

CAROLINA BEACH

Town Council Regular Meeting Minutes
Tuesday, July 14, 2020 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Regular Meeting was held on Tuesday, July 14, 2020, at 6:30 PM in Council Chambers.

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, and Town Attorney Noel Fox

MAYOR PIERCE CALLED THE MEETING TO ORDER WITH INVOCATION BY MAYOR PIERCE FOLLOWED BY THE PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda with the change that the conditional-use permit for 522 North 7th Street will be heard on July 28 at the 5:30 PM meeting and the addition of a closed session tonight

Motion: Mayor Pierce

Vote: UNANIMOUS

CONSENT AGENDA

Budget Amendment(s)

1. Year End Budget Transfers
2. Budget Amendments for Carryovers
3. Budget Amendments/Transfers

Council Member Garza asked about the transfer of \$82,152 from account 10-580-045 Environmental Contract Services. He wanted to know what wasn't done that allowed the Town to have that much of an overage. Public Works Director Brian Stanberry said this was due to new solid waste rates that were different than what was projected.

4. Appropriate Funds for COVID-19

Meeting Minutes

5. Approval of Meeting Minutes

ACTION: Motion to approve the consent agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

CLOSED SESSION

ACTION: Motion to go into closed session to discuss an attorney-client matter and a personnel matter in accordance with NCGS 143-318.11(a)(3) and (6); the matter being discussed is 19 CVS 2999 Stier Construction Inc. and Keith Carroll vs. Town of Carolina Beach

Motion: Mayor Pierce

Vote: UNANIMOUS

Council returned to open session at 7:00 PM, stating no action was taken during closed session.

SPECIAL PRESENTATIONS

6. Manager's Update

Mr. Oakley gave updates about COVID-19 restrictions at the State level and also reported County and Town infection statistics.

He also reported that regarding hurricane damage at the marina, the Town is expecting a determination memo from the Federal Emergency Management Agency (FEMA) as early as next week. Expecting that it will not be a large amount of money, the Town is preparing to appeal and hopes the Golden LEAF Foundation will step in and help make that complete.

Mr. Oakley said residents continue to be concerned about traffic issues, including speeding and heavy volume, on Mackerel Lane. He said Town staff has been studying the area and doing traffic counts but would like to wait until it's possible to get a better review or analysis of the area to ensure the problem isn't being pushed to other areas. Mr. Oakley said this is necessary before any significant changes are implemented. There are plans to reach out to the Wilmington Urban Area Metropolitan Planning Organization (MPO) to see if the Town can get help with the study, but the Town also may need to explore other options.

He said Town staff is aware of complaints about beach canopies being left up overnight and the enforcement issue this problem poses. The Town has been using a tag system overnight that marks the offending canopies for pickup by Public Works in the morning, but Mr. Oakley said a better system is necessary and he plans to sit down with other departments to come up with a plan.

Regarding short-term rental registration, Mr. Oakley said the Town found out some of the laws passed don't jibe with the proposed ordinance, so that issue is being pushed back for further work and will come back to Council in the future.

Mayor Pro Tem Healy asked what happens to canopies when they are removed from the beach. Mr. Oakley said they are disposed of in the trash.

Council Member Barbee said he wants to make sure the Town of Kure Beach is included in the Mackerel Lane discussions because the street interconnects with the neighboring municipality. Mr. Oakley said this would definitely be done.

PUBLIC COMMENT

Mayor Pierce read the following public comment submitted online:

I speak for my neighbors when I say that we plead with the Town to reconsider the 8' chain link fencing being proposed for the 313 Florida Ave project. Please reconsider blocking off parking and protecting the site with the originally proposed split rail and matching what is already existing on site. An 8' commercial fence blocking the views to the beautiful Snows Cut should not be permitted in a neighborhood.

Thank you,
Kerry Machovec
309 Georgia

Council Response:

Mayor Pierce said there are deed restrictions on that well site that the Town cannot control. She said the Town asked for a split-rail fence and was denied, but the Town was allowed to leave access to the water open as a park.

Ms. Fox said there is a specific person the Town must go through to ask for options on this site, and if that person says no the only other option is for the Town to lose that property.

Mayor Pierce said Council would like to see a more aesthetically pleasing fence but that the Town needs the well site and is happy to allow continued access to the water. She said the fence would be something different if it was up to Council.

PUBLIC HEARINGS

7. Consider adopting the 2020 CAMA Land Use Plan Update

ACTION: Motion to open the public hearing

Motion: Mayor Pierce

Vote: UNANIMOUS

Planning Director Jeremy Hardison said the Land Use Plan update was in its final stages. He reviewed the history of the process and introduced Jay McLeod of Stewart, who has been assisting the Town with the update. Town staff is recommending adoption of the proposed Land Use Plan that will then be forwarded to the Coastal Resources Commission for review and certification prior to becoming effective.

Mr. McLeod gave a general overview of why planning is necessary and discussed specific policy recommendations.

Mr. Hardison reviewed changes to the Land Use Plan that were proposed during the process:

- Change Canal Drive from low to medium density
- Change west side of Bonito Lane from low to medium density
- Mirror Downtown Business Area classification to Central Business District zoning
- Mirror low density area with R-3 zoning
- Remove the Gateway Corridor overlay district and the term
- Make the medium density residential minimum lot size 5,000 square feet instead of a range of 5,000-9,000 square feet

- Make verbiage less restrictive to reflect “discouraging” rather than “restrict” development in land around the lake
- Match the T-1 zoning

Council Member Shuttleworth asked Mr. Hardison to describe what is meant by “discouraging.” Mr. Hardison said this would be a softer approach that seeks elements that can be used for better development practices. Council Member Shuttleworth said rather than discouraging development, it might be better to encourage environmentally sensitive development and come up with guidelines for incentives so it would be positive rather than negative.

Mr. Hardison also reviewed questions that came up at the June Council workshop:

- Possibly expanding the NB land classification area south of the lake to allow for additional commercial opportunities on the south end of the Town
 - Planning & Zoning Commission to accommodate both residential and commercial uses
- Making the Central Business District end at Pelican Lane
 - Planning & Zoning Commission recommended the Downtown Business area to end at the existing Central Business District zoning line north of Pelican Lane
 - LUP has commercial ending at Pelican Lane and residential starting
- The height in the Highway Business zone, specifically the HT property
 - This area is designated for 4-5 stories desired

ACTION: Motion to open public comment

Motion: Mayor Pierce

Vote: UNANIMOUS

Keith Bloemendaal of 305 Peninsula Drive, Chairman of the Planning & Zoning Commission, spoke to clarify some of the changes that were recommended during the process. He said the Commission voted unanimously on every recommended change.

Wayne Rouse of 508 Monroe Avenue, Planning & Zoning Commission member, also gave insight into the process from the perspective of the Land Use Plan Steering Committee.

Deb LeCompte of 307 Charlotte Avenue, Vice Chairman of the Planning & Zoning Commission, also spoke briefly about the process.

All three said they were in agreement with the making the Central Business District end at Pelican Lane.

Mayor Pierce closed the public comment period.

Council Member Barbee said he was pleased with the process.

Mayor Pro Tem Healy said he likes the changes that the Planning & Zoning Commission recommended.

Council Member Shuttleworth said he is concerned that due to COVID-19 and restrictions on the size of gatherings, he is concerned that the public has not had a chance to give final input on the

proposed Land Use Plan. He said this is especially important because this is a document that's going to last for 10 years. He recommended postponing a final vote for 30-60 days so the public has time to weigh in. Mayor Pro Tem Healy said he is unsure that circumstances will allow for large gatherings within that time frame. Council Member Garza recommended having a meeting outdoors to allow for more people to gather. Council Member Barbee said he thinks people have had a chance to speak but that he will agree to a delay on the vote if that's what Council wants. Mayor Pierce said although there has been a lot of public input, she has received calls from real estate professionals who expressed concerns about not being able to attend meetings because they don't feel comfortable going out. She said she doesn't want to deny anyone the opportunity to have a say in this important document and would like to have one more meeting to give the public a chance to speak as long as it's not a big deal to put it off. Mr. Hardison said the Town is not under a timeline for adoption, so delaying the vote will not pose any problems with the process. Mayor Pierce said she will leave it up to Mr. Oakley to get creative with ideas on where to have the meeting so the public can safely attend.

ITEMS OF BUSINESS

None

NON-AGENDA ITEMS

Mayor Pro Tem Healy said Town Census participation is still low at 36.2%. He said residents have until the end of October to participate and stressed the need for adequate federal funding. He also asked about the possibility of putting striping on Canal drive to make it safer for bicyclists. Mr. Oakley said he would speak to Operations about this.

Mayor Pierce mentioned the issue of resuming Town committee meetings under COVID-19 restrictions. Mr. Oakley said only committees with essential business are meeting. Mayor Pierce said this practice should continue for August at the discretion of the committee chairmen and Council liaisons. Council Member Barbee said only business with budgetary impact or critical projects should move forward at this point.

Mayor Pro Tem Healy encouraged Town residents to safely take advantage of attending open-air Little League sports.

Mayor Pierce praised recent efforts of the Beautification Committee.

Mayor Pierce asked about whether there was any progress on development of the old Harris Teeter and miniature golf lots. Mr. Hardison said he has talked to Harris Teeter representatives, who are looking at marketing that property and are interested in meeting with the Town to find out what they would like to see there. Mayor Pierce said the Town is changing, so maybe there is a use the Town is interested in now that it wasn't interested in years ago.

ADJOURNMENT

Mayor Pierce made a motion to adjourn at 8:15 PM. Motion passed unanimously.