

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, November 10, 2020 – 6:30 PM

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



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## MINUTES

### CALL TO ORDER WITH INVOCATION GIVEN BY GAYLE TABOR

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation given by Gayle Tabor and the 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

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 passes unanimously

### CONSENT AGENDA

1. Budget Amendments/Transfers
2. ROT Reimbursement Request for \$383,372.59
3. Set Public Hearing Date for December 8<sup>th</sup> to Consider a Conditional Use Permit for a 5-Unit Residential Planned Unit Development to be located at 216 Spartanburg (PIN - 3130-32-7671) Applicant: Laurel Companies LLC.
4. Set Public Hearing Date for December 8<sup>th</sup> to Consider a Text Amendment Chapter 40 Sec. 40-72 Table of Permissible Uses regarding Multi-Family projects and Residential Planned Unit Developments Applicant: Town of Carolina Beach
5. Approval of Meeting Minutes from 10/13/2020

**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 passes unanimously

### **SPECIAL PRESENTATIONS**

#### 6. Presentation of Annual Financial Audit

Victor Blackburn of Bernard Robinson & Company presented a summary of the annual financial audit, which is for the fiscal year ending June 30, 2020. The Town again received an unmodified or clean opinion. Mr. Blackburn said he was surprised the Town was not hit harder financially due to its dependence on tourism, which in general has been greatly affected by the COVID-19 pandemic.

Mayor Pierce said this was a much better report than expected given the shutdowns last spring, and she considered it good news.

The annual audit report is available online:

[www.carolinabeach.org/government/departments/finance/annual-audit-reports](http://www.carolinabeach.org/government/departments/finance/annual-audit-reports)

#### 7. Request to approve Healing and Arts Music festival

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator for the Town, gave information about a proposal for a new event. Longtime Town resident Lisa Pendergraft is requesting to hold the first Healing and Arts Music Festival at the Carolina Beach Lake on March 20, 2021. The event would run from 10:00 AM-9:00 PM and host several vendors, including food/alcohol sales. There would be live music throughout the day and a designated area for people to look at various VW vehicles. The Town Events Committee recommends approval.

Ms. Pendergraft said she feels strongly about bringing this event to the community. It will feature drum circles, celebration of life events, and a sunset memorial for those who passed away in 2020. Admission will be the donation of a non-perishable food or hygiene item. There are plans for hand-sanitizing stations, and wearing masks will be encouraged.

Mayor Pierce said this sounds like a great off-season event.

**ACTION:** Motion to approve the Healing and Arts Music Festival for March 20, 2021, pending any COVID issues

Motion made by Mayor Pierce

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

Motion passes unanimously

In response to an email she received, Mayor Pierce asked Mr. Murphy to look into more signage about mask use and more stations for hand sanitizer at the lake. Mr. Murphy said he will do this.

#### 8. Request to approve Golf Cart Christmas Parade

Mr. Murphy gave information about a proposal for a new holiday event. The Island Men are requesting approval for a Christmas Golf Cart Rally on the evening of Saturday, December 5. It will be similar to the recent Halloween rally, beginning at Publix and terminating at the Boardwalk area. The exact route is to be determined and may differ slightly from the Halloween event. Mr. Murphy said the request had to be fast-tracked due to the quick time frame, so the Town Events Committee has not voted on it, although members have been briefed and voiced minimal concerns.

Roy Lee Carter of The Island Men said the event is being referred to as a Christmas Golf Cart Extravaganza rather than a parade because state COVID-19 regulations do not allow for parades. He said his group is requesting that participants make donations to buy food for the Help Center of Federal Point.

Former Mayor Joe Benson of The Island Men also spoke to Council about the rally and asked if the Town can help with notifying residents about the event.

Mayor Pierce asked The Island Men representatives to let participants know when they apply that they need to practice social distancing and wear masks during the event. Mr. Carter said participants will stay in their golf carts and refrain from gathering.

Council Member Barbee said the group should be careful with any route changes to ensure the event does not encourage people to congregate in public spaces. The Halloween rally route was designed to traverse through residential neighborhoods so people could see the event from their yards.

**ACTION:** Motion to approve the Island Men Golf Cart Christmas Extravaganza on Saturday, December 5  
Motion made by Mayor Pierce

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

Motion passes unanimously

Mr. Murphy also mentioned the following upcoming events:

- Holiday-themed sandcastle building contest 12/12 11:00 AM-2:00 PM
- Saturday Santa Sleigh Rides 12/12 and 12/19
- Holiday decorated coves, parking meters on parade, letters to Santa

Mayor Pierce asked if the mailbox for letters to Santa is out yet. Mr. Murphy said it will go up right after Thanksgiving in front of the Rec Center.

## 9. Manager's Update

Mr. Oakley gave a brief update on the latest state regulations regarding COVID-19. Gov. Roy Cooper announced today that the state will remain in Phase 3 through December 4. The size of indoor gatherings has been reduced from 25 to 10, but this change does not affect restaurants, schools, and churches. This goes into effect Friday at 5:00 PM.

Mr. Oakley reported that the efficiency study is complete, and Council will receive copies. The consultant will be at the workshop on Tuesday to present findings and answer questions, and the study will go online for public review.

Mr. Oakley said Town staff has been looking into email complaints about flooding on Bertram Drive. He said there were some stormwater devices installed, so Town staff will check to be sure they were done properly and otherwise try to determine the cause of the flooding. There was already a meeting on another matter scheduled for Friday with the developers of the project in question, so that will give an opportunity to discuss the flooding concerns and then respond to the affected residents.

#### Town Marina Project Update

Present project to Business and Economic Development Committee: November 18

Present to boat captains: Early December

Public presentation via Zoom: Mid-December

Finalize design/permitting: January/February 2021

Advertise for bids: March/April

Award bid: May/June

Start construction: July/August 2021

Construction duration: 20 months (spring 2023)

#### Funding

Total project cost: \$3,017,847

Golden LEAF Foundation Grant: \$2,112,493

Potential Funding: FEMA PA funding, FEMA BRIC grant, Resilient Coastal Communities Program, Town General Fund

#### Hamlet Public Restrooms and Ocean Rescue

- The project is out to bid.
- Posts on the Town website and Facebook link to BidNet for the bid documents.
- The architecture firm for the project, Dunn & Dalton, is managing the bidding.
- The pre-bid meeting was held Monday, November 9.
- The closing date is Tuesday, December 8.
- Bidders have been asked to include a construction timeline with their submissions.

Assistant Town Manager Ed Parvin updated Council about the oceanfront setback proposed rule discussion. He said the Coastal Resources Commission (CRC) virtual meeting is on November 18. He reviewed points from the oceanfront rules and implementation discussion that will take place then. Mr. Parvin said Town staff can submit a written summary of concerns about having to make a choice between the Static Line and Development Line. He said the Town is leaning toward choosing the Static Line, which gives more flexibility and will cause fewer non-conforming structures. Council Member Garza asked whether the plan was still to push for the option to use both, as discussed at Council's last workshop. Mr. Parvin said the Town can let the CRC know continued use of both is preferable, but he said the CRC may push for the Town to choose one or the other. Council Member Garza asked Town staff to speak during the public comment section of the meeting in addition to submitting written

comments. Council Member Barbee said if the Town must choose one, Council needs more specifics about exactly who will be affected so they can have a voice in the decision.

Council Member Shuttleworth asked whether Shoreline Management Specialist Ken Richardson, who is writing the rules, could speak to Council. Planning Director Jeremy Hardison said he thinks Mr. Richardson would be willing to make a presentation. Mayor Pierce asked Town staff to set this up. Council Member Barbee said his main concern is that that another government agency is asking the Town to make a decision about rules they haven't defined yet. He said this is a problem for property owners, and the Town needs to protect them and at least ensure they know what's coming.

Council Member Shuttleworth said the Town has a robust beach nourishment program, unlike many other coastal communities. He said a rule written for the entire coastline is not necessarily appropriate for the Town and would like to see something more specific to us. Mayor Pierce said she agreed that coastal communities have different issues and one size doesn't fit all.

### **PUBLIC COMMENT**

Casey White of 703 Magnolia Avenue passed out material to Council members. She said she was speaking on behalf of residents of the R-3 district and had a petition representing those who were not present.

Kent Bizzell of 716 Hamlet Avenue joined her at the microphone and detailed neighborhood concerns about a boarding/rooming house that has been operating in the area for several years. He said the Town has been aware of the issue for years, but problems persist. Mr. Bizzell said the house consists of five or more unrelated people renting out rooms with no lease agreements, no taxes, no regulations, and no criminal background checks.

Ms. White said over the past three years, there have been over 54 calls to 911 from the residence and numerous calls to 911 about residence. She asked Council to take note of how many of those are for assault, domestic disturbance, harassment, and overdose. She said gunshots came from the residence earlier this year, and her neighbor regularly finds hypodermic needles while mowing the lawn. Ms. White said another neighbor has been forced to execute restraining and criminal trespass orders due to threats of violence and destruction of property. She said it's not safe for children to play in the neighborhood because people who rent rooms in the house have extensive criminal records. Ms. White said it's time for the Town to enforce rules and codes that exist to stop the non-conforming rooming house at 710 Monroe Avenue and keep this from happening anywhere else in the R-3 district before it becomes a tragedy.

Mr. Oakley said Town staff has met with neighbors and investigated the house but determined the current ordinance made it tough to enforce any actions against it. He said the Town is aware of the issue and is working on finding a solution.

Ms. White said the Town's ordinance is very similar to that of other neighboring municipalities and they enforce it as such. She said she is worried that if the ordinance needs to be rewritten, this property will be grandfathered.

Mayor Pierce said she has ownership in a property in close proximity to the house in question, so she is aware of the issue. She asked Mr. Oakley to revisit the matter and do some additional research on possible remedies.

Lynne Denne of 100 7th Street said she wanted to reiterate all the concerns detailed by her neighbors. She said she has been finding hypodermic needles when mowing the right-of-way areas of the neighborhood, and police and rescue are often at the house. She said she doesn't understand why the Town is trying to rewrite ordinances that already exist instead of enforcing what's already there.

Paul Wicker of 812 Monroe Avenue said he and his family are worried when they hear fireworks that they could be gunshots coming from the house. He said it is frustrating that code is not being followed and urged the Town to act.

Mayor Pierce told residents if the current ordinance provided the means to take action, it would be done. She said Town staff must first revisit the ordinance.

Mike Hoffer, chairman of the Town's Bike/Pedestrian Committee, said he is frustrated that nothing is happening with the bike and pedestrian project proposals his committee has brought before the Town. He asked Council members to use their authority to stress to Mr. Oakley that these projects are important and should be prioritized.

Council Member Shuttleworth said he agreed that the projects are a priority, but not as big a priority as other projects that have come into play. He said when you look at the overall situation, the dollars and timing aren't currently there for the bike/pedestrian projects.

Mayor Pierce said she appreciated Mr. Hoffer's passion and the great job he is doing, but Council must defer to Mr. Oakley to make fiscal decisions about what should be a priority. Mr. Hoffer said some of the projects are small and could be accomplished with volunteers.

## **PUBLIC HEARINGS**

10. Consider a Conditional Use Permit for an 8-Unit Residential Multi-Family Development to be located at 202 S. Carolina Beach Avenue (PIN - 3130-54-2234)  
Applicant: Too Construction Inc

**ACTION:** Motion to open 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 passes unanimously

The following individuals were sworn in: Jeremy Hardison, Ed Parvin, Ned Barnes, and Chad Shingleton

Mayor Pierce: OK, and at this time I'll open the evidentiary hearing. All in favor? All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: Thank you, gentlemen. Attorney Fox, would you please give us a brief description of this proceeding?

Ms. Fox: I heard the word "brief." I will try to make it so. As you all know, this is a quasi-judicial matter. It means it's an evidentiary hearing much like would occur in a court of law. The board must follow specific procedures required by state law in making its decision. While the rules of evidence don't strictly apply, we should try to adhere to those rules. All the testimony this evening will be under oath, and you are to make your decision based on competent, relevant, and substantial evidence in the record. If you are speaking as a witness, please focus on facts and standards, not personal preferences. If you intend to testify, please do not offer unsupported opinions or speculation. The board cannot consider this testimony. Please limit your testimony to relevant, competent, and substantial and material evidence. Competent evidence is not opinion testimony of lay witnesses about the use of a particular property in the way that it would affect the value of other property, the increase in the vehicular traffic resulting from a proposed use would pose a danger to public safety, or matters about which only an expert would be able to testify in a court of law. Before we begin the hearing, parties before you tonight are entitled to an impartial decision maker. If you have a conflict of interest, you may not participate. A conflict exists if you have a close familial, business, or personal relationship with a person or a financial interest in the outcome of the matter. Does any member of the board have any conflict of interest to disclose or recusal to offer? Does any board member have any ex parte communications to disclose?

Mayor Pierce: So at this time, is there any person in the attendance who contends they have a party with standing? If so, we'll have a standing hearing. OK, no one with standing, so Jeremy, proceed.

Mr. Hardison: Mayor, thank you. Good evening, Town Council. This is a Conditional Use Permit for an 8-unit multi-family building, one building. It is located at 202 Carolina Beach Avenue South. This is a through lot from the front of Woody Hewett Avenue and also Carolina Beach Avenue South. It is a 125 x 110 footprint lot. It's for and it's just under 14,000 square feet. It's located in the T-1 zoning district, which means for tourists. Majority of the area is has been developed for residential. It does about the Central Business District that's across from Hamlet and also the Mixed Use district. The T-1 is a high to moderate density district. Multi-family is allowed with a Conditional Use Permit, which is three units or more. Before you have the dimensional standards for and requirements in the T-1 zoning district that allows for 29 units per acre and a 50-foot height limit max. Here's the current status of the property. It's vacant. There are different types of residential uses. A mix is across to the west of the property. On Woody Hewett is a couple of single-family homes. On the east side across from Carolina Beach Avenue South is Carolina Surf, which is a 28-unit multi-family complex. To the north is two units on Carolina Beach Avenue South as well as a on the south is a single-family home, and behind that is a 10-unit multi-family structure. Before you is the site plan for ingress and egress to the property. Four units will be facing Woody Hewett, and four units are facing Carolina Beach Avenue South with their proposal. Each right-of-way will have two driveways, and access to the driveways will accommodate two units. The Town or staff is requesting a 4-foot sidewalk along Carolina Beach Avenue South. There's a current sidewalk there now, but it does dead end right before the property, so we're recommending to extend that sidewalk to the existing sidewalk, and the applicant said that he could would have no problems meeting that condition. Specific standards continued for off-street parking based off three bedrooms.

They are required to have 20 parking spaces, which they have met. They will have rollout for their trash services. There's no upgrades proposed for the utilities. A 10-foot landscape buffer around the perimeter of the property is required, which they are meeting. No signage is proposed at this time, and they are meeting the open space and setback requirements as far and as meet the lot coverage. All units will meet a two-hour minimum firewall separation requirement, and the building will have a sprinkler system. The max density for this property would be is nine units. They are proposing eight. The applicant must meet four general conditions, as you have before you. The Land Use Plan that has this area is Mixed Use, and the desired uses are residential and commercial lodging uses, and it serves as a transitional area for more intense and dense use from oceanfront multi-family in the Central Business District. Planning and Zoning did hear this last month and recommended approval along with the sidewalk condition, and I'll answer any questions that you have.

Mayor Pierce: There any questions for staff? We'll revisit that.

Mr. Hardison: And the applicant is here.

Mayor Pierce: Will the applicant like to present?

Mr. Barnes: Good evening, Madam Mayor, Council Members. Ned Barnes, 814 Carolina Beach Avenue North. I, too, shall be brief as Jeremy reviewed all the issues as relates to this project. The ingress egress, there's no issues with that. Again, we have eight units when we could build nine units. You have four units entering off of Woody Hewett. You have four units where the traffic where the owners will be entering off Carolina Beach Avenue South, so there should be no issue at all with any kind of ingress egress. There's absolutely no need for off-street parking. We've met all the parking requirements as established by the code of Carolina Beach. They have the standard residential refuse and trash service, the standard utilities that any residence has with Duke Energy and the utilities provided by the Town of Carolina Beach. Jeremy attested that they have met the 10-foot buffer requirement. They have conceded d to the sidewalk to be extended across the property. So again, with the as far as the seven specifics, we think we meet those without question. The general conditions, again as Jeremy alluded to, it's completely surrounded northeast and south of residential units. These will be residential units. I can't see of any scenario with this would in any way impair the value of the adjoining properties, nor do I see any scenario where this would impair the safety of the public as it relates to this matter. The height restriction, we've met that, and I think he's complying with everything that TRC has requested, everything that staff has requested related to this project. Chad is here, the builder. If you have any specific questions for him about the project, he'll be glad to answer those.

Mayor Pierce: Does Council have any questions? Is there anyone from the public who'd like to speak on this topic? OK, no one from the public. Any questions for staff? Any discussion?

Council Member Garza: I have none.

Council Member Shuttleworth: Nope. It's pretty straightforward. I'd make a motion to approve the CUP and find it in accordance with the draft grant order that the applicant should provide a 4-foot sidewalk along South Carolina Beach Avenue right-of-way, and it meets the seven specific standards and the four general conditions if developed in accordance to the plan as submitted.



Mayor Pierce: Motion on the table. All in favor?

Council: Aye.

**Mayor Pierce: Motion passes 5-0.**

Council Member Shuttleworth: Just as a point of clarification, Jeremy, this came as a CUP because it is more than two units on one lot. Is that the way I understand that?

Mr. Hardison: Correct.

Council Member Shuttleworth: It met all the other use by right in T-1. So would this be one of those changes that if we adopt the proposals that staff brought to us last work order, I mean, last work session with the changes in the UDO required at the state level, this wouldn't be coming back as a CUP?

Mr. Hardison: Eight units, as staff proposed, would. The cutoff was four units or less would be.

Council Member Shuttleworth: It would, even though it meets all the basic requirements, I mean, it meets all the use by right issues. The only reason, my understanding is the only reason we had to hear it tonight was because it's more than two units on a single lot. So anytime, whether it's in T-1 or anywhere, so I'm just wondering why, and that's fine. I'm just trying to understand what you presented last week, right, as far as potential changes and how we're going to hear CUPs or special zone issues or whatever we're going to call it.

Mr. Hardison: And staff is prepared to look more in depth in those conversations at the workshop for residential.

Council Member Shuttleworth: I mean, this one passed, and it's no issue. I mean, clearly Council felt that it met all the uses and it wasn't an issue, so I'm just trying to unburden staff and allow those approvals without having to go through all that. So anyway, that's it.

Mayor Pierce: So your CUP is approved, and thank you for investing in Carolina Beach, All right, so we will close that public hearing. I make a motion to close that public hearing. All in favor?

**Council: Aye (motion passes unanimously).**

11. Consider amending Chapter 40, Sec. 40-72 & Sec. 40-548 and CHAPTER 10, Sec. 10-3 definitions & Sec. 10-4 General Regulations to address floating homes.

**ACTION:** Motion to open 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 passes unanimously

Planning Director Jeremy Hardison reviewed the background of the issue, which originated because of complaints about a structure on a platform showing up at Carolina Beach Yacht Club and Marina earlier this year. This prompted investigation into the current ordinance.

Harbor and Marina Ordinance  
Living aboard a boat

- a. The town shall continue to prohibit the occupation of public trust waters by floating homes.
- b. Marinas may allow for liveaboard families on vessels located in approved boat slips.

Definitions

Floating home means a house built on a floating platform without a means of propulsion.

Land Use Plan

Due to the limited surface area of public trust waters for use and enjoyment by the public, floating homes shall not be permitted within the jurisdictional waters of Carolina Beach.

Mr. Hardison said the floating structure in question demonstrated propulsion via two outboards motors, which created a loophole in the intention to prohibit floating homes. Recognizing the need for clarification, Town staff sought to address this as a land use in zoning.

Proposed definition

Floating Structure means a barge-like structure, that is not used as a means of transportation on water but which serves purposes or provides services typically associated with a structure on or other improvement to real property used for human habitation or commerce. Incidental movement or the capability of movement upon water does not preclude a structure from classification as a floating structure. Registration of the structure as a vessel in accordance with NCGS Chapter 75A does not preclude a structure from classification as a floating structure.

Boat (vessel) means watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, paddle, or other means, used to travel from place to place by water. A boat or vessel shall also include any machine designed or intended to travel over water by self-propulsion

The Planning and Zoning Commission recommended approval to prohibit floating structures and adopting a definition.

Mayor Pierce said whatever is adopted tonight would not affect the current structure that brought about the proposed changes, but it would prevent the issue from happening subsequently.

Mayor Pro Tem Healy asked how the Town manages waste discharge and pumpout of vessels. Mr. Parvin said marinas are required by the state to maintain a pumpout log, but the state leaves it up to local government to enforce. He said violations are hard to enforce unless someone actually sees them occurring. He said the Town is building on the program and further enforcement.

**ACTION:** Motion to approve whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that amending Chapter 40 Article III & XVIII and Chapter 10 Sec. 10-3 definitions & Sec. 10-4 to prohibit Floating Structures in public trust waters and define water-oriented uses is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Barbee

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

Motion passes unanimously

Mayor Pierce asked if anyone from the public wanted to speak about floating structures. No one spoke.

**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 passes unanimously

## **ITEMS OF BUSINESS**

12. AN ORDINANCE TO AMEND Chapter 28 Article IV Freeman Park, Chapter 16 Article V Stopping, Standing, and Parking, and Chapter 16 Article VI Schedules. Amendments are designed to update and clarify current practices for parking and access to Freeman Park.

Mr. Parvin gave an overview of the proposed Freeman Park amendments. Every year at the end of the season, the Town evaluates the successes and challenges of its parking program and Freeman Park. This year the Town identified several areas in three articles of the Town Code that needed to be updated to be current with practices.

### Parking and Freeman Park Rules for 2021

#### Freeman Park

1. Clarified 4-wheel-drive vehicles only
2. Expanded allowances for towing to include hazardous conditions
3. Clarified that camping is only allowed in designated areas on Freeman Park
4. Freeman Park pass shall be permanently affixed to the windshield

#### Parking

1. Eliminated reference to the official parking map
2. Clarified prohibited parking areas
3. Clarified parallel parking regulations on the side of a roadway
4. Ensured regulations apply to golf carts
5. Updated payment procedures for public lots
6. Moved parking administration from schedules to "stopping, standing and parking"

7. Clarified timeline for immobilization
8. Added appeals procedures

#### Schedules

1. Removed parking administration from this section
2. Updated street names

Council Member Barbee asked if the proposed amendments were for clarity of enforcement rather than being new rules or changes. Mr. Parvin said yes.

**ACTION:** Motion to adopt Ordinance number 20-1146 to include the recommended changes to Chapter 28 Article IV Freeman Park, Chapter 16 Article V Stopping, Standing, and Parking, and Chapter 16 Article VI Schedules

Motion made by Mayor Pierce

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

Motion passes unanimously

13. Review alternatives and recommendations for selling Parking Stickers and Freeman Park Passes in 2021.

Council set parking sticker and Freeman Park sticker rates for the 2021 season when adopting the budget in June. However, the procedures for collecting and reporting this information are cumbersome and need to be revamped to increase efficiency and customer service. Likewise, the collection reports from the current vendor for parking (ParkMobile) have struggled to provide adequate reporting on revenues collected.

Council will consider vendors for on-site parking, Freeman Park sales, and camping site sales. Based on concerns in the past with current vendors, Town staff plans to recommend some changes from current practices. Town staff would like Council direction on the preferred option for collecting and reporting revenue concerning Freeman Park pass sales, camping permit sales, and parking sticker sales.

Officials from Reef Parking presented a 2019-2020 revenue comparison and an overview of the 2020-2021 parking program.

#### Freeman Park Pass Sales and Fees

- Click and Park will remain third-party vendor that will process sales transactions.
- Annual pass price will be \$110 (including fees) during the sale time frame and \$225 (including fees) when the sale ends. It can be purchased in-person only at Town Hall, the parking office, and Island Tackle.

#### Click and Park Improvements

- Manager Tool – We will have access to the backend software, providing the ability to change pass prices and block or unblock any campsites as needed.

- Cart Limit – They can limit the number of items in someone’s cart to one to prevent accidental purchase of multiple passes.

While these improvements will address some of the historical challenges in the past, we continue to explore additional solutions to further streamline the process and further elevate the user experience.

The mockup of the Freeman Park 2021 pass showed a blue stingray on a purple background.

#### On-street parking options

- ParkMobile – Current system used for all lots and on-street meters
- Text2Park – Current system used in two new lots (Surfside East and West)
- Pay By Phone – Not used by Town of Carolina Beach. Use in Wilmington and Wrightsville Beach

Council heard a rundown of pros and cons for each. Mr. Parvin said the Town is looking to go to Pay By Phone and keep options for Text2Park while doing away with ParkMobile.

#### Paystation vs. Touchless Payment Comparison 2020

- Analysis: fees that were paid by customer and the Town in 2020 with ParkMobile vs. what would have been paid with Text2Park and Pay By Phone

#### Staff Recommendation

- Transition to Pay By Phone for all public lots and metered spaces
- Expand Text2Park into lots without paystations, such as Shell East and Spartanburg
- Freeman Park Early Bird sales window of December 1-31

Council Member Shuttleworth said he would like to see the Freeman Park Early Bird sales window extended because Town Hall will be closed for the holidays for several days during December.

**ACTION:** Motion to approve the Early Bird special for Freeman Park to be implemented from December 1-January 7, 2021

Motion made by Council Member Garza

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

Motion passes unanimously

#### 14. Consider amending Chapter 34, ARTICLE VII. Sec. 34-224 – Unimproved Right-of-way

Mr. Hardison gave an overview of the proposed amendment regarding unimproved rights-of-way. Town staff is proposing to address standards when developing property adjacent to an unimproved road. An unimproved road is a right-of-way that is not paved. In some instances, it is gravel or dirt, or just grass with vegetation. There are a total of 77 lots that access an unpaved road, and 66 of those are vacant.

Typically, a road is improved by the developer at the time of construction or later if the Town decides to pave it. The adjacent property owners can also petition the Town. The cost on improving the road is handled through a property assessment of those properties that are adjacent to the road.

The ordinance does not currently address road improvements on properties that access off an unimproved road. In 2004 when the Wilmington Beach area started going through a building boom off of the existing gravel/dirt streets, the Town policy required a minimum of 20 feet width of gravel with a 6-inch base at the time of the certificate of occupancy final. This was a temporary measure, as the Town was in the process of paving the streets.

Town staff recommends requiring properties to pave the road at the time that development occurs for lots that front on unimproved roads. Paved roads increase safety, add value to the property, and improve environmental conditions vs. gravel roads.

#### Street Improvements

- When development occurs on an existing unimproved right-of-way (dirt, gravel, vegetation), what should the access to the property look like?

#### Street Improvements

- Total of 77 lots (66 vacant) that access an unpaved road
- Current policy must meet minimum fire access (20-foot width and 6 inches of crush and run)
- Proposed requirement
  - Sec. 34-224 –Unimproved Right-of-way  
New development along unpaved roads will be required to install a paved road that runs the length of the property to the adjacent paved road allowing emergency vehicles the ability to operate per the requirements below.
    - (1) Pavement Width - minimum of 20 feet or to the existing width of the adjacent road
    - (2) Material - pavement shall be constructed and compacted to handle the weight of a 75,000-lbs. emergency apparatus
    - (3) Any length of new paved road shall be compliant with Appendix D of NC Fire Code
    - (4) Road construction must be bonded prior to the issuance of a building permit and completed prior to issuance of a certificate of occupancy

Council Member Barbee and Council Member Shuttleworth expressed concerns about the cost of this proposed requirement to prospective homeowners.

#### TRC Recommendation

Amend Chapter 34, ARTICLE VII. - Sec. 34-224 – Unimproved Right-of-way to require paved roads for new development.

- Increase safety: washout, damage to vehicles, difficult to navigate (muddy/uneven)
- Add value to property: reliable and durable access, aesthetics
- Environment: cleaner/less dust, stormwater management

Council Member Shuttleworth said he likes the option of taking no action. Mayor Pierce said she is uncomfortable with the proposed requirement because it would discourage people from building on

properties along an unimproved right-of-way, resulting in devaluing of that property. Council Member Barbee said he doesn't want to vote on the matter at this time and would like to see it come back up at a workshop for further discussion and full understanding by Council.

**ACTION:** Motion to table this until a later date workshop

Motion made by Council Member Barbee

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

Motion passes unanimously

### **NON-AGENDA ITEMS**

Council Member Shuttleworth brought up the condition of the road in the area near Florida Avenue and Canal Drive. He said there are numerous wide and deep potholes. Mr. Oakley said there were plans to pave Carolina Beach Avenue South this winter, but the Town can look at reallocating to do some of the work in this area instead. Mayor Pierce said she challenged Mr. Oakley to come back with a plan on how the Town can do some road improvements to Canal Drive.

Mayor Pro Tem Healy said at a recent Parks and Rec Committee meeting he learned that the Town tried to get land south of Sumter Avenue years ago from Military Ocean Terminal Sunny Point (MOTSU) to increase ballparks and volleyball courts. He said he would like to revisit this in the future and mentioned this would be a good place to distribute spoils from Carolina Beach Lake. Council Member Garza said this was on a previous wish list sent to MOTSU.

Mayor Pro Tem Healy also mentioned the following: offensive graffiti at the skate park, the need for a Town staff liaison to the Beautification Committee, and recognition of a man named Key who works at the Boardwalk and helps keep the area clean.

Council Member Barbee said the mention of the Boardwalk reminded him that he had heard a complaint about the benches being moldy. Mr. Oakley said if that hasn't already been taken care of, it will be soon. Council Member Barbee gave praise to Mr. Oakley and other Town staff for solid fiscal management demonstrated through today's audit and parking presentations. Council Member Barbee also recognized that tomorrow is Veterans Day and thanked veterans for their service.

Council Member Garza mentioned an idea for billing and streamlining recurring fees for business owners. He also reiterated concerns about the condition of Canal Drive and said there are lots of power lines that appear to need attention, including one at Clam Shell Lane. Mr. Oakley said he will contact Duke Energy.

Council Member Shuttleworth said he was frustrated that so many members of the public are complaining that the Town can't enforce an existing ordinance that is similar to what is being enforced elsewhere regarding boarding houses. Mr. Oakley said the current ordinance does not even have a definition of a boarding house. He said Town staff is trying to work on making changes without grandfathering the current use, which is a challenge.

Council Member Shuttleworth said he wanted to acknowledge what a great asset retiring Police Chief Chris Spivey has been to the community.

Mayor Pierce said it concerns her when the public thinks Council is not doing anything or enforcing the law. She said this not the case and that the boarding house issue has been investigated several times. She said the Town is not ignoring the ordinance and would have done something about the situation immediately if able.

Mayor Pierce said she recently attended a meeting of the N.C. Beach, Inlet & Waterway Association via Zoom, which featured a discussion about derelict and abandoned vessels. She said state legislation is currently pending and urged Town staff to stay on top of this issue because it may help the Town.

Mayor Pierce asked Mr. Parvin to acknowledge a thank-you card sent to her by Girl Scout Troop 4791 for her participation in a program exploring 100 years of women’s suffrage. She said she wanted to thank them for allowing her to be part of it.

**CLOSED SESSION IF NEEDED**

None

**ADJOURNMENT**

**ACTION:** Motion to adjourn at 9:40 PM

Motion made by Mayor Pierce

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

Motion passes unanimously