

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, April 11, 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 Jen Nau of Lifepoint 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

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

Council Member LeCompte asked to add an item to the Special Presentations section so she can introduce Jake Allen to the public.

Mayor Barbee said item 5 of the consent agenda will be moved to the Items of Business 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. Amend Capital Project Budget for Saint Joseph Bike/Ped Project
2. Set a Public Hearing for May 9, 2023, to Amend Chapter 40, Article XVIII – Definitions to Amend the Definition of Gross Floor Area, Outdoor
Applicant: Town of Carolina Beach
3. Adopt General Compliance Policies for the American Rescue Plan
4. Budget Amendments/Transfers

5. ~~Resolution Requesting Coverage of Building Inspections and Plan Review by New Hanover County~~
6. Notification of Expiring Committee Terms
7. Approval of Council Meeting Minutes

Mayor Barbee reiterated removing item 5 from the consent agenda and putting it on the regular agenda.

Council Member Benson asked what will be left of funding once the contractor for the Florida Avenue paving project is paid. Mr. Oakley said he will have to meet with staff to go through everything and figure out what remains.

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

8. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, introduced Maureen Lewis, who gave an update on the three murals being installed this spring, including one on the blue building north of The Dive. This mural will be created starting next week by an artist sponsored by Monster Energy and will feature Chicken Hicks and the history of shag dancing in the Town. Ms. Lewis said in celebration of this mural, an idea emerged to close the alley between buildings and have a DJ dance party on April 25 4:00-7:00 PM. The event would cap capacity at 180 and charge a \$10 admission fee, she said.

ACTION: Motion to approve the event for the shag mural 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:

- Fancy Pants Croquet Soiree – April 16 at Mike Chappell Park
- Solstice Healing Arts & Music Festival – April 23 at Carolina Beach Lake (rescheduled due to rain last month)
- Your Dog Skateboarding – April 29 at Mike Chappell Park
- Island Arts Festival – May 6 at Carolina Beach Lake (gallery night on May 5 at the St. Paul's United Methodist Church Community Center)
- Beach Wrestling – May 20 at Boardwalk beach strand
- Fireworks/music nights begin May 26 and continue every Thursday through the season with the exception of July Fourth and Labor Day shows

- Movies at the Lake begin May 28 and continue every Sunday through the season

Council Member Benson asked about possibly changing parking requirements for the GRiZMAS in July event. Mr. Oakley said designated parking is required for the event, so it would take Council action to change that. Mr. Murphy said the ordinance states the event must have a parking plan, so he would need to find out details and come back to Council before any changes are considered. Ms. Fox said the Town must be consistent in the way it approaches parking requirements for events. She said if GRiZMAS in July had a different parking plan that also meets the ordinance, that would be different than a plan that does not meet the ordinance requirement.

9. Update from the Friends of CB Parks & Greenways

Janet Hoffer and Nick Hahn of Friends of CB Parks & Greenways gave a presentation about the group. Ms. Hoffer reviewed the mission, values, current team, history, and future plans and projects.

Mr. Hahn said the group has raised over half of the \$350,000 estimated cost for expansion of the Skate Park. Current plans call for the group to break ground in late fall 2023. Organizers are not asking for money now but would like the Town to consider supporting the project when finalizing next year's budget.

10. Update on Beach Toy Boxes Project

Council Member LeCompte introduced Jake Allen, a student at Ashley High School who is working on an Eagle Scout project that would install boxes for sharing beach toys on four lifeguard towers near the Boardwalk. He demonstrated the box design and gave additional details about the effort.

11. Manager's Update

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

- Seasonal preparation, including putting out mulch, is ongoing. Lifeguards will start working soon, and there will be an update about the Beach Patrol at Council's upcoming workshop.
- Paving will resume on April 17. Florida Avenue is scheduled to start on April 24.
- Only two bids came in for the lake dredge and stabilization project and three were required to move forward, so this had to go back out for bid for 10 days and is now due on April 13. After this rebid, the project can move forward even without a third bid.
- The Saint Joseph Street stormwater pipe project is currently out for bid.
- As part of the Starfish Lane stormwater and access project, the dock has been demolished and the Town has applied for a permit to reconstruct it.
- The Saint Joseph Street multi-use path is moving forward.
- The project to realign stop signs on 6th Street is moving forward.
- The Hamlet Avenue signal project is moving forward and should be finished by mid-April.
- The delayed crosswalk signal at Cape Fear Boulevard has been installed.
- Legislation regarding navigable waters, limited shark fishing tournament moratorium, and budget appropriations is moving forward.

- Legislation regarding bulkhead authority has been removed from consideration, but reintroduction is possible if there are wording changes.
- The Ocean Boulevard sidewalk project is awaiting approval from the N.C. Department of Transportation (DOT) and then will go out for bid.

PUBLIC COMMENT

Joe Starks of 203 Florida Avenue said he is in favor of requiring bulkheads. He also said he is concerned about illegal dumping in the harbor.

Cindy Dunn spoke about the Harper Avenue and Dow Road crosswalk. She requested that Council consider approaching DOT about lowering the speed limit to 35 mph. Ms. Dunn also said the Town may want to request a time delay on the Harper Avenue traffic signal like the one at Cape Fear Boulevard.

Duke Hagestrom of 920 Riptide Lane expressed concern that the Town did not reach out to current beach vending permit holders to inform them of the possibility of adding more permits.

Phillip McInnes, owner of Island Ice Factory, said he was also concerned about adding more beach vending permit holders.

Kristen Dunn of 907 Ocean Boulevard thanked Ocean Rescue for the Junior Lifeguard Camp program. She also spoke about vandalism at the Skate Park and said there is no police presence there at night.

Wayne Rouse said Council Members should not state on social media how they plan to vote on matters prior to discussion in a meeting. He also said current beach vending permit holders should not have a say on how many permits are allowed.

PUBLIC HEARINGS

12. Presentation of System Development Fees Study

Daryll Parker of Willdan Financial Services presented the Water & Wastewater System Development Fee Study. Per North Carolina General Statute under Section 1, Chapter 162A, Article 8, the fees charged by the Town are to be reviewed every five years.

Mr. Parker reviewed a general description, methodology, and fee adoption procedures. He said the Town is way ahead of schedule because staff has done a great job. Mr. Parker then went over costs, specific formulas about how fees are determined, and proposed fees.

ACTION: Motion to open the public hearing on system development fees

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

Jen Starks said she didn't understand the part of the presentation about how the fees will affect residential customers. Mayor Barbee said these are one-time fees charged when a customer attaches

to the Town's water and sewer system. Mr. Oakley said this is for new development, such as a subdivision or apartment complex, and will not affect existing property. Ms. Starks said the Town is the most expensive place she's ever lived in terms of water bills.

ACTION: Motion to close the public hearing on system development fees

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 he never understood how these fees were calculated, so it was fascinating to see there is a methodological approach required by law and the fees not something Mr. Oakley comes up with haphazardly.

Mr. Oakley said consideration of this study will be part of the budget ordinance, and the proposed fees are not effective now.

Council Member Hoffer said he inferred from the study that one of the reasons the Town's fees are where they are is because of the number of capital improvements that need to be done. He said if there were fewer projects, fees would be lower.

13. Text Amendment to Amend Chapter 40, Article III – Zoning District Regulations, Article IX – Development Standards for Particular Uses, and Article XVII – Definitions to Create Standards for Wine Shops and Beer Shops in Neighborhood Business
Applicant: Maxwell Sussman

Applicant Maxwell Sussman is proposing a text amendment to allow for wine shops and beer shops with on-premise alcohol sales as a use in the Neighborhood Business (NB) district by right. Currently the zoning ordinance allows for wine and beer shops with retail and off-premise sales of alcohol only.

PROPOSAL

The applicant owns The Veggie Wagon in the NB district. The business currently has an off-premise wine and malt beverage permit. The applicant would like to apply for an on-premise wine and malt beverage permit at that location. The Veggie Wagon is currently permitted as a retail establishment. For allowances of on-premise wine and malt beverage, the current ordinance categorizes the use as either a standard restaurant, bar, or brewery. The Veggie Wagon does not meet the definition of a standard restaurant or brewery. Breweries and bars are not permitted in the NB district.

WINE SHOP

The applicant proposes to add wine shop (on-premise) to the table of allowed uses. The current ordinance allows for wine shops (off-premise) as retail. The Alcoholic Beverage Control (ABC) Commission created an allowance in recent years for a wine shop to have limited sales of on-premise consumption. Wine shops must comply with all ABC standards and obtain proper permits. Per North Carolina General Statute 18B, wine shop permits authorize the retail sale of malt beverages, unfortified

wine, and fortified wine in the manufacturer's original container and/or dispensed from a tap for consumption off the premises. The holder of the permit is allowed to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed 40% of the establishment's total sale for any 30-day period. The limited consumption of on-premise wine would be subject to an audit by the ABC commission. Wine shops (on-premise) will be permitted by right in the CBD, NB, and Highway Business (HB) districts.

BEER SHOP

The applicant would also like the ability to provide on-premise malt beverages in the NB district. Beer shops would need to obtain an on-premise malt beverage permit to allow for the retail sale of malt beverages for on- and off-premise consumption. ABC regulations do not have the same limitations for a beer shop as a wine shop, so the applicant would be allowed to offer on-premise malt beverages without any limitation or percentages to off-premise sales. The proposal is for beer shops to only be permitted by right in the NB district. To reduce the impact from the use on adjoining properties, staff proposes that any outdoor or indoor areas be located three times the minimum setback yard for the district from any interior lot line from an adjacent property.

The text amendment consists of defining both uses. Beer shops will be defined as an establishment substantially engaged in retail sale of on- and off-premise malt beverages subject to ABC Commission regulations. Wine shops will be defined as an establishment substantially engaged in retail sale of on- and off-premise unfortified wine and fortified wine subject to ABC Commission regulations.

Senior Planner Gloria Abbotts presented the details. She showed aerial photos comparing the current minimum setback with the proposed setback. Ms. Abbotts said the text amendment is in general conformity with the 2020 Land Use Plan. She said staff proposes to define each use and supports the proposed amendment that would limit beer shops to have a larger yard setback to protect neighboring properties and mitigate any concerns of the use. The Planning and Zoning Commission unanimously recommended approval of the amendment.

ACTION: Motion to open the public hearing on the amendment of 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

Mr. Sussman said he has worked for the past 90 days with staff members on this issue and thinks what they came up with works. He said he is happy to hear opinions and answer questions.

Cindy Dunn said she supports what The Veggie Wagon is trying to do and asked Council to consider approval of the request. She said the business is a plus to that end of Lake Park Boulevard, where there isn't as much commercial use.

Steve Jaeb of 204 Tennessee Avenue said he thinks the request is a great idea and believes The Veggie Wagon is not a place that attracts a wild crowd.

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 the request falls in line with what the Town had in mind for NB when working on the Land Use Plan. She said this amendment is just cleaning up what wasn't fixed previously.

Council Member Benson referred to guiding documents and said the amendment is conforming and harmonious.

Council Member Hoffer reminded Council Members that they are supposed to look at what the potential usage would be if allowable, not a specific business. He said he does not have a problem with the request.

Council Member Benson asked if there are other properties that could meet the increase in setbacks. Ms. Abbotts said Superior Automotive might be able to meet the standard if that property was to redevelop, but that's the only other one.

Mayor Barbee said the amendment seems to make sense.

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 following ordinance amendment to amend Chapter 40, Article III – Zoning District Regulations, Article IX – Development Standards for Particular Uses, and Article XVIII – Definitions to Create Standards for Wine Shops and Beer Shops 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

Mayor Barbee said this reminded him of another issue. He said after Council recently defined event venues, there were some concerns about how this was written. Mayor Barbee asked Mr. Oakley if he could meet with those concerned to understand their issues. Mr. Oakley said he thinks there is a meeting scheduled this week to go over this.

14. Public Hearing to Receive Public Input on the FY 23/24 Budget

Council offered the public an opportunity to give input on the FY 23/24 budget.

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

Cindy Dunn, who is Chair of the Beautification Committee, requested support for the group. She asked Council to consider allocating \$10,000 for committee projects.

Kristen Dunn of 907 Ocean Boulevard asked that the budget be more transparent to the public. She said there are not any details listed within each line item.

Butch LeCompte of 307 Charlotte Avenue reminded Council of the survey the Operations Committee did identifying three blocks with extreme erosion problems. He said he would like some budgetary focus on erosion reduction. Mr. LeCompte also said Pump Station #3 needs a bulkhead.

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

Mayor Pro Tem Healy asked about opportunities for the public to get details about the proposed budget. Mr. Oakley said the process includes public hearings and an open house to go over departmental budgets. He said the Town goes beyond the detail required by law.

Council Member Hoffer said he would like to see a specific budget line item for the Beautification Committee's Town entrance project. He said it's important to know the money is there.

Mayor Barbee said the Beautification Committee can't work forever with no funding.

Council Member LeCompte said if the Town wants a standing Beautification Committee, the committee needs financial support.

ITEMS OF BUSINESS

15. Resolution Requesting Coverage of Building Inspections and Plan Review by New Hanover County

The Town's Building Inspector resigned on February 8, 2023. Since that time, New Hanover County has been issuing building permits and performing building inspections for the Town. Resolution No. 23-2284 requests Council support in continuing support from the County for those services.

ACTION: Motion to recuse Council Member Hoffer from this item because he is a New Hanover County employee

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 she is not ready to go to a Level I possibly probationary inspector after the Town had a Level IV inspector for years. She said she doesn't want the Town to become on-the-job training for the County's newest inspectors.

Council Member Barbee said this is not being proposed as a permanent solution but as a necessity to keep operations running. He said the Town doesn't really have a choice.

Mr. Oakley said a Level I inspector will be designated to the Town, but there will be access to all levels. Council Member LeCompte said she still had reservations. Mr. Oakley said certain inspections require higher levels, but the majority of inspections in the Town require Level I certification.

Planning Director Jeremy Hardison gave details about the different levels and said the County will send who is appropriate for those levels. He said the Town is scheduling some dates to meet with local builders for feedback on how things are going and how they should move forward. Council Member LeCompte said she has heard concerns about how inspections are being done on roof trusses and foundations, so she thinks conversations with builders are necessary.

ACTION: Motion to approve the resolution requesting coverage of building inspections and plan review by New Hanover County

Motion made by Mayor Barbee

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

Motion passed 4-0

Council Member LeCompte said she reluctantly voted to approve the resolution.

16. Text Amendment to Amend Chapter 28, Article I – In General to Allow for More Non-Motorized Vending Carts on the Municipal Beach Strand
Applicant: Town of Carolina Beach

At the March 28 workshop, Town staff presented the current ordinance and history of beach vending. The current allowance is for six non-motorized vending carts. At the time of the workshop, all six permits were in use and there were two vendors on the waitlist. Since then, two additional vendors have joined the waitlist. During Council discussion, the recommended number of vendors ranged from seven to 10.

Ms. Abbotts presented the details. She said the proposed text amendment is for eight permits, a number that was chosen because there were two vendors on the waitlist at the time of the workshop.

Mr. Oakley said the number was also based on Council discussion and added that staff is not hard set on any amount, so Council may change it.

Mayor Barbee said he is torn because he doesn't want to cause current vendors to struggle, but he also thinks the market takes care of itself.

Mr. Oakley said the Town can limit the types of items that are sold on the beach, but it cannot say who can sell what.

Mayor Barbee said he has previously proposed increasing the number to 10, which is a cart every 500 yards and seems like a number that would allow vendors to be dispersed. He said the current allowance of six vendors feels arbitrary.

Mayor Pro Tem Healy said the last time the allowance was increased was 2017, and the number of people on the beach has grown since then. He said entrepreneurship is the backbone of the country and competition is good for business. Mayor Pro Tem Healy said he's fine with adding more permits, but he's not sure what the number should be. He said he disagrees with comments that increasing the number of beach vendors will affect brick-and-mortar businesses.

Council Member Hoffer asked why nobody is talking about unlimited permits. Mayor Barbee said ideally the Town should stay out of this, but because it's a relatively new issue he wants to monitor the situation with increased vendors before opening the floodgates.

Council Member Hoffer said brick-and-mortar businesses pay rent and otherwise make upfront investments while beach vendors are allowed to use the Town's beach strand, so it's not a fair comparison. He said he doesn't have a problem with beach vendors.

Mayor Pro Tem Healy said he doesn't like the fact that once beach vendors are in, they're in for life. He said he's not sure how to resolve this, but it doesn't make sense to him.

Mayor Barbee said he doesn't like talking about adding beach vendors while being provided with a list of vendors on the waitlist. He said any number under 10, which includes the four on the current waitlist, would be seen as a political decision.

Council Member LeCompte said one thing not addressed in this process is the possibility of additional litter on the beach. She said she would like to sit down with beach vendors to discuss the use of ocean-friendly plastics and other measures to mitigate trash.

ACTION: Motion to amend Chapter 28, Article I to allow for 10 non-motorized vending carts on the municipal beach strand

Motion made by Mayor Barbee

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

Voting Nay: Council Member Hoffer

Motion passed 4-1

Mayor Barbee said for any future discussions, he does not want to know the number and names of people who have applied for beach vending permits because of the potential for the perception of favoritism. Council Member LeCompte said she also does not like knowing who is on the list.

COUNCIL COMMENTS

Council Member LeCompte:

- Requested an update from DOT on placing a memorial at Cape Fear Boulevard and Lake Park Boulevard called “Cora’s Corner”
- Reminder to update the Town’s AM radio station
- Reminder to submit ideas for the 2025 paving project for Lake Park Boulevard
- Requested to discuss a 25-year traffic plan at an upcoming workshop
- Reminder to advertise steps of the budget process, including opportunities for public input and questions
- Reminder of Realtor Action Day on April 21 9:00 AM-noon, when realtors will work on bumpouts on the east side of North Lake Park Boulevard

Council Member Benson:

- Requested that meeting notices go on electronic boards
- Suggested adding “open” signage at the marina
- Mentioned Nags Head’s success with its stormwater management plan
- Suggested reaching out to the N.C. League of Municipalities regarding a resolution for Kenny Lewis, who recently retired from the Town after 38 years of service

Council Member Hoffer:

- Mentioned the bathrooms at the Lake look much better
- Reminder that volunteers will be working on the tree nursery this Saturday at 9:00 AM
- Mentioned that New Hanover Assistant County Manager Tim Burgess passed away on Good Friday
- Responded to the comment about Council Members voicing their opinions on social media and stated he felt it was an appropriate place to discuss Town matters

Mayor Barbee:

- Requested a presentation about the “Be a Looker” bike safety campaign at the next workshop

CLOSED SESSION

17. Closed Session – Real Estate and Personnel

ACTION: Motion to go into closed session to discuss a real estate and personnel matter in accordance with NCGS 143-318.11(a)(5) and (6); the properties being discussed have the following Parcel IDs:

- 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

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

ADJOURNMENT

Mayor Barbee adjourned the meeting at 9:15 PM.