**CAROLINA BEACH**

Regular Town Council Minutes

Tuesday, March 10, 2020 @ 6:30 PM

Council Chambers

1121 N. Lake Park Boulevard

Carolina Beach, NC 28428

**ASSEMBLY**

The Town of Carolina Beach Regular Town Council meeting was held on Tuesday, March 10, 2020, at 6:30 PM at Council Chambers.

PRESENT: Mayor LeAnn Pierce, Mayor Pro Tem Jay Healy, Council Member Lynn Barbee, Council Member Steve Shuttleworth, Council Member JoDan Garza

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ALSO PRESENT: Town Manager Bruce Oakley, Town Clerk Kim Ward, and Town Attorney Noel Fox

**1. MAYOR PIERCE CALLED THE MEETING TO ORDER FOLLOWED BY A MOMENT OF SILENCE AND THE PLEDGE OF ALLEGIANCE**

**2. ADOPT THE AGENDA**

**ACTION**: Motion to adopt the agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

**3. CONSENT AGENDA**

The following items were included on the consent agenda:

a. Budget Amendments & Transfers as presented by the Finance Director

b. Consider Setting a Public Hearing for April 14, 2020, to Consider a Conditional-Use Permit for a 12-Unit Planned Unit Development at 522 North 7th Street

c. Resolution to Designate Applicant's Agents

d. Approval of Meeting Minutes from 1/14/2020, 1/28/2020, and 2/11/2020

**ACTION**: Motion to adopt the consent agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

**4. SPECIAL PRESENTATIONS**

a. Events Update

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, reported the following upcoming special events for March/April:

* Steve Haydu St. Patrick’s Lo Tide Run – March 14
* Carolina Beach Walk of Fame Ceremony – March 21
* “The Sandlot” Movie at Mike Chappell Park – April 3
* O’Neill East Coast Grom Tour – April 18-19
* Tinted Turtle Trot 5K & 1-Mile Run – April 19
* Community Safety & Wellness Workshop – April 21

Mr. Murphy also gave an update on plans for Warner Bros. Television filming “The Lost Boys” in Carolina Beach. Preparation begins on March 16, with filming scheduled in the Boardwalk area March 19-20 and March 25-26 and filming at High Tide Lounge and the North End area March 23-25.

c. Manager’s Update

Mr. Oakley gave an update on current and upcoming projects, including the following:

* Budget schedule for FY 2020-2021, including these dates: a public hearing for nonprofit funding requests on March 10, a public hearing for community input on April 14, budget workshops on April 28 and May 5, a public hearing on May 12, a Town Council workshop on May 26, and budget adoption on June 9
* Carolina Beach Marina, including FEMA, a $3 million Golden LEAF Foundation grant application with no match required, current efforts to advertise and fill slips using the Dockwa online system, and improvements such as the addition of a dock box and new pump station
* Hamlet public restrooms and Ocean Rescue temporary facilities that will be in place by early April until construction on the permanent facilities can begin in September
* COVID-19 (coronavirus) emergency preparedness, including the declaration of a state of emergency by Gov. Roy Cooper
* Census 2020 marketing efforts, including a logo that can be used on the Town’s billboard

**5. PUBLIC COMMENT**

Kevin Fritzinger of 1319 Canal Drive asked if there had been any progress since the last meeting regarding abandoned sailboats and other watercraft in the harbor as well as people living on them. Mr. Oakley said the matter was discussed at a workshop a couple of weeks prior but that he was not aware of any action. Mr. Fritzinger said he would continue to come before Council each month to inquire about the status. Mayor Pierce said there is a harbor master now who would be monitoring the situation. Council Member Barbee said based on the last meeting, he was under the impression the Town was waiting on some enabling legislation from Raleigh that hadn’t yet happened. Ms. Fox said this is correct and that she has been working with Town staff to develop an ordinance that will be discussed at the March 17 workshop.

Ben Say of 608 Charlotte Avenue said due to street closures for construction, Waste Management had not made the pickup on his street that day. He asked what could be done about this. Assistant Town Manager Ed Parvin told him the process is to report it via the Town’s website or call with his address so the Town can direct Waste Industries to make the pickup. Mayor Pierce said Town staff would make a note of it now and handle it.

Skip Sprague of 102 Island Palms Drive said he wanted to talk about an item on the consent agenda, the 12-unit Planned Unit Development at 522 North 7th Street. He said the people of his neighborhood feel that it does not fit in there due to the number of units, small driveway, and impact on traffic. Mayor Pierce asked if this was regarding a conditional-use permit application. She explained that anytime there’s a conditional-use permit application on the agenda, Council members cannot have any communication with the public about the issue until it’s presented to Council or it will disqualify them from voting on it. Ms. Fox said that item will be heard next month and it is a conditional-use permit application, so Council should not hear anything about it during tonight’s public comment.

**6. PUBLIC HEARINGS**

a. Public Hearing to Consider Requests for Funding from Nonprofit Organizations out of the General Fund

**ACTION**: Motion to open the public hearing

Motion: Mayor Pierce

Vote: UNANIMOUS

The following nonprofit representatives spoke briefly to Council about their requests:

* Jarvis Wise of Carolina Beach Inlet Association, requesting $7,500 to implement educational goals
* Darlene Bright of Federal Point Historical Preservation Society, requesting $9,000 for operation of the Federal Point History Center
* Denise Anderson and Joey Needham of Friends of Felines, requesting $2,000 for continuing to trap, spay/neuter, vaccinate, and release feral cats on Pleasure Island
* Frances Massey of Islands of Lights, requesting $5,000 for new displays and events
* Nancy Busovne of Pleasure Island Sea Turtle Project, requesting $1,100 per month from May 1 through the end of nesting season (August) for supplies, nesting materials, ATV rentals, gas, and other necessities for running the project all summer

Mayor Pierce asked if there was any public comment regarding the nonprofit requests. No one else spoke. She explained that there would be no vote on the requests tonight and that they would be further discussed during the budget process.

**ACTION**: Motion to close the public hearing

Motion: Mayor Pierce

Vote: UNANIMOUS

b. Consider a Conditional Use Permit located at 1230 N. Lake Park Blvd for a Business Planned Unit Development – Applicant: Bryant Real Estate Investments, LLC

The following were sworn in by the Town Clerk: Miles Murphy, Attorney Colin Tarrant, and applicant Mark Bryant

Mayor Pierce: OK, and at this time I'll make a motion to open the evidentiary hearing. All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: And I'm gonna ask our Town Attorney Noel Fox to make some comments on the process.

Ms. Fox: Mayor, Council, as you know, this is a quasi-judicial hearing. It means it's an evidentiary hearing much like we would have in a court of law. That means that you as a board have to follow very specific procedures required by state law in making your decisions tonight. But while the rules of evidence don't strictly apply in these types of hearings, we do try to adhere to the rules of evidence. All the testimony that you're going to hear tonight must be competent, relevant, and substantial. You are required to make your decision on competent, relevant, and substantial evidence that is in the record. If you're speaking as a witness, please focus on the facts and standards, not personal preference or opinion. If you intended to testify, please do not offer unsupported opinions or speculation because the Council cannot consider this testimony. You must limit your testimony to relevant, competent, substantial, and material evidence. Competent evidence is not opinion testimony of lay witnesses about the use of the property in a particular way and how it would affect the value of other property, the increase in vehicular traffic resulting from a proposed use and how it would pose a danger to public safety, nor matters about which only expert testimony would generally be admissible in the rules of evidence. Before we begin the hearing, the parties before you tonight are entitled to have this matter adjudged by an impartial decision maker. If you have a conflict of interest, you must not participate. A conflict of interest exists if you have a close familial, business, or other relationship with an affected person or a financial interest in the outcome of this matter. Does any member of the board have any conflict partiality to disclose and recusal to offer?

Council: No.

Ms. Fox: Does any board member have any ex parte communications to disclose?

Council: No.

Ms. Fox: Mr. Barbee?

Council Member Barbee: Not on this one.

Ms. Fox: Oh, OK. Thank you.

Council Member Barbee: Next one.

Ms. Fox: All right. All right.

Council Member Barbee: I’m a problem child.

Mayor Pierce: OK. All right, so we will have our staff presentation.

Ms. Fox: Oh, I'm sorry. I wasn’t finished.

Mayor Pierce: I was wondering.

Ms. Fox: Sorry, my bad. Is there anybody for this matter other than the applicant who believes that they have a have legal standing to participate as a party in this matter?

Mayor Pierce: And Ms. Fox, can you explain what that is because this is a little different?

Ms. Fox: Yes.

Mayor Pierce: The standing.

Ms. Fox: Parties that have standing have to be able to show that they have special damages, so we have had one hearing in the 12 years that I've been the counsel, it was January 14th, where we had a standing hearing. Generally that is not something we address, but I thought I would ask. So seeing nobody, I would say take it away, Mayor.

Mayor Pierce: OK.

Miles Murphy, Planner for the Town of Carolina Beach: Yes, ma’am. Good evening, Mayor, Council. Happy to be in front of you. Is this the first time for 2020? I really I can't remember. No? Did one already?

Jeremy Hardison, Planning Director for the Town of Carolina Beach: January.

Mr. Barbee: Were you not here for the all-nighter?

Mr. Murphy: You know, I mean, no, me personally in front of y'all. Yeah, I think thankfully I was able to skip that one. Perks of being a little lower on the totem pole, I guess. All right, I'm here to present a conditional-use permit for a Planned Unit, Business Planned Unit Development at 1230 North Lake Park Boulevard for you this evening. First of all, we're just gonna take a nice little look here at where 1230 North Lake Park Boulevard is, if anyone is unfamiliar. This is what the overall site plan is going to be for the project. First of all, have you point out that in the Highway Business, Planned Unit, Business Planned Unit Developments are permitted by conditional-use permit. They are permitted with a no max density maximum 60 percent lock coverage 50 feet in height standard setback to the Highway Business District. What you see in the center of your screen are the parking calculations related to the project. They have two office spaces and warehouse space being proposed, which requires a total of 22 spaces for office space and one space for the warehouse parking. The height of the proposed structure is a maximum of 24 feet at this time, and the lot is 39,799 square feet, giving them plenty of space to accommodate both of these structures. You can also see on the site plan that the Planned Unit Development for a business park here requires a 10-foot landscape buffer as well as fencing buffering it from any residential properties. In addition, they have 25 feet on the left, on the right, and I believe and a 25 feet in the rear, but I have that on an upcoming slide so we can verify that. Does anyone have any questions about the site plan while we're looking at it?

Council Member Barbee: I just want to make sure I have my bearings.

Mr. Murphy: Yes, by all means.

Council Member Barbee: So the offices at the top of your draft that are being built, that is on the property between that front building, and I think there’s two adjoining homes back there?

Mr. Murphy: Yes. So if we go, go back to the previous slide here, this is empty space currently.

Council Member Barbee: Right.

Mr. Murphy: And it's gonna be transitioned to office, office and warehouse.

Council Member Barbee: OK, I got it. Just wanna make sure.

Mr. Murphy: Is that clear to everyone? All right, any other questions while on the site plan before we move on? OK. So these are some proposed elevation renderings so you can get an idea of what the structure will look like. You'll essentially have a three fronts there with two office space in the warehouse. The warehouse will feature a second level, hence the 24-foot height for the proposed structure. The warehouse is proposed to be primarily used for laundry space related to Bryant Real Estate's activities. So this is the current status of 1230 North Lake Park. They have their primary operating building. They have the large empty lot, and this is what it looks like from across Lake Park, just in case you haven't been driving in and out of town recently. The adjacent properties, we have commercial property to the north and south of it, and then we also have the Moorefield properties, which is primarily 101 and 103 Moorefield, which will actually back it, but there is 100 and 102. 102 is not featured in any of my photos. The four general conditions, Business PUDs are permitted in Highway Business, and the zoning standards are being followed by this project. The proposed CUP meets all the requirements, and they are not asking for any waivers or modifications. The proposed use conforms with the Highway Business zoning district and will be buffered from adjacent residential properties appropriately, and the future Land Use Plan includes this in the Commercial-1 District, which emphasizes Highway Business Corridor, which will allow for single-family residential but is mostly focused on commercial enterprises – retail, office, restaurant, entertainment, and services – which this proposed business PUD would be working towards. Ingress and egress will be off of Risley, the same way it is now. There may be slight modifications to the pre-existing parking, but that's simply to accommodate necessary handicap parking by the addition of a second business structure. Addition, they have met all of their parking for both the primary structure and the secondary structure they are proposing. Trash service will not be altered. Stormwater and utilities will be dealt with by the in-ground system they already have in place, and anything else will be directed towards Risley Road, but they should they believe they have enough stormwater already in place from their initial development. There will be a minimum of a 10-foot landscaping buffer around the second building, which is proposed. They already have 5 feet or more of landscaping around the rest of the property from initial development. The, there is no additional signage proposed at this time. Any signage they would propose would just have to come back to the Town for a general signed permit and would be evaluated at that time. And there is no required yard or open space beyond general zoning requirements for a PUD, so we're looking at a minimum of 15 between structures, which they meet, a minimum of 10 percent open space, which they meet. They’re below 60 percent lot coverage given the size of that lot, and they their front setback for the secondary structure is substantial. Their rear is 25 feet of the required 20, and their sides are both 25 feet of the required 12 and a half and 7 and a half. So staff recommends the approval of this proposed business CUP, and Planning & Zoning voted 5-0 in favor of the approval with the proposed business CUP. I'd be happy to answer any additional questions you may have as well as I believe the applicant is here tonight as well.

Mayor Pierce: Any questions for Miles?

Council Member Garza: I have none.

Mayor Pierce: Would the applicant like to address Council?

Mr. Tarrant: Good evening, Mayor, members of the board. My name is Colin Tarrant. I'm an attorney with Block, Crouch & Keeter in Wilmington. I'm here on behalf of the applicant, Bryant Real Estate. It's our application for a conditional-use permit for a Business Planned Unit Development. As staff has pointed out, and I don't need to basically repeat everything that staff said, is that we've satisfied all the requirements as laid out in the ordinance, the specific requirements in the ordinance that deal with the Business Planned Unit Development as well as the general requirements that are incorporated into the ordinance and laid out in the general statutes of North Carolina. We would at this time like to request that the staff’s report be entered into the record, if there's no objection to that.

Mayor Pierce: OK.

Mr. Tarrant: Thank you. I'd also like to point out that Mr. Mark Bryant is here on behalf of the applicant. He's available to answer any questions that any of you may have as it pertains specifically to the project itself, any of his plans for that property he'll be happy to answer any questions that you may have. Mr. Phil Tripp is also here with Tripp Engineering. He's able to answer more of the technical questions if the board would like to ask any of the technical questions that pertain to the proposed project that we stand before you here today. As I've stated, we meet the requirements, we've appeared before the Planning Board back in January. The Planning Board has voted unanimously to recommend approval to the board of the project. As I stated, we're happy to answer any questions you may have, and we respectfully request that you approve our application.

Mayor Pierce: Council, any questions?

Council Member Garza: I’m cool.

Council Member Barbee: I’m good.

Council Member Shuttleworth: I’m good.

Mr. Tarrant: Thank you.

Mayor Pierce: Would anyone from the public like to comment on this project? OK, well, I'll make a motion. Do we have any more questions for staff?

Council Member Garza: Nope.

Mayor Pierce: All right, I'll make a motion that we close the evidentiary hearing. All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: Council, discussion?

Council Member Barbee: I love it when they’re clean like this one.

Mayor Pro Tem Healy: I just know around, I know there’s a bunch of live oaks over there and part of it is the preservation of the live oaks. I love our trees, and I don't wanna see anything happen to those. Also, is the front of the building is that corrugated metal?

Mayor Pierce: Ms. Fox, can we have him come back up and answer that question after we’ve closed the hearing?

Ms. Fox: Yes. Well, you can reopen the evidentiary hearing.

Mayor Pierce: OK, we’ll, we'll reopen the public hearing and have you come up and answer that question. All in favor?

Mayor Pro Tem Healy: I’m sorry about that.

Council: Aye (motion passed unanimously).

Mayor Pierce: Yeah, that’s OK.

Mr. Bryant: So it is gonna be a pre-engineered metal building, the superstructure of it.

Mayor Pro Tem Healy: Right.

Mr. Bryant: The bottom of it we're trying to tie in the same architecture. There's gonna be an overhang to match the wraparound porch of our building, and then the bottom half is gonna have that oyster tabby shell stucco.

Mayor Pro Tem Healy: By the way, that building is magnificent.

Mr. Bryant: Thank you.

Mayor Pro Tem Healy: It’s fantastic.

Mayor Pierce: And and to Jay’s point, we would just ask that if any preservation of the treats could happen, we would ask that you be considerate of that.

Mr. Bryant: We are looking forward to that. Those three trees were the reason we bought the lot.

Mayor Pro Tem Healy: Right.

Mr. Bryant: We wanted to put the building behind there.

Mayor Pro Tem Healy: Fantastic.

Mr. Bryant: In fact, when we went out to have a tree company come and do some aeration trying get make them more healthy, we had probably 14 people pull in. You can't cut these trees down.

Mayor Pro Tem Healy: Thank you for that.

Mayor Pierce: Awesome.

Mayor Pro Tem Healy: Appreciate that.

Mayor Pierce: Anymore questions while he is up here? OK, thank you. OK, I'll make a motion to close the public hearing. All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: Well, I'll make a motion that we approve the CUP located at 1230 North Lake Park Boulevard for the Business Planned Unit Development for Bryant Real Estate, that it is it is consistent with the seven specific standards and four general conditions and consistent with the Land Use Plan. All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: Thank you. Nice project, guys. We appreciate it.

c. Consider a Conditional Use Permit located at 1012 S. Lake Park Blvd for a 2-Unit Detached Business Planned Unit Development – Applicant: Ralph Roof

**ACTION**: Motion to interchange item 6c with item 7a because the applicant for item 6c was not yet present

Motion: Mayor Pierce

Vote: UNANIMOUS

The following were sworn in by the Town Clerk: Miles Murphy, George Pinkston, and applicant Ralph Roof

Mayor Pierce: OK, I'll make a motion that we open the evidentiary hearing. All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: And staff presentation. Oh, Noel Fox.

Ms. Fox: Just, Mayor, Council, and for those who were here for the earlier item, this is a quasi-judicial hearing. All of the things that I said during the last hearing hold true for this. You must base your decision on competent, material, substantial evidence. Your witness, you must stick to the standards that are necessary for the applicant to prove. The fact finders must be impartial. Does any member of Council have any disclosure of an ex parte communication, bias, or conflict of interest to disclose?

Council Member Barbee: I think the answer to those three things is no, but I do need to disclose that I was in P&Z when not this CUP but a prior version of this came through, so I did hear that hearing, just FYI. And then the second piece is I am a board member for Carolina Sands, which is an adjacent property to this, but I do not have any financial interest in it per se and I do not have a biased opinion.

Ms. Fox: You have no fixed opinion and no bias?

Council Member Barbee: No.

Ms. Fox: Does any member of Council have any objection to Mr. Barbee participating as a fact finder in this matter?

Council Member Garza: Were you there during the entire presentation at P&Z?

Mayor Pierce: Do you mean this presentation or the first presentation?

Ms. Fox: That was a, that was a different CUP.

Council Member Barbee: OK, yes. Not for this one, no.

Mayor Pierce: OK, so we all heard the first one, so, I mean, this is a different CUP. And my other question would be with Carolina Sands, are they going to propose they have special standing?

Ms. Fox: That's the next question, yes, but for this moment, does any member of Council have an objection to Mr. Barbee participating?

Council Member Garza: Wouldn't we need to know that before we can say that answer?

Ms. Fox: No.

Council Member Garza: So, my thing is, is that nothing against Lynn, but if some reason we say Lynn can vote and then Carolina Sands says we want standings, now he does kind of have a part of that. See what I'm saying, Lynn?

Council Member Barbee: You’re over my head legally, but.

Ms. Fox: He’s indicated that he has served on the board of directors, that he doesn't have, hasn't had any ex parte communications that other than that, you have to vote on whether or not you think that that requires him to not hear this matter as an impartial fact finder.

Mayor Pierce: So, we'll do it like this. I'll make a motion to allow Councilman Barbee to vote on this CUP. All in favor?

Council (besides Council Member Garza): Aye.

Mayor Pierce: Opposed?

Council Member Garza: Nay (motion passed 4-1).

Ms. Fox: OK, does the applicant have any objection to Mr. Barbee participating in this matter?

Mayor Pro Tem Healy: I just want to say I did attend the exact same P&Z meeting.

Ms. Fox: That is a different CUP. It is not before Council tonight.

Mayor Pierce: And you're gonna move into the special?

Ms. Fox: Yeah, is there any person in attendance that thinks they have standing to participate as a party in this matter of this evening? OK.

Mayor Pierce: All right, we'll hear from staff presentation.

Mr. Murphy: Good evening, everyone. Yes, ma’am, I do know. Just getting back to my OK face after all that. So I'll be presenting a second conditional-use permit for a Business Planned Unit Development located at 1012 South Lake Park Boulevard. As we are all familiar with, this is 1012 South Lake Park Boulevard. The entire property, including two back portions, are now owned by Ralph Roof. There was a recent recombination done as well as a purchase to increase the parking, which will be featured in the site plan that you will see in a moment. So these are the current conditions for 1012 Lake Park Boulevard South. To the south, we have an HOA property of Carolina Sands at 1016, and to the north we have a restaurant commercial property at 1006 Lake Park Boulevard South. Business Planned Unit Developments are permitted in neighborhood business as of a text amendment in the fall of 2019. They are permitted by conditional-use permit. They have to meet a maximum density of 8.7 units per acre and otherwise meet all the standard zoning requirements for that zone as well as a standard Business Planned Unit Development. This is the updated proposed site plan for the new CUP in front of you. There were substantial changes made from the initial, the largest being a increase or a decrease of the footprint of the proposed structure so that the full 10-foot landscape buffer could be incorporated at all areas of the property, which it was reasonably required. Additionally, the parking was modified to include some golf cart parking to deal with some tricky maneuvering situations. They still meet the required parking based on indoor and outdoor available seating. The landscape buffer has been provided in all reasonable areas. Handicapped access and access to the public right-of-way is sufficient for the building inspector. Drive aisles and parking meet standards in addition have enough turn radius for a fire vehicle as well as a out-of-hours loading plan, and the lot size is 19,692 square feet, big enough to accommodate two units based on the unit density of neighborhood business. Any questions about the site plan while we're all looking at it? All right. Of the general conditions, the density falls within a standard for a neighborhood business and the proposed structure falls to setback requirements. The CUP meets all required conditions and specifications. The structure will conform with the neighboring properties, as it is in the Neighborhood Business District, and plans are for it to be, I believe, a restaurant use. The desired future land use of that area is Mixed Use-1, which is, you know, has a predominance of single-family duplex and commercial uses with lower intensity, such as restaurants and commercial services and retail and otherwise general zoning requirements. The seven specific standards ingress and egress will remain via Lake Park Boulevard South, and the parking design will accommodate two-way traffic. Parking is contained on the property. Trash will be collected via a refuse container, which is located on the site plan that I can point it out if you would like me to. Utilities will be standard through Duke and the Town, as there are existing on on, and new parking improvements require the grading of the lot so that no stormwater collects on the rear property and all stormwater is directed towards Lake Park Boulevard South. There's currently a little bit of water collection back there, and stormwater wants that to change as we go through this process and that's the plan at this time. There is a 10-foot landscape buffer required for this development, and that is all being provided in every reasonable area. No signage is proposed at this time, and any new signage will have to come back through the Planning Department and meet the required ordinance standards. The property must meet the 15 feet between structures, 10 percent of open space, 40 percent of lock coverage, and all other standard zoning. They have a 20-foot front setback. They're very far in the rear and are featuring a 10-foot side setback to accommodate the full extent of the landscape buffer. Staff recommends the approval with the proposed business CUP, and Planning & Zoning voted 5-0 in favor of the approval with the proposed business CUP. I'd be happy to answer any of your questions.

Mayor Pierce: Any questions for staff? Would the applicant like to present?

Ms. Fox: Just for the record, the gentleman here, Mr. Roof, he is your agent?

Mr. Roof: Yes.

Mayor Pierce: Yes.

Ms. Fox: Thank you.

Mr. Pinkston: Mayor, Council, good evening. My name is George Pinkston. I represent Mr. Ralph Roof, the applicant, tonight. I have a residence here on Pleasure Island. I have an architectural planning company in Wilmington, North Carolina. We have made every effort, as Miles has presented, to meet the required zoning ordinance staff recommendations, commission, and the previous Council and Mayor recommendations. I simply ask that you consider this and am here for any questions that you may have, so thank you.

Mayor Pierce: Any questions for the applicant? Thanks, George. Would anyone from the public like to speak on this CUP? OK, I’ll make a motion to close evidentiary hearing. All in favor?

Council: Aye (motion passed unanimously).

Mayor Pierce: Discussion?

Mayor Pierce: I make a motion to approve the CUP for 1012 South Lake Park Boulevard. All in favor?

Council: Aye (motion passed unanimously).

Mr. Murphy: Have a good evening

Mayor Pierce: Thank you, Miles. You did very good tonight on both items.

**7. ITEMS OF BUSINESS**

a. 2020 Parking Rates and Fees

Mr. Parvin gave a presentation on proposed parking rates and fee changes. He also displayed an interactive parking program map that will be on the Town’s website for everyone to access. Among the proposed changes are $3 per hour in metered lots with a two-hour limit to encourage turnover for businesses in the Central Business District (CBD) (two-hour limit will stop at 8:00 PM), most parking lots charging $5 per hour or $20 per day (with the exception of three that will charge $3 per hour and $17 per day), $200 for non-resident parking passes, and $100 for a CBD employee parking pass to be used in any Town lot. The proposal is for the parking program to span April-November in 2020 and March-November in 2021.

Council Member Garza asked if the increases were a result of lost revenue from Freeman Park. Mr. Parvin said this was a complete separate issue and was meant to keep parking rates competitive. Mayor Pierce said it was necessary to keep from losing private lots to private operators who may be able to offer a higher cost share.

Mayor Pierce said her main issue was the proposed $200 for a non-resident parking fee. She said she did not want to discourage nearby people from visiting the island and thought the current fee of $150 was sufficient.

Council Member Shuttleworth said he also was unsure about the increase for non-residents as well as the increase from $25 to $100 for CBD employees. The current $25 fee restricts parking to a single lot, which is often full. He proposed charging $50 for a pass that allows CBD employees to park anywhere.

Council Member Garza said he was fine with charging $100 to CBD employees.

Mayor Pro Tem Healy said he was also OK with $100 for CBD employees. He said he think it’s fair and that employers would be willing to pay for them because employees could show up on time if they have multiple lots where they can park.

Council Member Barbee asked if it was possible to offer a CBD employee pass for $50 that restricted them to nonprime lots.

The consensus of Council was to charge $100 for a CBD employee parking pass that allows the holder to park in any Town lot.

Council Member Shuttleworth said the Town could raise $130,000 in extra revenue if they charged $40 instead of $20 for resident parking passes. Council Member Garza, Mayor Pierce, and Mayor Pro Tem Healy also said they would be in favor of this. Council Member Barbee said most residents are already paying property taxes and therefore should get a better deal, so he was not in favor of the increase. He said he would rather see an increase for non-resident parking passes.

**ACTION**: Motion to open the floor to public comment about the parking proposal

Motion: Mayor Pierce

Vote: UNANIMOUS

Mark Miller said he was not in favor of the increase for resident passes. He said at $20 per pass he buys multiple passes for multiple vehicles, but with an increase he would not do that so it would not necessarily translate into doubling of revenue.

Debi Taylor of Florida Avenue said she was fine with resident passes being $40 but thinks golf cart passes should also be $40 unless there are specific spots reserved just for them.

Scott Seifer of 101 6th Street North said he has no problem with resident passes being $40, but at that price he would only buy one instead of two. He said he was on the fence about whether golf carts should be the same price as cars, but even at $40 it is still worth it to him.

Lynn Conto of 807 North Carolina Avenue said she has a golf cart and is in favor of the increase to $40 for residents. She said she would like to see more revenue raised from optional fees rather than mandated taxes.

Paul Levy of 1606 Mackerel Lane said he was indifferent about the resident parking pass increase but suggested maybe a phased approach of $30 this year and $40 next year for both cars and golf carts. He said perhaps more residents would use bicycles if it was safer to ride on Lake Park Boulevard. Mayor Pierce said the Ad Hoc Bike/Pedestrian Committee is working on a route to keep foot and bicycle traffic off Lake Park Boulevard.

Patricia Jones of 712 Saint Joseph Street said marketing is the key to getting people to accept rate increases. She said most people expect a premium experience if they are paying more. She suggested charging $35 for resident passes instead of doubling the price. She also recommended the Town charge private lots for trash pickup and raise the price of the CBD employee parking pass to $100 so they employees would feel more of a commitment to the Town.

Mark Miller asked whether at the increased price it would be possible for residents to have a pass that would be interchangeable between multiple vehicles they own. Mayor Pierce said that was not possible because passes must be affixed to one vehicle.

**ACTION**: Motion to end public comment about the parking proposal

Motion: Mayor Pierce

Vote: UNANIMOUS

Mr. Oakley suggested splitting the difference and charging $30 for residents and $175 for non-residents.

**ACTION**: Motion to approve all Town staff recommendations on parking rates and fees with the following exceptions: $100 for CBD employees to be used in any Town lot, $40 for resident cars and golf carts, $175 for non-resident cars, and $100 for non-resident golf carts

Motion: Council Member Shuttleworth

Vote: 4-1 (Council Member Barbee opposed due to the increase to $40 for residents)

Mr. Parvin said the new fees will start April 1. Mayor Pierce said Council might want to rethink running the parking program through November. She said she was OK with starting it in March but thought extending it through November could be a bad move for businesses. She asked what other communities were doing.

**ACTION**: Motion to reconsider the previous motion

Motion: Council Member Shuttleworth

UNANIMOUS

Tina Reid of Lanier Parking said most of their operations adhere to March 1-October 31, with two exceptions that operate year-round.

**ACTION**: Motion to approve the Town staff presentation for parking as presented with the following changes to take effect on April 1: $175 for non-residents, $100 for CBD employees to be used in any Town lot, $40 for resident cars and golf carts, and effective dates of March 1-October 31

Motion: Council Member Shuttleworth

Vote: 4-1 (Council Member Barbee opposed)

b. Appointments to the Ad Hoc Beautification Committee

Mayor Pro Tem Healy said there were 10 applicants to the Ad Hoc Beautification Committee that Council voted to create in January. Staff advertised the vacancies for six weeks. The following people applied: Amanda Prill, Blair Williams, Cindy Dunn, Dawn Betz, Emily Harding, Holly Martin, Jacquie Ott, Jeanette Morales, Julenna Jones Shelley, and Karen Graybush. Mayor Pro Tem Healy said his recommendation was to accept all of them because the committee will not just be giving advice but also doing hands-on work.

Council Member Barbee asked whether all 10 would be full voting members. Mayor Pierce said ad hoc committees have voting powers and suggested that Mayor Pro Tem Healy choose nine members and one alternate.

Council Member Shuttleworth said it might be difficult to manage a group of 10 if they will be mostly coming up with ideas, but if the intent is for the committee to be largely hands-on then 10 is not an unreasonable number of members. He also said there should be a plan for how the committee’s ideas will be approved. Mayor Pierce said Council would need to provide that approval.

**ACTION**: Motion to approve nine voting members and one alternate, Karen Graybush, for the Ad Hoc Beautification Committee

Motion: Mayor Pro Tem Healy

Vote: UNANIMOUS

**8. NON-AGENDA ITEMS**

Mayor Pierce shared information about Census 2020 and stressed the importance of an accurate count for the purposes of determining seats in Congress, funding and grants, and data for redistricting. She asked Town staff to start using the logo on the Town billboard as soon as possible.

Council Member Garza asked about the status of the tree ordinance that was discussed last year. He also said he’d like to see informational videos on the Town website and Facebook page every week or two to remind residents about issues such as hurricane season, smoke detectors, locking up bicycles, rip currents, and tire pressure when driving on Freeman Park.

Council Member Shuttleworth said Town staff should be looking at completing spring cleaning and other preparations for the peak season before March is over and staff becomes overwhelmed, including putting out the blue trashcans on the beach, clean up parking areas, installing signs, ensuring streetlights are working, etc. Mr. Oakley said he would have a checklist and plan for Council during their workshop next Tuesday. Council Member Shuttleworth also asked whether anything was being done about the flashing lights on the stop sign trail crossings between the Island Greenway and vehicular roads. Mayor Pierce said she would bring this up at the Ad Hoc Bike/Pedestrian Committee meeting next week.

Mayor Pierce said owners of businesses in the Boardwalk area have asked for a designated area to load and unload supplies. Mr. Parvin said there is an area they can use on Raleigh Avenue. Mayor Pierce asked Mr. Oakley to email the business owners with this information as well as the new rate for a CBD employee parking pass.

Council Member Garza asked about the Town’s policy on purchasing new vs. used vehicles. He wanted to know if Town staff is always purchasing new models or whether used models were considered based on the best solution for the position. Mr. Parvin said Town staff had been looking into additional vending options for vehicle purchases. Mr. Garza encouraged Town staff to look more aggressively.

**9. ADJOURNMENT**

Mayor Pierce made a motion to adjourn at 9:00 PM. Motion passed unanimously.

Submitted by:

Kimberlee Ward

Town Clerk