

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 10, 2023 - 6:00 PM

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



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## 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

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

### ADOPT THE AGENDA

Mayor Barbee said a closed session was added to the original 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. Proclamation to Recognize Arbor Day
2. Approval of Council Meeting Minutes

Council Member LeCompte pointed out that the consent agenda includes a proclamation to recognize Arbor Day, which is a requirement of the Tree City USA accreditation initiative.

**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**

#### 3. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, reviewed upcoming events:

- 4<sup>th</sup> Annual Beachin' Car Show – October 14 at Lake Park
- Pleasure Island Surf Fishing Challenge – October 20-22
- CB Skatefest – October 21 at Skate Park
- Beach Cleanup – October 22 at Carolina Beach Pier
- Annual BBQ Fundraiser – October 28 at the Fire Department
- Halloween Golf Cart Rally – October 28 beginning at Publix and ending at the Boardwalk
- Kite Festival – November 3-5 at Boardwalk beach strand (night event) and Fort Fisher State Recreation Area
- Neon Bike Brigade – November 11 beginning at Lake Park
- Police Department Bike Rodeo – November 12 at Recreation Center
- Movie at the Lake (Jaws) – October 13 at Lake Park
- Halloween Carnival – October 27 at Mike Chappell Park
- Christmas by the Sea Kickoff – November 25 at the Gazebo

Council Member LeCompte said volunteers are needed for the Bike Rodeo, and people may sign up on the Police Department's Facebook page. Mr. Murphy said they may also call the Recreation Center.

#### 4. Presentation by the Wilmington Urban Area Metropolitan Planning Organization

Mike Kozlosky, Executive Director of the Wilmington Urban Area Metropolitan Planning Organization (WMPO), presented the organization's annual report for fiscal year 22-23. He gave an overview and reviewed the board and agency responsibilities. The report covered the following:

- Organizational assessment
- Long-range planning efforts
- 2050 Metropolitan Transportation Plan development
- Board highlights
- Transportation Demand Management program
- Office update – renovation of 525 North 4<sup>th</sup> Street
- Technical services

WMPO Deputy Director Abby Lorenzo presented details about the 2050 Metropolitan Transportation Plan, including the following:

- Overview
- Requirements
- Plan and project implementation
- Plan development
- Citizen advisory committee and technical steering committee meetings

- Public outreach
- Survey
- Website for more information and resources: [www.wmpo.org](http://www.wmpo.org)

#### 5. Firehouse Subs Public Safety Foundation Grant Award

Fire Chief Alan Griffin reported that the Fire Department applied for and was awarded a \$39,900 Firehouse Subs Public Safety Foundation grant, which will be used to purchase extrication tools for the new rescue truck.

#### 6. Manager's Update

Mr. Parvin gave an update on various projects:

- Brandy Myers Playground – Equipment is expected on site next month.
- 2025 Lake Park Boulevard paving – Staff will meet with N.C. Department of Transportation (DOT) engineers this Friday.
- Sidewalks from Lake Park to Carolina Sands – DOT is preparing a design to present to the Town by mid-November.
- Ocean Boulevard sidewalk – DOT sent another list of questions, and staff and the engineer have responded.
- Skate Park – A contract was signed today for the expansion project.
- Marina – The marina project is still ahead of schedule.
- Stormwater piping – Columbia, Pinfish, Sand Fiddler, and Saint Joseph have been completed. Sea Ray and Mackerel are forthcoming.

Mr. Parvin asked NCDOT traffic engineer Scott James to come to the podium to allow Council Members to ask him questions about the Seagrove traffic configuration.

Regarding the effort to reconfigure stop signs in the Seagrove neighborhood, Mr. Parvin asked if bicycle and pedestrian traffic is being considered when looking at recommendations.

Mayor Barbee said he has heard about close calls with vehicles blowing through 4-way stops along the Greenway and asked for insight.

Mr. James said this is more about enforcement and not an engineering challenge. Regarding stop sign placement, he said they consider uses of the intersection in terms of conflict management; the road with the higher volume should have the right-of-way, and the lower volume should yield. Mr. James said some of the stop sign changes and other traffic controls were done to reflect the fact that this is now an emergency response route, which is given priority with all other uses balanced. He said stop signs are not to be used for speed control, and traffic calming is a response from an engineering approach if enforcement is not available and education is not working.

#### **PUBLIC COMMENT**

Matthew Lettrich of 1310 Spot Lane requested stop signs on North Carolina Avenue at Croaker, Spot, and Sea Ray.

Pete Green of 901 North Carolina Avenue, who is Vice President of the Seagrove homeowners' association, also requested stop signs at these intersections.

Luis Perez of 3 Cape Fear Boulevard introduced himself as the new General Manager of Silver Dollar. He said he is looking forward to the business enhancing and beautifying the storefront and bringing the area to life.

Olin Furr spoke about the complaint the Oceana neighborhood filed against the Carolina Beach Yacht Club and his dissatisfaction with the results.

James Sanderford also spoke about the issues between Oceana and Carolina Beach Yacht Club. In addition, he proposed the idea of putting high-visibility stop bars at the intersections on North Carolina Avenue.

Paul Levy spoke about short-term rentals. He asked Council to consider looking into implementing regulations on trash and parking.

Andrew Argenio of 103 Lanier Landing Court thanked Council and staff for finding grant money for projects.

#### **PUBLIC HEARINGS**

7. Conditional Zoning to Consider a Bar at 801 Saint Joseph Street in the Highway Business District (HB)  
Applicant: Putter Pub LLC

**ACTION:** Motion to open the public hearing to consider a Conditional Zoning permit for a bar at 801 Saint Joseph Street

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 Putter Pub LLC is proposing a bar at 801 Saint Joseph Street as a use in the Highway Business (HB) District. Bars are allowed through the approval of Conditional Zoning (CZ) in HB. The proposal includes an accessory 18-hole mini golf course and on-premise alcohol sales. Under the eating and drinking establishment regulations, when on-premise alcohol is being served it requires CZ.

The applicant is leasing the 860-square-foot commercial building on a 10,256-square-foot lot. Built in 1983, the structure was most recently a T-shirt printing shop and locksmith business and has historically operated as a veterinarian office. The property is surrounded by commercial uses. Across the street is a multi-family condo building in the Marina Business District. The applicant is proposing to renovate the existing building for the use of a bar with an accessory mini golf outdoor area. Modifications to the building also include the construction of Americans with Disabilities Act (ADA)

bathrooms, bar, storage, and office area. The purpose of HB is to accommodate businesses oriented toward the motoring public that require a high volume of traffic. In many cases, businesses in HB serve the entire community and beyond. For the most part, they are located on major thoroughfares so they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas.

Consumption of alcohol on site constitutes a change of use and therefore a change in the parking requirement. The parking requirement for bars is 1 space per 110 square feet of indoor gross floor area. The total indoor gross floor area of the building is 860 square feet. The total number of required spaces for the project is 8. No outdoor gross floor area is currently proposed. There is no proposed service area outside. The parking area will remain gravel and be designed to meet one-way traffic for 90-degree parking. Concrete aprons must be installed in the driveway. The applicant proposes an 8-foot fence along the rear property line, which must be approved by the Planning and Zoning Commission and Council.

The applicant is requesting a waiver to the landscaping requirement around the new accessory mini golf area. Landscaping requirements may be waived at the discretion of the Commission and/or Council on projects requiring CZ. The applicant meets the 200-foot separation requirement from schools, churches, and residential districts. The proposal includes removing the existing dumpster and utilizing rollouts to handle trash. There is a proposed 8-foot multi-use path that will be adjacent to the property along the Saint Joseph Street right-of way.

As part of the application process, a community meeting is required. The applicant held the required meeting on May 23, 2023, and 19 people attended. Among concerns voiced were hours of operation, live music, lighting, seating, and parking.

#### Proposed Conditions

1. The proposed use shall be limited to an indoor bar with an accessory mini golf outdoor area.
2. The use and development of the subject property shall comply with all regulations and requirements of any other federal, state, or local law, ordinance, or regulations.
3. A Type A landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by the Commission and Council.
4. The 20-foot drive aisle shall be designated and marked as one-way with signage.
5. Outdoor lighting shall be installed as to not disturb neighboring properties.
6. Shall provide drainage plan prior to building permit issuance and meet stormwater ordinance.
7. The building is in the AE11 flood zone. Renovations to the building exceeding 49% of the value of the building shall meet Federal Emergency Management Agency (FEMA) requirements.
8. Concrete aprons required, and stormwater must be contained on site for all new impervious surfaces installed.

Senior Planner Gloria Abbotts presented the details. She said the project is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy and redevelopment, and the project is in conformity with the Mixed Use Commercial Future Land Use Map Character Area.

Applicant Ryan O'Rourke of 212 Peninsula Drive described the project and said they are excited to provide a family-friendly outdoor activity that is ADA-accessible.

Several Council Members asked about the proposed 8-foot fence. Mr. O'Rourke said on the back side of the property there is a construction company with a lot of debris, so they would like to block this from view.

Mr. O'Rourke said items will be served through a window to mini golf players, and they can take drinks on the course.

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

Wayne Rouse of 508 Monroe Avenue, representing himself and not the Commission, said he thinks the new business being ADA-compliant is a wonderful thing because it will provide another option for people with limited mobility and send a positive message that the Town is accessible for all.

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 Benson said he is in favor of conditions to approve a landscape waiver and an 8-foot fence.

Council Member Hoffer said he supports the proposal, but he would rather not have an 8-foot fence because he doesn't want to set that standard around the Town.

Mayor Pro Tem Healy said the community needs more ADA-accessible activities, and he praised the applicant's effort to keep trees and work with Carolina Beach Elementary School.

Council Member LeCompte said there was a previous Commission discussion about allowing an 8-foot fence by permit. Planning Director Jeremy Hardison said the outcome was that staff can approve a fence up to 6 feet in height, but anything higher must be authorized by Council.

Mayor Barbee said since the Town shifted to a CZ process, there is much more conversation and cooperation with business owners, resulting in better projects. He said he has no problem with the fence or the project as it's proposed.

Mr. Hardison said the Commission voted to recommend approval of this CZ project with the 8-foot fence on the west side requested by the applicant.

**ACTION:** Motion that Council, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the Conditional Zoning District to allow for a bar at 801 Saint Joseph Street is consistent with the goals and objectives of the adopted Land Use Plan and other long-range goals and the potential impacts on the surrounding area are mitigated by the approved conditions; that includes a landscape waiver as requested and an 8-foot fence along the west side property line

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 sorry this has taken so long, and he hopes the Town can learn from this and speed up the process.

## **ITEMS OF BUSINESS**

### 9. Text Amendment to Amend Chapter 12, Section 12-7 – Planting and Protection of Trees

Applicant: Town of Carolina Beach

In 2022, Council directed staff to compile the necessary information to apply for Tree City USA accreditation. The Town's application was rejected on the grounds that the current tree-related ordinance does not specifically address protection of public trees to meet the requirements of Tree City USA. The requirements to receive Tree City USA accreditation are to maintain a tree board, have a public tree ordinance, spend \$2 per capita on urban forestry, and celebrate Arbor Day. Tree City USA, a program hosted by the Arbor Day Foundation, started in 1976 to celebrate communities that are committed to growing and preserving their urban canopy.

The text amendment has been reviewed by both the Technical Review Committee (TRC) and Beautification Committee. Any comments or concerns have been reflected in the final draft of the ordinance. The text amendment consists of delegating tree board authority to the Beautification Committee, establishing clear guidelines for public tree maintenance, and setting the penalty for harming public trees as a misdemeanor with a \$500 fine. These changes address the concerns from last year's application.

Ms. Abbotts presented the details. She said the text amendment also allows the Town to maintain a preferred tree planting list.

**ACTION:** Motion to amend Chapter 12, Section 12-7 – Planting and protection of trees and the 23-24 Rates and Fees Schedule to include a \$500 fine for damage or removal of trees on Town-maintained property

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 North Carolina celebrates Arbor Day on the first Friday following March 15, and the Town is going to plant some trees next year on Arbor Day.

### **COUNCIL COMMENTS**

Council Member LeCompte said Pets in the Park was a big success with over 1,000 people in attendance, but heavy equipment from the lake dredge project was left behind prior to the event despite a promise by the contractor to move it. She said the contractor often leaves a mess around this job site, and issues need to be addressed.

Mayor Pro Tem Healy thanked everyone who came to the public forum on Monday night. He said he wanted to stress that residents may vote for two Council candidates in the upcoming election.

Council Member Benson asked Council and staff to consider renewing the property lease where the Ferris wheel has been located for five years. Ms. Fox will review the contract and bring back options for Council to consider.

Council Member Hoffer said the Eagle Scout doing the bench project wants responses about placement. Town Manager Bruce Oakley, who attended the meeting virtually, said they will be installed next week.

Council Member Hoffer gave an update about the Greenway usage survey. He also asked staff to remove the dying palm trees around Town Hall and said he agrees that the lake job site is sloppy.

Mayor Barbee said the Town lost a resident on Monday due to a brutal crime that happened at Fort Fisher. He praised the first responders who were on scene.

### **CLOSED SESSION - REAL ESTATE MATTER**

**ACTION:** Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(3); the properties being discussed include Parcel IDs R08807-013-005-000 and 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*

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

### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 8:00 PM.