

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, February 14, 2023 - 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 Pastor Shawn Blackwelder of St. Paul's United Methodist Church 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

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

Mayor Barbee said a closed session will be added to the end of the agenda, and there will be an additional item under the Special Presentations section.

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 Public Hearing for March 14, 2023, to Hear from Nonprofits Regarding Funding Requests
2. Resolution 23-1193 creating a Capital Project Fund in the amount of \$200,00 for the AIA Wastewater Grant and Resolution 23-1194 in the amount of \$200,000 for the AIA Water Grants
3. Budget Amendments as presented by the Finance Director
4. Approval of Council Meeting Minutes

Council Member Benson asked if the intent of item 2 is to better inform the Town on how to proceed with capital improvement projects. Mr. Oakley said this will be an inventory of all the Town's pipes and

infrastructure for water and sewer. He said it will be very helpful to know what we have and where it is.

ACTION: Motion to adopt the consent agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

SPECIAL PRESENTATIONS

5. Presentation by Girl Scout Gold Award Candidate Madeline Fischer

Madeline Fischer gave an update on her Girl Scout Gold Award efforts, which she initially spoke to Council about last fall. She has been working with Ocean Cure to implement a wheelchair washing station at the beach and reported that it is now 100% complete. Ms. Fischer has also made signs and fliers letting the public know about the availability of free beach wheelchairs, the beach mat, and the wheelchair washing station. In addition, she created mini sandboxes for kids who can't get on the ground as well as "I spy" game cards. Ms. Fischer is hoping to get the community involved with beach mat maintenance and made a video showing how to sweep it; she also passed around a signup sheet for volunteers willing to sweep the mat.

Council Member LeCompte thanked Ms. Fischer for having a vision and the leadership to bring it to fruition. Council presented Ms. Fischer with a certificate of achievement as well as a Town sticker and pin.

6. Events Update by Tim Murphy

Jay Carrillo, organizer of Surf Dog Experience events, gave a presentation about starting a CB Skate Dog event on April 29 from 11:00 AM to 2:00 PM at the Mike Chappell Park Skate Park. The rain date will be April 30. He said expected attendance is 100 people.

Carrillo said Ocean Events USA will donate 40% of sponsorship dollars and 100% of registration fees to Phase II expansion of the Skate Park. He is requesting 15 sponsor tents inside the park, additional bleachers, and three portable toilets from the Town.

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, said the Events Committee has reviewed the proposal and thinks it would benefit the Town. He said the event will have to provide their own portable toilets, but the Town will look into providing bleachers and try to help.

ACTION: Motion to approve the Skate Dog event 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

Mr. Murphy reviewed upcoming special events:

- Steve Haydu St. Patrick's Lo Tide Run – March 11
- Solstice Healing Arts & Music Festival – March 18 at Carolina Beach Lake

7. Manager's Update

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

Building Permits and Inspections

New Hanover County has assigned a Building Inspector to the Town to fill the absence created by the departure of the Town's previous Building Inspector. He will be in Town Hall five days per week. The Town will evaluate whether this will be a permanent solution or if it should bring back its own Building Inspector position in the future.

Existing building permits will follow the previous process. New building permits will use Customer Online Application & Services Tool (COAST), the County's online system.

Mayor Pro Tem Healy suggested that builders try to create a relationship with the new Building Inspector as soon as possible.

Marina

The marina project is still ahead of schedule. There were some concerns about the locations of panel boxes that hold the meters for each dock. The Town is working with Duke Energy to try to screen the panels because they are unsightly. They hope to find a solution that will make these look like an asset instead of an eyesore.

Public Works Pre-Season Projects

- Marina restrooms: cleaned, painted, fixtures repaired, and automatic door locks installed
- Sandpiper restrooms: cleaned, flooring and walls repaired, fixtures repaired and lights replaced, painted, and exhaust fans replaced (shower valves forthcoming)
- Lake restrooms: doors replaced, siding and railing repaired, lighting replaced, pressure washed, and painted – 90% complete
- Alabama restrooms: cleaning, painting, railing repairs, walls, and shower valves – scheduled this week
- Boardwalk restrooms: scheduling contract plumber for fixture replacement and automatic door locks installed
- Hamlet restrooms: automatic door locks installed
- Boardwalk walkway repairs: replacement of damaged wood and fish tile imprints and long-span lumber on order – scheduled following Alabama restrooms
- Parking lot construction at 304 Carolina Beach Avenue South: lot graded and stoned and poles, rope, tire stops, signs, and aprons forthcoming – 60% complete

Paving Projects Update

- Pavement Condition Index (PCI) Phase I: pre-construction meeting and patching to begin at the end of February/early March with overlay to follow
- Florida Avenue: contractor determined with reclamation and paving to occur in April
- Carolina Beach Avenue North: out for bid in early March

Mayor Barbee said crews did not put night reflectors on the section of Dow Road where the turn lane is. He said he expects they are coming back to finish the work. Council Member LeCompte said crews are returning to put on a final coat of paving, so that’s probably why the reflectors haven’t been done yet.

FY 23-24 Budget Process and Schedule

- February 28 – current budget status (workshop)
- March 14 – public hearing for nonprofit requests (Council meeting)
- March 16 – budget open house for water and sewer 4:00-6:00 PM
- April 11 – public hearing to receive community input (Council meeting)
- April 25 – budget workshop
- May 2 – budget workshop
- May 2 – budget open house
- May 9 – public hearing for community input (Council meeting)
- May 23 – budget message presented to Council (workshop)
- June 13 – adopt budget (Council meeting)
- July 25 –budget/strategic plans follow-up retreat

Other Updates

The open house for public water and sewer will be March 16 4:00-6:00 PM.

The Town is finalizing the stormwater plan and moving forward with the Ocean Boulevard sidewalk. Staff is working with the engineer on the final encroachment agreement from the N.C. Department of Transportation (DOT), and then the project will go out for bid. Council Member Hoffer asked staff to ensure the sidewalks tie in together.

The lake dredge project will go out for bid tomorrow.

The Town will take over running the annual Christmas Parade. The Island of Lights organization will continue to be involved and there will be no visible differences, but the Town recognized some logistical problems that staff could best solve if it was managing the event. The Town commits \$20,000 per year to run the parade.

Staff thought it would be difficult to maintain the proposed entryway roadside beautification plan but will look into making improvements in the vicinity of the “welcome” signs with the help of the Beautification Committee. Council expressed interest in having signs promoting the Town’s 100th anniversary.

Mr. Parvin demonstrated how to use SeeClickFix, an online system for reporting problems and issues to the Town.

Mayor Barbee said a resident sent a message commending staff members Darius Grady and Stuart Frye for their professionalism and quick response regarding a sewer backup on Super Bowl Sunday.

PUBLIC COMMENT

Patrick Boykin of 712 Glenn Avenue said he came to the Town at the beginning of last year and five more times since then regarding health and safety concerns about the condition of the property next door. He said trash, debris, and a downed tree are creating nesting areas for wildlife. Mr. Boykin questioned why the Town has ordinances on record that it's not enforcing. He said he has also reported a pothole in front of his property with no response or action from the Town. Mr. Boykin said he has started to look for help at the County and State levels.

Bryant Bass encouraged the Town to hire an in-house Building Inspector. He said the Town has more control over its own employee to help preserve a small-town feel.

Kelli Taylor of 607 Harper Avenue said she was against removal of the parking spaces on South Lake Park Boulevard in front of her business. She asked the Town to consider a better option, such as having Carolina Beach Avenue South as an alternate route instead of South Lake Park Boulevard. Council Member Hoffer said the parking spaces were removed for safety reasons. He said the intent was not to encourage people to ride bikes through there but to provide pedestrians space to walk.

PUBLIC HEARINGS

8. Text Amendment to Amend Chapter 40, Article III – Zoning District Regulations, Article V – Off-Street Parking and Loading Requirements; Parking, Article VI – Landscaping and Development Specification Standards, Article IX – Development Standards for Particular Uses, and Article XVII – Definitions to Create Standards for Event Venues
Applicant: Michael Urti

ACTION: Motion to open the public hearing to amend Chapter 40, Article III

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

Applicant Michael Urti is proposing a text amendment to allow for event venues as a use in the Central Business District (CBD). Currently, the zoning ordinance does not address event venues as a permitted use, and there are no similar uses or use standards in the existing ordinance that would apply.

Staff worked with the applicant to come up with language to define the use and associated standards that would apply. The text amendment consists of the defining the use and defining the existing meeting facilities use. The existing meeting facilities use has been associated with uses such as the masonic lodge and senior center. Event venues will be defined as commercial establishments with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings.

Wilmington, New Hanover County, and Wrightsville Beach all approve event venues and event centers through a Conditional Zoning (CZ) approval process. The CZ process allows for additional public input and the opportunity for specific conditions to be placed on the use. If adopted, event venues would be permitted only through CZ. The applicant requested that event venues be permitted in the CBD; staff also suggests the Highway Business District. Event venues would have the same parking requirements as eating and drinking establishments. The text amendment clarifies the waiver of parking requirements in the CBD if there are enough public parking spaces, not just public parking lots, to allow for street parking to be included in the calculation. Event venues must comply with all ABC standards, abide by the noise ordinance, and provide landscaping. The landscaping ordinance currently requires only the installation of a 6-foot fence if a commercial use is adjacent to residential uses or districts. The proposed landscaping requirement states that uses in the CBD abutting residential districts shall provide a Type B 10-foot landscape buffer along the abutting side and rear yards. The purpose of additional landscaping is to protect the residential areas and mitigate concerns.

Staff recommends approval of the text amendment as proposed, and the Planning and Zoning Commission unanimously voted to recommend approval of the text amendment as proposed.

Senior Planner Gloria Abbotts presented details. She went through each of the five sections in the ordinance, two of which were driven by the applicant and three that were additional amendments by staff as the allowance was reviewed.

Council Member LeCompte asked why the definition for a meeting facility is limited to nonprofit organizations only. Mr. Oakley said it refers to who is operating the facility, not who is using the space. Ms. Fox said the terminology technically should be “not for profit” instead of “nonprofit” because of the specific connotations involved.

Michael Urti of 513 Monroe Avenue said the proposed text amendment lays the groundwork for what he and his partners want to do with the property. He said a 10-foot landscape buffer would be difficult to do in the CBD. Mr. Urti also asked Council to consider private parking lots that are open to the public within the definition of public parking spaces.

Butch LeCompte of 307 Charlotte Avenue said he is concerned about patrons of event venues parking in nearby residential neighborhoods. He said he wants the Town to be prepared for and think ahead about this possibility to avoid conflicts. Mr. LeCompte said residents don’t want to be in a position of having to enforce parking.

No one else requested to speak.

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's surprised this is not already an allowable use.

Mayor Barbee asked about the definition of public parking. Planning Director Jeremy Hardison said this would include parking lots owned or managed by the Town and not privately operated lots. He said although private lots are open to the public, there is no Town oversight of these parcels and no guarantees for their continued availability.

Council Member Benson said he would like to see the requirement for reduction in off-street parking changed from being within 500 feet of adequate public parking spaces to 1,000 feet. He said people will park a little farther away for an event.

Mayor Pro Tem Healy said he is in favor of the proposed text amendment.

Council Member LeCompte said Council has already voted to create residential zones where you have to hold a permit to park in those areas, so she thinks the parking issue has been addressed even if signage has not yet been created.

Council Member Hoffer said an event venue could be small and does not necessarily mean hundreds of people, so he doesn't have a problem with it.

Mayor Barbee said he agrees with staff's definition of public parking because the Town has no control over private parking lots.

Council Member LeCompte said Council Member Benson may have a point about how many feet away public parking should be.

Mayor Barbee said the Planning and Zoning Commission's unanimous vote to recommend approval holds a lot of weight with him.

ACTION: Motion to approve Ordinance No. 23-1195

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

Ms. Fox asked Mayor Barbee to read the full suggested motion.

ACTION: Motion for approval whereas in accordance with the provisions of the North Carolina General Statutes Council does hereby find and determine that the adoption of the following ordinance amendment to amend Chapter 40, Article III – Zoning District Regulations, Article V – Off-Street Parking and Loading Requirements; Parking, Article VI – Landscaping and Development Specification Standards, Article IX – Development Standards for Particular Uses, and Article XVIII Definitions to Create Standards for Event Venues is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

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. Zoning Map Amendment to Consider a Request to Rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD)
Applicant: Michael Urti

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

Applicant Michael Urti has submitted a petition to consider rezoning 209 Charlotte Avenue from Mixed Use (MX) to CBD zoning. The neighboring property to the east is under the same ownership and currently in the CBD. The applicant is requesting to combine both properties. The applicant has requested the rezoning because as the owner of both parcels of land and operating under one business entity, he would like to see the same zoning apply to 209 Charlotte Avenue, so all business-related decisions and operations fall under the same zoning guidelines.

Redevelopment of the property would require the recombination of the property. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Section 40-45 of the zoning ordinance. Previously, 209 Charlotte Avenue existed as the parking lot for the previous Deck House restaurant at 205 Charlotte Avenue. Kate's Pancake House restaurant is east of the property; there are five residential uses across the street and five residential uses to the rear of the property.

Staff recommends approval of the project as proposed, and the Planning and Zoning Commission voted 5-2 to recommend approval.

Ms. Abbotts presented the details. She gave some background and history about the property. The existing building was constructed as a Presbyterian church in 1985 and operated as Steeple Restaurant 1985-1994. In 1994, a Conditional Use Permit was granted for a mixed-use project of a French-American restaurant and retail shops. Deck House opened in 1998 and closed September 2022.

Ms. Abbotts said historically both parcels were in the Central District as part of the 1984 ordinance and zoning map. She said they were rezoned in 2000 to MX for 209 Charlotte Avenue and CBD for 205 Charlotte Avenue.

North Carolina General Statute 160D states that if the zoning map amendment is adopted and the action is deemed inconsistent with the adopted Land Use Plan, the zoning map amendment has the effect of also amending any future Land Use Plan map.

Michael Urti of 513 Monroe Avenue said the purpose of this request is so there will be cohesive uses between 205 and 209 Charlotte Avenue without worrying about jumping over the line of distinction.

No one else requested to speak.

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 LeCompte said voting to allow the rezoning would correct an egregious error. She said the majority of homes surrounding the property are short-term rentals, so business is going on everywhere around the property. Council Member LeCompte said tearing down the building and putting in condos would mean a huge increase in transient visitors to the area, so she appreciates this vision of proposing this as an event venue because it's something the Town needs.

Mayor Pro Tem Healy said he is not aware of anyone who is currently against this proposal, and he thinks it will be good for the Town. He said the applicant has an excellent history of positive projects that are creative while preserving older buildings, using Nauti Dog as an example.

Council Member Hoffer said he thinks Council is making a mistake by focusing on the proposed project instead of the long-term potential for the zoning change. He said if something happens to Mr. Urti, there would be a number of other permissible uses for that parcel that are not permissible now.

Mayor Barbee said Council needs to be OK with the possibility of all of those uses in the future.

Council Member Benson said he is 100% behind the request.

Mayor Barbee said he is typically not in favor of encroaching the CBD toward residential areas, but this parcel has operated as being in the CBD his entire life so it doesn't feel like a change in this particular case.

ACTION: Motion for approval that whereas in accordance with the provisions of the North Carolina General Statutes, the Council does hereby find and determine that the adoption of the zoning map amendment and Land Use Plan amendment for 209 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions

Motion made by Council Member LeCompte

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

Motion passed unanimously

ITEMS OF BUSINESS

10. Discussion on Planning and Zoning Member Terms for 2023

Council discussed whether to extend the current Planning and Zoning Commission member term limits while the Commission is working on the Unified Development Ordinance (UDO). Mayor Barbee said this is going to be a long project, and with four terms coming up for reappointment on June 30 continuity may be affected. He said he would like to reappoint all four for an additional three-year term.

Council Member LeCompte said she is in favor of extending all four terms for consistency and expediency with the UDO project.

Mayor Pro Tem Healy asked if the four Commissioners are OK with being reappointed. Mayor Barbee said Commission Chairman Wayne Rouse told him they would all accept the additional terms.

Council Member Hoffer asked why Council shouldn't wait to reappoint them when their terms come up in a few months. Mayor Barbee said the idea was to solidify that body going forward without delay. Ms. Fox suggested bringing back something formal for Council to consider next month, and the consensus of Council was to agree to that.

11. Amendment to Town's Rates and Fees Schedule

In fall 2022, the Town agreed to reduce fees associated with parking violations. Since then, the Town has changed vendors to reduce cost and increase customer service. However, the new vendor cannot accommodate the two-part reduction as originally adopted.

To accommodate the changes and simplify the process without impacting the vision for offering discounts for early payment, staff recommends:

- Removing the 50% reduction after 24 hours and 25% reduction after 48 hours
- Adding allowance of a 50% reduction for the full 48 hours

Mr. Parvin presented the details.

ACTION: Motion to amend Ordinance No. 23-1197, change to the Town's rates and fees schedule, 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

12. Consider the Police Advisory Committee's Request to Change Their Meeting Time from 7:00 PM to 6:00 PM

Council Member LeCompte presented a request from the Police Advisory Committee to change its meeting time from 7:00 PM to 6:00 PM effective with the March meeting. She said Police Chief Vic Ward suggested Council consider this action to align with Council meeting times and allow for staff to have a shorter day.

ACTION: Motion to change the meeting time for the Police Advisory Committee from 7:00 PM to 6:00 PM effective with the March meeting going forward

Motion made by Council Member LeCompte

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

Motion passed unanimously

COUNCIL COMMENTS

Council Member LeCompte asked about parking leases for Pelican Lane and Guy Johnson Motel lots. Mr. Parvin said these were not yet secured. Council Member LeCompte requested that staff move forward with using the Harper Avenue lot and Federal Emergency Management Agency (FEMA) lot on Hamlet Avenue so the Town can be in the driver's seat for a change. Mr. Oakley said he thinks the issue is on the agenda for the next Technical Review Committee (TRC) meeting.

Council Member Benson asked about the entry sign for the State Park but acknowledged this was not a Town responsibility. He also said he would like for Duke Energy to give a presentation on street lighting because there are some very dark areas in the Town.

Council Member Hoffer said people are still parking in the spaces that were recently removed along South Lake Park Boulevard. He asked that parking enforcement allow some time for drivers to get used to the change rather than writing tickets immediately. Council Member Hoffer said he would like to move forward with the Spartanburg Avenue crosswalk and extension of sidewalks by the Lake and asked if the budget was good for adding more paving projects to the list while crews are mobilized.

Mayor Barbee asked about the difference between a bottle shop and bar. Mr. Hardison said currently if a business is not a restaurant or brewery and wants to serve alcohol on premises then it must be a bar, but the Town may want to look at other categories that don't necessarily fit the profile of a bar. He said TRC will review an application related to this issue on Tuesday.

Mayor Barbee asked staff to look at the ordinance regarding curtains on the outside of restaurants during cold months as they relate to parking requirements. He said the current ordinance defines the space inside curtains as indoor space and therefore increases the parking requirement, and he does not want restaurants outside the CBD to be penalized for providing weather protection for outdoor seating areas. Mayor Barbee asked staff to bring the current ordinance to Council for review. Council Member LeCompte said she brought up this issue a year ago and was told it would be addressed with the UDO review, but the Town shouldn't wait that long. Mayor Barbee suggested having dates where restaurants would be exempt from the parking requirement. It was the consensus of Council to review options from staff next month.

CLOSED SESSION

12. Closed Session – Real Estate

ACTION: Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(5); the properties being discussed are the following Parcel IDs:

- R08814-001-007-000
- R08807-013-005-000
- R08807-013-004-000

Motion made by Mayor Barbee

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

Motion passed unanimously

ADJOURNMENT

Mayor Barbee adjourned the meeting at 8:45 PM.