of the Operations Committee resigned on 10/17/2022. This is an 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 11/9/2022

Item 10.

Operations Committee

Please select **ONE**:

- Bill Stoll
- Bob Ponzoni
- David Marshall
- Michael Hannan
- Stephen Taylor

Council Member Signature

For a brief description of the Town of Carolina Beach's Boards & Committees click [here](#).

* Full Name

Michael Hannan

Home Address

1615 Bowfin Lane
Carolina Beach NC

* Email Address

hannanme61@gmail.com

Phone

(813) 205-5626

* Check Box List

Operations Advisory Committee
Planning and Zoning Commission
Police Advisory Committee

How long have you lived in Carolina Beach?

My wife and I have spent the past year building our dream retirement home here in CB, we moved in a month ago. We have been coming to CB for 6 years and fell in love with the community and area.

Availability

Available for day meetings
Available for night meetings

Educational Background

BS Business Administration, University of New Hampshire, class 1983

Occupational Background

33 years in sales with Kraft Foods with emphasis on strategy and planning. Co-led \$2.0B business last 5 years of my career.

Special Talents and Interests

Extensive experience/success in leading/participating on teams to develop/achieve successful goals/outcomes.

Community Involvement

Recently was on BoD for large private Gun Club in Charlotte as well as Director of our Shotgun facilities. One of 3 members of new neighborhood Architecture Review committee. Looking to use my extensive professional skills to help our community where I can.

Resume or other Attachment

SKIPPED

* Date of Application

12/21/2021

For a brief description of the Town of Carolina Beach's Boards & Committees click [here](#).

* Full Name
Bill Stoll

Home Address
312 Charlotte Ave
Carolina Beach NC

* **Email Address**
billstoll02@gmail.com

Phone
(502) 643-1088

* Check Box List
Bicycle/Pedestrian Committee
Operations Advisory Committee
Parks and Rec Committee
Planning and Zoning Commission

How long have you lived in Carolina Beach?
We have owned a vacation home here since 2014.

Availability
Available for night meetings

Educational Background
I am a graduate of the University of Dayton, class of 1995. I received a BA in political science.

Occupational Background
I am the sole owner of my families road construction company, Stoll Construction and Paving Co, INC. We have been restoring Louisville, KY and Southern Indiana roads since 1964. I have a wealth or knowledge in road construction. You can see more information on our company at www.Stollconstructionandpaving.com

Special Talents and Interests
I love Carolina Beach and I am interested in helping Carolina Beach be the best little beach town. I have years of knowledge in road construction and working for and around city governments. I am willing to really sit in and listen to see where I could be best used in the community.

Community Involvement
This will be my first venture in community involvement here in Carolina Beach. I am excited to get in there and help where I can.

Resume or other Attachment
SKIPPED

* **Date of Application**
08/02/2021

For a brief description of the Town of Carolina Beach's Boards & Committees click [here](#).

* Full Name
STEPHEN TAYLOR

Home Address
111 Florida Avenue
Unit #11
Carolina Beach North Carolina

* **Email Address**
tayl546@charter.net

Phone
(910) 443-8316

* Check Box List
Operations Advisory Committee

How long have you lived in Carolina Beach?

I have been here on the island since 1994. I live on Florida Avenue - on the north end.

Availability
Available for day meetings
Available for night meetings

Educational Background

Graduated from NC State in Zoology - with a B.S. degree.

Occupational Background

Served as a Marine Biologist and supervisor in Fisheries Management for the NC Division of Marine Fisheries for 30+ years. Retired out of the Wilmington office in 2015. Have worked some with Richard Cecelski teaching youth marine environmental science on Masonboro Island.

Special Talents and Interests

Interested in the coast and coastal environment, involved in church work here on the island.

Community Involvement

I was Vice-Chairman under Dale Walters on the Canal Drive Flood Advisory Committee until it was dismissed this past year. This is my main interest and I'd like to continue working with the Town on Operations to see if some of the solutions/resolutions we came up with could somehow be carried out through the town. I have worked closely with Brian Stanbury and others and would like to continue contributing to the town. I have supported the Town of CB in many different ways through the 27 years we have lived here.

Resume or other Attachment
SKIPPED

* **Date of Application**
12/16/2021

For a brief description of the Town of Carolina Beach's Boards & Committees click [here](#).

* Full Name
David Marshall

Home Address
401 Marina St
Carolina Beach NC

* **Email Address**
davidmnc_1999@yahoo.com

Phone
(910) 336-1390

* Check Box List
Beautification Committee
Bicycle/Pedestrian Committee
Board of Adjustment
Marketing Advisory Committee
Operations Advisory Committee
Other: I am open to any opportunity to get involved.
Parks and Rec Committee
Planning and Zoning Commission
Police Advisory Committee

How long have you lived in Carolina Beach?
I have lived in CB for 5 years

Availability
Available for day meetings
Available for night meetings

Educational Background
I am a graduate of E.A. Laney High school, and attended Cape Fear Community Collage for electronics.

Occupational Background
I have spent the majority of my professional life as a executive in the the retail automotive industry leading several franchise dealerships to highly successful results. I have also worked in the textile industry as a automotive R&D manager. My post COVID career has consisted of being the General Manager of Morgan Ridge Vineyards. MRV consists of a vineyard producing 7 varieties of grapes, an event center, and a brewery and restaurant. We sold that business in early 2022. Since then I have been the Operations manager for US Lawns of Wilmington.

Special Talents and Interests
I am a life long boater who has extensive knowledge of local waters, and plan to get my Captains Licence in late 2022.

Community Involvement
I have been an active member of the Island Men for 5 years.

Resume or other Attachment
[d.Marshall \(1\).docx](#)

* **Date of Application**
09/14/2022

For a brief description of the Town of Carolina Beach's Boards & Committees click [here](#).

* Full Name
Robert Ponzoni

Home Address
1201 Canal Drive
Carolina Beach NC

* **Email Address**
rjponzoni@me.com

Phone
(336) 601-9561

* Check Box List
Operations Advisory Committee

How long have you lived in Carolina Beach?
10+ years, 5 years full time

Availability
Available for day meetings
Available for night meetings

Educational Background
Bachelor of Arts from Newark State College, Teaching Certificate from N.J., Diploma from Randolph Community College in Photography, Certificate from American Culinary Institute from Guilford Tech. Community College.

Occupational Background
Commercial and Editorial independent Photographer and business owner with three employees. National and International clientele.

Special Talents and Interests
Photography, Cuisine, Science. Community.

Community Involvement
The Island Men, The Island Arts Council, Parrot Heads, Marthas Kitchen,

Resume or other Attachment
SKIPPED

* **Date of Application**
04/09/2022



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Council Meeting 11/9/2022

SUBJECT: Closed Session –Attorney/Client

RECOMMENDED MOTION:

Motion to go into closed session to discuss an attorney/client matter pursuant to North Carolina General Statute 143-318.11(a)(3).