

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, August 9, 2022 - 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

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox (attended virtually)

### ADOPT THE AGENDA

**ACTION:** Motion to add a presentation by Kevin Murphy of Ocean Cure and 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 a Public Hearing for September 13, 2022, to Consider a Conditional Zoning Application for a Hotel with a Restaurant and Bar Located at 205, 207, and 209 North Lake Park Boulevard and 204 Harper Avenue in the Central Business District  
Applicant: Jefferson C. Woodall
2. Budget Amendments/Transfers FY23
3. Year-End Budget Transfers
4. Budget Amendments for Carryovers
5. Approval of Council Meeting Minutes from July 12 and 26

**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**

6. Kevin Murphy of Ocean Cure

Kevin Murphy of Ocean Cure recognized and thanked Council and staff for years of supporting the Life Rolls On event. He said it has grown significantly in the past 10 years because of the Town's help. Mr. Murphy presented the Town with a commemorative 20<sup>th</sup> anniversary jersey and showed a video about Life Rolls On.

7. Events Update by Tim Murphy

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

- Wahine Surf Contest – August 13-14 at Hamlet Avenue beach access
- Surf Dog Experience – August 27 at Carolina Beach Pier
- Pleasure Island Community Blood Drive – August 31 at Recreation Center
- Youth Fishing Tournament – September 24 at Kure Beach Pier
- Family Night – Tuesdays at Boardwalk gazebo
- Bingo – Wednesdays at Boardwalk gazebo
- Fireworks/music – Thursdays at Boardwalk gazebo

James Jarvis, Executive Director of the Cape Fear Area Chapter of the American Red Cross, spoke about the importance of community blood donations, especially during the summer when schools and colleges are not in session but demand is high. He said sign up is easy, and donors are in and out in about an hour.

Noel and Ron Stevens of Lake Park Steakhouse are proposing to bring an Oktoberfest celebration to the Boardwalk area around the gazebo stage October 29-30 from 11:00 AM to 5:00 PM each day, with setup on October 28 and teardown on October 31. Activities would include a polka band, German food, beer and wine, a beer hoist challenge, a Christmas market, and children's activities. Ms. Stevens said Lake Park Steakhouse is planning to partner with Good Hops Brewing, Boston Lager, and US Foods, and they will close the steakhouse Friday through Sunday and move the staff there for bartending and food service.

Mr. Murphy said the Oktoberfest proposal has gone through the Events Committee process, and staff is comfortable giving it the green light.

**ACTION:** Motion to approve the event as presented

Motion made by Council Member Benson

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

*Motion passed unanimously*

Several Council Members said the Town should consider closing Canal Drive during the event.

Mr. Murphy said the Town has received three film permits for the Amazon Prime series “The Summer I Turned Pretty.” He said two are straightforward and involve shooting at SeaWitch and Canal Drive Scotchman on August 18, but the other permit application is requesting to film on the Boardwalk. Mr. Murphy said Mondays are the only days with no programming happening there, so the request is for August 15, 22, and 29.

Location managers Caylan McKay and Lindsay Fort were present. Mr. McKay said the production is working with all stakeholders in that area to ensure they are minimally impacted and everybody is happy. He said the shooting will involve a carnival scene that is a large part of an episode.

Mayor Barbee said he hasn’t heard any complaints about the production, so he doesn’t see any issue with approving the permit as long as property owners are involved.

**ACTION:** Motion to approve the filming at the Boardwalk on August 15, 22, and 29 as proposed  
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 said people continue to approach him about how much they enjoy the summer events, and he offered praised to Mr. Murphy and the rest of staff involved.

#### 8. Manager’s Update

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

#### Open Houses and Workshop

There will be open houses regarding options for the State-funded Ocean Boulevard Sidewalk Project on August 10 from 4:00 to 6:00 PM and August 24 from 5:00 to 7:00 PM, both at Town Hall in Council Chambers. The public is invited to drop by the informal sessions to give input about what they want to see.

A flood insurance workshop will be held on August 10 at 6:00 PM at Town Hall in Council Chambers. Experts will be available to explain changes and answer questions.

Council Member Hoffer asked if staff sent a mailer to those living in the Ocean Boulevard area. Mr. Oakley said that normally isn’t done with open houses and it’s difficult to determine how far the area of inclusion should be because it’s a State road that affects a lot of people. Council Member Hoffer said it seems appropriate to send notice to everyone living on Ocean Boulevard. Mr. Oakley said staff can look at noticing or doing door hangers. Council Member Hoffer said even though this notice is not required by law in this situation, it seems appropriate.

Mayor Barbee said he suggests notifying people any way possible. He said the first open house caught some people off guard, so the second one is a good idea. Mr. Oakley said staff will get out some notifications to property owners.

Mayor Pro Tem Healy asked if open houses and other meetings can be put in the Town's weekly updates. Mr. Oakley said yes.

### Ocean Heights

Last month residents of Ocean Heights made public comments about issues in their neighborhood and asked about the possibility of stopping through-traffic. The issue will go before the Technical Review Committee (TRC) on Monday and will come back before Council with a proposed ordinance prepared if TRC gives a positive recommendation.

### Lake Park Improvements

The Town is looking at doing retention and stabilization of banks as well other improvements, including the playground. The permit has been submitted, and the U.S. Army Corps of Engineers has 180 days to review and respond. Staff feels good about the application, and the next steps are bidding and construction design with a likely fall start on the work.

Survey work has started on the Brandy Myers Memorial Playground, which is completely funded through State funds. It will be an accessible playground, a place for kids of any ability. The next step is design.

Council Member Hoffer asked if a design has been selected. Mayor Pro Tem Healy said the permit has been submitted, and once it's approved the Town will go out for bid. He said all bids will go out with a master plan that includes the bulkhead, and the big thing is getting spoils around the lake. Mayor Pro Tem Healy said playground plans have not yet been submitted, but this will happen. He said once the Town picks out a playground the ball will roll quickly, and bathroom improvements are included in the project.

Mayor Barbee thanked State Rep. Charlie Miller for getting the playground in the State budget. He said this is a program to remember leukemia victims, named after a girl in Rep. Miller's district. Mr. Oakley said there will be other projects done as part of the Brandy Myers initiative, but this is the first one.

### Marina Project

The south phase is almost complete and looks great, and the Town is currently waiting on floating docks to be delivered and installed. After that, the next phase on the east side will start. The contractor thinks it's possible this phase may be done without closing Canal Drive.

Mayor Barbee praised staff, including Mr. Parvin and Harbor Master Larry Denning, and boat captains for their teamwork. Mr. Oakley said contractor Donn Evans has been outstanding.

### Paving

Carolina Beach Avenue North and others are scheduled to begin in the fall. Florida Avenue went out for bid, and the Town received no bids. After revising the scope of the project, there was one bid that was

more money than anticipated. Staff reached out to contractors for feedback, and they suggested separating the stormwater and paving portions to get a better price. Stormwater bids will be back in two weeks, and the Town will move forward with paving after that.

Mayor Barbee suggested getting the word out about the status of this project because residents in that area have been waiting a long time. Mr. Oakley said lining of sewer pipes has made a significant difference with infiltration and saves money.

Council Member Benson asked Mr. Oakley to consider bundling as many light stormwater projects as possible for the sake of efficiency for both the Town and contractors.

#### Resident Parking Spaces

The Town has done an audit and determined that several resident parking spaces don't meet guidelines and ordinances. Notices have gone out to affected properties.

#### Emergency Operations Center Tabletop Exercise

Staff will conduct a readiness exercise, done every year prior to peak storm season, on August 16 at 11:00 AM. Council may drop in to observe.

Mayor Barbee said he recommends this to any Council Member who has never attended. He said it is helpful for conveying understanding about what Council's role is in emergencies.

#### Four-Way Stop Signs

Mr. Parvin gave a summary of work performance in support of the request to evaluate traffic controls at selected intersections. Staff has met with engineers from the Wilmington Urban Area Metropolitan Planning Organization (WMPO), and the first step was defining emergency routes around the Town. Town and WMPO staff have met and reviewed the initial map, and traffic counters were installed in certain areas. Next the map will go to the TRC and Council for possible adoption. After that, WMPO will give recommendations based on where four-way stops would be implemented or removed.

#### Derelict Vessel

Mr. Parvin gave an update on the situation with one particular vessel. He said the Town has been going back and forth with the owner for some time. Mr. Parvin said the Town has the authority to remove the vessel, but this can be expensive so staff is proposing a resolution to proceed with litigation against the vessel owner. He said instead of the Town footing the bill, this would require the owner to take action and resolve the issue. Mr. Parvin said the proposed resolution details the ways in which this vessel does not meet Town regulations.

Council Member Benson asked how long the owner of the vessel has been noticed. Mr. Parvin said this issue has been ongoing for years, but the last set of citations going toward the vessel have been over the past couple of months.

Ms. Fox said staff is asking Council to adopt a resolution to authorize the Town to ask a judge to grant injunctive relief that would compel the vessel owner to take action, the first step of the process to remedy the situation.

Mr. Parvin said the vessel doesn't have a motor, steering, registration, or a pumpout log, and somebody is living on it. He said there is an array of violations, so the Town is asking for the vessel to be removed.

**ACTION:** Motion to approve Resolution No. 22-2269

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 asked for a quick explanation for how water capacity is approved. Mr. Oakley said Council recently adopted a change to Town Code that requires developers to submit water requirements for proposed projects. He said the Utilities Director reviews this and decides if the Town can handle the project.

Mayor Barbee said it may be a good idea to have a more in-depth review of water capacity at the next workshop. Mr. Oakley said he can do this. He said the Town is not in dire need of water and has plenty, but there is a need to plan for the future.

Mayor Pro Tem Healy said a resident with a couple of Airbnb properties asked if there are any public electric vehicle charging stations on the island. Mr. Oakley said there are none. He said staff has talked to Pivot Parking about putting some in and also looked at grants to try to get some. Mayor Barbee said the Town should think about how to get some charging stations. Mayor Pro Tem Healy said the resident had a customer who didn't come here because of the lack of charging stations.

Council Member Benson said the Wastewater Treatment Plant grant write-up was outstanding and asked when the Town expects to get an answer back about the submission. Mr. Parvin said this is anticipated in October.

Council Member Benson asked if the flood insurance workshop will feature someone who can articulate legislative changes because some are complex. Planning Director Jeremy Hardison said yes, someone from the industry will be there to speak about those very details. Mayor Barbee said the rate structure has changed, so he encouraged everyone to come to the workshop.

**PUBLIC COMMENT**

Robert Smith of 808 Carolina Beach Avenue South said he wants to show support for the work that Council Member Benson is doing on behalf of the residents in his neighborhood regarding concerns about traffic, including wrong-way vehicles, speeding, and lack of signage. He presented what he described as at least 20 signatures collected over a few days of those who believe there is a need for action. Mr. Smith said Carolina Beach Avenue South is a pedestrian and bike thoroughfare and a connector for the Boardwalk area.

Gail Hinte of 807 Carolina Beach Avenue South said she wanted to thank Council Member Benson for providing guidance on the traffic situation in the neighborhood. She said she worked with Mr. Smith to

collect signatures, and every single person had a story about vehicles going the wrong way or speeding. Ms. Hinte thanked the Town for the new painted arrows and said anything that can be done to slow down the traffic is welcome. She said the 25-mph speed limit is too fast, and she typically goes about 12 mph.

Mayor Barbee said this issue has historically been a problem, so he appreciates residents bringing it up. Council Member Hoffer asked if there are any Town roads with a speed limit less than 25 mph. Mayor Barbee said Carolina Beach Avenue North used to be 20 mph when it was one way, but it's 25 mph now. Council Member Hoffer said the Town should consider a lower speed limit on Carolina Beach Avenue South. Mayor Barbee said Council has plenty of sympathy for the problem.

Duke Hagestrom of 920 Riptide Lane said Lake Park's master plan and dredging project intersect, so he asked for Lake Park's vision to be taken into consideration when requesting bids. He said spoils may be used to harden the shoreline and reclaim land, so the Town should be sure to maximize that opportunity.

William Burton of 9116 Sedgley Drive in Wilmington said the Town's parking company is aggressively enforcing vehicles having proper alignment on curb stops in parking lots. He said the only reason to enforce this is if a vehicle is parking in a way that is impacting revenue, but if a parking lot is 80 percent empty then a \$100 violation for being 6 or 7 inches off the curb stop seems predatory. Mr. Burton said there is no warning signage about this type of violation, so he asked Council to encourage rollback of enforcement in some way. He said a \$100 fine is excessive and more than most moving violations in North Carolina. Mr. Burton also encouraged Council to consider an annual parking pass for New Hanover County residents or certain ZIP codes.

Mayor Barbee said every point Mr. Burton made has come up in meetings of the Parking Committee, so those issues are being discussed.

Aileen Hannigan of 716 Clarendon Avenue asked about the status of sidewalks in her neighborhood. Mayor Barbee said there are no active projects for this. Mr. Oakley said there is money available, but Mayor Barbee said it's not in the budget for this year. Mayor Barbee encouraged people with similar questions to reach out to Mr. Oakley's office.

### **COUNCIL COMMENTS**

Council Member Hoffer said he wants to remind everyone about the Lake Park Boulevard 2025 project, which will involve the N.C. Department of Transportation (DOT) paving from Snow's Cut Bridge to Carolina Sands. He said the Town needs to keep this on the front burner and focus on the changes it wants to make as part of the project.

Council Member Hoffer asked Mr. Parvin to be prepared at the Ocean Boulevard Sidewalk Project open houses for questions about DOT sidewalk regulations. Mr. Parvin said he doesn't have an answer for the exact distance the sidewalk must be off Ocean Boulevard, but he can try to get that figure. Mayor Barbee said it's not all in the Town's control.

Council Member Hoffer said he's not opposed to a lower speed limit on Carolina Beach Avenue South, but he's not sure it will help. He said people are illegally parking in front of the Carolina Surf condos, and he thinks that would make a good golf cart parking spot.

Council Member Benson thanked Mr. Oakley for initial steps regarding traffic safety in general on Carolina Beach Avenue South. He said the arrows are clearly visible, so maybe the next step should be staff recommendations at the next workshop. Council Member Benson suggested parking as a means of channeling and funneling traffic.

Council Member Benson asked when the Town expects to get results from the Land and Water Conservation Fund (LWCF) grant for Freeman Park. Mr. Oakley said the Town hopes to hear about this by the end of September.

Council Member Benson said he would like to see what it might look like to add the stormwater retention mitigation component to the Carolina Beach Avenue North repaving project. Mr. Oakley said he can review some options with Council.

Council Member LeCompte said there are only four fireworks events left in the season. She said the 50/50 raffles to benefit Friends of CB Parks & Greenways, Carolina Beach Blueliners Foundation, and the Carolina Beach Lifeguard Association on a rotating basis have been successful, and she thanked businesses such as Lake Park Steakhouse and The Fudgeboat for donating gift cards. Council Member LeCompte said the recent National Night Out event was a huge success and a lot of fun, and she thanked all of those who supported it.

Mayor Pro Tem Healy said the vendors at the Saturday market at Lake Park are amazing.

Mayor Barbee said the Town should consider informally asking WMPO staff members for ideas about Carolina Beach Avenue South because they are brilliant with traffic.

Mayor Barbee said there was a resignation from the WMPO Bicycle and Pedestrian Advisory Committee, and as a current representative on that committee he may appoint a successor. He said he has reached out to Ricky Niec, Chairman of the Town's Bike/Pedestrian Committee, to ask for a recommendation. Mayor Barbee thanked Patrick Boykin, who served in that role for many years.

#### **CLOSED SESSION**

9. Closed Session – Real Estate Parcel ID# R08814-001-007-000

**ACTION:** Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(5); the property being discussed is Parcel ID# R08814-001-007-000

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 7:30 PM.