

CAROLINA BEACH

Town Council Regular Meeting

Wednesday, November 9, 2022 - 6:00 PM

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



MINUTES

CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by Council Member LeCompte and Pledge of Allegiance.

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

CONSENT AGENDA

1. Set a Public Hearing for December 13, 2022, to Consider a Conditional Zoning Application for a 22-Unit Townhome Project Located at 205 and 211 Spartanburg Avenue in the R-1 Zoning District
Applicant: WB Coastal Development, LLC
2. Set a Public Hearing for December 13, 2022, to Consider a Voluntary Annexation for a 20,853-Square-Foot Tract Located on 601 Augusta Avenue into the Town of Carolina Beach Municipal Boundaries
Applicant: Parris Stratton
3. Approval of Council Meeting Minutes from October

ACTION: Motion to adopt the consent agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

Council Member LeCompte read a message from former Mayor LeAnn Pierce thanking Council, staff, and citizens for supporting her successful run for County Commissioner.

Mayor Barbee asked if any of the County's beach towns ever had a former Mayor or Council Member go on to serve as a County Commissioner. Council Member LeCompte said she was told this has never happened. Mayor Barbee said in his opinion, this will be good for all the County's beach towns because Ms. Pierce understands the issues facing coastal communities.

SPECIAL PRESENTATIONS

4. Events Update by Ed Parvin

Mr. Parvin reviewed upcoming special events:

- Neon Bike Brigade – November 12 beginning at Lake Park
- Police Department Bike Rodeo – November 13 at the Recreation Center
- CB Art and Skate Festival – November 19 at Mike Chappell Park
- Santa by the Sea – starts November 26 at the Boardwalk Gazebo
- Letters to Santa – mid-November through December 6 at the Recreation Center
- Christmas Parade – December 2 along Lake Park Boulevard
- Holiday Market – December 3 at Lake Park
- Movie by the Lake – December 9 at Lake Park

Council Member Hoffer asked about the Lighting at the Lake. Council Member LeCompte said this is part of the Island of Lights organization.

Mayor Barbee recognized Jim DeGilio from the Pleasure Island Chamber of Commerce and praised the organization for a fantastic job with the Cape Fear Kite Festival.

5. Filming Request – “Vacation 911”

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

Police Chief Vic Ward said he met with Glistening Productions representatives via Zoom and sent them information about call volume and events. He said the group felt like the series was a good fit for the Town and he felt good about it.

Mayor Barbee said he assumed filming would be done during the summer season. Chief Ward said yes, the series wants to get peak season activities but would also film a little before and a little after the summer.

Angela Smith, Sarah Walters, and Kyle Prince of Glistening Productions made a presentation to Council via Zoom.

Ms. Smith gave background about the series and said they are seeking a place with a beautiful backdrop. She said the goal of the series is to get to know officers as human beings and see crimes from their perspective with fly-on-the-wall-style filming.

Mr. Prince described the logistics of how filming would work. He said the series would use small crews of two to four people and engage in local spending on accommodations, equipment, etc.

Mayor Barbee asked for examples of their work. Ms. Smith directed him to the Glistening Productions website for more information and said they can send shows the company has made.

Mayor Barbee asked if Chief Ward would have the authority to halt production during times when he sees fit. Ms. Smith said yes, they don't want to get in anyone's way and plan to be collaborative to make the relationship work.

Council Member Benson asked how they identified the Town and what stood out. Ms. Walters said she was charged with finding beautiful places that attract tourists from across the country and world. She said she was searching for a police force with a strong connection to its local community and full of relatable personalities.

Mayor Pro Tem Healy asked about the liability of the crew riding with officers. Ms. Smith said they have insurance for every production and there would be no liability on the Town's behalf. She said Glistening Productions has teams of lawyers who tell them what to do to protect everybody.

Council Member LeCompte said the Town would need to see how this would fit with its Human Resources Department.

Mayor Barbee said anything that shows the Police Department in a positive light is a good thing, but he has some concerns about employees being filmed. He said he wants to voice support for the project but needs to hear about potential legal issues.

Council Member Hoffer said he doesn't have enough information to approve this project right now.

Ms. Smith asked Council to come up with a list of concerns so they can be addressed before entering into an agreement. She said the series only wants to feature officers who are comfortable on camera, and no one will be forced to participate.

Staff will review the legalities and bring back details to Council. Mayor Barbee said mid-December is likely when Council might have an answer about the Town's participation in the series. He said he is flattered and honored that they found the Town and thanked them for their consideration.

6. Manager's Update

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

Starfish Public Access Grant

The Town just received approval for a \$130,000 grant from Coastal Area Management Act (CAMA) for the Starfish public access. This will go toward rebuilding the pier, putting in a bulkhead, and replacing the stormwater pipe and valve to improve flooding issues. Staff reached out to neighboring property owners to try to shift the location of the pier, but the Town failed to get signatures on the riparian rights there so it must be rebuilt in its current location. If it is over 50% is damaged, the Town will have to do some work this year and some next year, but if not all the work can be done this year. Damage started years ago, but Hurricane Florence made the situation worse.

Council Member Hoffer asked if there is a match to this grant. Planning Director Jeremy Hardison said yes, there is a 20% match to this grant.

Council Member Benson said the Town had budgeted the entire \$130,000 for the project, so this grant will be a net positive for the budget even with the required match.

Mayor Barbee asked for specifics about the negotiations with residents. Mr. Oakley said the Town wanted to center the pier, which is now closer to one of the neighboring properties, between the two. To do this the Town needed both signatures, and to move it 4 feet from the existing property only one signature was needed, but neither one has signed at this time, he said. Mayor Barbee said it seems that what the Town is proposing to do would benefit the neighbors when it comes to stormwater and flooding.

Marina Project

After what's left of Tropical Storm Nicole moves through the area, piling work will begin. Then work will move to the last phase. Only the right-turn lane heading south on Canal Drive will have to be closed to complete the final phase of the project.

Mayor Pro Tem Healy said the docks are constructed so well that the Town may want to consider redoing the west side next year.

Snow's Cut Bridge Beautification Project

The plan, which was recently scaled back due to costs, is being sent to the N.C. Department of Transportation (DOT) for approval in the next few days. The Town anticipates easy approval and hopes to get started on the project this month.

Council Member LeCompte said the North Carolina Wildlife Federation is willing to partner and help pay for the project.

Florida Avenue

Stormwater improvements will begin on November 14 and last about a week. The Town is hoping to get some quotes from paving contractors shortly after that. A relentless tidal cycle during late summer and fall contributed to delays with this project, but next week looks good for conditions to be right.

Pavement Condition Index (PCI) Paving

The project is out to bid, and bids are due by November 16. Once paving starts the work will move quickly, but many paving contractors are booked so there may not be an immediate start.

Spartanburg Avenue/2nd Street Stormwater Project

Project bids are due by November 18.

Rock Revetment

This project involves a rock revetment on the North End that has been washed over and filled in by the past few storms after the nourishment project. CAMA is ready to sign off but must wait until the sea turtle moratorium is over in December. The contractor is ready to begin as soon as CAMA approves. Work will involve restacking the rocks and filling in sand behind them.

Mayor Barbee said the Town needs to remember this issue every time there is a nourishment project. He said it's not part of work done by the U.S. Army Corps of Engineers, so it falls by the wayside.

Council Member Benson said maybe the Corps can knock out this work as a line item in future nourishment contracts. Mr. Oakley said he will reach out to see if this can be included.

Henniker's Ditch Maintenance

Staff is working on getting quotes for annual maintenance of the Town's main drainageway so it can continue to work as intended.

Budget Retreat Tentative Plans

- Community survey – December 12-January 11
- Town Hall open house – January 18
- Budget retreat – January 26-27

Mayor Barbee said one of the goals of Council's strategic plan was to increase public involvement in the budget process. He said before planning for the next budget cycle starts, he wants Council to pull up the current plan and report on progress for accountability and improvement purposes.

Miscellaneous

Council Member Benson asked whether Military Ocean Terminal Sunny Point (MOTSU) will allow the Town to temporarily store docks on MOTSU property by the wastewater treatment plant. Mr. Oakley said the Town received verbal approval yesterday.

Mr. Oakley praised staff involved with grant work. Council Member LeCompte said she would like an update on how much the Town has gotten in grant money this year.

Council Member Hoffer asked if there is any update on the Ocean Boulevard sidewalk project. Mr. Oakley said he has heard nothing new and that work is continuing on the final design.

Mayor Barbee asked if there are any updates on the lake dredge issue. Mr. Oakley said the Town is getting close to receiving a final response from the Corps.

PUBLIC COMMENT

Mayor Barbee said an earlier version of the agenda had a typo that indicated there would be a public hearing about golf cart regulations. He said the golf cart regulations item will not have its own public hearing, and anyone who wants to speak about the matter should do so now during public comment.

Wayne Rouse spoke about the debt service coming up for water and sewer. He asked that Council and staff communicate this with residents.

Patrick Boykin of 712 Glenn Avenue spoke about the condition of the property next door to his home and said he continues to have health and safety concerns. He said he made a service request over two months ago and has not received any communication from the Town, so he will be looking for help at the County and State levels.

PUBLIC HEARINGS

7. Conditional Zoning to Consider a Drinking and Eating Establishment Classified as a Bar to Serve on-Premises Alcohol Located at 604 North Lake Park Boulevard
Applicant: Shagri-La, LLC

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

The applicant has applied for a Conditional Zoning (CZ) application for a bar/tavern in the Highway Business (HB) District. The proposal includes providing on-premise wine, beer, and liquor. When on-premise alcohol is being served and the use is not classified as a standard restaurant, the ordinance defines the use as a bar. Alcoholic Beverage Control (ABC) requires restaurants to have food comprise at least 30% of their sales or it is classified as a bar. A bar is allowed through the approval of CZ in HB.

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

The existing building is a two-unit commercial building built in 1998. It meets the current lot coverage and setbacks requirements. No additions are proposed outside of the current footprint. The applicant is providing 11 on-site parking spaces and four off-site parking spaces across Lake Park Boulevard in

Winner's RV Park on property adjacent to the public right-of-way. The parking space amount and location were approved in the original Conditional Use Permit approved on December 9, 1997.

The building consists of 3,200 square feet of indoor area. The most recent previous use was an eating and drinking establishment, which has the same parking calculation as bars and taverns. At the time of the approval of the existing building, the 1984 zoning ordinance did not require pedestrian access between off-site parking and the building.

Proposed conditions

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

As part of the application process, a community meeting is required. The applicant held the required meeting on August 26. No one attended, but a neighbor sent a statement of support for the proposal.

The project is in general conformity with the 2020 Land Use Plan. This area is recognized as a higher-density area with a mix of uses within the district and individual buildings. Staff recommends approval of the project as proposed.

Senior Planner Gloria Abbotts presented the details. She showed photos of the site, the site plan from 1997, and the existing floor plan of the business.

The Planning and Zoning Commission recommended approval 4-1 with the omission of the sidewalk condition and omission of the requirement for an approved parking surface for the four off-site parking spaces as long as they are designated with wheel stops and signage.

Applicant Nicole Adkins of 209 North 3rd Avenue in Kure Beach said nothing about the business will change. She said a cocktail program has always been her main focus, and she is unsure Shagri-La will routinely meet 30% in food sales. Ms. Adkins said being classified as a bar will allow her to continue to operate the business if she loses her kitchen staff. She said she is not planning to stay open late, become a nightclub, or have DJs.

ACTION: Motion to close the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Council Member Hoffer said he agrees with the Planning and Zoning Commission's recommendation to omit the sidewalk and paved parking requirements. He said this would be an unrealistic burden on the business owner.

Mr. Oakley said Council needs to ask for public comment. Ms. Fox advised Council to reopen the public hearing.

ACTION: Motion to reopen the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Wayne Rouse of 508 Monroe Avenue, who is Chairman of the Planning and Zoning Commission, said he can answer any questions Council has about the Commission's recommendation. He pointed out that Brad Jones, who previously owned a business at Shagri-La's current location, is in attendance.

Brad Jones of 616 Charlotte Avenue said the restaurant and retail space he opened in Shagri-La's current location was a great place for families to come, especially in the off-season. He said he would love to see that tradition carried on by the current business.

No one else requested to speak.

ACTION: Motion to close the public hearing again

Motion made by Mayor Barbee

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

Motion passed unanimously

Mayor Pro Tem Healy said there is a bar to the left and right of Shagri-La.

Council Member LeCompte said one of those was just approved last year without a sidewalk requirement.

Mayor Barbee said he reached out to the property owner to see if there were any concerns, and the property owner is fully supportive of what the business owner is proposing.

Council Member Benson said the plan looks good with the changes the Planning and Zoning Commission recommended.

Mayor Barbee said this business is doing well and strives to raise the bar in terms of the guest experience. He said he may feel differently about requiring a sidewalk if it was a new building breaking ground.

ACTION: Motion that whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for a bar located at 604 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts of the surrounding area are mitigated by the

approved conditions, but in this motion we are removing the sidewalk and the parking conditions that staff recommended in agreeing with Planning and Zoning

Motion made by Mayor Barbee

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

Motion passed unanimously

ITEMS OF BUSINESS

8. Text Amendment: Consider Amending Chapter 16 Article II Sec. 16-75. – Rules and Regulations for Golf Carts

Applicant: Town of Carolina Beach

The Police Department has requested that the Town's golf cart regulations be consistent with the State statute. Chief Ward presented the details. The proposed amendments would add the following requirements to the existing language:

- Carts must be equipped with a rearview mirror, side mirrors on each side of the cart, reflex reflectors, windshields, and windshield wipers.
- Seat belts must be worn by all passengers exceeding 8 years of age and exceeding 80 pounds. A child passenger less than 8 years of age and less than 80 pounds shall be properly secured in a weight-appropriate passenger restraint system.
- Weight-appropriate passenger restraint systems may only be used in the front seat or another forward-facing seat within a cart.

Mayor Barbee said these regulations would put golf carts in line with low-speed vehicles (LSVs), which must have license plates.

Council Member LeCompte said she thought the Town passed this years ago. Ms. Fox said there were significant safety revisions a long time ago, but because of the large number of golf carts in the Town there was some concern that including everything at one time would be burdensome. She said a previous Council struck some of the safety provisions considered at that time and they never came back, so she thinks it's appropriate to pass this proposal at this time.

Council Member LeCompte asked if there will be time for golf cart owners to comply with the new regulations. Chief Ward suggested promoting this immediately but giving a grace period with warnings until the first of the year.

Mayor Barbee said he thinks the Town should sunset golf carts, but he isn't sure how to go about doing this without affecting those who currently have them. He asked staff to look into how this could be done and stressed that he is not referring to LSVs. He said golf carts that don't have license plates create operational issues because owners can't be identified.

Council Member Hoffer said if a golf cart meets all the criteria proposed tonight, it should be able to register for a license plate.

Council Member LeCompte said Council would need to get public input on this.

ACTION: Motion to approve the text amendment to Chapter 16 Article II Sec. 16-75. – Rules and Regulations for Golf Carts as presented by Chief Ward

Motion made by Mayor Barbee

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

Motion passed unanimously

9. 2nd Street Water/Sewer Assessment

The property owners in the 1000 block of South 2nd Street between Greenville Avenue and the Carolina Sands neighborhood filed a petition with the Town to improve the right-of-way in front of their properties. The length of the unimproved right-of-way is approximately 270 feet and adjacent to four impacted parcels. The following were adopted by Council at public hearings:

- Preliminary assessment resolution on March 21, 2022
- Resolution directing the right-of-way be improved with a street, stormwater, and utilities on September 13, 2022

Mr. Parvin presented the details. He said within one year after completion, the owners would reimburse the Town for two-thirds of the cost. Mr. Parvin said tonight staff is asking Council to adopt two ordinances to establish a budget for the project to move forward: one is for street paving and the other is for water/sewer.

Mayor Barbee said Council has already voted to move forward on this project, and this is just a formality to get it done.

ACTION: Motion to approve Ordinance No. 22-1186 and 22-1187 as presented

Motion made by Mayor Barbee

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

Motion passed unanimously

10. Committee Appointment

Council made the following committee appointment:

- Operations – Stephen Taylor

COUNCIL COMMENTS

Council Member Hoffer questioned why some items are being pushed to workshops instead of being heard at regular meetings. Mayor Barbee said Council's intent is to vote on items during regular meetings because that's when there is time for public comment, and informational items are typically reserved for workshops. Mayor Pro Tem Healy said his understanding is that committees typically present during workshops because workshops offer a more open and relaxed way to communicate with Council. Mayor Barbee said he would like to have a general agreement among Council that

committee presentations be done in workshops unless a committee is bringing forward something that requires an immediate decision.

Council Member Benson said the Operations Advisory Committee is looking forward to presenting an update to Council at the November workshop.

Council Member Benson suggested offering a five-year lease for the property that hosts the amusement rides. Mr. Oakley replied that the Town usually prefers contracts for two years but will bring this back to the next workshop. Council Member Hoffer said Council Members need to think about what would make it in the Town's best interest to extend the lease.

Mayor Pro Tem Healy said electric bicycles in the Town pose the potential for serious injury. Mr. Oakley said staff is hoping State legislation will allow the Town to make changes in the future. Council Member Hoffer asked the Police Department to have a presence on the Island Greenway to try to slow down electric bicycles.

Mayor Barbee said he has received complaints from residents on Clarendon Avenue that drivers are speeding in the area by 6th Street where the stop sign was removed. He said they are requesting that the stop sign be reinstalled.

Mayor Barbee said residents have mentioned that there are no stop signs on the Cape Fear Boulevard multi-use path like the ones on the Island Greenway. He said they are requesting that the Town add stop signs at the intersections on the Cape Fear Boulevard path. The Bike/Ped Committee will review this.

Council Member LeCompte asked where things stand with Carolina Beach Avenue South. Council Member Hoffer said the Bike/Ped Committee is still considering possible recommendations.

CLOSED SESSION

11. Closed Session – Attorney/Client

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

Motion made by Mayor Barbee

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

Motion passed unanimously

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

ADJOURNMENT

Mayor Barbee adjourned the meeting at 8:10 PM.