

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, February 11, 2025 - 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 Mayor Pro Tem LeCompte and Pledge of Allegiance.

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
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 LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

CONSENT AGENDA

1. Set a Public Hearing for March 11, 2025, to Hear from Nonprofits Regarding Funding Requests
2. Set a Public Hearing for March 11, 2025, to Consider a Zoning Map Amendment to Consider a Request to Rezone 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD)
Applicant: STLBC, LLC
3. Create a Capital Project Grant Fund for 1810 Canal Drive ADA Improvements
4. Budget Amendments/Transfers
5. Letter of Support for the Abandoned and Derelict Vessel Program in NC
6. Approval of Council Meeting Minutes

Mayor Barbee said item 2 has been removed and will come back at a later date.

ACTION: Motion to adopt the consent agenda

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

SPECIAL PRESENTATIONS

7. Events Update by Tim Murphy

Tim Murphy, Community Services Manager, said the Town received a request from Ocean Cure for permission to drive a 4-wheel-drive pickup truck on the beach for activities that are related to the nonprofit organization. He said the group is also asking for keys to the bollards so they may park vans inside the Gazebo area. Mr. Murphy said the request has gone through the Events Committee with input from Police and Fire, and the committee recommends approval.

Kevin Murphy of Ocean Cure gave details about how this would help the work of the organization.

Council Member Healy said the request is more than reasonable given the group's reputation and work in the community.

Mayor Pro Tem LeCompte said she has helped to carry paddleboards and surfboards from the parking lot to the beach for Ocean Cure, so she supports this request to make event setup easier.

ACTION: Motion to allow Ocean Cure to drive on the beach when they need to for activities for Ocean Cure

Motion made by Mayor Pro Tem LeCompte

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

Motion passed unanimously

Mr. Murphy reviewed upcoming events:

- Centennial Celebration Kickoff – March 6 at the Marina (there will also be a gala party on March 8 at Kindred; check the Centennial Facebook page for more information about all the Centennial events)
- March 12 – Blood Drive at the Rec Center
- March 15 – Lo Tide Run (the route is changing this year so it will not cross Lake Park Boulevard)

8. Presentation by the Island Arts Council

Chris Higgins of Island Arts Council (IAC) gave a presentation asking Council for permission to use Town public sites for public arts projects. She said the 8 Venus flytrap statues are currently being painted, and they will be installed around the island. Ms. Higgins said while some of them will be displayed at local businesses and one at the elementary school, IAC would like Council to consider a few public sites in addition to the current Town Hall location, such as the Skate Park, the Boardwalk or Gazebo area,

and Lake Park. She also said they may add to the total of 8 statues and would be interested in displaying them at other public locations, perhaps the Marina and Rec Center.

Council Member Healy asked if the statues would be bolted down. Ms. Higgins said yes.

Council Member Healy asked if they will sell the statues after the Centennial celebration is over. Ms. Higgins said the plan is to sell the statues in September unless a sponsor chooses to purchase them earlier. She said if they are not sold, they will be auctioned off with the money going toward more public art projects.

Lauren Stumberg of IAC presented information about Afloat, the Buoy Project. She said this involves people painting buoys to symbolize how we keep each other afloat through neighborly acts of kindness. Ms. Stumberg said this will be a participatory art installation in which people will purchase a kit, paint their buoy either at home or during a workshop, and hang it at the Marina if Council approves the location.

Council Member Healy asked how much kits cost. Ms. Stumberg said they are \$25 plus a \$2 processing fee.

Ms. Higgins said IAC will help to maintain the buoys and keep them looking fresh and new as long as Council allows the buoys to remain.

Council Member Hoffer asked if the buoys will be different sizes and shapes. Ms. Stumberg said yes.

Mayor Barbee said these kinds of projects make the Town unique.

ACTION: Motion to approve the flytraps and the buoy project and give staff permission to work with Island Arts Council

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

Council Member Hoffer said March 21 is NC Arbor Day, and there are more details to come about a beautification and tree project at the west entrance of Lake Park.

9. Manager's Update

Mr. Oakley reviewed the budget FY 2025-26 schedule:

- Council strategic planning sessions – February 20-21
- Public hearing for nonprofit requests – March 11
- Public hearing for community input – April 8
- Budget workshop – April 22
- Budget workshop (if necessary) – May 6
- Budget open house – May 6

- Budget message presented to Council – May 27
- Budget adoption – June 10

Mr. Oakley gave an update on various projects:

- The Ocean Boulevard sidewalk project concrete work is approximately 30% complete.
- The Dow Road/7th Street water tower has been painted with the new Centennial logo.
- Centennial Park is getting ready for the I Love CB structure and paving.
- The Town will be paving 1810 Canal Drive and Mike Chappell Park and resurfacing the Alabama Avenue lots.
- Street paving should start in March.
- The Lake Park pump house project only received 1 bid. Staff is negotiating with the contractor.
- The Boardwalk restroom facility has been demolished. Portable restrooms will be out soon. Signs and flyers will direct visitors on how to navigate the construction area. The goal is to have the major construction part of the project done by Memorial Day weekend.

Mayor Barbee asked about the removal of the public computer terminal at Town Hall. He asked if this was due to a vulnerability or a security breach, which are two dramatically different things. Mr. Oakley said there was no breach and no public information was vulnerable. He said the computer was removed because it was discovered internally that Town staff personnel files that are privileged under the law could possibly be accessed, although it is not believed that anyone actually did this. Mr. Oakley said the situation was remedied, and the computer terminal is back up today.

Community Development Director Jeremy Hardison reported the following recent developments:

- In the past few weeks, there were 51 permits issued for renovation/repair/additions, etc., 10 new residential construction, and 8 certificates of occupancy. There are two demolitions scheduled: the pool building at 1203 South Lake Park Boulevard (Golden Sands) and a single-family home at 1300 Carolina Beach Avenue North.
- The Planning and Zoning Commission will hear a request for a new subdivision at 1215 Saint Joseph Street. Due to recent changes in the Unified Development Ordinance (UDO), subdivision requests are handled at the Planning and Zoning approval level and do not go to Council.
- Duke Energy is demolishing and rebuilding a substation on Dow Road. They are moving it back on the property.
- The Technical Review Committee (TRC) has reviewed 2 minor Planned Unit Developments (PUDs) at 308 Lewis Road and 1109 Swordfish Lane. Plans call for 2 single-family homes on each lot.

Mayor Pro Tem LeCompte wants to get Duke Energy to clean up the sidewalks where they replaced poles on Cape Fear Boulevard and left piles of concrete debris.

Council Member Benson asked if a permitting decision has been made about the wetlands at 1215 Saint Joseph Street. Mr. Hardison said the developer has applied for a permit, but there has not been a decision on whether these wetlands can be disturbed. He said the first phase of the project, which is not located on wetlands, is moving forward, and the U.S. Army Corps of Engineers would determine if there can be any further development.

Council Member Hoffer asked about the Saint Joseph Street multi-use path. Mr. Oakley said a force main was found a little too close to the surface, so the project is switching from asphalt to concrete in certain sections. He said the Town plans to go out for bids by Memorial Day but cannot do this until engineering is complete, which should happen soon. Mr. Oakley said there was a request to push off the project by 6 months, but Town staff said this is not acceptable.

Mayor Barbee asked about paving of Lake Park Boulevard. Mr. Oakley said plans call for this to happen in the fall.

Council Member Hoffer asked if staff has seen drawings for the Lake Park Boulevard paving project. Mr. Oakley said not yet, but Mr. Hardison has put in a request to get them as soon as they are available.

PUBLIC COMMENT

Gail Major told Council Members the community is watching them and said discussion about the proposed Embassy Suites project has made it to the social media platform X (formerly Twitter).

Matt Dunn of 907 Ocean Boulevard asked Council to be more transparent and include the public in their decisions.

Kristen Dunn of 907 Ocean Boulevard said Council and staff should communicate better with business owners and residents on projects, such as the Boardwalk restroom facility construction. She said she would like to see the signs put back on Ocean Boulevard that were taken down for the sidewalk project. Ms. Dunn also said Council needs to inform the public on how the Town plans to pay for the properties on the Boardwalk. She asked Council Members to let the public know how they are supposed to communicate with them since Mayor Barbee has stated that social media is not the appropriate place. Mayor Barbee said he prefers email and phone. Council Member Hoffer said at the entrance of Town Hall there are business cards with contact information for each Council Member.

Paul Levy of 1606 Mackerel Lane said he was in favor of the Town paving the Alabama Avenue parking lot until recent changes in parking rules. He said now he feels it should be paid for with room occupancy tax (ROT) funds. Mr. Levy also said he has been asking for traffic-calming devices in his neighborhood for 5 years and requested that the Town consider installing them on Mackerel Lane between Alabama Avenue and Ocean Boulevard.

Cindy Dunn of 915 Tidewater Lane asked if the Town could put decorative banners on construction fences during Centennial events. She said GFL trucks are dropping glass on the road when they compact trash. Ms. Dunn also asked for a future update on the Welcome to Carolina Beach sign, and she asked that any portable restroom facilities on the Boardwalk be kept clean.

PUBLIC HEARINGS

10. Text Amendment to Amend Article 3, Sec. 3.49 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Nonconforming Situations
Applicant: North Pier Holdings, LLC

Applicant North Pier Holdings, LLC, is applying for a text amendment to modify Article 3, Section 3.49 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Nonconforming Situations. The applicant is pursuing this text amendment because the proposed modification will assist residents in the repair, renovation, and reconstruction of existing nonconforming uses in a manner that aligns with the Town's existing Comprehensive Plan.

The applicant's proposed text amendment allows an exception to the nonconforming situation section of the ordinance. The amendment would allow a nonconforming structure to exceed the allowed zoning district lot coverage by 2% as long as certain conditions are met. These stipulations include:

- i. No additional nonconformities result from the added lot coverage.
- ii. Any additional lot coverage shall be associated with an on-site reduction in impervious area. The reduction shall be 2 times the size of the lot coverage area added (i.e. 100 square feet added lot coverage requires an additional 200 square feet of pervious area to be added).
- iii. Any pervious materials allowed by Town Code may be utilized for the reduction of impervious areas.
- iv. Additional lot coverage shall only be added to the principal building(s).
- v. Additional lot coverage shall not encroach any further toward a property line than the existing principal building(s).

Staff reorganized the impacted subsection to improve the readability of the ordinance and clarify the text due to the addition of the proposed text amendment.

The text amendment is in general conformity with the Coastal Area Management Act (CAMA) Land Use Plan. The proposed reduction in impervious surface reduces stormwater runoff, a strong focus of the CAMA Land Use Plan. Additionally, the amendment follows the Land Use Plan's sentiment to encourage the improvement and renovation of existing structures where a teardown/rebuild is not the best possible outcome.

The proposed text amendment has a few benefits and limitations. The amendment is intended to reduce and limit the impact of increased lot coverage on adjacent property owners. The reduction in impervious surface section of the amendment links the increase in lot coverage to a positive reduction in impervious surfaces, which reduces stormwater runoff. Allowing nonconforming structures the ability to increase their lot coverage by 2% adds flexibility for improvements and may reduce functional obsolescence. The text amendment adds specific restrictions that only allow this lot coverage exception to be implemented in very limited circumstances.

Due to the text amendment being in conformity with the CAMA Land Use Plan and its benefit of reducing stormwater runoff due to the reduction in total impervious surfaces, staff recommends approval of the proposed text amendment.

The Planning and Zoning Commission voted unanimously in support of the proposed text amendment. Commissioners had limited discussion about the amendment but were in agreement that the amendment provided a reduction in impervious surface and flexibility for aged buildings to perform needed upgrades.

Planner Haley Moccia presented the details.

Attorney Lieth Khatib, representing the applicant, said he had nothing further to present but was open for questions.

ACTION: Motion to open the public hearing

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

Paul Levy of 1606 Mackerel Lane said he is generally in favor of this text amendment but had a thought he wanted to share. He said if an elevator like this was requested to be put on an already paved surface, he wondered why people building the elevator should be burdened with having to remove, in this case, 200 square feet of concrete at an extraordinary additional expense when if the elevator was covering dirt it would be a different story. Mr. Levy said it seems a bit much to ask people to take out another 200 square feet of concrete and then put in pavers.

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 LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Council Member Benson said it used to be that concrete areas, such as patios and driveways, did not count, but recent revisions to the UDO changed that with stormwater in mind. Ms. Moccia said lot coverage can consist of pervious or impervious materials, and the reduction in impervious surface was due to the fact that the proposal is allowing a structure that's already over the allowed lot coverage to increase more, so it's give and take.

Mayor Pro Tem LeCompte said this is in the spirit of what the committee had in mind when working on the Land Use Plan update, specifically when it comes to trying to save aging, nonconforming buildings.

Mayor Barbee said it's not unusual that a building around 40 or 50 years old might need an extra set of stairs, wider stairs, or an elevator to remain functional today, and this proposal would give flexibility.

Council Member Healy thanked the Planning and Zoning Commission for doing a lot of homework and asking the right questions about this issue and others.

Council Member Hoffer said he is concerned about the lack of a good definition for "footprint." He asked if staff is working on this. Mr. Parvin said the recent UDO update process is still undergoing some tweaks, so staff will get with Cape Fear Council of Governments about this.

Council Member Hoffer said the proposal makes sense to him because he owns a nonconforming structure and thinks allowing flexibility is important, particularly as people age. He said Mr. Levy's comment makes sense, but he doesn't want to alter the proposal because a lot of nonconforming structures are also nonconforming as far as impervious surfaces go, so any little bit that can be clawed back does not hurt.

ACTION: Motion that Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment to Article 3, Section 3.49 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Nonconforming Situations 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 LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

11. Public Hearing to Close 15 Feet by 188.24 Feet of the Alleyway at the Intersection of Glenn Avenue Between Lots 17-23, Block 3

The petition submitted by Chad Shingleton is to close 15 feet by 188.24 feet of the alleyway at the intersection of Glenn Avenue between Lots 17-23, Block 3. The area to be closed includes 4 lots that face Kenneth Avenue and 3 lots that face Glenn Avenue.

Typically, when a road closure occurs, the land is divided as equitably as possible, generally by way of a 50/50 split between the adjoining landowners on each side of the right-of-way. The applicant owns both sides of the closure area. In this instance, not all of the properties adjoining the alleyway are making the request. The alleyway was originally platted in 1949 as a 15-foot alley as part of the Ocean Heights subdivision plat. The alleyway remains unpaved, and no utilities are located within it.

There is a 6-step process for street/alleyway closures:

1. Petition or request for closing
2. Resolution of intent to close
3. Publication of resolution of intent to close and notification to adjoining property owners
4. Public hearing following 4 weeks of advertising
5. Record at Register of Deeds the resolution ordering closure
6. Ownership of the right-of-way after closure

ACTION: Motion to open the public hearing

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

Mr. Hardison presented the details. He said there is a proposal to have townhomes on the property, but the alleyway is the only item up for consideration now.

Mayor Pro Tem LeCompte asked where the driveway cut would be for Lot 17 fronting Dow Road. Mr. Hardison said there are no permit applications now, and the applicant is in discussion with the N.C. Department of Transportation (DOT) on the best way to access that property.

Mayor Barbee asked if the applicant owns all lots on both sides of the alleyway now. Mr. Hardison said yes.

Mayor Pro Tem LeCompte asked if a driveway cut on Dow Road was being considered. Mr. Hardison said there is not yet a proposal to review and nothing has been applied for through the Town, but the applicant may have an update on discussions with DOT.

Mayor Barbee said the driveway cut matter will come before the Town when the applicant applies for a permit to build something on the property. Mr. Hardison said the applicant would have to have DOT authorization as well as a Town permit.

Council Member Hoffer asked if Council should consider standing by on this until the driveway cut issue is worked out with DOT.

Mayor Barbee asked if the applicant wanted to speak.

Mr. Shingleton said he been in discussions with DOT about the driveway cut. He said DOT did not like the option of having the driveway cut on Glenn Avenue because it would be several feet inside the DOT easement of encroachment. Mr. Shingleton said DOT thought having the driveway cut on Dow Road is the best route, but DOT advised him to complete certain steps, which are in progress.

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

Partrick Boykin of 712 Glenn Avenue said before moving forward with the alleyway closure, there needs to be visibility into a plan for what it's going to look like if the applicant develops the lots facing Dow Road. He said he wants to be part of any TRC meeting that involves this matter.

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 LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mayor Barbee said concerns about the driveway cut are not part of what is before Council tonight, so it's premature to be discussing this because it will come with the site plan, building permit, and DOT approval. Mr. Oakley said the alleyway closure is the only matter before Council now.

Council Member Healy said he thinks the applicant has done his due diligence on the alley situation.

ACTION: Motion to approve the resolution ordering the closure of 15 feet by 188.24 feet of the alleyway at the intersection of Glenn Avenue between Lots 17-23, Block 3

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 asked that Mr. Boykin be involved in any other Town matters concerning this property. Mr. Oakley said staff will contact him.

12. Public Hearing for Draft Town of Carolina Beach – Beach Management Plan

The Federal Storm Damage Reduction Project has served the Town well over the last 60 years, and continued nourishment of the project will continue to provide storm damage reduction to the Town's infrastructure and development. To retain its Static Vegetation Line Exception granted by the Coastal Resources Commission (CRC) on September 9, 2009, reauthorized on May 14, 2014, and once more during winter 2020, the Town must provide a progress report to the CRC every 5 years describing the condition of the project and an update of the requirements outlined in the Beach Management Plan rule.

ACTION: Motion to open the public hearing

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

Mr. Hardison presented the details, including a snapshot of the plan and its purpose. The plan covers where development is allowed on oceanfront properties. There must be a long-term maintenance plan that addresses anticipated events and identifies financial resources to continue a healthy shoreline. It also provides long-term nourishment activities and a baseline to measure oceanfront setbacks. The plan was also designed to protect nonconforming structures, allowing them to rebuild, and provides requirements for new development to be in line with adjacent structures. The plan is scheduled to go before the CRC on April 30.

Mayor Barbee said he read the plan and feels there are no substantial changes from the previous plan.

Mayor Barbee asked if anyone from the public wanted to speak. No one came forward.

ACTION: Motion to close the public hearing

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

Council Member Healy said the Town is extremely fortunate to have the funding, which is a lot of money.

ACTION: Motion to approve the 2025 Carolina Beach – Beach Management Plan for the Coastal Resources Commission’s consideration on April 30

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

COUNCIL COMMENTS

Mayor Pro Tem LeCompte said she wanted to discuss parking availability for residents on Canal Drive and Carolina Beach Avenue North. She said she would like to look at making crossover streets one way so one side could be for parking and the other side for traffic. Mayor Pro Tem LeCompte also said she wants to explore the possibility of Canal Drive being one way between Cape Fear Boulevard and Harper Avenue to allow one lane for traffic and the other for delivery services. She asked staff to put these topics on the retreat agenda. Mayor Pro Tem LeCompte also said she received a quote for the Rainbow Bridge project of \$8,000 for the wood. She said there are a few fundraisers scheduled for this project through Friends of CB Parks & Greenways.

Council Member Healy said he thinks this Council has more public hearings and meetings than any other Council, and he does not understand the negative comments about transparency. He recommended that residents be selective about the social media sites they follow.

Council Member Hoffer said the Town has been a Tree City USA for 2 years. He said NC Arbor Day is in March, which is earlier than National Arbor Day because of our weather. Council Member Hoffer said planting projects will take place at the Lake Park entrance by the elementary school for Arbor Day. He said May 17 is the next Skate Park event, and money is being raised to add a new deck and observation area that will be handicap accessible.

Council Member Benson said the North End Flood Mitigation Alliance is organizing and laying out objectives, and he will let everyone know when the group’s first public meeting is scheduled. He said he agrees with the one-way traffic pattern idea for side streets on the North End, and he is also interested in following up with residents on traffic-calming devices.

Mayor Barbee said he also does not understand the comments about a lack of transparency. He said he puts out a weekly report via email and social media and invites anyone to call, text, email, or meet him in person to discuss any topic related to Town business. Mayor Barbee said Council was elected by the population to make decisions, and he feels social media doesn’t work because it presents rampant misinformation that clouds situations.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 7:51 PM.