

CAROLINA BEACH

Town Council Workshop

Tuesday, June 25, 2024 - 9:00 AM

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



MINUTES

CALL TO ORDER

Mayor Barbee called the meeting to order at 9:00 AM.

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Deb LeCompte

Council Member Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

DISCUSSION ITEMS

1. Operations Committee Project Request

Operations Advisory Committee Chair George LeCompte, Bike/Ped Committee Chair Rodney Kidd, and Beautification Committee Chair Cindy Dunn gave a presentation about a joint committee project request for pedestrian benches along Lake Park Boulevard between Snow's Cut Bridge and Alabama Avenue following the 2025 repaving project. This project would be 100% privately funded.

Mr. LeCompte said they are asking for Council's support to move forward and direct staff to collaborate with the committees to define:

- Bench supplier (will consider historical supplier and alternates as directed)
- Bench size (5-foot fixed back)
- Color (one color, light tone, and colorful/non-heat-absorbing)
- Bench installation method (basic footing)
- Bench locations and refinements (need direction from staff on setbacks, permissions, etc.)
- Locations (have considered 12 potential sites for first 7 initial locations)

Ms. Dunn said benches are phase one, and implementing shade for them would be phase two.

Mr. Kidd said the project encourages biking and walking and adds bike loops so there is more bike parking.

Mr. LeCompte reviewed the 12 potential locations, which include the Proximity frontage area. Matthew Shuttleworth of the Operations Advisory Committee said Proximity representatives are open to doing two benches that they would fund, but they would like details about what the benches would look like and the cost.

Mayor Barbee said when the Town looked at putting a sidewalk from Lake Park to Carolina Sands, it seemed simple but resulted in a lot of complications. He said this leads him to question whether benches can be put on the side of Lake Park Boulevard. Mr. Oakley said they would need to run this by the N.C. Department of Transportation (DOT) because DOT would need to approve anything placed in the right-of-way of Lake Park Boulevard.

Council Member Healy said he thinks the benches and shading should be done at the same time and not in two phases, even if it means starting with just 4 benches surrounded by healthy trees. He asked if any businesses other than Proximity have been approached about sponsoring benches. Mr. LeCompte said no because the committees did not want to get too far into the project before presenting to Council. He suggested Parks & Recreation Director Eric Jelinski would be a good staff member to work with due to his knowledge of the private funding process for the Boardwalk benches.

Mr. Oakley said the first step is to determine what DOT will allow and what the rules are. Mayor Barbee said he's comfortable with asking staff to do a deeper dive to find out what can and can't be done, and then the committees can adjust their plan based on those findings.

Council Member Hoffer said he supports the project and believes some spots could be approached right away. He said he loves the private funding aspect.

Council Member Benson asked if the benches will be designed similar to those at the Boardwalk for uniformity. Mr. LeCompte said yes.

Mr. Oakley said staff has an upcoming meeting with DOT and will pose questions about this project then and give feedback directly to the committees.

Mayor Barbee said if a business sponsors a bench, it could go on their property and not in the right-of-way, so DOT rules wouldn't apply in those situations.

Council Member Hoffer said it would be a good idea to make a plug for this project in the new Bike/Ped Master Plan by identifying places for people to rest as a goal.

Mr. LeCompte also presented information about a request for a visitors' information kiosk at the marina. This interactive kiosk would:

- Offer WiFi-enabled technology with touchscreen click-stream tracking
- Reduce workload at Town Hall answering question
- Provide a modern approach to sharing key information and visitor experience

- Be potentially funded by room occupancy tax (ROT) collections

Mr. LeCompte reviewed features that could be incorporated into the kiosk, which would be a joint project of the Operations Advisory Committee and Marketing Advisory Committee. He said the marina is the best place to do the first one because this is a strategic location where a lot of visitors pass. Mr. LeCompte said the committees are asking Council to support the idea and allow them to explore it further with staff to help figure out logistics and other details.

Mayor Barbee suggested getting both the Centennial Committee and the Wilmington and Beaches Convention and Visitors Bureau (CVB) involved. He said the Town already put in two kiosks that were to be funded via advertising revenue, but that hasn't worked out because no one has advertised and no one is in charge of content. Mayor Barbee said the CVB is working with the City of Wilmington to put kiosks on the Riverwalk, so he suggested finding out more about this and seeing how the Town can piggyback on this effort.

Mr. Oakley said the two existing kiosks are not as interactive as the one proposed today. He said even if ROT funds are used, this would have to go in the budget.

Council Member Healy said he likes the idea of getting more information out to the public, but he thinks the marina is a terrible spot because not many visitors go there, although this will change once there is a park there. He suggested putting the kiosk somewhere that could also offer human interaction.

Mayor Barbee said it would be nice to put it near the visitors' center once a location for that is determined. He said that would be a good way for people to get information when the center is not manned.

Council Member Hoffer said people will be stopping at the marina area more once the I Love CB sign is installed. He said he would like to explore with the New Hanover County Tourism Development Authority (TDA) the idea of using marketing dollars instead of ROT money. Council Member Hoffer said he'd also like to ask if the TDA will cover a viewing platform in that area.

Mayor Barbee suggested getting Marketing Advisory Committee Chair Jeff Hogan involved with the project and arranging a meeting with the CVB to find out more about what is being done with kiosks in downtown Wilmington.

2. Final Draft – Unified Development Ordinance (UDO)

Community Development Director Jeremy Hardison said Council will hold a public hearing and vote to adopt the Unified Development Ordinance (UDO) at the July 9 meeting. He said today Council will hear an overview of proposed changes and have the opportunity to ask questions and provide feedback. Mr. Hardison said the final draft is a culmination of 18 months of work from the Planning and Zoning Commission, which has recommended approval.

Wes MacLeod of Cape Fear Council of Governments, who assisted with the process, presented the draft of the Town's first Unified Development Ordinance (UDO). To create this, the respective chapters relating to land use (Chapters 30, 32, 36, and 40) contained in the Town's General Code will be repealed and the existing relevant language incorporated into the new UDO. This ordinance process began in July 2022, with the first Commission UDO meeting held in October 2022. An audit of all existing land development ordinances was completed to identify areas in need of change.

The editorial draft contains strikethrough (language proposed for deletion) and underline (new language) formatting. Public hearings held before the Commission and Council are required prior to adoption.

The following items have been completed as part of the draft update:

- Updates and modification for overall organization and clarity. Reduction in overall text and clarification of many ambiguous and unclear provisions.
- Consolidation of procedures, roles, responsibilities, and administrative items into one article (Article 2).
- Revision to the table of permitted uses to consolidate use types where feasible and incorporate additional uses required by case law or North Carolina General Statutes.
- Establishment of impervious coverage limit of 65% for all zoning districts, with the exception of HB, CBD, and T-1. The 65% limit is based upon an assessment of existing site conditions throughout the Town's planning jurisdiction.
- Restriction on the use of site fill to raise the elevation of a lot. The placement of fill is restricted to 1 foot above the crown of the adjacent street or alley. An exception is provided for lots impacted by tidal flooding. The CBD and HB zoning districts are exempt from this requirement.
- Consolidation of development standards such as fences, parking, sidewalks, and driveways into one article (Article 3).
- Update to off-street parking requirements to allow up to 20% of the required parking spaces to be utilized for golf cart or low-speed vehicle (LSV) parking.
- Restriction of the use of private streets in future subdivisions.
- Removal of the allowance of bonding or financial guarantees for the installation of infrastructure.
- Update to the wireless article in accordance with North Carolina General Statutes.

Mr. MacLeod said on July 9 Council may adopt the ordinance and make it effective immediately or adopt it with a future effective date.

Mayor Barbee said he doesn't think it's fair to current development projects in progress to make the UDO effective immediately. He asked if it would be possible to make it effective immediately but allow the old rules to apply to projects in progress. Mr. MacLeod said anyone with an application could choose to use the new rules or continue with the old rules. Mayor Barbee said someone may have plans to build based on assumptions about the current rules, so he's trying to offer some flexibility to developers by giving them a window.

Council Member Hoffer said he would recommend making the UDO effective 30 days after adoption so those working on plans can move forward with an application before the new rules take effect. Mr. Hardison said the Town can send notice to builders.

Council Member Hoffer mentioned the following language in the UDO: “Any building or structure for which normal repair, renovation, demolition and reconstruction, or routine maintenance is proposed in an amount less than 100% of the current tax or certified appraised value of the building or structure, regardless of the reason for such repair or maintenance, shall be entitled to do so using the same building footprint and density with which the building or structure was originally constructed, provided the number of living units or nonresidential spaces are not increased and no additional nonconformities are created.”

The previous ordinance was for 50% instead of 100%. Council Member Hoffer asked if there are any communities that don't have a cap on this at all. Mr. Hardison said 50% is the rule he has typically seen. Council Member Hoffer said the property owner of a non-conforming structure still can't change the footprint or add onto the building, so he is almost inclined to eliminate the 100% language and have no cap. Mayor Barbee suggested moving to 100%, seeing how that goes, and changing in the future if necessary. Mr. Parvin said there are a lot of scenarios they should be careful about before making any further changes to that section.

Council Member Healy said it's amazing how much the Town has changed and grown in 5 years, citing that there used to be just 4 golf cart parking spaces. He commended Mr. MacLeod and the Commission for the detail they put into this draft.

Mayor Barbee said he thinks the new UDO will serve the public well.

3. Annual Write-off of Outstanding Accounts Receivables

Council adopted a Utility Debt Write-off Policy on November 15, 2011. Per the policy, debt that has exceeded 3 years should be written off of the Town's financial accounting records. The legal obligation to pay the debt will still remain with the debtor even after an account has been written off. Debt of at least \$50 will be submitted to the N.C. Department of Revenue for debt setoff proceedings to continue collection efforts.

Ms. Hall said this list of debts was high because this was a COVID year during which the State mandated there could be no utility cutoffs, so a lot of renters got behind. She said next year the total should be dropping back down to normal levels.

ACTION: Motion to approve Resolution 24-2308 to authorize the writing off of uncollected utility accounts for a total write-off of \$31,910.28

Motion made by Mayor Barbee

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

Motion passed unanimously

4. First Reading of Resolution 24-2307 Supporting New Hanover County's Ordinance on Abandoned Vessels

(This item was removed from the agenda.)

5. Annual Committee Appointments

Mayor Barbee said Council makes committee appointments as positions open throughout the year, but this is the annual slate of appointments for terms that expire on June 30.

Council made the following committee appointments:

- Beautification – Emily Harding, Jullena Jones Shelley, Linda Bottoms, Sarah Finn, Scott Pate
- Bike/Ped – Rodney Kidd, Yvonne Bailey
- Board of Adjustment – David Marshal (alternate), Wayne Rouse, Dan Adams
- Marketing – Jim Kitts, Lexi Pate
- Operations – Cindy Dunn
- Parks and Rec – Jessica Guinn, Mike Matsinger
- Planning and Zoning – Melanie Boswell
- Police Advocacy – Alex Torres, Michael Lewis, Roger Monk

Mayor Barbee thanked the new group of committee members and said it's a time commitment, so Council appreciates their efforts.

COUNCIL COMMENTS

Council Member Hoffer thanked Mr. LeCompte for his service on the Operations Committee.

Council Member Hoffer asked Police Chief Vic Ward to give an update on the e-bike problem the Town is experiencing. Chief Ward said the problem is with electric motorcycles, and there are general statutes in place against juveniles operating these vehicles. He said it would be ideal for the Town to create a program that allows community service for offenders, and he mentioned the option for fines and impounding. Chief Ward asked staff to look into adding signage on the Greenway that includes motorcycles as prohibited vehicles. He said while e-bikes and electronic motorcycles are similar, if you're going over 28mph you're on an electronic motorcycle.

Council Member Hoffer asked if noise ordinances apply to the rides on the Boardwalk. He said the noise level is out of control.

Council Member Hoffer reminded everyone about the meeting of the Bike/Ped Master Plan Update Steering Committee tomorrow 4:00-6:00 PM.

Council Member Benson said the Military Ocean Terminal Sunny Point (MOTSU) change of command is July 2 at Fort Johnston in Southport.

Mayor Pro Tem LeCompte said Matt Hamlet asked about installing a pet supply pantry at the dog park, and funds for this would be privately raised by the Carolina Beach Bar Club. Council was in favor of allowing it.

Mayor Pro Tem LeCompte said with new members coming on the Board of Adjustment and Planning and Zoning Commission, more training with Cape Fear Council of Governments may be necessary, especially regarding quasi-judicial hearings. She also suggested that the Board of Adjustment alternate member attend all meetings to stay informed. Mayor Barbee recommended that the alternate meet the same attendance requirements as any other member.

Council Member Healy congratulated everyone who was appointed to committees, but he said he is disappointed that Council voted for people who are toxic and constantly bashing the Town on social media. He said he also thinks the noise at the Boardwalk has gotten out of control, and he asked that staff consider providing shade around the Boardwalk, especially for the bands.

Mayor Barbee echoed the comments about noise at the Boardwalk. He said receives a lot of complaints from residents about this and personally doesn't feel it is a very welcoming atmosphere.

CLOSED SESSION

6. Closed Session – Personnel

ACTION: Motion to go into closed session in accordance with NCGS 143.318.11(a)(6) to discuss a personnel matter

Motion made by Mayor Barbee

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

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 11:00 AM.