

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, April 13, 2021 – 6:30 PM

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



AGENDA

CALL TO ORDER

ADOPT THE AGENDA

CONSENT AGENDA

- [1.](#) Budget Amendments/Transfers
- [2.](#) Move position from Wastewater Collections to Stormwater
- [3.](#) Set a Public Hearing Date for May 11th to consider amending Chapter 40, Article III & Article XVIII, to address rooming houses.
- [4.](#) Set a Public Hearing Date for May 11th to consider amending Chapter 40, Article VII, Fence Regulations to review restrictions and how to measure height.
- [5.](#) Set a Public Hearing Date for May 11th to consider amending Chapter 40, Article III & Article VII, to review setbacks for through lots for fences, swimming pools and accessory structures.
- [6.](#) Request for Right of Way Improvements
- [7.](#) Approval of Meeting Minutes from 2/23 and 3/9/2021

SPECIAL PRESENTATIONS

- [8.](#) New Employee Introduction – Captain Greg Steffens CBPD
- [9.](#) Request by Girl Scout Troop 4785 to add signage to Island Greenway
- [10.](#) Events Update by Tim Murphy
- [11.](#) Manager's Update

PUBLIC COMMENT

Public Comment allows the public an opportunity to address the Town Council. There is a three minute limit on public comments.

PUBLIC HEARINGS

[12.](#) Public Hearing to Receive Public Input on the FY21/22 Budget

[13.](#) Consider a Text Amendment to Chapter 40 Article VIII Signs

ITEMS OF BUSINESS

[14.](#) Committee Appointments

NON-AGENDA ITEMS

CLOSED SESSION

[15.](#) Closed Session to Discuss an Attorney/Client Matter

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 4/13/2020

SUBJECT: Budget Amendments/Transfers

BACKGROUND:

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

Transfers:

Transfer \$977 from account 10-410-070 Legislative COVID to account 10-410-064 Legislative Hurricane Florence to cover Rostan Solutions assistance (FEMA reimbursable).

Transfer \$1,300 from account 10-450-014 HR Travel & Training, \$5,000 from account 10-450-034 HR Pre-Employment Costs and \$7,000 from account 10-450-052 HR Unemployment to account 10-450-045 HR Contract Services for automatic time clocks and software.

Transfer \$3,126 from account 10-450-006 HR Medical Insurance to account 10-550-06 Marina Medical Insurance to cover line item shortage.

Transfer \$5,000 from account 10-491-014 Planning Travel & Training to account 10-491-033 Planning Supplies for computer equipment and vehicle supplies.

Transfer \$7,500 from account 10-510-014 Police Travel & Training to account 10-510-017 Police M&R Vehicles to cover the cost of repairs to Police fleet.

Transfer \$14,000 from account 10-580-045 Environmental Contract Services to account 10-620-046 P&R Professional Services for repairs to infrastructure at the Lake.

Transfer \$4,000 from account 30-810-047 WWTP Plant Renovation to account 10-810-015 M&R Buildings to cover the cost of roof repairs to the WWTP Laboratory.

Transfer \$400 from account 30-810-046 WWTP Professional Services to account 30-810-080 WWTP PPE to cover the cost of safety equipment.

Transfer \$10,000 from account 30-811-019 WWC M&R Streets to account 811-045 WWC Contract Services to cover the cost of AMI service work Phase I.

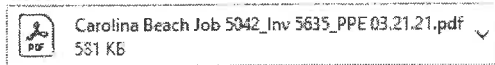
ACTION REQUESTED:

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

FW: Rostan Solutions, LLC: Invoice #INV -5635



Debbie Hall
To: Ed Parvin



Ed,

We can move \$977 from 10-410-070 Legislative COVID to 10-410-064 Legislative Hurricane Florence to cover the attached invoice.

Thanks

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

Debbie Hall

From: Holly Brooks
Sent: Monday, March 15, 2021 12:35 PM
To: Debbie Hall
Subject: Budget Transfer

Debbie, please make the following budget transfer in order to fund the purchase of the electronic timeclocks.

From	To	Amount
10-450-014	10-450-045	\$1,300
10-450-034	10-450-045	\$5,000
10-450-052	10-450-045	<u>\$7,000</u>
		\$13,300

Thank you for you in advance for your assistance in this matter.

Holly Brooks
Director of Human Resources
Town of Carolina Beach
910-458-9530

Debbie Hall

From: Holly Brooks
Sent: Monday, March 29, 2021 5:17 PM
To: Ed Parvin
Cc: Debbie Hall
Subject: Budget Transfer L. Denning Insurance

Ed, will you please prepare a budget transfer for Finance in order to move funds to cover the cost of adding Larry Denning to the Group Insurance plans? I have enough money in the HR insurance budget to cover Larry for the rest of this year.

He will be in a benefit budgeted position next year and will have the applicable amounts added to the budget.

The transfer is as follows: From 10-450-006 to 10-550-006 in the amount of \$3,150.

Thank you.

Holly Brooks, aPHR, SHRM-SCP, IPMA-SCP, MESH-PS
Director of Human Resources
Town of Carolina Beach
910-458-9530

Town of Carolina Beach

Interoffice

TO: Debbie Hall, Finance Director
FROM: Jeremy Hardison, Director of Planning & Development
SUBJECT: Budget Transfer
DATE: March 16, 2021

Respectfully request Budget Transfer for the following:

\$5000.00 - FROM: 10-491-014
TO: 10-491-033

- Moving the requested funds due to travel restrictions –
 - Usage - computer/equipment and vehicle supplies.

Signature: _____



Date: _____

3/16/21

Thank You,
Andrea Deopp-Norris for Jeremy Hardison

Debbie Hall

From: Dex Shorter
Sent: Tuesday, March 16, 2021 11:17 AM
To: Debbie Hall
Cc: Bruce Oakley; Vic Ward
Subject: Budget Transfer Request

Hi Debbie,

Per Chief Ward, the Police Department is requesting the transfer of \$7,500 from line item 10-510-014 to line item 10-510-017 for anticipated repairs and maintenance to police fleet vehicles through the end of FY20/21.

\$7,500

From 10-510-014 Travel & Training
To 10-510-017 Maintenance & Repair – Vehicles

Respectfully submitted,

Dex Shorter

Administrative Assistant – Police Department
Town of Carolina Beach
dex.shorter@carolinabeach.org
910-458-2540

Debbie Hall

From: Brian Stanberry <brian.stanberry@carolinabeach.org>
Sent: Monday, April 5, 2021 10:05 AM
To: Ed Parvin <ed.parvin@carolinabeach.org>
Cc: Debbie Hall <debbie.hall@carolinabeach.org>; Eric Jelinski <eric.jelinski@carolinabeach.org>
Subject: RE: budget transfer

Debbie,

Per our discussion, I would like to request a budget transfer, in the amount of \$14,000, from the 10-580-045 to the 10-620-046 account. These funds will help cover the costs of needed repairs to the infrastructure at the Lake. Thank you and let me know if you have any questions.

Brian Stanberry

Director of Public Works
Town of Carolina Beach
910-458-8291 office
910-443-1837 mobile
brian.stanberry@carolinabeach.org



DISCLAIMER:

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Healy
Mayor Pro Tem

JoDan Garza
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: March 26, 2021

Budget transfer amount: \$ 4,000.00

From: 30-810-047 (WWTP Plant Renovation)

To: 30-810-015 (M & R - Buildings)

Explanation: This transfer is to cover the cost of a roof repair to the WWTP Laboratory.

Mark Meyer

Director of Public Utilities, Town of Carolina Beach

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Healy
Mayor Pro Tem

JoDan Garza
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: April 1, 2021

Budget transfer amount: \$ 400.00

From: 30-810-046 (Professional Services)

To: 30-810-080 (PPE)

Explanation: This transfer is to cover the cost Safety Equipment.

Mark Meyer

Director of Public Utilities, Town of Carolina Beach

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Healy
Mayor Pro Tem

JoDan Garza
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: April 1, 2021

Budget transfer amount: \$ 10,000.00

From: 30-811-019 (Maint and Repair Streets)

To: 30-811-045 (Contract Services)

Explanation: This transfer is to cover the cost of AMI service work Phase 1.

Mark Meyer

Director of Public Utilities, Town of Carolina Beach



AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin

DEPARTMENT: Executive

MEETING: Town Council – 13APR2021

SUBJECT: Move position from Wastewater Collections to Stormwater

BACKGROUND:

Stormwater staff does not have adequate personnel to maintain local and state Phase 2 stormwater requirements while also working to maintain our system. This position will help solve this workload issue and bring us back to prior number in the SW department (8 members). WWC has not filled the vacant position that came open earlier this year. WWC is confident they can continue without filling this job. After working with the Public Works and Utilities Director all agreed that moving this position to SW would be most beneficial to both divisions.

ACTION REQUESTED:

Approve the request to move one position from WWC (11 to 10 FTE's) to SW (7 to 8 FTE's)

RECOMMENDED MOTION:

Motion to approve the request to transfer one position from Wastewater Collections to Stormwater.

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Item 2.
Mayor Pro Tem

JoDan Garza
Council Member

Bruce Oakley
Town Manager

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

March 24, 2021

Subject: Reallocation of Enterprise Fund Position

Existing Fund/Position Title: Wastewater Collections 30-811-000/ System Operator/Pump Station

New Fund/Position Title: Stormwater 30-900-000 / Stormwater System Manager

Explanation: Staff is requesting this position transfer to replace a Stormwater position that was reallocated to Wastewater Collections by previous administration.

Sincerely,

Brian Stanberry
Director of Public Works

Town of Carolina Beach

910-458-8291 *office*

910-443-1837 *mobile*

brian.stanberry@carolinabeach.org



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning &
Development Director

DEPARTMENT: Planning

MEETING: Regular Town Council – 13 APR 2021

SUBJECT: Set a Public Hearing Date for May 11th to consider amending Chapter 40, Article III & Article XVIII, to address rooming houses.

BACKGROUND:

ACTION REQUESTED:

Set Public Hearing Date

RECOMMENDED MOTION:

Approve the Consent Agenda



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning &
Development Director

DEPARTMENT: Planning

MEETING: Regular Town Council – 13 APR 2021

SUBJECT: Set a Public Hearing Date for May 11th to consider amending Chapter 40, Article VII, Fence Regulations to review restrictions and how to measure height.

BACKGROUND:

ACTION REQUESTED:

Set Public Hearing Date

RECOMMENDED MOTION:

Approve the Consent Agenda



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning &
Development Director

DEPARTMENT: Planning

MEETING: Regular Town Council – 13 APR 2021

SUBJECT: Set a Public Hearing Date for May 11th to consider amending Chapter 40, Article III & Article VII, to review setbacks for through lots for fences, swimming pools and accessory structures.

BACKGROUND:

ACTION REQUESTED:

Set Public Hearing Date

RECOMMENDED MOTION:

Approve the Consent Agenda



AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin

DEPARTMENT: Executive

MEETING: Town Council – 13APR2021

SUBJECT: Request for Right of Way Improvements

BACKGROUND:

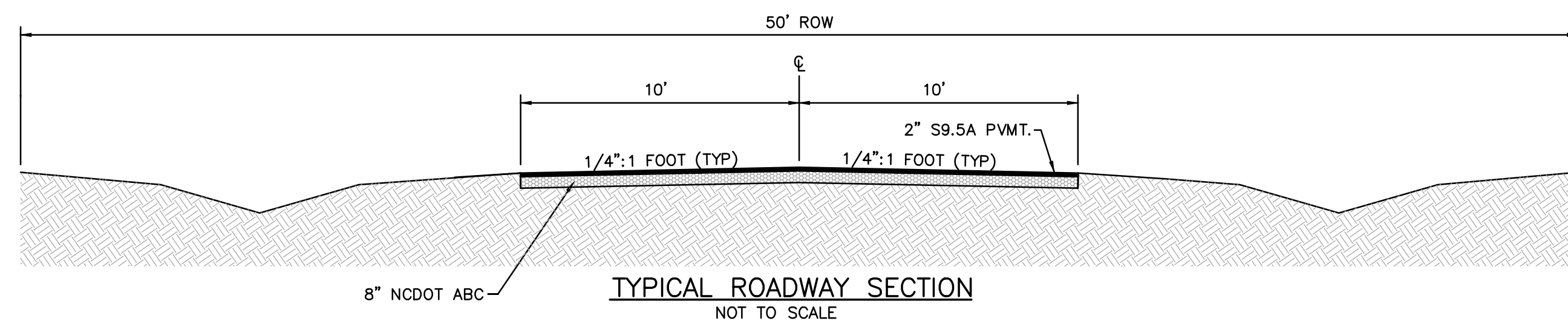
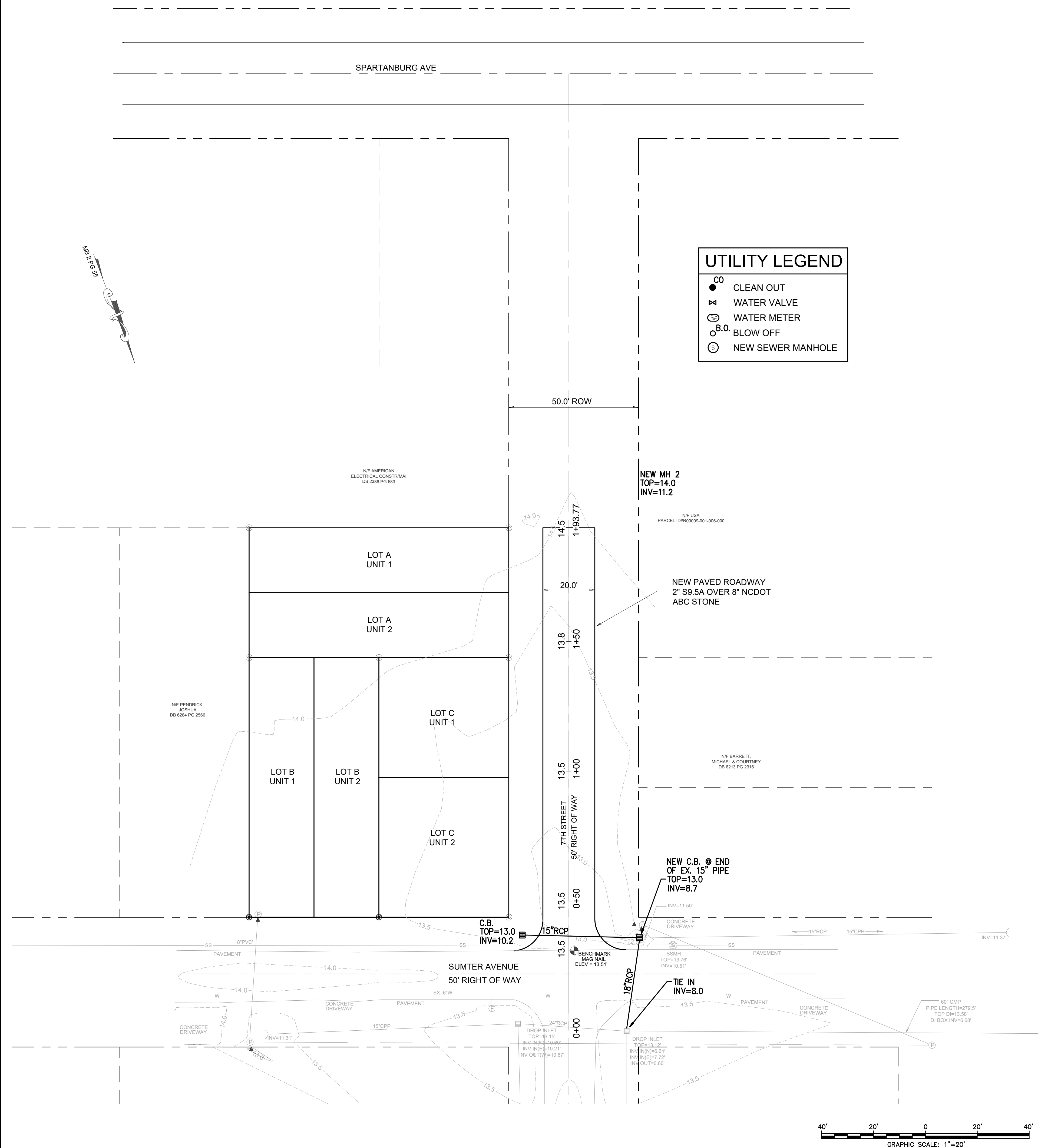
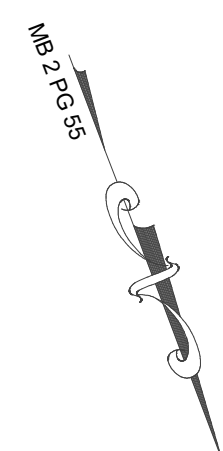
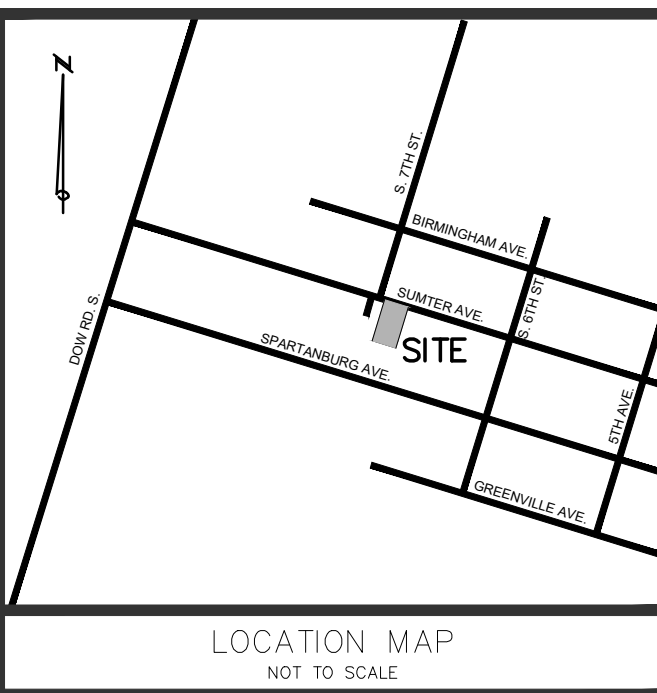
There is a proposal to develop the private lots at the south end of 7th Street. The right of way in this area has not been improved. By code the developer must have adequate access to the new lots prior to developing. The developer has worked with TRC to design a roadway to access these lots. This will be a typical 20' road as exists across our residential neighborhoods in Carolina Beach. The unique aspect to this project is a 10X49' section of the roadway will be on MOTSU property. This is existing dedicated right of way, but with all improvements on MOTSU property we must submit a request for their review/approval.


ACTION REQUESTED:

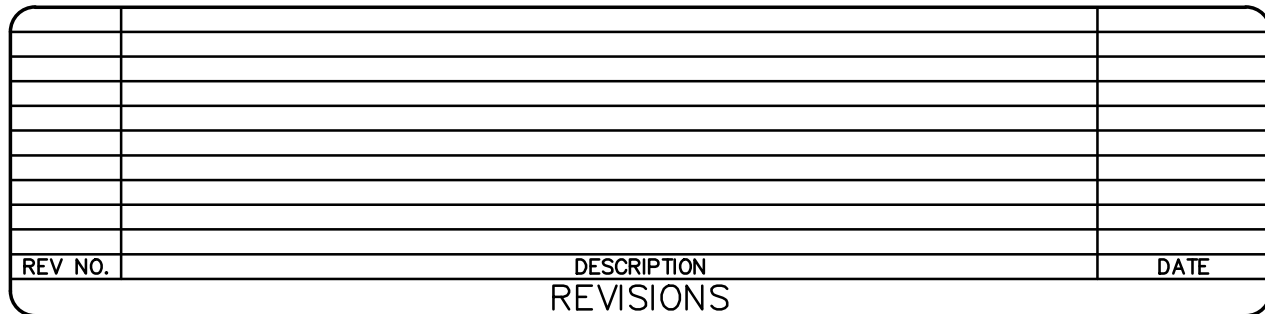
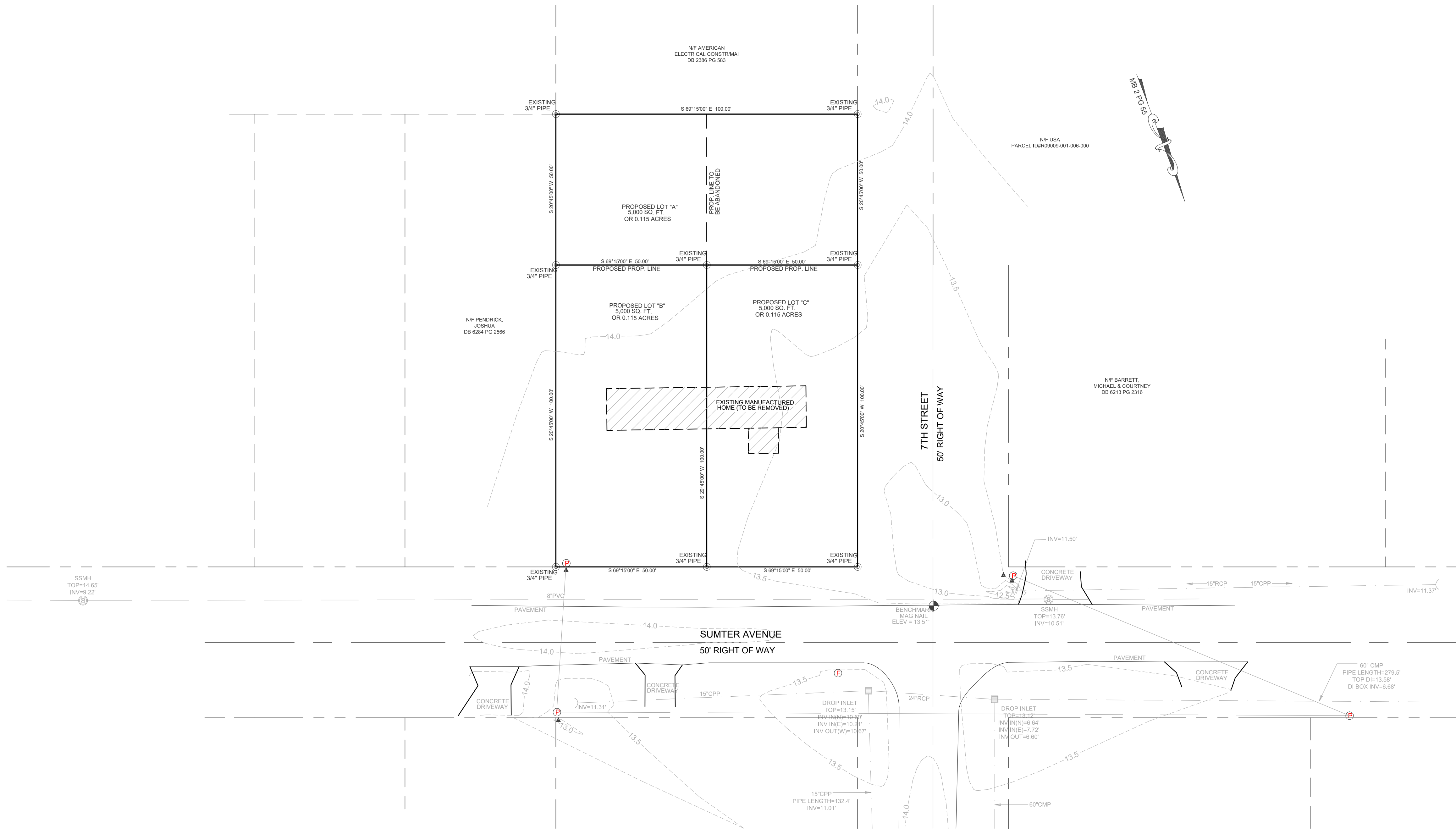
Approve the request for building the road at the south end of MOTSU property as proposed on the plans as designed by the developer.

RECOMMENDED MOTION:

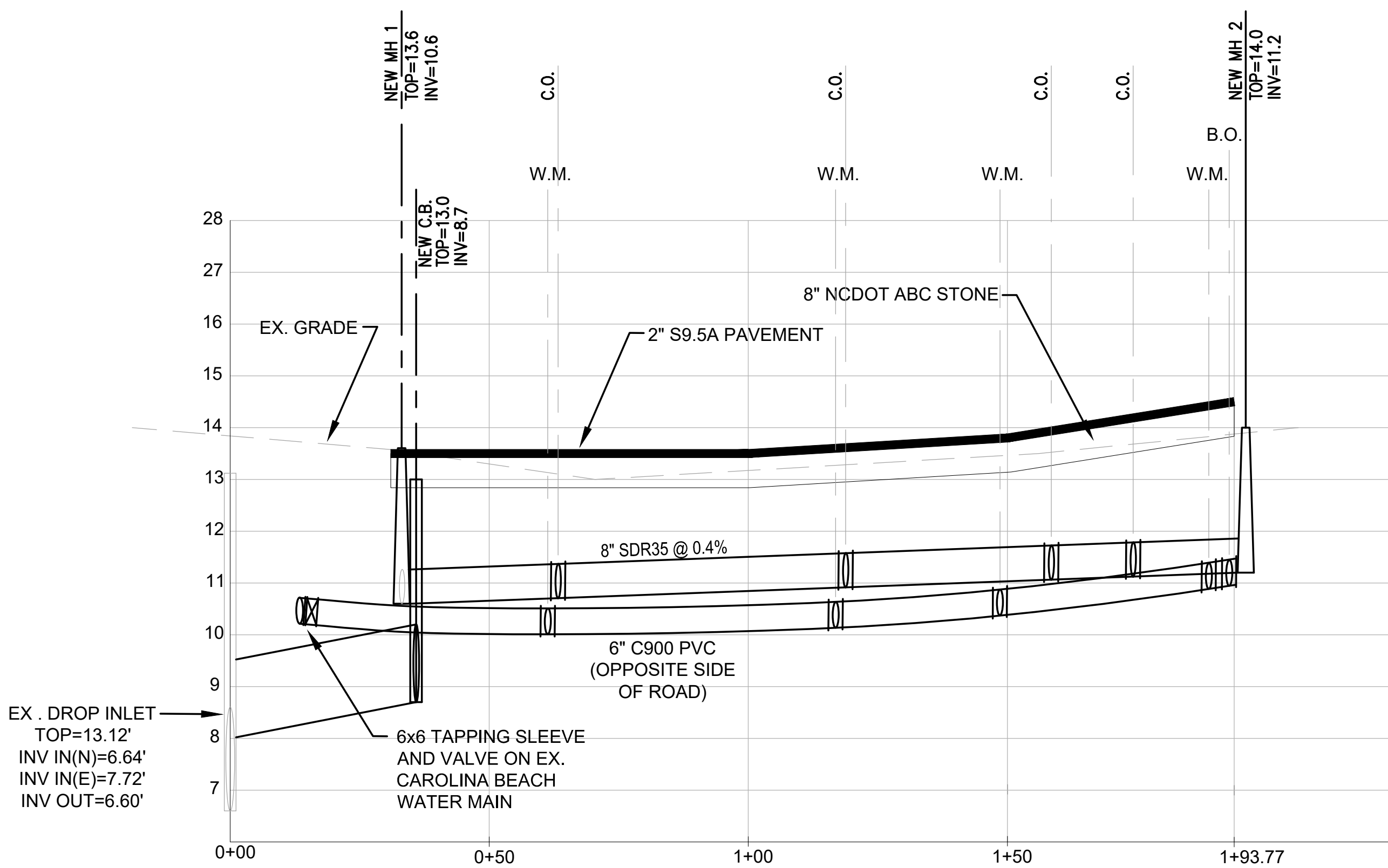
Motion to approve the request to improve the existing right of way as proposed by the developer and send our letter of support and recommendation for approval to MOTSU.

[illegible]

<h1 style="margin: 0;">7TH STREET EXTENSION</h1>		DATE: 10/22/20
CAROLINA BEACH	NEW HANOVER	Scale: 1"=20'
<div style="border: 1px solid black; padding: 10px; text-align: center;"> <h2 style="margin: 0;">SITE PLAN, GRADING & EROSION CONTROL PLAN</h2> </div>		Drawn: NNC
<div style="border: 1px solid black; padding: 10px; text-align: center;"> <h2 style="margin: 0;">PRELIMINARY</h2> </div>		Checked: WSL
<div style="border: 1px solid black; padding: 10px;">  <div style="display: inline-block; vertical-align: middle;"> <h3 style="margin: 0;">RIGHT ANGLE</h3> <p style="margin: 0;">ENGINEERING, P.C.</p> </div> </div>		Project No: HM0220
<div style="border: 1px solid black; padding: 10px;"> <p style="margin: 0;">212 PRINCESS STREET WILMINGTON, NC 28401 (910) 251-8544 FAX (910) 251-2208 FIRM: C-0829</p> </div>		Sheet No: <div style="font-size: 2em; font-weight: bold; text-align: center;">C2</div>




<h1 style="margin: 0;">7TH STREET EXTENSION</h1>			DATE: <div style="border: 1px solid black; padding: 2px; text-align: center;">10/22/20</div>
CAROLINA BEACH	NEW HANOVER	NORTH CAROLINA	Scale: <div style="border: 1px solid black; padding: 2px; text-align: center;">1"=20'</div>
<div style="transform: rotate(-45deg); transform-origin: left top; position: relative; height: 100px;"> PRELIMINARY </div>			Drawn: <div style="border: 1px solid black; padding: 2px; text-align: center;">NNC</div>
			Checked: <div style="border: 1px solid black; padding: 2px; text-align: center;">WSL</div>
			Project No: <div style="border: 1px solid black; padding: 2px; text-align: center;">HM0220</div>
<h2 style="margin: 0;">EXISTING CONDITIONS</h2>			Sheet No: <div style="border: 1px solid black; padding: 2px; text-align: center; font-size: 2em;">C1</div>
<div style="display: flex; align-items: center; justify-content: center;"> <div> <h3 style="margin: 0;">RIGHT ANGLE</h3> <p style="margin: 0;">ENGINEERING, P.C.</p> </div> </div> <p style="margin: 5px 0 0 0;">212 PRINCESS STREET WILMINGTON, NC 28401 (910) 251-8544 FAX (910) 251-2208 FIRM: C-0829</p>			

[illegible]

<h1 style="margin: 0;">7TH STREET EXTENSION</h1>		
CAROLINA BEACH	NEW HANOVER	NORTH CAROLINA


PRELIMINARY	<h2 style="margin: 0;">UTILITY PLAN</h2>	DATE: 10/22/20
		Scale: 1"=20'
		Drawn: NNC
		Checked: WSL
		Project No: HM0220

<div style="text-align: center;">  RIGHT ANGLE ENGINEERING, P.C. </div> <p style="text-align: center; margin-top: 5px;"> 212 PRINCESS STREET WILMINGTON, NC 28401 (910) 251-8544 FAX (910) 251-2208 FIRM: C-0829 </p>	Sheet No: <div style="font-size: 3em; font-weight: bold; margin: 10px 0;">C3</div>
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<h1 style="margin: 0;">7TH STREET EXTENSION</h1>		DATE: 10/22/20 Scale: AS SHOWN Drawn: NNC Checked: WSL Project No: HMO220
WILMINGTON	NEW HANOVER COUNTY	NORTH CAROLINA

CFPUA WATER DETAILS



RIGHT ANGLE
ENGINEERING, P.C.

212 PRINCESS STREET
WILMINGTON, NC 28401
(910) 251-8544 FAX (910) 251-2208

Sheet No:

WSD2

WS-3 NCDOT PAVEMENT REPAIRS
NOT TO SCALE

WS-4 PIPE EMBEDMENT TYPES
NOT TO SCALE

WS-5 VALVE DETAIL
NOT TO SCALE

WS-6 TRACER WIRE DETAIL
NOT TO SCALE

WS-9 TAPPING SLEEVE AND VALVE ASSEMBLY (4"-2
NOT TO SCALE

WS-10 PRESSURE MAIN DITCH AND
STORM DRAIN DITCH CROSSING DIP
NOT TO SCALE

WS-13 THRUST BLOCK DETAIL
NOT TO SCALE

WS-14 STANDARD NOTES
NOT TO SCALE

[illegible]

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Item 6.
Mayor Pro Tem

JoDan Garza
Council Member

Bruce Oakley
Town Manager

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

13 April 2021

Office of the Commander
Military Ocean Terminal, Sunny Point
6280 Sunny Point Road SE
Southport, North Carolina 2861-7800

Office of the Commander:

This request letter is in reference to 7th Street Right of Way improvements

The Town is working with a developer to expand the road within the existing right of way on 7th Street. This road expansion will allow for lots outside of MOTSU property to be developed. A portion of the road in the existing right of way that is proposed for improvement is on MOTSU property. The Town Council supports this project and would respectfully request your approval.

Sincerely,

LeAnn Pierce
Mayor

ENCLOSURE: Development Design Plans

S-1 PRECAST CONCRETE MANHOLE SECTION
ECCENTRIC CONE
NOT TO SCALE

S-4 STANDARD VENT MANHOLE SECTION
NOT TO SCALE

S-5 MANHOLE FLOOR PLAN
NOT TO SCALE

S-9 SEWER SERVICE CONNECTION SHORT SIDE
NOT TO SCALE

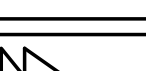
S-10 SEWER SERVICE CONNECTION - LONG SIDE
NOT TO SCALE

S-11 SEWER SERVICE CONNECTION
MAIN TO LATERAL – LESS THAN 8' DEEP
NOT TO SCALE

S-13 SEWER SERVICE CONNECTION
TYPICAL CLEAN-OUT
NOT TO SCALE

S-15 MANHOLE RIM ADJUSTMENTS
NOT TO SCALE

[illegible]

<h1>7TH STREET EXTENSION</h1>		DATE: 10/22/20
CAROLINA BEACH	NEW HANOVER COUNTY	AS SHOWN DRAWN: NNC
<h2>CFPUA SEWER DETAILS</h2>		WSL Project No: HM0220
<div style="text-align: center;">  <p>RIGHT ANGLE ENGINEERING, P.C.</p> <p>212 PRINCESS STREET WILMINGTON, NC 28401 (910) 251-8544 FAX (910) 251-2208</p> </div>		Sheet No: <div style="font-size: 2em; font-weight: bold;">SD1</div>



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council – 4/13/2021

SUBJECT: Approval of Meeting Minutes from 2/23 and 3/9/2021

BACKGROUND:

Attached are the meeting minutes from 2/23/2021, 3/9/2021 and 3/23/2021.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Workshop Meeting

Tuesday, February 23, 2021 - 9:00 AM

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



MINUTES

CALL TO ORDER

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

PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

DISCUSSION ITEMS

1. Employee Recognition

Public Utilities Director Mark Meyer recognized Mark Fowler for 20 years of service in the Water Department.

Mayor Pierce presented Mr. Oakley with a certificate for one year of service.

2. Presentation by Lisa Overby-Dosier on a Community Fridge Proposal

Lisa Overby-Dosier spoke during the public comment portion of the January 12 Council meeting to present the idea of having a community refrigerator for residents in need. Council asked that she make a formal presentation at a future Council meeting to give them time to review the proposal.

Ms. Overby-Dosier presented the following specifics to Council for discussion:

Community Fridge Planning

Contact: Lisa Overby-Dosier

910-508-4475 | lisaislocal@gmail.com

Location

Off the beaten path – away from tourist areas to serve the local community.

1. Near the police station ideal (Carolina Beach Presbyterian Church)
2. Near the fire station ideal (Seaside Chapel)

Power

Church will be asked to cover the power costs and supply power to the Community Fridge.

Structure

Wood structure placed in the shade ideally.

Cost to be sourced out to a contractor and/or the community

Possible local contractor to volunteer time to build

Fundraiser held at Good Hops for money for materials (if not donated)

Weatherproofing needed

Colorful and inviting

Logistics

Use at your own risk verbiage posted on structure and refrigerator

Fruits, veggies, and similar allowed only; no meat or dairy

Signage

Donated by Island Printer (banners only; others a fee)

Signs in English and Spanish

“Please take only what you need”

“This blessing was designed to help many, not just one so please take only what you need”

Purchase other yard signs and fridge magnets (using donated funds)

Upkeep

Volunteers to clean out/throw out every other day

Volunteer schedule via Facebook group

Maintenance

When a cost arises to service the refrigerator, these are the steps to be taken:

1. Ask community for donated time/professional services
2. Hold fundraiser if needed for repair costs/hiring a professional

Mayor Pierce asked if the refrigerator would be unlocked for anyone to drop off and pick up donations at any time. Ms. Overby-Dosier said yes and that it would be largely unsupervised and unmanned other than the occasional oversight by volunteers. Mayor Pierce said she had concerns about this. Ms. Overby-Dosier emphasized that there would be signs that people would be using the refrigerator at their own risk.

Council Member Garza suggested that Ms. Overby-Dosier set up virtual meetings with people from other places that have been successful in implementing a similar project.

Mayor Pierce said it would be tough to get anyone to take liability for the project, but she thinks it is a great idea that is in need.

Council Member Garza suggested inside the Senior Center as a possible location for the refrigerator.

Ms. Overby-Dosier said she will use Facebook to generate additional ideas about the project.

Mayor Pierce told Ms. Overby-Dosier to let Council know how the Town can help her make it work.

3. Summer Programs by Eric Jelinski

Parks & Recreation Director Eric Jelinski discussed potential summer programs for 2021.

Summer Programs 2021

2021 Summer Events

- Summer events meeting was held on Tuesday, February 16
 - Town staff and Mayor Pierce
 - PI Chamber of Commerce
 - PIRA
- Parks & Recreation Department is now coordinating the fireworks and movies at the lake
- Obstacles
 - When can we start the programs?
 - Planning starts now for summer programs
 - Secure vendors, organize volunteers, execute contracts

Potential Timeline for Summer Programs

Program	Start Date	End Date	Notes
Fireworks	Friday, July 2	Thursday, September 30	Labor Day – Fireworks on Friday, September 3
Music at the Boardwalk	Thursday, July 8	Thursday, September 30	Coordination through PIRA or Town – still working through this. Labor Day – Music on Friday, September 3
Movies at the Lake	Sunday, July 11	Saturday, October 2	Starting on September 11 potentially move movies to Saturday evening

Family Night at the Boardwalk	Tuesday, July 6	Tuesday, August 31	Is it worthwhile to extend into September?
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Concerns

- Must be flexible
 - Unknown regarding COVID-19 and what would be allowed in July or earlier.
 - Contract notice of 30 days for vendors. Dates may be changed or canceled.
 - Is it worth extending the programs through September?
- Planning
 - Need to have consensus on dates to schedule vendors and organize volunteers.

Budget Impacts

Program	Amount	Total
Fireworks	July 2 - \$10,000 13 dates at \$2,750 per show	\$45,750
Music at the Boardwalk	Sound - \$700 to \$1,400 Bands - \$600 to \$1,000 12 dates	\$15,600 to \$28,800
Movies at the Lake	12 dates - \$1,500 per movie	\$18,000
Family Night	9 dates - \$1,000 per night	\$9,000

Note: Does not include additional overtime for Fire Department for fireworks and additional part-time Parks & Recreation employees.

Council Member Barbee said having fireworks should not be a problem because people don't need to congregate in a single small area to see them. He suggested possibly closing Cape Fear Boulevard so people can spread out even more. Mayor Pierce said that idea had come up. Mr. Jelinski said it was a good suggestion.

Mayor Pierce said having music could be a challenge because that's in a very condensed area.

Council Member Shuttleworth said he is in favor of moving forward with plans for fireworks. He said he doesn't think music will be possible until the State relaxes COVID-19 guidelines about gatherings. He said it will be easier to budget and prepare now for fireworks and then cancel if necessary rather than try to pull everything together two weeks in advance.

Mayor Pro Tem Healy said he would like to start planning for music. He asked about the contract and whether the Town would be responsible for paying the performers if cancellations were necessary. Mr. Jelinski said typically those types of contracts require a 30-day notice.

Council Member Garza suggested not putting out chairs around the stage during music events so people would be able to maintain a safe distance from each other.

Mr. Jelinski suggested possibly trying to schedule smaller acts with smaller programs in July and then moving to bigger acts in August if guidelines permit.

Council Member Barbee said the Town may need to consider committing to some level of risk for music events, such as a cancellation fee for the performers.

Council Member Shuttleworth encouraged Town staff to move forward to plans for fireworks, small and local musicians, and movies with flexibility for dates.

Mayor Pierce said there has been discussion about Parks & Recreation taking over the music and doing a transitional year with Pleasure Island Revitalization Association (PIRA) to learn the process and take full responsibility next year.

The consensus of Council was to move forward with plans for the summer activities.

Mr. Jelinski said while there would be an increase in the Parks & Recreation budget, room occupancy tax funds would cover much of it.

Mayor Pro Tem Healy asked if Parks & Recreation would be using the same volunteers as previous years. Mr. Jelinski said yes and then some. He said the events would be staffed by a mix of paid staff and volunteers and that he does not envision needing another staff position to handle the responsibilities.

Council Member Shuttleworth asked why they are waiting until July to start the fireworks. Mayor Pierce said other communities are delaying their activities until then and that the hope is a large percentage of the population will be vaccinated for COVID-19 by then. Mr. Jelinski said the Town could pencil in dates starting at the end of May and then make a decision by May 1 as to whether cancellations are necessary. He said any cancelled activities can shift to go on past Labor Day through the end of September. Council Member Shuttleworth and Council Member Barbee said they liked that approach. Mayor Pierce said she was concerned about being the first municipality to start holding large gatherings in May and that she'd rather err on the side of caution. Mayor Pro Tem Healy said he liked the idea of the activities going on through the end of September, and Mayor Pierce agreed. Mr. Jelinski said Town staff would move forward with summer plans and keep Council updated.

4. Manager's Update

Mr. Oakley updated Council on current and future projects.

He said the recent County tax revaluation showed the Town's estimated real property tax base increasing 34 percent to \$2.8 billion. However, Mr. Oakley said the Town is waiting for more information because the two figures do not add up; he said the \$2.8 billion total is actually closer to a 50 percent increase.

- Project Updates
 - Hamlet: The bathroom project keeps coming in over budget, so Town staff has been exploring options to reduce costs. The Town hopes to put it back out for bid this spring.
 - Lake Dredge: The Town issued a request for information for engineering and disposal of spoils, but this did not generate a lot of interest, although Town staff is following up on a couple of leads.
- Legislative Update
 - MOTSU: Former Congressman Mike McIntyre has been in constant contact with Military Ocean Terminal Sunny Point (MOTSU), and the Town is optimistic about future use of the property. More information is expected in March.
 - Beach Nourishment: Federal funding is not included in this year's appropriations bill, but State Rep. Deb Butler has asked Gov. Roy Cooper to include this in the State's budget. There are also plans for a stimulus bill to get funding for this, as well as talks of bringing back legislative earmarks. Council may need to discuss amending the agreement with Ward and Smith on doing the Town's legislative advocacy. Mr. Oakley will talk to Council about this further at a later time.

Council Member Barbee asked if there are any plans for the shell shop lot for the summer if all goes well and the amusement rides move in around that space. Mr. Oakley said the Town will look into having picnic tables and photo props there.

5. A Briefing on Conditional Zoning

Applicant: Town of Carolina Beach

Town staff is currently updating many aspects of the zoning ordinance related to the required 160D update in the State statutes. Part of this involves a change of Conditional Use Permits to conditional zoning. One of the big focuses of this update is to drastically reduce the need for quasi-judicial procedures while still providing sufficient review and control over potentially some uses. Town staff's direction from Ms. Fox is to move forward with conditional zoning as it is a legislative process, rather than quasi-judicial, and it is supported in the 160D updates for North Carolina.

Senior Planner Miles Murphy presented details.

Background

- State statute changes from 153/160A to 160D for zoning
- Many changes required in local ordinances
- Conditional Use Permits are no longer permitted
- Transitioning to conditional zoning
- Reviewing Table of Permissible Uses at a future date, based on Council direction, to reassess which uses require additional scrutiny and which uses should be permitted by right

CUP to SUP

- All references and procedures related to Conditional Use Permits are changed to Special Use Permits
- Procedures remain largely unchanged
- Quasi-judicial procedures are still used
- No uses are required to be handled by Special Use Permits

Mr. Murphy reviewed key differences between legislative vs. quasi-judicial procedures. Among the most noteworthy are that the legislative process permits ex parte communication and offers less recourse for a lawsuit from applicants. In addition, a legislative decision is based on citizen input instead of substantial, competent, and material evidence and citizens with standing, as with a quasi-judicial decision. The result is that Council will have more control over the decision-making process.

Mr. Murphy said Town staff will bring back conditional zoning in March for approval, with 160D coming in April. He said the Planning and Zoning Commission has already approved conditional zoning and that the sign ordinance is coming soon as well.

6. Discuss permitting & regulations for sidewalk cafes for the upcoming season

Mayor Pierce said this item came out because some Boardwalk business owners contacted her about the requirement to bring in sidewalk tables and chairs every night. Some would like the option to leave them outside.

Last year the Town waived permits and fees and did not monitor outdoor cafes for compliance. Sidewalk cafes are areas that eating establishments use for seating that is located in the Town right-of-way within the Central Business District. This year while we are still under a state of emergency, Town staff is seeking direction on the following:

- Permits - Does the Town want to issue permits for outdoor cafes? In 2019, seven eating establishments were permitted.
- Permit Fee - Annual permit = \$200.00
- Regulations
 - Location of seating - Sidewalk cafes can only encroach a certain amount into the Town's right-of-way to provide adequate pedestrian access.
 - Remove encroachments - At midnight, all tables, chairs, barricades, stanchions, and platforms used in the operation of the sidewalk cafe shall be removed.
 - Congregating of patrons - In or around encroachment areas shall be prohibited. Alcohol consumption outside of the premises or while standing shall be a violation of section 18-2, drinking in public.
 - No alcohol shall be served after 11:30 PM, and all sidewalk cafes shall be closed by midnight. Any person consuming alcoholic beverages in a sidewalk cafe after such hours shall be subject to section 18-2, drinking in public.

Planning Director Jeremy Hardison said Town staff is trying to seek direction with a lot of unknowns still out there.

Mayor Pro Tem Healy asked what the purpose is of bringing in the furniture nightly. Mr. Hardison said this is so sidewalk cleaning and maintenance can be performed without obstructions.

Mayor Pierce said those who asked about the ability to leave the furniture out overnight were concerned about wear and tear on the items from frequent moving. She suggested requiring business owners to clean their area of the sidewalk right-of-way and ticketing them if they don't.

Council Member Shuttleworth said leaving the furniture out overnight could be an invitation for vagrants to congregate while the businesses are closed, but he's OK with giving it a test run if the business owners want that flexibility.

Mayor Pierce said most business owners will want to keep their sidewalk areas clean for their patrons, so she is in favor of giving the option to leave furniture out overnight as long as cleanliness is maintained by the business owners, not the Town.

Council Member Shuttleworth brought up the possibility of a longer-term discussion about a special improvement district because business owners don't have the ability to make beautification improvements right now. He also mentioned waiving or reducing the \$200 permit fee. Mayor Pierce said she was OK with waiving it. Council Member Barbee said rather than charge a fee, he was in favor of the Town ticketing business owners for failure to maintain their areas. He suggested that Town staff figure out what it costs to actually process each permit and pass on that cost, if any, to the business owner.

7. Direction on Regulating Rooming Houses

Currently in the zoning ordinance, the Town does not have any regulations or definitions for a rooming or boarding house. There have been recent discussions regarding at what point a homeowner is operating as a single-family home or a rooming house. Town staff would like to seek direction from Council about reviewing regulatory options for moving forward at a future meeting.

Mr. Hardison presented details.

Mayor Pierce said she is OK with people having roommates but only up to a certain quantity. She suggested wording limiting the amount of unrelated people living together to three but questioned the legality of this.

Council Member Barbee said he liked the idea of coming up with a definition and thinks some clarification is necessary before additional situations result.

Mayor Pro Tem Healy said he thinks it all falls back on the nuisance piece of the ordinance.

Mr. Parvin said Town staff is looking in the direction of defining a rooming house based on whether it is owner-occupied; if you don't live in your home and rent out rooms to others, then that would be considered a rooming house.

Council Member Shuttleworth said the Town needs to proceed carefully and not make changes that could cause new problems to surface.

Council Member Barbee said Council needs legal education as to what measures are enforceable and can actually help solve the issue.

Mayor Pierce said the nuisance component could be subjective because what's a nuisance to one might not be a nuisance to another.

Council Member Barbee said he would like Town staff to bring back additional information to continue the discussion.

NON-AGENDA ITEMS

Council Member Garza said he wants Council to go back to receiving a weekly recap from Mr. Oakley. He thanked Mr. Oakley for a year of support and doing a great job.

Council Member Barbee said the Town has made improvements with customer service but needs to continue looking for ways to do better.

Mayor Pro Tem Healy said the Beautification Committee would like to start a project to get landscape companies to spruce up beach accesses. He said Harbor Landscapes did this at Atlanta Avenue. He said this would be pro bono work at no cost to the Town; the landscaping companies would install a small sign with their company name. Council Member Garza said the decision would be up to Mr. Oakley. Council Member Barbee agreed. Council Member Shuttleworth said he loved the idea and asked what kind of beautification would be done. Mayor Pro Tem Healy said plantings, bushes, shrubbery, and other natural plants that would not have to be irrigated. Council Member Barbee said each company should provide a plan to the Town for approval because there are lots of regulations in that zone.

Mayor Pro Tem Healy asked about the tsunami camera. Mr. Oakley said Police Chief Vic Ward is working on getting one.

Council Member Shuttleworth encouraged Council to send State Rep. Deb Butler a thank-you letter for work she's done at the State level to help the Town. He also asked Council to reach out to other State officials so they can work with her to come up with funding solutions for storm damage reduction/beach nourishment. He said following talks with other municipalities, the Town should take a position sooner rather than later on room occupancy tax dollars. He also encouraged Council to think about the annual budget and what to do with the tax rate in light of the revaluation figures. Mayor Pierce said other municipalities have indicated they are not in favor of a room occupancy tax increase. Council Member Barbee said he thought the issue was how the money is distributed/divided rather than the amount. Council Member Shuttleworth said he was opposed to raising the room occupancy tax. Council Member Garza said he thought everyone was in agreement with that. Council Member Shuttleworth said he would like to see an annual cap on the amount of room occupancy tax funds spent on advertising so there could be more discretion with those dollars for sand reserves. He said Council would have to go to State legislators for this change and would need consent from County

Commissioners and the four municipalities. Mayor Pierce said it might be time to contact State Rep. Charlie Miller and invite him to the Town to talk about issues of importance.

CLOSED SESSION

8. Closed Session to Discuss a Personnel Matter

ACTION: Motion to go into closed session to discuss a personnel matter in accordance with NCGS 143-318.11(a)(6)

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

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

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

The meeting adjourned at 12:00 PM.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, March 09, 2021 - 6:30 PM

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



MINUTES

CALL TO ORDER WITH INVOCATION GIVEN BY GAYLE TABOR, FOLLOWED BY THE PLEDGE OF ALLEGIANCE

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Gayle Tabor and Pledge of Allegiance.

PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

CONSENT AGENDA

1. Set a Public Hearing Date for April 13th to Consider a Text Amendment to Chapter 40, Article 8, Sign Regulations Applicant: Town of Carolina Beach
2. Approve Contract with Ward and Smith
3. Easement Termination and Relocation – 601 Rocky Mount Avenue
4. Approval of Meeting Minutes from 2/9/2021
5. Budget Transfer

ACTION: Motion to adopt the consent agenda

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

SPECIAL PRESENTATIONS

6. Employee Recognition

Police Chief Vic Ward introduced new officers Koven Hensley and Chris Wilkenson.

Council Member Steve Shuttleworth recognized Greg Reynolds and presented him with a commemorative Boardwalk fish for his years of service to the Town and the Pleasure Island Chamber of Commerce. Mr. Reynolds, who has been a resident of the Town since 2005, served on the Planning and Zoning Commission for six years, including time as Chairman, was on various Town committees, volunteered his services as an architect, and was involved with the Chamber in various roles over the past 16 years. He recently retired from the position of Chamber President, which he held since 2017.

7. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator for the Town, reviewed special events for March/April:

- Steve Haydu Lo Tide Run – March 13
- Spring Scavenger Hunt (in lieu of annual Easter egg hunt) – March 26 4:00 PM-April 3 4:00 PM (clues will be posted on the Town's Parks & Recreation Facebook page beginning March 26)
- Eastern Surfing Association Contest – April 10-11 at North End Pier

Filming Update

Starz P-Town Productions ("Hightown")

- March 4 Town Hall
- March 16-17 Town Hall/Rec Center (with proposed closure of Dow Road between Spartanburg Avenue and 7th Avenue March 17 6:00 AM-8:00 PM)

Netflix

- April TBD

Tony Wallace, Location Manager for Starz, gave a quick rundown of what to expect with the road closure. Mayor Pierce asked if property owners in that area had been notified. Mr. Murphy said not yet but that there were plans to do so. Council Member Barbee asked if the Town of Kure Beach had been notified. Mr. Wallace said yes but that a permit from that jurisdiction was not necessary because the production is not using their equipment and personnel.

8. New Event Request - Downtown Sundown Concert Series by David Grace

This item was removed from the agenda.

9. Manager's Update

Mr. Oakley updated Council on current and future projects.

Pack It In, Pack It Out

- Starting Easter weekend
- Less unsightly trash cans on beach strand
- Reduce trash on beach and in ocean
- Improve efficiency
- Reduce vehicular traffic on beach

GFL Trash Receptacles on Street Side of All Beach Accesses (96-gallon receptacles donated by GFL)

- Trash and recycling receptacles next year (Mr. Parvin is applying for a grant for newer and nicer trash and recycling receptacles.)

Marketing and Education

- Billboard
- Social media
- Press release
- Surfrider Foundation

Seasonal Preparation

Boardwalk

- Surfaces: pressured washed and stained
- Shell Lot
- Supplemental signage
- Landscaping and lighting

Marina

- Docks: pressure washed and stained

Beach Accesses

- Beautification Committee

COVID-19

Amended Stay-at-Home Order

- Indoor gatherings (allowed to have 25 people now; Town committees can resume meeting in person if they choose)

Vaccinations

- Phase 3 (includes frontline essential workers, including elected officials)

American Rescue Act of 2021

- COVID-19 related expenses
- Revenue loss related to COVID-19
- Water, sewer, or broadband infrastructure investments

Mr. Oakley said the Town will monitor this act closely to see what type of assistance can be obtained.

Hurricane Isaias

Mr. Parvin said he and Finance Director Debbie Hall met with the Federal Emergency Management Agency (FEMA) to have a closeout meeting.

Total damages: \$565,900.44 (just over \$400,000 received)

Breakdown of Costs

FEMA covered: \$413,684.27

State covered: \$129,229.66

Insurance covered: \$22,986.51

Costs from highest to lowest: vegetative debris, emergency protection, beach accessways, utilities, admin/management

Council Member Barbee asked how often trash will be picked up from the receptacles on the street side. Mr. Oakley said every day.

PUBLIC COMMENT

None

PUBLIC HEARINGS

10. Consider a Zoning Map Amendment request to rezone a portion of 300 Goldsboro Ave from Highway Business (HB) to Residential (R-1) Applicant: Troy Slaughter

ACTION: Motion to open the public hearing to rezone a portion of 300 Goldsboro Avenue

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Senior Planner Miles Murphy presented the background and details.

Troy Slaughter has requested a portion of his property, currently zoned HB, to be rezoned to R-1 to allow for single-family residences. He is in the process of constructing multiple single-family homes along Goldsboro Avenue and plans to continue in the same manner on this property once single-family development is permitted.

This portion of 300 Goldsboro Avenue features 3 different zoning districts: Highway Business (commercial), Mixed Use (mixed commercial/residential), and Residential 1 (residential). Downzonings, moving from a more dense/intense district to a less dense/intense one, may only be applied for by the owner of the property(s) in question.

This portion of the R-1 Zoning District falls under the Medium Density category of the current Land Use Plan. Medium Density is described as follows: “Mostly medium-sized lots (min. 5,000 sq ft) with primarily single-family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low-to-medium-traffic streets with pedestrian facilities.”

The Technical Review Committee (TRC) recommends approval of the Zoning Map Amendment. The Planning and Zoning Commission approved the rezoning 7-0.

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

Mr. Slaughter said the intent of his request is to change an awkward zoning line that was put in place years ago when his property was incorporated into the Town. He said the plan is to build two more houses where the trailer park once stood.

Mayor Pierce asked what the price point of the homes is. Mr. Slaughter said one is under contract now for \$649,000, and those planned for construction will be \$749,000. He said the lots are 50x150 with homes between 2,100 and 2,500 square feet. Plans are to build 16 more homes.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Pierce

No vote taken

Council Member Garza and Mayor Pro Tem Healy said they were fine with the request.

ACTION: Motion to rezone a section of 300 Goldsboro Avenue as presented from Highway Business to R-1

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Ms. Fox asked if Council would consider also adopting a statement of approval.

ACTION: Motion that the Town of Carolina Beach, whereas in accordance with the provisions of NCGS 160A-383, does hereby find and determine that the adoption of the Zoning Map Amendment for 300 Goldsboro in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

11. Consider a Text Amendment to Chapter 40, Article 3 and Article 17, Conditional Zoning
Applicant: Town of Carolina Beach

ACTION: Motion to open the public hearing to consider a Text Amendment to Chapter 40, Article 3 and Article 17, Conditional Zoning

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mr. Murphy presented the background and details.

Background

- State statute changes from 153/160A to 160D for zoning
- Conditional Use Permits are no longer permitted; changing to Special Use Permits or Conditional Zoning
- Transitioning all CUP uses to Conditional Zoning (CZ)
- Reviewing Table of Permissible Uses at a future date, based on Council direction, to reassess which uses required additional scrutiny and which uses should be permitted by right

Legislative (Conditional Zoning vs. QJ (CUP/SUP))

	Legislative	Quasi-judicial
Notice of hearings	Both newspaper notice and mailed notice to owners and neighbors are required. Additional Public Scoping Meeting	Only notice to parties to the matter is required unless ordinance mandates otherwise
Speakers at hearings	No limit based on standing; reasonable time limits and limit related to repetition	Witnesses presenting testimony can be limited to relevant evidence that is not repetitious
Evidence	None is required	Substantial, competent, material evidence must be put in the record; witnesses are under oath, subject to cross-examination
Findings	None are required	Written findings of fact are required
Records	Regular minutes are satisfactory	Detailed record of testimony is required; clerk should retain all exhibits during period of potential appeal

Public Meeting

(optional but recommended by staff)

- Opportunity for project to be announced to community prior to officially applying to the Town and staff going through standard notification processes for Planning and Zoning and Council

- Chance for discussion without requirements of public hearing regulations or Town staff
 - Dialogue between citizens and applicant about the specific project
 - May be attended by board members if they choose (no QJ limitations)
- Details of meeting are a required part of the submission to staff
 - Meeting announcement
 - Adjacent owners contacted
 - Attendance log
 - Basic minutes
 - Changes to project from meeting discussions noted
- Allows for dialogue, transparency, and compromise
- Wilmington, Pender, Greensboro, and many other communities require the meeting between applicant and public

Staff Recommendation

- Staff recommends approval of the Text Amendment
- Planning and Zoning voted 7-0 in favor of the Text Amendment – including the public meeting

Mayor Pierce asked if anyone from the public wanted to speak. No one replied. Mayor Pierce closed the public hearing.

ACTION: Motion to amend Chapter 40, Article III, Sec. 40-71, 72, Article XVII, Sec. 40-527 and the statement of approval that Council, whereas in accordance with the provisions of NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment to amend Chapter 40 Zoning, Article III, Sec. 40-71, 72, Article XVII, Sec. 40-527 to adopt conditional zoning, in the Town of Carolina Beach, it is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Garza

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

12. Public Hearing to Review Requests from Non-Profit Organizations for General Fund Contributions

ACTION: Motion to open the public hearing to review requests from non-profit organizations for General Fund contributions

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mayor Pierce read a list of non-profits and the amounts they are requesting.

Non-profit	Amount requested 2021/2022	Amount awarded 2020/2021	Project

CB Inlet Association	\$7,500	\$3,750	Education
Federal Point Historic Society	\$9,000	\$4,000	History Center
Friends of Felines	\$2,000	\$1,000	Spay/Neuter
Friends of Fort Fisher	\$5,000	\$2,500	Staffing
Island of Lights	\$5,000	\$1,000	Activities
Katie B. Hines Senior Center	\$12,000	\$12,000	Operations
Pleasure Island Sea Turtles	\$6,000	\$7,700	Monitoring

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

JoE. Needham and Denise Anderson of Friends of Felines spoke about the organization's trap, neuter, and return program for feral cats in communities within the Town. She said the efforts are 100% staffed by volunteers with all money from donations, grants, and awards going toward the animals. They said the purpose is to help control the cat population in the Town.

Council Member Shuttleworth asked how many cats were part of the program last year. Ms. Needham said about 100 to 120, although there have been years when the figure was 200 to 300. She said the cost is about \$35 per cat.

No one else requested to speak.

Mayor Pierce said the non-profit requests would be up for discussion at Council's upcoming budget workshop.

ACTION: Motion to close the public hearing

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

ITEMS OF BUSINESS

13. Discussion on Town Committees

Council Member Barbee requested that Council have a discussion on Town committee structure. He said he wanted to make some recommendations.

Regarding the Business and Economic Development Committee, Council Member Barbee said with the Pleasure Island Chamber of Commerce refocusing on business and economic development, he doesn't think it's necessary to have two groups doing the same thing. He said he would like Council to consider shutting down the committee and give members the option to be involved with the Chamber. Council Member Barbee is currently serving as an ex-officio member of the Chamber board.

Council Members expressed approval for the recommendation. Council Member Shuttleworth said he thinks it's also a good idea to have some points of contact at the Town to help attract new business and industry.

Mayor Pierce said she would like to challenge the Chamber and Council Member Barbee to develop a walkthrough process for businesses coming to Town Hall with requests to help assist them through the process of getting permits and other planning-related matters.

ACTION: Motion to disband the Business and Economic Development Committee

Motion made by Council Member Barbee

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Council Member Barbee said one of the items the Business and Economic Development Committee had been discussing was initial planning for the Town's centennial in 2025. He said he doesn't think that is within the scope of what the Chamber will be doing, so he would like to create an ad hoc Centennial Committee with 11 members that will handle planning for the celebration and disband when it is over. He said two members of the former committee would like to be part of the newly proposed group.

Mayor Pierce asked how often the committee would meet. Council Member said it would be monthly and mostly for brainstorming. He said the intent is to have a celebration that is inclusive of the whole island.

Mayor Pierce told Council Member Barbee that it's an unspoken rule among Council that if you propose a committee you have to serve as the Council liaison to it. Council Member Barbee said he was OK with this.

ACTION: Motion to create a Centennial Committee consisting of 11 members as noted to be ad hoc with a definite beginning and end

Motion made by Council Member Barbee

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Council Member Barbee said he looked at the history of the Police Advisory Committee and had spoken with Chief Ward and Mr. Oakley about options for its future. He said the committee has a strong history of assisting with community outreach efforts, and the recommendation was to allow the committee to continue to operate but revisit the purpose. He said he would like to get input from Chief Ward about what he expects from this group to get it focused.

Mayor Pierce, who is a past liaison to the Police Advisory Committee, said there has not always been clear direction on what's needed and that Chief Ward needs to provide that. She said past programs that have been successful, such as Coffee with a Cop and the Citizens Academy, should be revisited.

She said it's important to get the public to interact with officers and see them as real and caring people. She said anytime you educate citizens on a process they become advocates.

Mayor Pro Tem Healy said he would like to see the Beautification Committee, which is now considered ad hoc with no set end date, become a standard committee. He reviewed some of the ongoing projects the group is working on, such as getting landscapers to maintain and sponsor every beach access as well as a wildflower program. He said the group meets on a regular basis and has a vision along with members who are very passionate about it. He said it should be a standard committee because there are long-term goals and for peace of mind of the members.

Council Member Barbee asked about the legal ramifications of an ad hoc vs. standing committee. Ms. Fox said a proposed ordinance would need to come back to Council for consideration at a future meeting.

Council Member Shuttleworth said one of his main concerns about committee is that they need direction from Council. He said Council needs to do a better job communicating with committees.

Council Member Garza suggested that committee chairmen meet with Town staff yearly to reiterate each committee's purpose and how they operate. He said this would be a good refresher, especially because committees are constantly changing.

Council Member Barbee said he agreed that Council needs to take time to revisit the purpose of each committee and make sure clear direction is being given.

Mayor Pierce said she agreed with that and asked Ms. Ward to send an email to committees to let them know they can begin meeting again. She said the Bike/Pedestrian Committee no longer has a staff liaison and asked Mr. Oakley for recommendations. Mr. Oakley said he will talk to staff and get back to her.

Mayor Pierce asked if the Town has a grant writer yet. Mr. Oakley said interviews were scheduled for next week.

NON-AGENDA ITEMS

Council Member Garza asked if Council would start talking about the upcoming budget during the March 23 workshop. Mr. Oakley said the budget process is just getting started but that more information will be given at the workshop.

Council Member Garza said the upcoming weekend is usually a great indicator of how spring will go in the Town. He said he expects the island to be busy.

Mayor Pro Tem Healy said the Skatepark has been very busy lately with a mix of a wide range of ages. He requested more police presence in the area.

Mayor Pro Tem Healy said he was looking over financial information and realized that the Town spends a lot of money on labor, such as staining of the Boardwalk. He asked about the possibility of hiring an

individual to take care of these tasks rather than contracting them out. He said this position would basically be a Town handyman. Public Works Director Brian Stanberry said there is a general maintenance worker position in the Environmental Department that is currently vacant and being advertised. He said that position does some of these tasks but can't handle them all.

Mayor Pierce noted that Easter is early this year and asked where the Town is with getting the Boardwalk area prepared for tourist season. Mr. Stanberry said things are in good shape and that several staff members had worked on the area last week. Council Member Barbee thanked Mr. Stanberry and his staff for their hard work but said there are some maintenance items that are not being addressed. He said he would like to have a discussion during the budget process about what would be needed to catch up on these items and where gaps are. Mayor Pierce suggested having earlier shifts for some Operations Department employees, such as 6:00 AM-3:00 PM. Mr. Stanberry said there had been discussion of this.

Council Member Garza said he wanted to remind Town staff to use social media to share videos and posts about important matters such as crime, smoke detectors, and hurricane preparation.

Mayor Pierce asked Mr. Oakley if budget meetings would be during workshops already scheduled or at separate times. Mr. Oakley said there are some budget-focused workshops scheduled. She asked him to announce the dates as soon as possible so Council members can put them on their schedules.

Mayor Pierce said she recently attended a meeting with state legislators and asked for their thoughts on beach renourishment. She said Sen. Michael Lee said he feels good about the possibility of finding a funding source on the state level and is working on it. She said Council may hear something in the next couple of months and that she was encouraged by this news.

Council Member Barbee praised Fire Chief Alan Griffin for the public awareness material he produced and distributed right after the recent golf cart fire in Carolina Sands.

CLOSED SESSION

14. Closed Session to Discuss an Attorney/Client and Personnel Matter

ACTION: Motion to go into closed session to discuss an attorney/client and personnel matter in accordance with NCGS 143-318.11(a)(3) and (6). Matters being discussed are:

18 CVS 3151 Town of Carolina Beach vs. Carolina Freeman LLC

18 CVS 3152 Town of Carolina Beach vs. B&F Enterprise LLC

18 CVS 3153 Town of Carolina Beach vs. DRDK LLC

18 CVS 3154 Town of Carolina Beach vs. Freeman Beach LLC

18 CVS 3155 Town of Carolina Beach vs. Winnie Futch Heirs

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mayor Pierce called the meeting back to order.

ACTION: Motion to award the Town Manager a 6% merit increase, the Finance Director a 4% merit increase, and the Town Clerk a 4% merit increase

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

The meeting adjourned at 8:35 p.m.

CAROLINA BEACH

Town Council Workshop

Tuesday, March 23, 2021 - 9:00 AM

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



MINUTES

CALL TO ORDER

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

PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

DISCUSSION ITEMS

1. Public Hearing to Receive Requests from the Chamber of Commerce for Room Occupancy Tax Funds

Debbie Elliott, Chairman of the Board of the Pleasure Island Chamber of Commerce, gave a presentation on behalf of the Chamber. She began with an explanation of room occupancy tax (ROT) funds and how they are distributed.

Ms. Elliott also reviewed a breakdown of the \$1.639 million in ROT funds collected by the Town in 2020. This was an increase of more than 12% from 2019. Of that amount, \$819,881 (50%) must be used to promote travel and tourism, while the remaining \$819,881 is for Tourism Development Authority (TDA) approved tourism-related expenditures, including capital expenditures.

The Chamber is asking for \$82,500 (10%) of these funds for the following:

- Relocate Chamber office/Visitors Center to 300 Cape Fear Boulevard: \$47,500
- Beach Music Festival: \$15,000
- Fort Fisher Concert Series: \$5,000
- Kite Festival: \$15,000

Ms. Elliott said the new location is a freestanding building that would work better than the current office space in Town Hall. The relocation is proposed for two phases, with Phase I allowing immediate use of the space for one to two years and then moving to Phase II for a complete gutting and redesign of the building to be completed in 2024. Ms. Elliott said the Chamber would return to request additional ROT funds for Phase II and also launch a capital campaign.

Ms. Elliott said the Chamber has the opportunity to purchase the rights to the Cape Fear Kite Festival and build upon its success. Mayor Pierce asked how much that will cost. Ms. Elliott said \$10,000. Mayor Pierce asked why the Chamber couldn't create its own event to save the purchase fee. Ms. Elliott said the cost is a one-time fee that would cover the logistics and contacts of an event that has already demonstrated success. She said current organizers would also be available to assist during the transition.

Council Member Shuttleworth asked what the Chamber's role has been in the Kite Festival in the past. Ms. Elliott said none. Council Member Shuttleworth asked if there was a reason the event would go away if the Chamber didn't purchase it. Ms. Elliott said she thinks the current organizers are tired and ready to move on. The event takes place at the Fort Fisher State Recreation Area and points south. Council Member Shuttleworth asked what the additional \$5,000 would be used for if the cost of purchasing the event is \$10,000 and the Chamber is requesting \$15,000. Ms. Elliott said that would be to assist the Chamber with out-of-pocket costs to make it a bigger and better event, including merchandise and rentals.

Council Member Shuttleworth said he was confused about the presentation because of the Visitors Center component. He asked if the Chamber was rebranding itself as a Visitors Center. Ms. Elliott said the Chamber has always been a Visitors Center. Council Member Shuttleworth said the Wilmington & Beaches Convention and Visitors Bureau (CVB) used to staff the Visitors Center in Town Hall and that just happened to be near the Chamber office with some interaction. He said the Chamber has not been referred to as a Visitors Center. Ms. Elliott said since she has been involved with the Chamber it has been emphasized to her and is possibly in the organization's bylaws that it is a Chamber and a Visitors Center. She said most beach communities' Chambers play such a dual role. Council Member Shuttleworth said this was news to him and that most Chamber members have not thought of the organization as a Visitors Center. Ms. Elliott said she disagreed and believes that most people have seen the Chamber as more of a Visitors Center than a Chamber and that part of the current vision for the Chamber is to get it back to being more of a Chamber. She said she believes it can be effective as both.

Mayor Pierce asked how many members the Chamber has. Ms. Elliott said about 375. Council Member Shuttleworth said there have been efforts in recent years by the Chamber to bring in members from the Monkey Junction area. Ms. Elliott said yes, that area has been a focus of the group.

The Chamber is also requesting ROT funds from the Town of Kure Beach. Mayor Pierce asked what would happen to the proposed projects if Carolina Beach donates the requested amount but Kure Beach does not. Ms. Elliott said the Chamber is working hard to demonstrate to Kure Beach that they will get a good return on their investment. She said if Kure Beach says no, then the Chamber will have

to retool and figure out how to advance their objectives without that support, but it would be difficult to move forward on a Visitors Center for the entire island without Kure Beach's support.

Council Member Shuttleworth said in the past the Town has given \$5,000 as a sponsor for the Beach Music Festival. He asked why the current request is triple that amount. Ms. Elliott said the current requested amount is a better reflection of the real cost to put on the event. Council Member Shuttleworth asked if the event makes money. Ms. Elliott said yes, this is the Chamber's biggest fundraiser. Council Member Shuttleworth asked why the Town would pay triple the previous amount for a festival that continues to make money. Ms. Elliott said the Beach Music Festival is a large driver of tourism, and therefore she does not think this is an unreasonable request. Council Member Shuttleworth said it has been his position in the past that giving significant ROT funds to an endeavor that generates a profit seems counterproductive when there are plenty of uses for the money that don't have the ability to make money, such as public bathrooms and lifeguards. He said he doesn't have an issue with a sponsorship of \$2,000 to \$5,000 for profitable events, but to underwrite an event for triple the amount given in the past when it makes about \$40,000 per year seems like an unwise use of fiduciary responsibility when there are so many other demands on ROT funds.

Council Member Barbee said he wanted to clarify that the Chamber is a non-profit organization. Council Member Shuttleworth said he understood but that the group does make above the line on several events that can be used to offset other expenses.

Council Member Shuttleworth said he is not opposed to some of the plans the Chamber has, but he thinks Council needs more detail and a reimbursement plan. Ms. Elliott said she can come back to Council with an itemized budget as to why the funds are necessary. She said historically Chambers have been unable to sustain themselves on membership alone, which is why they do events. She said our Chamber is unusual in the size and scale of its events because it is also a Visitors Center that is charged with driving tourism, and these events are expensive to execute and a hurricane or other forced cancellations can be debilitating to the bottom line. She said the Chamber has a vision of becoming more self-sustaining with membership fees so these events can be a supplement and not a lifeline.

Council Member Garza asked what the current membership fee is. Ms. Elliott said it's \$240, but this year or next year the Chamber is planning to introduce a tiered membership structure that offers different benefits for different levels of investment.

Mayor Pierce said the Town wants the Chamber to be successful and that it seems Ms. Elliott is indicating the organization is struggling. Ms. Elliott said yes, the Chamber has historically done a great job, but the operations and administration aspect could use some strengthening. She said the Chamber is in the process of putting together that infrastructure, and leadership hopes to get those aspects in place before recruiting and hiring a new Executive Director. She said she thinks the organization has incredible potential.

Council Member Shuttleworth said the Town funded some events last year that didn't happen due to the COVID-19 pandemic and wondered why those funds would not be available to offset some of the current request. Ms. Elliott said that money is not available and that she can only speak to what the

Chamber should do moving forward. Council Member Shuttleworth said he wants to know where the money is. Ms. Elliott said her understanding was there was a conversation happening between the Chamber and Town staff members regarding the accounting for those funds. She asked if that money was fronted or reimbursed. Council Member Shuttleworth said in the past Chamber has gotten its money upfront.

Council Member Garza said the Chamber owes the Town \$29,000 for those events. Council Member Shuttleworth said the Town has some investigation to do into the matter and that he has asked Mr. Oakley to look into it.

Ms. Elliott said the Chamber needs to have some successful events before it is in a position to reimburse any funds. She said in the absence of an Executive Director, the Executive Committee has been dividing administrative duties and that Treasurer Lynne Willis could give better answers about financial matters. Council Member Garza asked if there is a reason why Ms. Willis was not present. Ms. Elliott said they did not anticipate this conversation taking place at this meeting. She said the Chamber will circle back to Council about all of the questions.

Mayor Pierce said she applauds the Chamber for trying to become a better organization but that it is Council's job to ask about the money. Ms. Elliott said she values the questions because it makes the Chamber more thoughtful and deliberate about its operations. Mayor Pierce said she represents the Town with the TDA and therefore must explain funds when there are questions, and if she can't do that it's a problem.

Council Member Shuttleworth said he appreciates that Ms. Elliott, as a volunteer, takes hard questions about the Chamber. He said he thinks the vision for the Chamber is great and that Council wants things to move forward in the community. Ms. Elliott said the Chamber will get back to Council in a week with answers to questions.

Mayor Pierce said Council will look over these requests when going through the Town budget process. She said the Chamber has always been a good partner with the Town. She asked Mr. Oakley to find out more about what happened to the funds previously given because there is a TDA meeting next month and the matter will come up.

Council Member Shuttleworth said even though the Town has a lot of money from ROT funds, there is the issue of beach nourishment for storm damage reduction to consider. He said at this point there is no funding for this, and while the Town is hopeful that State and Federal governments will come through, if not there is no Plan B. He asked Mayor Pierce to meet with the mayors of other municipalities in the County to craft a letter to the County suggesting they'd like to see a Plan B to understand how they might fund sand on the beach if State and Federal money is not available. He said if a contribution is required from the Town, which has never happened before, the Town needs to be prepared to possibly use ROT funds.

Council Member Shuttleworth said he would also like to tell the CVB that the Town wants to cap what they are spending on advertising and instead use some of that money to build up a reserve account. He said the Town needs to get creative or otherwise will have to raise taxes. He said the Town has some

big-ticket items, such as public bathrooms and lifeguard stations, that are struggling for funding sources. He said he has never referred to the Chamber as a Visitors Center and considers that a paradigm shift. He said Mr. Oakley needs the ability to make recommendations on things he thinks the Town needs. He said he doesn't know why the Town would fund the Kite Festival for \$15,000 when the purchase price is \$10,000 and recommended that the Chamber show a detailed plan first.

Council Member Garza said people don't go to Visitors Centers anymore because all the information they need is app-based and can be done on mobile phones. He said he sees the proposal as an office for the Chamber.

Council Member Shuttleworth said he didn't feel he got a good answer about why the extra money for the Beach Music Festival was necessary.

Mayor Pro Tem Healy said he is not in favor of paying \$10,000 for the rights to the Kite Festival because the current organizers are tired.

Council Member Garza said he is not a big fan of the Beach Music Festival because people bring their own alcoholic beverages and then drive away. He said he would like to see this event structured differently and thinks the way it has been is almost like a frat party. He said he is probably not going to support a Visitors Center due to the large expenses and the need to use that money for other things.

Mayor Pierce said Council needs to share their thoughts with Mr. Oakley so he can have direction when making the budget. She said until the Hamlet Avenue public bathrooms and Ocean Rescue facility are complete, she can't see giving that much money to the Chamber.

Mayor Pro Tem Healy said he does not understand how the money that the Chamber received last year for fireworks and movies that didn't happen has dissipated. He said there has to be some clause in the future to protect that money for citizens.

Council Member Shuttleworth said he is sure the Town will get to the bottom of the issue and that there may be reasonable explanations for it. He said he does not want to come across as not supporting the Chamber and its vision of taking on a more public role as a Visitors Center, but he is not ready to spend a lot of money without a well-thought-out plan.

Mayor Pierce said she thought the long-term vision for the property proposed for the new Chamber office and Visitors Center was to tear it down and build something for the community, so she thinks putting a lot of money in it might not be a good idea. She said there had been discussion about that being a future location for a pool, community garden, volleyball court, or meeting center.

Council Member Shuttleworth said he would like some understanding of other possible uses for the property.

Mayor Pierce asked Council Member Barbee, who is an ex-officio member of the Chamber board, to get some answers for Council. Council Member Barbee said he would be glad to do that.

Council Member Barbee asked if the Town fronts money for everyone who wants ROT funds. Mr. Oakley said for the most part, the Chamber is the only group that has been fronted money; others are required to show receipts and then receive reimbursement. Council Member Barbee said if the Town is fronting money to an organization, then the Town owes taxpayers very strict accounting of the money.

Council Member Garza said Council is behind the Chamber and feels it does a lot of great things, but he reiterated that Council has fiduciary responsibility and must consider the sand issue because they are so many uncertainties with it.

Council Member Shuttleworth said he is supportive of the Chamber taking on a more public role as a Visitors Center.

2. Manager's Update

Mr. Oakley said there was an item he forgot to put on the agenda. He said Fire Chief Alan Griffin is asking for a budget amendment regarding Ocean Rescue lifeguards. When making the budget last year for the current fiscal year, the Town did not anticipate the peak season to be as busy as it turned out to be and therefore was expecting lower revenue than normal.

Chief Griffin said this would be a request for ROT funds, which he acknowledged as awkward based on discussion around the previous agenda item. He said last year around this time when beaches were closed due to the COVID-19 pandemic, there was a conscious decision to scale back wages and park one 4-wheeler because of the uncertainty about how much ROT funds would be collected. However, summer turned out to be very busy, so Chief Griffin is asking for a budget amendment from the General Fund for \$25,000 for wages, \$1,500 for the FICA fund, and adding the 4-wheeler back into rotation for \$6,000.

Mayor Pierce said she would have liked to look over this request before the meeting. Mr. Oakley apologized for not having it on the agenda and said Council can hold off on a decision until the next meeting.

Council Member Shuttleworth said money is available, and one of the primary things the Town has funded out of ROT funds has been lifeguards, which makes for a much safer beach. He said he is fine with granting the request.

Mayor Pierce asked which months the Town is using lifeguards. Chief Griffin said hiring of lifeguards begins in early May, they start on the Friday of Memorial Day weekend, and stay at least through Labor Day, but historically that date has been pushed to October 1 with minimal staffing.

ACTION: Motion to approve the budget amendment as presented by Chief Griffin

Motion made by Council Member Garza

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Council Member Barbee said when budgeting for the upcoming fiscal year, Town staff should take into account that we are going to have another busy summer.

Mr. Oakley updated Council on current and future projects.

- Pack It In, Pack It Out
 - Additional signage
 - Community support
- Budget
 - April 13 – community input hearing
 - April 27 – budget workshop
- Parking: Mr. Oakley said there have been issues with management of the parking program regarding collecting revenue, maintenance of equipment, and not enough personnel. He said the Town has sent a cure letter giving 30 days to correct the problems or the Town will terminate the contract. If the contract does have to be terminated, Mr. Oakley said he wants Council's permission to go out for RFP for other companies to manage parking. Council consensus was to allow the RFP if necessary.

Mr. Oakley said the Shell Lot is getting sod tomorrow, and then photo props and benches will go there.

Council Member Shuttleworth asked if Town staff wanted to talk about the sidewalk easement and rides.

Planning Director Jeremy Hardison said the Town got a demo permit for the Putt-Putt course on the Boardwalk last week. He said the plan is to put rides on the property, although there has been no formal request thus far. Council Member Shuttleworth said the oceanfront sidewalk in that area has been historically open public space, but there is some question over whether this is actually part of the private property, whether there is an easement, and if so, where exactly it lies. He said a future request could include obstruction of that sidewalk. Mr. Hardison agreed that it could. Council Member Shuttleworth said in the past, Putt-Putt said it owned all the land up to the public restrooms, but the Town's contention was that it is the Town's property and was part of a bad survey. He said documentation later surfaced that it was private property, but there was a Town easement for the sidewalk. He said the Town needs to have resolution on ownership of that property and validity of an easement. He said if it is private property, the owner has a right to put rides there and disrupt traffic flow between the concrete walkways along the dunes. Mr. Hardison said he would get Town Attorney Noel Fox to look into the matter.

American Rescue Plan Act of 2021

\$1,870,000 (split over 2 years)

- To respond to negative economic impacts
- Premium pay for essential workers
- Lost revenue due to COVID-19
- To make necessary investments in water, sewer, and broadband infrastructure

Mr. Oakley said the Town expects to get this money around June 15.

Mr. Oakley said Gov. Roy Cooper is having a press conference today at 2:00 PM to discuss steps moving forward after the upcoming expiration of the current Executive Order. He said he thinks there may be lessening of restrictions and will update Council with any changes.

NON-AGENDA ITEMS

Mayor Pro Tem Healy said he wants information about a possible controlled burn at a church. He said citizens had approached him about this. Mayor Pierce said she has not heard anything from the public about this and asked Mayor Pro Tem Healy what comments he had received. Mayor Pro Tem Healy said citizens were concerned about how it would look to burn a church. Chief Griffin said as of Friday, it's simply a building and is no longer owned by the church. Chief Griffin said the investor who purchased the former church contacted the Fire Department and offered the property for training, including burning. He said this is a benefit for both the property owner who needs to remove a building and the Fire Department for hands-on experience. Chief Griffin said due to concern about the public image involved with burning a previous church facility, he and Mr. Oakley agreed they wanted Council weigh in on the training plans. Chief Griffin said he wanted to avoid any negative connotations but said this is a unique training opportunity for his staff. Mayor Pierce asked if all religious symbolism has been removed, including inside and outside the building. Chief Griffin said State training regulations require the building to be cleared out before it can be burned. Mayor Pierce asked if there were any concerns about proximity to other buildings. Chief Griffin said he had none. Council Member Garza said he was fine with the training plans. Council Member Barbee said his family were members of the church for many years and he was married there, but he sees the people, not the building, as the church. He pointed out that churches are often repurposed for other uses, including Deck House restaurant, which houses a bar, and no one is picketing that. He said he doesn't see any negativity associated with burning the building. Mayor Pro Tem Healy said he is all for the training plans and thinks the practice will be beneficial to the community. He acknowledged some people may not be happy. Council Member Garza said any plan would always have that. Council Member Shuttleworth said he would defer to Chief Griffin to do what he feels is right. Mayor Pierce said she was in favor of the training plans as long as any crosses and other religious symbolism were removed prior to burning. Chief Griffin said he definitely will ensure that happens. Council Member Garza asked what the developer wants to do there. Mr. Hardison said plans call for removing the structures and subdividing the parcel into four lots to be sold individually.

Council Member Garza said as we prepare for the summer season, the Town should keep hurricanes in mind and push out preparation messaging as a friendly reminder whenever possible. He also mentioned getting a lot of negative feedback about potholes on streets and also wanted to remind Town staff of the overgrowth obstructing turns in some areas.

Council Member Barbee said as the Town goes into the next budget season, he is confident that the Town is being fiscally responsible with taxpayer money, but he is concerned that facilities and improvements that residents want are not being addressed. He said he is referring to new projects and not existing things. He said he doesn't want to necessarily imply that he is talking about tax increases at the moment, but he wants to ensure the Town is considering some of these things that aren't

happening. He said other towns seem to be able to get such projects done and that we need to think about a long-range plan for tackling some of these items that are not moving forward. Council Member Shuttleworth said \$1.8 million in new money is coming over the next two years due to the American Rescue Plan Act of 2021, plus more revenue from the growing property tax base, so this could help address some of those items. He asked where the Town is with the lake project and said it looks like that is not going to happen in the current budget year, which is a problem. He said while Council Member Barbee is talking about wish-list items, there is still a need list of projects that are unfinished. He said there have been many projects completed over the years, such as the new Boardwalk and extension, major improvements around the look of the lake, new park playground equipment, and bike trails. He said things always look better when you visit another town, but we have made our share of progress. Council Member Barbee said he doesn't disagree with that, but he'd rather see the Town put some of these project to bed and say no, we're not going to do them, rather than continue to drag out things with the public.

Mayor Pierce said she wanted an update on the Saint Joseph Street multiuse path. She said a multiuse path is something the Town should really push for, so she wants to find out more about the status of that project.

Mayor Pierce said was planning to meet with the mayors of Wrightsville Beach and Kure Beach about what the three beach towns want the County to do for beach renourishments and come up with a letter of unity. Council Member Shuttleworth asked if Council is in agreements that they want a Plan B or whether the Town wants to state it's Federal funding or nothing. He said the County has taken the position that it's Federal funding or we get no beach renourishment in fiscal year 2021/2022. He said he thinks it's prudent to explore Plan B to find out how much it might cost and what percentages of contributions would be required from the State, County, ROT funds, and potentially municipalities. Council Barbee said there should be a Plan B because this is critical infrastructure. Council Member Shuttleworth said the County's decision was made without input for a Plan B. Mayor Pierce asked Ms. Ward to be at the meeting because they will need notes for a record of what all the mayors think and somebody so start crafting the letter.

Mayor Pierce said she would like an update on the Beautification Committee and plans for redoing the landscaping at beach accesses. She said committees can't raise funds and wants to know the source of the money for this. Mayor Pro Tem Healy said the landscapers are doing the work pro bono and that no money would be required. He said he and Mr. Oakley have had discussions about possibly going a different route with the Beautification Committee so it can have access to contributions in the future. Mr. Oakley said any money donated would go into the Town's General Fund and would have to be allocated during the budget process. He said there has been discussion about creating a non-profit organization that could raise funds. Mayor Pierce asked if plans for the beach accesses would go before Council prior to implementation. Mayor Pro Tem Healy said yes, landscapers must submit drawings in advance. Council Member Shuttleworth asked how many beach accesses will be updated. Mayor Pro Tem Healy said plans are to do all of them, and he thinks there will be enough interest. He said each one will be different but must operate within size guidelines.

Mayor Pierce said she recently signed the Mayors' Monarch Pledge to protect monarch butterflies through the Town's use of certain plantings and other measures. She said the elementary school is

opening a butterfly garden, and she would like as many Council Members as possible to attend the event. She asked Ms. Ward to find out the date.

Council Member Garza said he wanted to add to what Council Member Barbee said about a long-term plan for projects. He said the Town failed to determine which key projects to move forward with this year, so he would like to see a plan in writing with small goals that the Town can start to put into play now.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

The meeting adjourned at 11:06 AM.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council – 04/13/2021

SUBJECT: New Employee Introduction – Captain Greg Steffens CBPD

BACKGROUND:

Chief Ward will introduce Captain Greg Steffens



AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin

DEPARTMENT: Executive

MEETING: Town Council – 13APR2021

SUBJECT: Request by Girl Scout Troop 4785 to add signage to Island Greenway

BACKGROUND:

Girl Scout Troop 4785 is working to complete their Bronze Award. Their proposed project consists of installing 6 quarter mile marker posts on the Island Greenway. The troop believe this project will help motivate users of the trail to set goals and lead a healthier lifestyle. The trail markers will also serve an important safety function for first responders by providing an additional reference point for anyone to use that is in need of assistance.

ACTION REQUESTED:

Approve the request for the signage on the Island Greenway.

RECOMMENDED MOTION:

Motion to approve the request for Girl Scout Troop 4785 to add signage to the Island Greenway and send our letter of support and recommendation for approval to MOTSU.

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Item 9.
Mayor Pro Tem

JoDan Garza
Council Member

Bruce Oakley
Town Manager

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

13 April 2021

Office of the Commander
Military Ocean Terminal, Sunny Point
6280 Sunny Point Road SE
Southport, North Carolina 2861-7800

Office of the Commander:

This request letter is in reference to improvements on the Carolina Beach Island Greenway.

Girl Scout Troop 4785 is working to complete their Bronze Award. Their proposed project consists of installing 6 quarter mile marker posts on the Island Greenway. The troop believe this project will help motivate users of the trail to set goals and lead a healthier lifestyle. The trail markers will also serve an important safety function for first responders by providing an additional reference point for anyone to use that is in need of assistance. The Town fully supports this proposal and we would respectfully request you granting support to Troop 4785

Sincerely,

LeAnn Pierce
Mayor

ENCLOSURE: Girl Scout Presentation

Bronze Award Project Proposal for Girl Scout Junior Troop #4785

Town of Carolina Beach Island Greenway



Background on Bronze Award and Timelines

- ▶ The Gold Award in Girl Scouts is equivalent to an Eagle award for Boy Scouts
- ▶ Girl Scouts have Bronze, Silver and Gold awards. A Bronze award involves 7 steps, should take roughly 20 hours inclusive of research/planning and is to be completed by the end of 5th grade
- ▶ Typically a Bronze award is completed as a troop project
- ▶ Our girls are 10 and 11 years old and the time has come for them to start making a difference in their community by becoming more involved and taking action
- ▶ We have 9 fifth grade girls who are excited to get started on this project

Our plan to make a difference and a positive change

- ▶ The girls have taken the time to explore the Carolina Beach community
- ▶ Their research showed that there are many trails/sections that make up the East Coast Greenway, but the “Island Greenway” section is not only the largest section, but they noted it also doesn’t have clear distance indicators on either side of this trail
- ▶ The girls are proposing to create a total of 6 quarter mile marker posts to cover the 1.2 mile section of this particular trail



Why this project?

- ▶ The girls feel that now more than ever people are motivated by exercise, fresh air and all of the positive benefits that result from increased activity → Better mood, more socialization, a time for self reflection and accountability to walk/run/ride for yourself and/or your family (pets too)
- ▶ If the longest stretch of the trail in Carolina Beach is marked, the girls believe it will positively push the people of our town to set goals to go further and assist with either becoming or helping to maintain a more healthy version of themselves
- ▶ The girls are convinced that this is a realistic goal that will help them achieve their Bronze Award which will also have a lasting impact on their community



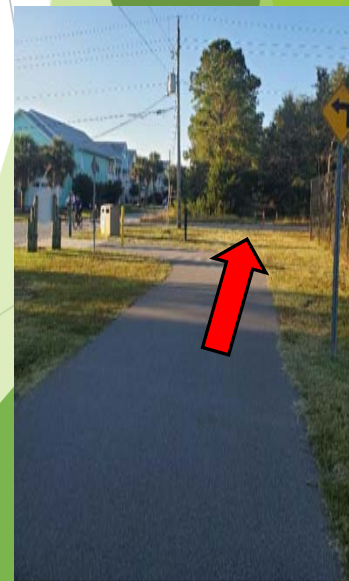
How will we finance this project?

- ▶ The biggest fundraiser the Girl Scouts have is the Girl Scout cookie program. The girls will use a portion of their cookie sales from last year and this year to fund this project
- ▶ If needed, the girls will also hold additional fundraising activities to ensure that neither the troop nor the Town of Carolina Beach would be required to pay for this project. The girls would also have it completed before the end of May 2021



How will we put our plan into motion?

- ▶ We will work as a Girl Scout Troop with the representatives of the Carolina Beach Bicycle and Pedestrian Advisory Committee to liaise between GS Troop #4785 and the Army Corps of Engineers to have this project approved
- ▶ Once approved, we will continue to work with the Committee and the Town of Carolina Beach to ensure these posts are consistent and uniform with other signage that is already present (size, type, color, etc) along the Island Greenway Section
- ▶ We will use a distance wheel to accurately mark the start and each quarter mile (these locations are approximately close to the entrance near Mike Chappel Park on South 8th Street, Greenville Avenue, the straightaway near the lake between the bridge and the benches, North Carolina Avenue, and South Carolina Avenue) on both sides
- ▶ The quarter mile indicators will be posted on the North and South sides of the posts so they will be visible to the community regardless which direction they travel on the trail
- ▶ Should this trail be approved at a later date to extend further into Kure Beach, the markers we would use would likely be bolted to the posts - meaning it wouldn't be cumbersome to rearrange/replace/add new posts to continue the trail distance in the future without waste, if desired
- ▶ We will work with the Town of Carolina Beach to identify vendors to price out quarter mile markers that look professional
- ▶ We would also like to place a very small plaque at the base of one side of each post to state something along the lines of "Girl Scout Troop #4785 Bronze Project 2021"



Greenway System Trails and Distances

- ▶ This is the main map showing all of the Greenway sections throughout the Town of Carolina Beach
- ▶ These maps are displayed/located near the Snow's Cut Trail and the Carolina Beach Lake sections
- ▶ All Greenway sections have distances labeled on the map
- ▶ All Greenway sections have a physical distance marker at the start/finish at their locations, except for the Island Greenway section
- ▶ The Island Greenway section covers the largest continuous distance of the Island Greenway System in Carolina Beach
- ▶ Our girls feel this section should also be clearly marked and proposing to take it a step further by adding quarter mile markers along the way



Snow's Cut Trail

- ▶ The Snow's Cut Trail is 0.5 miles long
- ▶ There is also a main map showing all Greenway sections throughout the Town of Carolina Beach at this location



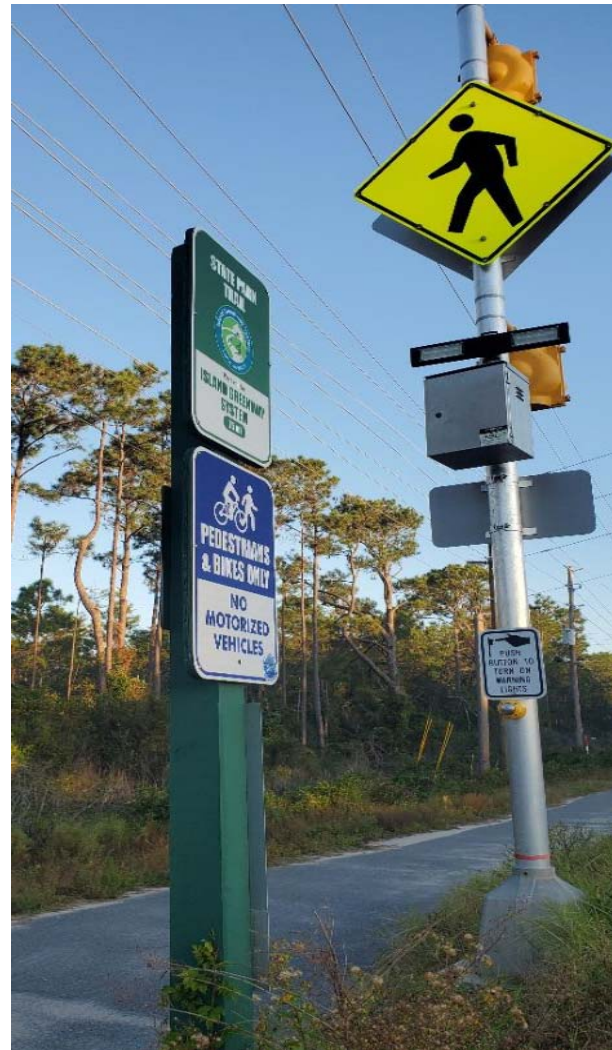
Bridge Barrier Rd



Annie Dr by Snow's Cut Boating Access

State Park Trail

- The State Park Trail is 0.75 miles long



Dow Rd



Bridge Barrier Rd

Exercise Loop

- ▶ Carolina Beach State Park - Fitness Trail/Exercise Loop is 1 mile long
- ▶ This trail has quarter mile markers throughout and is the second longest section of the Island Greenway System
- ▶ These pictures clearly show how we would replicate visible and professional quarter mile markers for the Island Greenway Section that would be clearly seen from either direction you are traveling on the trail



North 7th Street

Carolina Beach Lake

- ▶ The Carolina Beach Lake section is 0.67 miles long
- ▶ There is also a main map showing all Greenway sections throughout the Town of Carolina Beach at this location
- ▶ This covered structure and bike repair station was created recently as part of an Eagle Scout award project

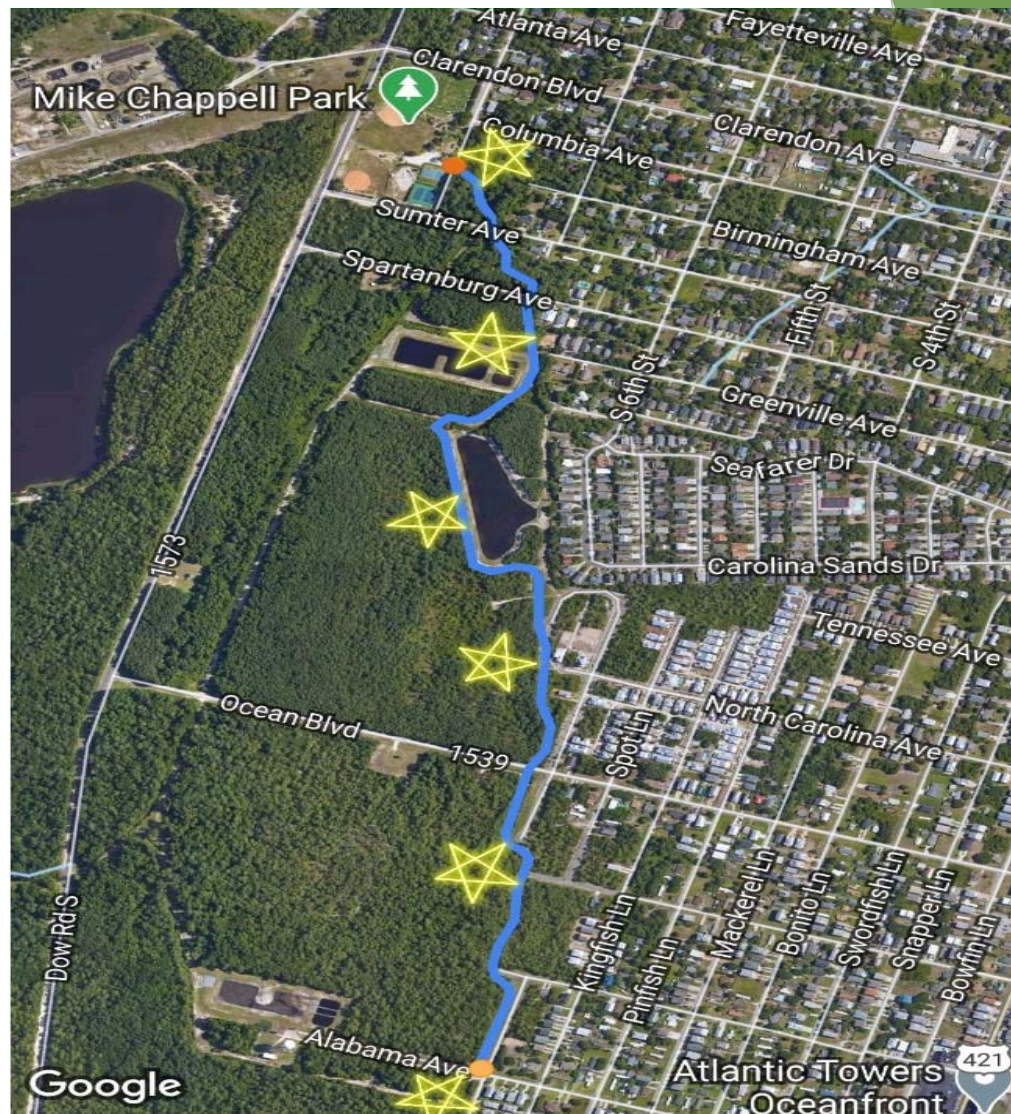
South 4th Avenue

Lake Park Blvd South

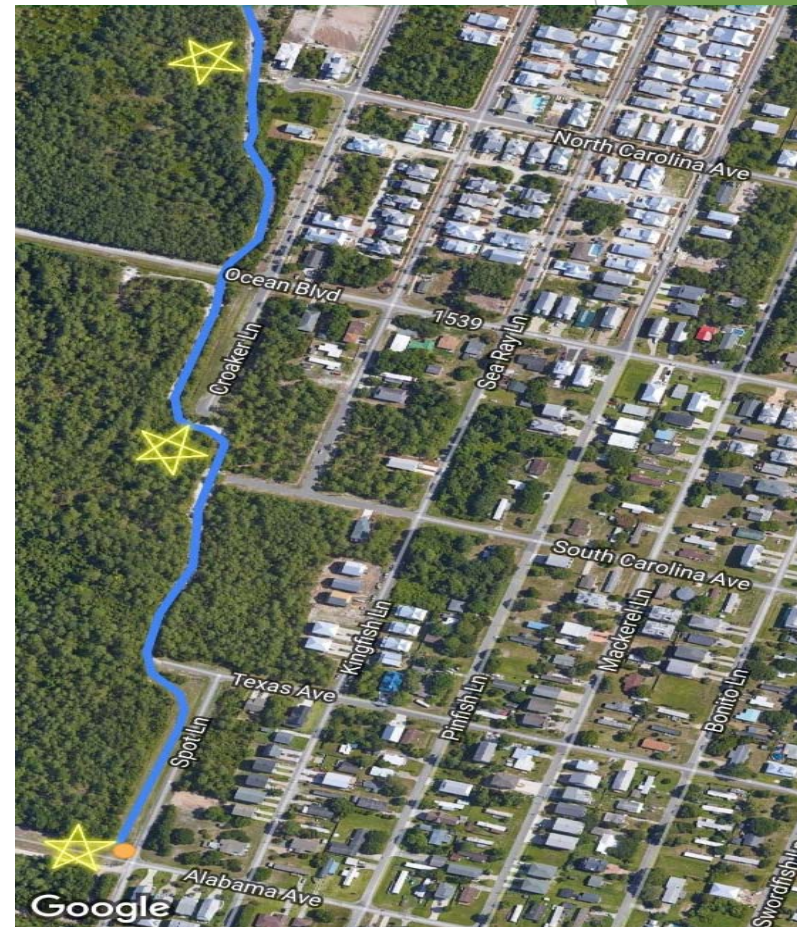
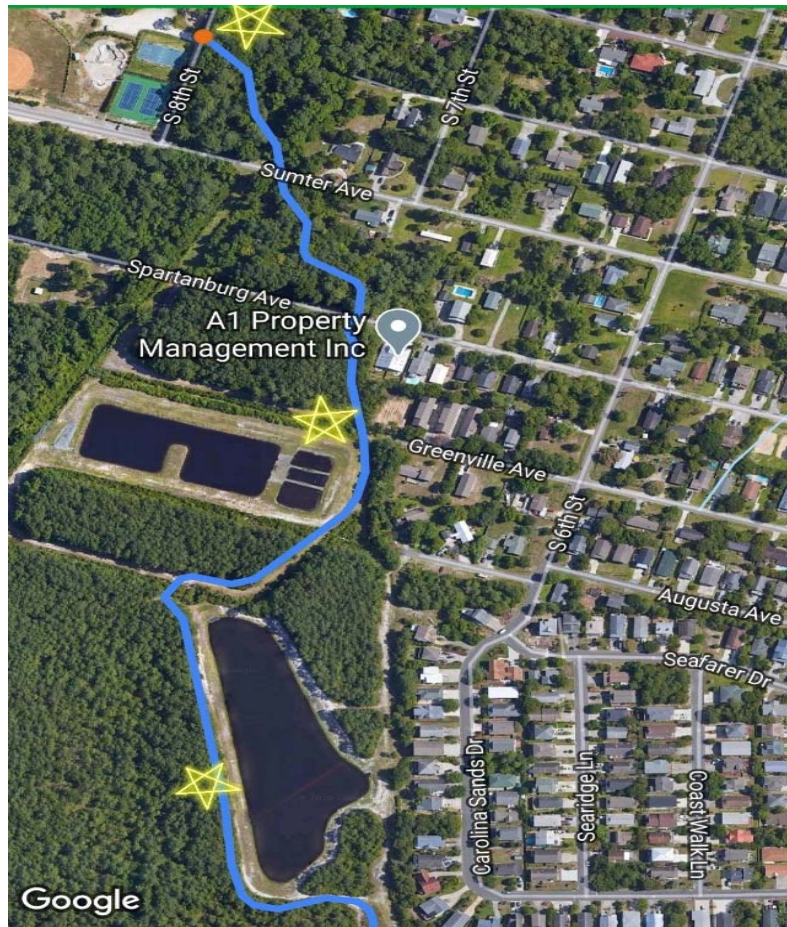


Island Greenway

- ▶ The Island Greenway Trail is 1.2 miles long and extends from Mike Chappel Park off of South 8th Avenue in Carolina Beach to Alabama Avenue in Kure Beach
- ▶ Approximate locations for proposed quarter mile markers:
 - ▶ Mike Chappel Park off South 8th Street
 - ▶ Greenville Avenue
 - ▶ Straightaway between the bridge and benches
 - ▶ North Carolina Avenue
 - ▶ South Carolina Avenue
 - ▶ Alabama Avenue
- ▶ We would use the same style posts and paint color to keep the quarter mile markers consistent with the signs already present along the Island Greenway



GPS photos for approximate locations for proposed quarter mile markers. These will be confirmed with a distance wheel.



We thank you kindly for your time,
attention and consideration

We are looking very forward to your response!

~Girl Scout Junior Troop #4785



THE GIRL SCOUT PROMISE

On my honor, I will try:
To serve God and my country,
To help people at all times,
And to live by the Girl Scout Law.

THE GIRL SCOUT LAW

I will do my best to be
honest and fair,
friendly and helpful,
considerate and caring,
courageous and strong, and
responsible for what I say and do,
and to
respect myself and others,
respect authority,
use resources wisely,
make the world a better place, and
be a sister to every Girl Scout.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 4/13/2021

SUBJECT: Events Update by Tim Murphy

BACKGROUND:

Tim Murphy will give an update on the upcoming events.

Island Women will propose a new event that will need a vote of approval from Council.

Netflix Location Manager Brandon Goertz will present an update on future filming projects.

ACTION REQUESTED:

Council will need to vote on the new event proposed by the Island Women.



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council Meeting 4/13/2021

SUBJECT: Manager's Update

BACKGROUND:

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



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council – 4/13/2021

SUBJECT: Public Hearing to Receive Public Input on the FY21/22 Budget

ACTION REQUESTED:

Open public hearing to allow residents to provide input on the FY21/22 budget.

RECOMMENDED MOTION:

No action is needed at this time.



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Regular Town Council – 13 APR 2021

SUBJECT: Consider a Text Amendment to Chapter 40 Article VIII Signs

BACKGROUND:

Due to recent case law, Staff has updated the Town's sign ordinance to comply with the direction that signs, and other similarly managed items, may not be regulated by their content. The ruling allows the regulation of signs by location, size, zoning district, and number, but not by what they display.

The Town Attorney completed her initial review and staff has made her requested changes in preparation for Town Council review.

ACTION REQUESTED:

Listen to staff presentation and vote on the required sign ordinance update

Staff recommends approval of the Text Amendment

Planning & Zoning voted to approve the Text Amendment 7-0

RECOMMENDED MOTION:

Approval

- The Council, Whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40, Article VIII is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

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

Signs



ORDINANCE NO. Amend Chapter 40 Zoning Article VIII

ARTICLE VIII. - SIGN REGULATIONS

Sec. 40-227. - Purpose and intent.

- (a) It is the intent of the town council to protect public interest, safety and welfare and, to that end, the purposes of this article are specifically declared to be as follows:
 - (1) To promote economic development while minimizing the negative impacts that signs may have on the visual appearance of the town;
 - (2) To provide orientation and guidance to our tourists and visitors and identification of public areas, natural resources, historical and cultural landmarks and places of interest and in so doing reduce confusion, traffic congestion and air pollution;
 - (3) To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring on Pleasure Island; and
 - (4) To permit and regulate signs in such a way as to support and compliment land use objectives.
- (b) It is not the purpose or intent of this article to regulate signage displayed for special occasions not associated with a business (i.e., balloons for birthday parties or birth of a baby, etc.).

(Code 1986, app. A, § 11.1; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Sec. 40-228. - Administration.

- (a) *Permit issuance.* The Zoning Administrator or his designated representative shall be the administrator of this article.
- ~~(b) *Number of signs.* Unless otherwise stated, only one of each type of sign may be permitted per development site except for corner or double frontage lots. A second sign may be placed on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance, except when a corner lot meets the following criteria:~~

~~(1) The corner lot is located in a commercial zone.~~

~~(2) The lot is larger than 30,000ft²~~

~~(3) The sign is limited to 10' in height.~~

~~(4) The sign is set back an additional 5' beyond the required 10' setback from all lot lines.~~

~~Meeting the four criteria above will permit each sign on a corner lot to use the maximum size allowable for a freestanding sign on each frontage.~~

(~~e~~b) *Permit required.* Except as otherwise provided, no sign shall be erected, altered, constructed, moved, converted or enlarged except in accordance with the provisions of this article and pursuant to issuance of a sign permit.

(~~d~~c) *Process for issuance of a sign permit.* The process for issuing a sign permit is as follows:

(1) Completed application.

(2) A scaled drawing displaying the location of the sign on the associated lot, the sign dimensions, construction, height, setbacks from all lot lines, lighting, electrical and all other elements associated thereto.

(3) Total number of signs existing on site, including the dimensions of each

~~(3)~~4) Payment of the permit fee.

~~(4)~~5) All permanent signs shall be designed and constructed to meet the requirements of the state building code. Depending on the type of sign construction, the Building Inspector may require engineered certified plans.

~~(5) Total number of signs existing on site, including the dimensions of each.~~

(~~e~~d) *Signs not requiring a permit.* The following types of signs are exempt from permit requirements:

(1) Governmental signs.

(2) Window/door signs.

~~(3) Real estate/ off-site real estate signs.~~

~~(4) Political signs.~~

~~(5) Open signs.~~

~~(6) Patriotic and/or decorative flags.~~

~~(7)~~3) Any sign required by a government agency (i.e., address number sign).

(4) Residential Signage

(5) Temporary Commercial Yard Signage (See Sec.40-232(5))

(6) Any temporary signage unless stated otherwise in this article

(7) Any sign that is not designed for view by vehicular traffic may be displayed as long as the signage does not violate any of the prohibited sign regulation

(~~f~~) ~~*Exceptions.* Any sign that is not designed for view by vehicular traffic may be displayed for decorative, patriotic, or commercial purposes as long as the signage does not violate any of the prohibited sign regulations.~~

~~(8) *Size calculations.* The term "sign" shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.~~

~~(1) *Sign area.*~~

~~a. *Attached.* The area of a sign composed in whole or in part of freestanding letters, devices or sculptured matter not mounted on a measurable surface shall be constructed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter.~~

~~b. *Freestanding.* All surface areas and any lettering or sculptured matter outside the sign surface area.~~

~~(2) *Sign height.* The height of a sign shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.~~

~~(3) *Sign face.* Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than 1½ feet from one another.~~

(Code 1986, app. A, § 11.2; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 19-1106, 2-12-2019)

Sec. 40-229. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign means a temporary sign typically consisting of two sign faces attached back-to-back by top hinges.

Address number sign. See chapter 34, article IV.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Attached sign means any sign painted on, attached to and erected parallel to the face of, or erected and confined within the limits of, the outside facade of any building and supported by such building facade and which displays an advertising surface. Attached signs may also be located on porch railings and support posts.

Banner sign means a temporary suspended sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper that may or may not be enclosed or partially enclosed on a rigid frame (i.e., feather signs).

Billboard sign means a sign which advertises a business, product, organization, entertainment, event, person, place, or thing and which is located off-premises from the place of the advertised element(s).

Canopy/awning sign means any sign consisting of lettering and/or logos applied to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Commercial Sign means a sign intended to advertise a commercial enterprise

~~Commercial banners means banners intended for commercial promotion and/or advertisement.~~

~~Commercial flags means flags intended for commercial promotion and/or advertisement.~~

~~Construction sign means a temporary sign that identifies on-site construction and future development to occur on the lot and typically containing the names of contractors, architects, and lending institutions.~~

~~Decorative banners means colored banners only that contain no wording or pictures. These include banners that resemble patriotic flags (i.e., a blue and red banner with white stars).~~

~~Decorative flags means colored flags only that contain no wording or pictures.~~

~~Directional sign means a permanent sign for public direction or information containing no advertisement or commercial identification of any product or service. Typically, these signs consist of directional arrows, business names or logos, the words "entrance," "exit," "parking," etc.~~

Directional sign means a permanent sign displayed strictly for the direction, safety, or convenience of the public, including signs which identify parking areas, entrances or exits, etc.

Flags means flexible materials such as cloth, paper, plastic and typically displayed on a flag pole, or structure. Windsocks are interpreted to represent permitted flagging.

Flashing sign means a sign, which contains or uses, for illustration, any lights or lighting devices, which change color, flashes or alternates, shows movement or motion, or changes the appearance of said sign or part thereof automatically on a time interval of less than 20 seconds. Animated fading from one message to another message is permitted within a maximum fading period of two seconds.

Freestanding sign means a sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structures.

~~Future development sign means a sign placed on vacant or developed lot that advertises a future use that is currently allowed in the zoning district where the sign is located.~~

Governmental sign means a sign provided and erected by a governmental entity which typically promotes:

- (1) The health and safety of the community;
- (2) Town-sponsored events;
- (3) A public way finding system; and
- (4) Any other town activities as deemed appropriate by the Town Manager.

Human sign means costumes or signs worn, held or carried by individuals for the purpose of attracting attention to a commercial site.

Illegal sign means any sign that was in violation of the zoning ordinance at the time the sign was originally established.

~~Integral sign means memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.~~

Nonconforming sign means any sign which does not conform to the regulations of this article, but did conform when it was originally permitted.

Noncommercial Sign means a sign not intended to advertise a commercial enterprise.

Nonresidential means any building, structure, or use that is not exclusively a dwelling

~~Nonprofit sign means any sign promoting churches, schools and and/or other noncommercial institutions.~~

Obscene means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Off-premises parking sign means a sign used to direct vehicular traffic onto the parking premises where it is displayed for a business or service activities at another location, but cannot impede the line of sight for traffic.

~~Off-site real estate sign means generic signs with display content limited to a directional arrow and/or one descriptive phrase of "open house" and allowed off the premises from where the real estate product is being offered.~~

~~Open sign means a sign or flag with a specific designated purpose of stating that a business is open or closed.~~

~~Patriotic flags means flags with only the insignia of governmental subdivisions, agencies, or bodies when displayed for patriotic purposes.~~

Permanent sign means all signs not designated as temporary.

~~Political sign means signs displaying political candidacy, election issues, and/or messages designed to influence voters as related to an election date and allowed only within a limited timeframe by G.S.136-32.~~

Portable sign means a temporary sign attached on support frame without lighting.

Projecting sign means a type of attached signage placed at a right angle to the facade of the associated structure.

~~Public information sign means a sign provided and erected by a governmental entity or nonprofit organization, which typically gives direction to governmental or community institutions, amenities, or displays regulations or notices.~~

~~Real estate sign means a sign that is used to offer for sale, lease, or rent the lot upon which it is placed.~~

Residential Development Entry Sign means a sign identifying a residential subdivision, multi-family development or traditional neighborhood development, located on site, and at the major entrance points to such a development

Roof sign means any sign erected or constructed upon the roof of any building and supported solely on the roof of the building.

Sign means any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view.

Snipe sign means any sign of any material whatsoever that is attached in any way to a utility pole, tree, street sign or pole.

Special event sign means a sign advertising a special communitywide event such as community fishing tournaments, schools or civic events, and/or festivals.

~~*Subdivision entrance sign* means a sign identifying a development, located on site, and at the major entrance points to such development.~~

Temporary sign means any sign that ~~advertises or directs attention to a product, event, election, activity, meeting, exhibition or performance of any kind where such sign~~ is not permanently affixed, placed, attached or erected, and may have time limitations.

Tow truck sign. See chapter 16, article VII, wrecker/towing services and impoundment.

Vehicle/trailer sign means any temporary sign mounted on a vehicle, boat, or trailer and used for advertising or promotional purposes.

Window/door sign (interior/exterior) means a sign located within the interior or exterior of the transparent area of any window or door.

Yard sale sign. See sections 14-172 through 14-174.

(Code 1986, app. A, § 11.3; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 12-899, 8-14-2012)

Sec. 40-230. - Prohibited signs/displays.

The following signs are prohibited within the jurisdictional limits of the town:

- (1) Billboard signs.
- (2) Signs in disrepair, that are unsafe, which no longer can be easily recognized for their intended purpose due to disrepair or fading, or are no longer applicable to the associated lot use.
- (3) Strobe lights or any other type of flashing lighting or beacons. Exceptions: Flashing signs may be permitted in the central business district as long as they are not located adjacent to Lake Park Boulevard. Flashing signs may ~~be permitted~~ ~~also be present~~ in any commercial zone as long as they are not designed for vehicular traffic. ~~These~~ ~~is~~ ~~exceptions~~ ~~does~~ not allow for strobe lights.
- (4) Moveable, animated, flashing signs including balloons and human signs.
- (5) Pennant or consecutively linked flagging or similar devices.
- (6) Signs which resemble or are visibly similar to official governmental traffic signs or signals or employ lighting, or employ the words of official signs such as "stop," "caution," "danger," "slow," or "warning."
- (7) Signs located within or protruding in public areas or rights-of-way, unless specifically permitted herein. Any person erecting a sign in a public area shall indemnify and hold harmless the town and its officers, agents, and employees from any claim arising out of the presence of the sign on town lot or rights-of-way.
- (8) Signs that make noise.
- (9) Signs displaying or containing obscenities. For purposes of this section, obscenity shall be determined in accordance with N.C.G.S. § 14-190.1(b)-(d).

(10) Roof signs.

(11) Snipe signs.

(12) Handwritten messages on permanent signs.

~~(13) No sign shall block any vision clearance (i.e., a 30 by 30 site triangle at intersections and driveways).~~

(13) Vehicle/trailer signs.

(14) Any other sign not mentioned by this article.

~~(15) Vehicle/trailer signs.~~

(Code 1986, app. A, § 11.4; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Sec. 40-231. - Sign lighting.

- (a) Interior sign lighting shall be shaded with an opaque sign face surface sufficient to reduce the glare on roadways and surrounding properties.
- (b) Signs utilizing bare bulbs or neon type lighting shall be such that minimizes the glare on roadways and surrounding properties.
- (c) Exterior flood or similar type sign lighting shall be directed on the sign only, minimizing reflective glare off the sign, and not reflect or glare onto roadways or adjacent properties.

(Code 1986, app. A, § 11.5; Ord. No. 10-825, 4-13-2010)

Sec. 40-232. – Sign Location, Number, Setbacks, and Size

- (a) Number of signs. Unless otherwise stated, the number of signs is detailed in the sections below for commercial and residential signage, ~~only one of each type of sign may be permitted per development site lot~~ except for corner or double frontage lots.

(1) Corner/Double Frontage Lots. A second sign may be placed on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on opposite/separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the normal maximum size allowance, except when a corner lot meets the following criteria:

- a. The corner lot is located in a commercial zone;
- b. The lot is larger than 30,000 square feet;
- c. The sign is limited to ten feet in height;
- d. The sign is set back an additional five feet beyond the required ten feet setback from all lot lines.
- e. Meeting the four criteria above will permit each sign on a corner lot to use the maximum size allowable for a freestanding sign on each frontage.

- (b) Size calculations. The term "sign" shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without

organized relationship of the components, each such component shall be considered to be a single sign.

(1) Sign area.

- a. Attached. The area of a sign composed in whole or in part of freestanding letters, devices or sculptured matter not mounted on a measurable surface shall be constructed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter.
- b. Freestanding. All surface areas and any lettering or sculptured matter outside the sign surface area.

(2) Sign height. The height of a sign shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.

(3) Sign face. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than 1½ feet from one another.

(c) Location.

(1) No signage shall be placed in any location that interferes with the sight distance triangle of motorists utilizing public or private roadways.

- a. A sight distance triangle is the visually unobstructed area of a street/driveway corner.
- b. It is determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.

(2) No signs shall be located in a public right-of-way with the exception of NCDOT rights-of-way in accordance with Session Law 2011-408

(d) Setbacks. Unless specifically stated otherwise, setbacks shall be measured from the nearest point on the sign to the nearest point on a lot line, structure, or other relevant boundary.

Sec. 40-23~~32~~ - Allowable signs.

(a) Residential Signage ~~Permitted signage in all zoning districts. The following signs shall be permitted in all zoning districts:~~

(1) Temporary signage in Residential Districts: Each lot in a residential district shall be permitted to place banners, flags, and yard signs without the issuance of a permit so long as the proposed banner, flag or yard sign meets the following requirements:

a. Flags and Banners

- i. No more than two shall be displayed per 50 feet of road frontage.
- ii. Size shall be limited to a maximum of 24 square feet and 20 feet in height.
- iii. Must meet all relevant requirements of Sec. 40-232
- iv. Shall remain within the boundaries of the lot for which they are associated.

b. Yard Signs

- i. Four temporary signs related to noncommercial activities or events may be placed on a parcel 30 days prior to said activity/event, remain up during said activity/event, and must be removed within 10 days of the conclusion of said activities/event. These yard signs shall follow the regulations below:

1. The sign shall be non-illuminated and may not exceed 20sqft or 5ft in height.
2. The sign shall be setback at least 5' from the road and not impose upon the intersection sight triangle (Sec. 40-232 c)
3. The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly liable for the removal of such signs.
4. The lot occupant or, in the case of unoccupied lot, the lot owner, shall be responsible for violations on a particular lot.
5. No temporary signage is permitted in the public right-of-way.
 1. With the exception of NCDOT rights-of-way in accordance with Session Law 2011-408
6. Off-site directional signage shall be related to an event, will only be permitted while the activity/event is on-going, and shall be removed within 48 hours of the conclusion of said activity/event.
7. No commercial signs shall be placed off-site on a residential lot which are unrelated to ongoing activities on that residential lot.
 1. Signs related to ongoing activities shall be removed within 10-days from the completion of said activity

Construction sign/future development signs. Lots under construction signage

- a. ~~Both types of signs may be a~~Allowed as temporary, non-illuminated signs not to exceed 20 square feet in area and five feet in height for residential zoned properties and 40 square feet in area and 15 feet in height for commercial zoned properties.
- b. ~~A construction sign and future development Signage shall be removed within 30 days after the issuance of a certificate of compliance.~~
- c. ~~A construction Signage shall only be allowed with a valid building permit. Where no building permit was required (i.e., painting a house) the construction sign shall be removed within 30 days after the work was completed. A future development sign may be allowed at any time after receiving a sign permit.~~

- (2) *Governmental signs.* Size, location, and length of time of these signs shall be approved by the Town Manager or his designee.

~~(3) Political candidacy signs Additional temporary yard sign that is displayed prior to an election involving candidates for a federal, state, or local office that represents the area in which the lot is located or an election that involves a measure on the ballot of an election within the area shall meet the following~~

- a. ~~One sign shall be permitted per individual lot or parcel for each candidate for office or side of a ballot measure or issue; for a lot or parcel with frontage on a second street, one additional sign for each candidate for office or side of a ballot measure or issue shall be permitted.~~
- b. ~~Such signs shall not be located on town lot or buildings, except within specified proximity of polling places on election day, under rules established by a county board of elections.~~
- c. ~~Such a sign shall be removed within ten days following the date of any election or other event to which it refers, except that signs for successful primary election candidates, eligible for the general election, may remain after the primary election; this time limit shall not apply to a sign which does not refer to an election or other event.~~

- d. ~~Such a sign shall not exceed six square feet in area per sign face or five feet in height, except where such sign is erected in place of another type of sign permitted at that location, in which case it may be the same size and subject to the same conditions as such sign. Depending on the size and location of the sign a building permit may be required.~~
 - e. ~~The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly and liable for the removal of such signs.~~
 - f. ~~The lot occupant or, in the case of unoccupied lot, the lot owner, shall be responsible for violations on a particular lot.~~
 - g. ~~No political sign shall be located in a public right-of-way with the exception of NCDOT rights of way in accordance with Session Law 2011-408.~~
- ~~(4) *Decorative Non-Commercial flags or banners.* Decorative flags or banners may be displayed as freestanding or attached subject to the following specifications:~~
- a. ~~No more than one per 50 feet of road frontage shall be displayed.~~
 - b. ~~Size shall be limited to a maximum of 24 square feet and 20 feet in height.~~
 - c. ~~All decorative flags and/or banners shall remain within the boundaries of the lot for which they are permitted.~~
- ~~(5) *Patriotic flags.*~~
- a. ~~Patriotic flags displayed shall not be limited in size or number.~~
 - b. ~~All patriotic flags shall remain within the boundaries of the lot for which they are permitted.~~
- ~~(65) *Real estate and off-site real estate signs* Lot offered for sale, lease or rent.~~
- a. ~~These signs shall be located on private lot only with written permission of the applicable lot owner.~~
 - b. ~~The maximum size shall be calculated as six square feet for every 50 feet of road frontage, or six square feet per commercial and/or residential unit, whichever is greater. There shall be a maximum size of 36 square feet per development site.~~
 - c. ~~Maximum sign height is five feet in height measured from the adjacent ground elevation to the uppermost portion of the sign.~~
 - d. ~~All signs shall be freestanding on their own independent support posts/pole or attached to the building for sale or rent.~~
 - e. ~~One off-site real estate sign shall only be allowed during open house hours while a real estate representative is on-site.~~
- ~~(73) *Subdivision entrance signs* Residential Development Entry Signage.~~ Two attached subdivision entrance signs or one monument or freestanding sign per principal entrance are allowed. ~~Such signs shall designate the subdivision by name or symbol only and under all circumstances they shall be rigidly and securely anchored against movement.~~ Such signs shall not exceed an area of 20 square feet per sign face and an aggregate area of 40 square feet if signs are multiple faced, nor shall they exceed a height of six feet if freestanding. They may be illuminated.

~~In addition to the allowances under this subsection (a), nonresidential uses that are existing or allowed in residential areas, but do not fall under the category of nonprofit, may also utilize the freestanding sign allowances as defined under subsection (b) of this section.~~

~~(b) Special allowances for signage for nonprofit signs uses in all zoning districts.~~

~~(1) Freestanding sign. One sign shall be allowed that is no more than 20 square feet in area; ten feet in height; and is setback at least ten feet from all lot lines.~~

~~(2) Directional and Informational Signage. Public information signs. Permanent locations shall include public or private sites for standing meetings of the non-profit. All directional or informational signs shall be subject to the following restrictions:~~

~~a. Signs shall not exceed six square feet in size nor eight feet in height (top of panel).~~

~~b. Signs shall not be illuminated.~~

~~c. Sign lettering shall not exceed four inches in height.~~

~~d. Sign content may include name and address of organization, logo, directional arrow, and meeting times. No commercial business or product shall be advertised.~~

~~de. These signs may be located off-site under the following provisions:~~

~~1. Signs shall only be allowed at on a major highway intersections and shall not be located in a public right-of-way or block visibility at any intersection. as approved by DOT~~

~~2. Two public information sign panels (each for a different organization) may be placed on a single location.~~

~~(3) Special events signs.~~

~~a. The Town Manager and/or town council shall approve the location, number, and length of time the sign signage related to a special event may be displayed.~~

~~b. Off-premises signage for special events special event signs shall be allowed with the written consent of the lot owner.~~

~~c. On-site or off-site signage for special events special event signs shall be limited to 20 square feet.~~

~~d. An off-premises special event sign may be issued that has advertisements for local businesses as long as the sign is displayed in exchange for charitable contributions for the purposes of funding nonprofit initiatives (i.e., boardwalk makeover sign with advertisements for sponsors).~~

(c) Commercial and Nonresidential Signage ~~Permitted signage in all commercial zones.~~ The following permanent and temporary signs shall be permitted ~~in all commercial zones districts with commercial uses (CBD, NB-HB, MB-1, I-1, T-1, MF, and MX zoning districts)~~ in all districts and must be associated with a permitted commercial or nonresidential use(s) on the same property:

(1) *Attached signs.*

a. Attached signs shall be allowed on all sides of a business. The total allowable building face signage shall not exceed 25 percent of the front building face and may be apportioned among any/all building faces. A building face shall be measured from ground level at the foundation to the roof overhang (or junction of roof and front wall line) and from side to side of building.

- b. If utilized, projecting signage shall have a clearance of at least ten feet between the adjacent ground level and the lowest portion of the sign. No attached sign shall project more than four feet from the building facade. In the CBD, where buildings are adjacent to a right-of-way a projecting sign shall be allowed to encroach up to two feet.
- c. Canopy/awning sign shall be considered as attached signs. In no instance shall a canopy/awning sign exceed the canopy awning area.

~~(2) Construction signs. Construction signs shall be permitted as described in subsection (a)(1) of this section with size limitations of 40 square feet in area and 15 feet in height.~~

~~(3)~~(2) *Directional signs.*

- a. *On-premises directional signs.*

- 1. On-premises directional signs shall be limited to four square feet and three feet in height.

~~2. Directional signs at shopping centers may contain the name of the shopping center but not the names of the individual businesses within the shopping center.~~

~~2.3.~~ For every driveway cut, two directional signs shall be allowed on private lot adjacent to the right-of-way.

- b. *Off-premises parking signs.*

- 1. The maximum size shall be ~~one foot by two feet~~ 2 square feet.

~~2. Off-premises parking signs may only delineate the name of the business, logo, and distance the business is from the site of the sign, no other advertisement of products or services is permitted.~~

~~2.3.~~ Off-premises parking signs shall not be lighted.

~~(4)~~(3) *Permanent freestanding signs.*

- a. Maximum size equals one-half a square foot of sign area per one linear foot of road frontage or 25 square feet per commercial and/or residential unit located on the development site, whichever is greater, but not to exceed the below requirements.

Type of Development	Max. Area Per Face
Multi-Family Residential	50
Nonresidential up to 2,500 sq. ft. of building area	50
Nonresidential 2,500 sq. ft. up to 15,000 sq. ft. of building area	64
Nonresidential greater than 15,000 sq. ft. of building area	100

- b. Maximum height of 20 feet in the CBD, NB, MB-1, T-1, MF, and MX zoning districts.

- c. Maximum height of 25 feet in the HB and I-1 zoning districts.
- d. A permanent freestanding sign shall have a minimum setback of ten feet from all lot lines.
- e. Unless stated elsewhere in the ordinance, no business/property shall have more than 1 freestanding sign.

~~(5)~~(4) *Temporary signs which require a sign permit.*

- a. Each business shall be allotted one temporary freestanding or attached sign year round. Permits for temporary signage shall be issued annually with the following limitations:
 - 1. A-frame signs not exceeding eight square feet per side in area with a maximum height of four feet.
 - 2. Portable signs not exceeding ten square feet and five feet in height.
 - 3. Banner signs not exceeding 24 square feet and 15 feet in height.
 - 4. Commercial flagging shall be limited to 24 square feet and shall have the same height restrictions as permanent freestanding signs.
 - 5. ~~Future development signs shall be limited to 30 square feet and 15 feet in height.~~
- b. Temporary signs may be placed on public sidewalks in the CBD. No temporary sign shall be placed where the unobstructed space for the passageway of pedestrians is reduced to less than 4½ feet.

~~(6)~~(5) Temporary yard signs not requiring a permit

- a. Four temporary signs related to noncommercial activities or events may be placed on a parcel 30 days prior to said activity/event, remain up during said activity/event, and must be removed within 10 days of the conclusion of said activity/event.
 - 2. The sign must be non-illuminated and may not exceed 20sqft or 5ft in height.
 - 3. The must be setback at least 5' from the road and not impose upon the intersection sight triangle (Sec. 40-232 c)
 - 4. The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly liable for the removal of such signs.
 - 5. The lot occupant or, in the case of unoccupied lot, the lot owner, shall be responsible for violations on a particular lot.
 - 6. No temporary signage is permitted in the public right-of-way.
 - 7. Off-site directional signage must be related to an event, will only be permitted while the activity/event is on-going, and must be removed within 48 hours of the conclusion of said activity/event.

~~Open signs. Each business shall be allowed one attached open sign and one open flag. An attached open sign shall not exceed four square feet. Open flags shall not exceed 15 square feet.~~

{

(Code 1986, app. A, § 11.6; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 11-866, 5-10-2011; Ord. No. 11-871, 7-12-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 12-899, 8-14-2012)

Sec. 40-233. - Nonconforming signs, illegal signs, violations and penalties.

All signs shall be subject to article XIV of this chapter, nonconforming situations, and article XV of this chapter, administration, enforcement, and review.

(Code 1986, app. A, § 11.7; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Secs. 40-234—40-259. - Reserved.

Adopted this 13th day of April, 2021.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk



Text Amendment: Chapter 40 Article VIII Signs

—

Reed V. Town of Gilbert 2015

APRIL 13TH, 2021

MILES MURPHY – SENIOR PLANNER

Background

- Sign ordinances are utilized primarily for aesthetic and economic purposes
- Free speech generally overrides any state, county, or local sign ordinance
- Sign ordinances may not be “content-based” in almost all circumstances



Supreme Court Decision

- In 2015 the Supreme Court heard the case of Reed V. Town of Gilbert
- The Town of Gilbert had a sign ordinance with 23 exempted categories and each category was treated differently based on the content



- The Ninth Circuit Court of Appeal initially upheld the exceptions
- The Supreme Court determined that the sign ordinance, and its exceptions, were based on the “face” since the content of the signs dictated their limitations

Local Ordinance Implications

- CB sign ordinance currently has 11 sign categories that are regulated individually and are based on content
 - Governmental
 - Window/door signs
 - Real Estate/off-site
 - Political
 - Open
 - Patriotic
 - Government required
 - Construction/Future Development
 - Subdivision
 - Nonprofits
 - Special events

Revisions

- Addition of location restriction to prevent traffic sight distance triangle obstructions
- Addition of a catch-all category for “temporary non-commercial signage” with regulations pertaining to aesthetics and time-frames only.
- Remove categories specifically regulating signs by content.
- Clarified/corrected language throughout Article 8

Example: Yard Signs

a. Yard Signs

- i. Four temporary signs related to noncommercial activities or events may be placed on a parcel 30 days prior to said activity/event, remain up during said activity/event, and must be removed within 10 days of the conclusion of said activities/event. These yard signs shall follow the regulations below:
 1. The sign shall be non-illuminated and may not exceed 20sqft or 5ft in height.
 2. The sign shall be setback at least 5' from the road and not impose upon the intersection sight triangle (Sec. 40-232 c)
 3. The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly liable for the removal of such signs.
 4. The lot occupant or, in the case of unoccupied lot, the lot owner, shall be responsible for violations on a particular lot.
 5. No temporary signage is permitted in the public right-of-way.
 1. With the exception of NCDOT rights-of-way in accordance with Session Law 2011-408
 6. Off-site directional signage shall be related to an event, will only be permitted while the activity/event is on-going, and shall be removed within 48 hours of the conclusion of said activity/event.
 7. No commercial signs shall be placed off-site on a residential lot *which are unrelated to ongoing activities on that residential lot.*
 1. *Signs related to ongoing activities shall be removed within 10-days from the completion of said activity*

Recommendation

- Staff recommends the approval of the ordinance
- Planning & Zoning approved the ordinance 7-0

Amend Chapter 40, Article VIII Sign Regulations

- (1) It is recommended that Planning and Zoning open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of these forms:

- A Statement of Approval – The Council, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article VIII to update the sign ordinance to comply with the 2015 Supreme Court decision is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any recommended restrictions or requirements)
- A Statement of Denial – Town Council deny the adoption of the following ordinance amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Clerk

MEETING: Town Council – 4/13/2021

SUBJECT: Committee Appointments

BACKGROUND:

The newly formed Centennial Ad-hoc Committee will have 11 voting members.

ACTION REQUESTED:

Council will need to fill the following positions:

2 Hospitality Reps (Restaurants and Hotels)

2 Island Non-Profit Organizations

1 History Center Representative

1 Chamber of Commerce Representative

1 Parks and Rec Committee Liaison

4 At large citizens

1 Town Staff Liaison

1 Council Liaison

COMMITTEE BALLOT

At the March 9, 2021 Council meeting, Council voted to establish the Centennial Ad-hoc Committee. Two members of the former Business and Economic Development Committee will transfer to this committee reserving two of the eleven spots. Please select 9 additional members from the list below:

- ☒ Maureen Lewis (Business and Economic Committee transfer)
- ☒ LeeAnn Tluchowski (Business and Economic Committee transfer)
- ☐ Alannah Keeler (Chamber)
- ☐ Christine Higgins (Non-profit – Island Arts)
- ☐ Debra LeCompte (At-Large)
- ☐ Elaine Henson (History Center)
- ☐ Frances Massey (Non-profit or At-Large)
- ☐ Jasmine McKee (At-Large)
- ☐ Jennah Bosch (Non-profit and At-Large)
- ☐ Ryan Cavanaugh (At-Large)
- ☐ Sharon Carlson (At-Large)
- ☐ Shelia Marshall (At-Large)
- ☐ Vincent Losito (At-Large)

Council Signature

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

* Full Name

Elaine Henson

Home Address

210 Colonial Drive
NC Wilmington

* Email Address

skipelainehenson@aol.com

Phone

(910) 617-2606

* Check Box List

Other: Centennial Committee

How long have you lived in Carolina Beach?

We bought a house at 815 Carolina Beach Avenue North in January, 2003 and use it as our beach house and a summer rental.

Availability

Available for day meetings

Available for night meetings

Educational Background

graduate of NHHS and UNCW

Occupational Background

retired elementary teacher

Special Talents and Interests

My main hobby is collecting local post cards and images. I also do historical research on our beaches and local history. In 2007 I wrote a Post Card History of Carolina Beach published by Arcadia Press. With my post cards and images, I do historic presentations for FPHPS, Wrightsville Beach Museum of History and many local civic clubs and groups. I also have a collection of vintage bathing suits from 1880-1980 that have been on display at FPHPS, Kure Beach and the Roanoke Island Museum in Manteo, NC.

Community Involvement

I am a member of Federal Point Historic Preservation Society for the last 18 years and president for the last 7 years. I designed, wrote the script and conduct tours on a Historic Boardwalk Tour during the summer season weeks. I am a member of the Cape Fear Garden Club and have served as president and Chairman of the Azalea Garden Tour. I have served on the board of the Lower Cape Fear Historical Society for 6 years and am have been the Book Talk chairman at the Latimer House for the last 20 years. We are members of St. Andrews on-the-Sound where I have served on the Vestry and am currently the Cemetery Chairman.

Resume or other Attachment

SKIPPED

* Date of Application

03/14/2021

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

* Full Name

Alannah Keeler

Home Address

310 Spencer Farlow Dr

1

Carolina Beach NC

* Email Address

Alannah@PleasureIslandNC.org

Phone

(910) 899-6522

* Check Box List

Other: Centennial Committee

How long have you lived in Carolina Beach?

13 years

Availability

Available for day meetings

Available for night meetings

Educational Background

SKIPPED

Occupational Background

Pleasure Island Chamber of Commerce office manager

Special Talents and Interests

SKIPPED

Community Involvement

Volunteered for Day of Hope Annual Cookout and North Carolina Wildlife Federation State Park Cleanup, planned and executed Trash to Treasures, Holiday Shopping Spree, Holiday Decorating Contest, and other Chamber events.

Resume or other Attachment

Alannah C Keeler.pdf

* Date of Application

03/11/2021

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

* Full Name

Christine Higgins

Home Address

1101 canal dr

5

Carolina Beach NC

* Email Address

chri@fishbonedesigns.u

Phone

(610) 909-7643

* Check Box List

Other: Centennial committee

How long have you lived in Carolina Beach?

12 yrs

Availability

Available for day meetings

Available for night meetings

Educational Background

MBA

Occupational Background

Over 30 us experience as Senior Executive with advertising agencies, venture capital fund, small business development consultancy.

Special Talents and Interests

Marketing strategy development, program implementation

Community Involvement

Carolina Beach Arts and Activities Committee (Launched Farmers Market, Island Day, Carolina Beach Street Arts Festival) Island Arts and Culture Alliance 501c3 (Founder)

Carolina Beach Marketing Committee I am applying to represent the Island Arts and Culture Alliance on this committee

Resume or other Attachment

higginsresume_1.pdf

* Date of Application

03/12/2021

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

* Full Name
Jennah Bosch

Home Address
7742 Trap Way
Wilmington NC

* **Email Address**
jencbosch@gmail.com

Phone
(252) 917-4874

* Check Box List
Other: Centennial Planning Committee

How long have you lived in Carolina Beach?

I live on River Rd but am the Secretary of Island Women and Fundraising and Education Coordinator for the Pleasure Island Sea Turtle Project

Availability
Available for night meetings

Educational Background
Associates Degree in Veterinary Technology

Occupational Background
Registered veterinary technician; college instructor

Special Talents and Interests
Fundraising, education, town development

Community Involvement
Secretary, Island Women; Fundraising and Education Coordinator, Pleasure Island Sea Turtle Project; volunteer @ CBES

Resume or other Attachment
SKIPPED

* **Date of Application**
03/12/2021

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

* Full Name

Frances Massey

Home Address

403 Donzi Court Carolina Beach NC

NC Carolina Beach

* Email Address

fmassey52@gmail.com

Phone

(910) 458-5507

* Check Box List

Other: Centennial Committee

How long have you lived in Carolina Beach?

58 years

Availability

Available for day meetings

Available for night meetings

Educational Background

Graduated from Hoggard High School - 1970. Graduated from UNCW - 1974. Earned a Masters Degree - Education from UNCW.

Occupational Background

I taught school for 33 years (2 years in Columbus County and the rest in New Hanover County).

Special Talents and Interests

I like reading and spending time with my family and friends

Community Involvement

Member of the Island of Lights Committee for 31 years.

Resume or other Attachment

SKIPPED

* Date of Application

03/12/2021

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

* Full Name

Sharon Carlson

Home Address

200 Lake Park Blvd S apt 8-C
Carolina Beach NC

* Email Address

onehotdesigner@gmail.com

Phone

(910) 547-2669

* Check Box List

Other: Centennial committee

How long have you lived in Carolina Beach?

A Decade

Availability

Available for night meetings

Educational Background

Wingate University (Dean's List); Appalachian State University; CFCC First Responder Degree

Occupational Background

Volunteer CBFN NCFE 1 and 2 Certification and EMT basic National Certification Polite Gardening Landscape by Sharon (1 year)

Special Talents and Interests

Art and Health, Motorcycle riding and fire apparatus Class B License

Community Involvement

Volunteer at Ft Fisher Aquarium, Volunteer landscape @ DAV Wilmington, Church involvement

Resume or other Attachment

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* Date of Application

03/12/2021

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

* Full Name

Jasmine McKee

Home Address

164 Olde Mariners Way

Carolina Beach NC

* Email Address

jkmckee79@gmail.com

Phone

(910) 547-3820

* Check Box List

Other: Town of Carolina Beach Centennial committee

Police Advisory Committee

How long have you lived in Carolina Beach?

24

Availability

Available for day meetings

Available for night meetings

Educational Background

High School Graduate from John I Leonard. Continued education at Cape Fear Community College in communications, writing, graphics and photography.

Occupational Background

I've worked at the island gazette for 22 years. I'm skilled in graphic design, photography, data collection and layout.

Special Talents and Interests

Photography, family and all things Pleasure Island. Strong communication skills and time management.

Community Involvement

Current: Girl Scout leader, board member of the Cape fear flyers youth track and field and cross country team, board member of the CBPD bike rodeo committee. Volunteer for all things island; beach sweeps, events etc also help with Nourish NC and the diaper bank. Former president of the Steve Haydu St Patrick's Lo Tide Run and race director for the Monster Dash.

Resume or other Attachment

SKIPPED

* Date of Application

03/11/2021

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

* Full Name

Marshall Shelia

Home Address

501 Fourth St S
Carolina Beach NC

* Email Address

marshallsheliab@gmail.com

Phone

(910) 200-6959

* Check Box List

Other: 100th

How long have you lived in Carolina Beach?

Since 1983.....I was 10yo

Availability

Available for day meetings

Available for night meetings

Educational Background

Boat Captain, RN, Director of Marketing, Property Management , Mom, Deacon, Ex-wifelist goes on

Occupational Background

Oh see above :)

Special Talents and Interests

Island Time Water Tours

Community Involvement

Island Time Water Tours

Resume or other Attachment

SKIPPED

* Date of Application

03/11/2021

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

* Full Name
Maureen Lewis

Home Address
1407 Croaker Lane
NC Carolina Beach

* Email Address
bchrnmaureen@yahoo.com

Phone
(310) 427-5656

* Check Box List
Other: Centennial Committee

How long have you lived in Carolina Beach?
since 2019

Availability
Available for day meetings
Available for night meetings

Educational Background
BA in English & German from Baylor University.

Occupational Background
I worked for several global brands, the last being Belkin International as the Director of Global eCommerce before I retired in 2018. For the last 20 years, I was also very involved in community non-profits and city government. I was the co-Chair of the Hermosa Beach Centennial in 2007- working with a committee of 35 people and planning a year-long celebration of the town's 100th birthday. Our goal was to be inclusive and make sure every resident, business and guest had opportunities to be part of the Centennial program. With sponsorships and private donations, we were able to successfully minimize cost to the town.

Special Talents and Interests
Managing special events, fundraising, town history.

Community Involvement
On the Parks & Rec Committee, Chair of the Business & Economic Dev Committee (since absorbed by PICC) and started the CB Mural Project. I am very involved with paws4people (local organization that raises, trains and places Assistance Dogs) and I am an Island Woman.

Resume or other Attachment
Maureen Ferguson Lewis _resume 2020 WILMA.docx

* Date of Application
03/19/2021

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Boards & Committees

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Font Size: ± -

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

*Full Name

Elaine Henson

Home Address

210 Colonial Drive
NC Wilmington

*Email Address

skipelainehenson@aol.com

Phone

(910) 617-2606

*Check Box List

Other: Centennial Committee

How long have you lived in Carolina Beach?

We bought a house at 815 Carolina Beach Avenue North in January, 2003 and use it as our beach house and a summer rental.

Availability

Available for day meetings

Available for night meetings

Educational Background

graduate of NHHS and UNCW

Occupational Background

retired elementary teacher

Special Talents and Interests

My main hobby is collecting local post cards and images. I also do historical research on our beaches and local history. In 2007 I wrote a Post Card History of Carolina Beach published by Arcadia Press. With my post cards and images, I do historic presentations for FPHPS, Wrightsville Beach Museum of History and many local civic clubs and groups. I also have a collection of vintage bathing suits from 1880-1980 that have been on display at FPHPS, Kure Beach and the Roanoke Island Museum in Manteo, NC.

Community Involvement

I am a member of Federal Point Historic Preservation Society for the last 18 years and president for the last 7 years. I designed, wrote the script and conduct tours on a

Historic Boardwalk Tour during the summer season weeks. I am a member of the Cape Fear Garden Club and have served as president and Chairman of the Azalea Garden Tour. I have served on the board of the Lower Cape Fear Historical Society for 6 years and am have been the Book Talk chairman at the Latimer House for the last 20 years. We are members of St. Andrews on-the-Sound where I have served on the Vestry and am currently the Cemetery Chairman.

Resume or other Attachment

****SKIPPED****

*Date of Application

03/14/2021

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

* Full Name

Ryan Cavanaugh

Home Address

208 Greenville Avenue

#A

Carolina Beach NC

* Email Address

JeepWrangler8@yahoo.com

Phone

(414) 795-8478

* Check Box List

Other: Centennial Committee

How long have you lived in Carolina Beach?

1 year - just bought our home

Availability

Available for day meetings

Available for night meetings

Educational Background

College Degree from Illinois State University

Occupational Background

- 20+ years Business Development in the moving & storage market (Currently the VP of Sales for Few Moves, LLC) - Owner of Island Time Flags, LLC. (Custom flag company)

Special Talents and Interests

Enjoying the beach, socializing, selling, recruiting, donations, marketing.

Community Involvement

Island Time Flags Wife cuts hair at Plaza Hair Design Supporter of Ocean Cure, Surfdog & The Island Men

Resume or other Attachment

Ryan Cavanaugh - Resume 2020.pdf

* Date of Application

03/12/2021

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

* Full Name

Vincent Losito

Home Address

910 Carolina Beach Ave. S.
NC Carolina Beach

* Email Address

vlosito@outlook.com

Phone

(336) 209-1515

* Check Box List

Other: Centennial Committee

How long have you lived in Carolina Beach?

2 years full time

Availability

Available for night meetings

Educational Background

MBA in Finance

Occupational Background

Corporate Controller

Special Talents and Interests

SKIPPED

Community Involvement

Director of Finance at the Carolina Beach Mural Project as well as a member of the Island Men

Resume or other Attachment

Vincent M. Losito.docx

* Date of Application

03/12/2021



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Council 4/13/2021

SUBJECT: Closed Session to Discuss an Attorney/Client Matter

RECOMMENDED MOTION:

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

Matters being discussed are:

- 18 CVS 3151 Town of Carolina Beach vs. Carolina Freeman LLC
- 18 CVS 3152 Town of Carolina Beach vs. B&F Enterprises LLC
- 18 CVS 3153 Town of Carolina Beach vs. DRDK LLC
- 18 CVS 3154 Town of Carolina Beach vs. Freeman Beach LLC
- 18 CVS 3155 Town of Carolina Beach vs. Winnie Futch Heirs