

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, July 9, 2019 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Regular Town Council was held on Tuesday, July 9, 2019 at 6:30 PM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, and Council Member JoDan Garza

ABSENT: Council Member Steve Shuttleworth

ALSO PRESENT: Interim Town Manager Ed Parvin, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MEETING CALLED TO ORDER WITH A MOMENT OF SILENCE FOLLOWED BY THE PLEDGE OF ALLEGIANCE
2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda with the removal of setting a public hearing to review the sign ordinance and removing the closed session to discuss a personnel matter.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

- a. Items Approved Under Consent

The following items were approved under the consent agenda:

- Budget amendments and transfers as presented by the Finance Director
- Budget amendments for carryovers
- Set a public hearing for August 13, 2019 to consider a rezoning request from R-1 to R-3 to rezone 25 properties on the south side of Sumter Ave from the 400 block of Sumter Ave to the Sunny Point buffer, and to include 804 & 803 S. Sixth st and 804 S 4th st. Applicant: Karen Graybush
- Budget Ordinance 19-1115, an amendment to the Island Greenway Project
- Year end budget transfers
- Meeting minutes from May 28, June 11, June 18, and June 25, 2019

ACTION: Motion to approve the consent agenda.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

a. Special Events

Brenda Butler presented the events scheduled for July and August.

b. New Special Event - 90's Neon Nighttime Bike Brigade

Kevin Murphy with Ocean Cure presented a request for a new event - 90's Neon Nighttime Bike Brigade. This is a fundraiser to benefit Ocean Cure in collaboration with the Carolina Beach Bar Club, a local social group. The event will take place on Saturday, November 9, 2019 at the Lake. Bike riders will be limited to 3 beers per person.

ACTION: Motion to approve the 90's Neon Nighttime Bike Brigade for November 9, 2019 at the Lake.

Motion: Tom Bridges

Vote: UNANIMOUS

c. Watershed Management Plan

Tracy Skrabal with the North Carolina Coastal Federation spoke about stormwater run-off and the benefits of developing a watershed restoration plan.

d. Manager's Update

Mr. Parvin gave an update on the following topics:

Upcoming Land Use Plan Meetings:

- July 16th, August 8th, and September 10th

Food Trucks - There are two food trucks currently on the Island.

- Pelican Snowballs on the Astor lot
- Ice Cream truck on the corner of Hamlet and Lake Park

Budget books are being put together this week.

The Billing window is now open from 10 - 5.

New fencing is being put up at the water plant at Raleigh/Cape Fear.

Updating software with automated meter to help reads

Interviews are being held for Police Sergeant, Officer, Stormwater Construction Specialist, Billing Supervisor, Public Works Supervisor, and Accounting Technician

Reviewed the conditions of approval for working after hours.

Technical Review Committee is reviewing the following:

- CUP modification for Hurricane Ally's
- One way street on Wilson Avenue
- Recommendations on public nudity ordinance
- Demolition and rebuild on the corner of Cape Fear and Lake Park Boulevard
- Mixed use text amendment

Freeman Park Update and current status:

1. Only the following vehicles will be allowed into the park:

Vehicles with an annual permit permanently affixed to the windshield, or;

Vehicles associated with an existing camping reservation south of the closure area (maximum of 2 vehicles per campsite).

2. No daily access passes will be sold; annual permits may still be purchased. (weekdays)

3. Camping will be limited to designated spaces south of the closure area. (additional limitations)

4. No vehicles are allowed past marked closures. Anyone driving past a designated closure will be issued a citation. Visitors of the park may still walk past closure points.

5. No vehicle shall operate or park in the tidal zone (wet sand area).

6. Lifeguards will only patrol areas of Freeman Park where vehicles are allowed.

7. Intermittent closures are anticipated to occur due to limited beach area and level of patron use.

8. Pending increased tidal surges, access to Freeman Park may result in additional restrictions and closures.

Council Member Garza said that the website needs to be updated. It does not state that the pass is non-refundable. He suggested that Council look at setting a limit on the number of passes sold.

Mayor Benson thanked Ed for handling that mess and reminded visitors that the Town does not have the authority to renourish Freeman Park.

Council Member Pierce thanked staff for protecting the visitors and citizens.

Mr. Parvin discussed a few options for providing refunds for Freeman Park passes. Staff recommends that Council not consider a refund as the application states they are non-refundable and non-transferable. Council agreed not to offer refunds.

Stormwater Check Valves:

3 installed last year

1 installed week at Florida/Maryland

10 on order that are anticipated to be here in August and installed by September

2 remaining will be needed at the north end of Canal Drive

5 will be incorporated to the Marina project

5. PUBLIC COMMENT

- a. Lynn Conto 807 North Carolina Avenue said that it is Day 14 for Publix and she thanked Council for allowing them to come.

She also suggested offering discounts next year to those who purchased a Freeman Park decal this year.

Kevin Fritzing 1319 Canal Drive mentioned that the sailboat in the harbor sunk. There is a blue marker above where it is sitting.

Mr. Parvin replied that the Town removed the vessel and has to hold it for 30 days. He can have it demolished or sold according to ordinance after the 30 day hold period.

Mr. Fritzing suggested expanding the mooring field so they can't park in that area.

Mr. Parvin said that he tried to expand it in 2008 with no luck but would look into it again.

Council Member Garza asked to put this on the July workshop.

Mr. Parvin said that he would be out of town but could possibly put it on the August workshop.

Mr. Fritzing also mentioned that Canal Drive was repainted but Carolina Beach Avenue North was not and you cannot see the yellow line or the bike path at night.

Patricia Jones 712 St. Joseph Street suggested looking at Isle of Palms and how they do perpendicular parking. She would like for the Town to become a walking and biking community. She added that there are no crosswalks on Lake Park Boulevard from the bridge to Harper Avenue. She said that the Town needs to adopt a vision for the future.

Kurt Bartley asked Council to make sure the people are speaking into the microphones during Council meetings. It is hard for those who are watching online to hear speakers when they turn their head away from the microphones. He also asked about the crosswalk at Ocean Boulevard.

Joe Tyron 619 Hamlet Avenue said that there is a visual impairment at Hamlet and Dow. There is vegetation blocking the line of sight.

Brett Besterfeldt 214 Raleigh mentioned the hazard of cycling on Lake Park Boulevard. Large trucks park from Hamlet to Harper on Lake Park and you cannot see around them. It should be compact cars only. Also, there are large pot holes on Carolina Beach Avenue South that need to be filled.

6. PUBLIC HEARINGS

- a. Conditional Use Permit: Consider a Conditional Use Permit for a 6-unit Planned Unit Development consisting of 3 two-family dwellings located at 409, 411 & 413 Carolina Beach Ave N. Applicant: Steve Shuttleworth

The following were sworn in by the Town Clerk:

Attorney Ned Barnes, Planning Director Jeremy Hardison, Assistant Town Manager Ed Parvin, and resident Patricia Jones

Mayor Benson: At this time, I open the evidentiary hearing. I would like the Town Attorney to give a brief review of the quasi-judicial hearings.

Ms. Fox: Mayor, Council and Members of the Town that are in attendance, this is a quasi-judicial matter which means that this hearing is an evidentiary hearing, much like a court hearing. Council must follow specific procedures that are required by state law in making its decision tonight. Specifically, Council's discretion is limited and must base its decision based on competent, relevant, and substantial evidence in the record. If you are a witness, you need to focus on the facts and standards, not personal preference or opinion. If you intend to testify, please do not offer

unsupported opinions or speculation. The Council cannot consider that testimony. Please limit your testimony to relevant, competent, substantial and material evidence. Before we begin, does any member of Council have any partiality to disclose or recusal to offer?

Council: None

Ms. Fox: Does any board member have an exparte' or communications to disclose?

Council: No

Mayor Benson: Council Member Shuttleworth had a delayed flight and was unable to attend the meeting.

Mr. Hardison: This is a conditional use permit to consider a six unit, planned unit development in the T-1 zoning district consisting of three, two-family dwellings. Representing the applicant tonight is Attorney Ned Barnes. The previous use of this site was the Gulf Stream Hotel. It was in distress and dilapidated and it was bought and since been demolished. When it was bought, it was one parcel, then it was subdivided into three properties meeting the minimum T-1 size of 6,000 square feet. The Town has issued two permits for two town homes. The applicant would like to pursue a swimming pool creating a planned unit development environment combining the properties together for usage by the six proposed homeowners and to eliminate those property lines. The pool would extend over the two property lines so this would be one unified development. The zoning ordinance regulates that the pool has to meet certain setbacks so the property lines are proposed to be eliminated to meet that. In order to have more than one principal building on a lot, you must have a conditional use permit through a planned unit development. Adjacent uses - across the street to the East is the Beach House Inn. Parking for the Beach House Inn is beside the development on the south side. On the north side is a four unit structure. To the west, behind the development is a vacant lot and also a two-family dwelling. This is identified as a tourist industry area and serves as a transition area between the central business district and the residential area. The existing uses in this area is 14 single family, six vacant lots, seven multi-family, five motels, and one two-unit building. The applicant must meet specific standards, seven of them are ordinance driven. The applicant is proposing a driveway cut from each dwelling unit off of Carolina Beach Avenue North. Each individual unit will have four parking spaces and that's based off the number of bedrooms. The applicant is proposing roll-away trash containers. The stormwater will be diverted to Carolina Beach Avenue North. They will be updating the taps for each unit. They will be providing a 5 foot landscape buffer. They are requesting a six foot fence along the property lines. Most of the buffer will be around the pool area from the adjacent residential uses. No signs are being proposed. The project does meet the yard and open space requirements. There are four general conditions that the applicant must meet. Staff reviewed and found that it is in general conformity with the Land Use Plan and recommends approval that is consistent with the zoning ordinance. Before you is the action for approval or denial. Denial must be directly related to one of the findings. Planning and Zoning reviewed the project last month and recommended approval. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies. I will answer any questions that you have. The applicant is here tonight.

Ms. Fox: Council Member Shuttleworth is absent from the meeting tonight. You will notice that he

is listed as the applicant. Had he been here, Council would have made a motion to recuse him if he had failed to offer that. In an abundance of caution, although I do not think it is necessary, if you would make a motion to excuse Council Member Shuttleworth who is not here tonight, from voting.

Mayor Benson made a motion to excuse Council Member Shuttleworth from the meeting. Motion carried unanimously.

Mr. Barnes: As Jeremy indicated, the proposal is for six units with one pool. It went through TRC and met every requirement. The property is zoned for a maximum of 15 units, and the applicant is only requesting six. The pool is going to be fenced, the property is going to be buffered with trees. The pool will have posted times that it can be used. The previous property was distressed and dilapidated. It was visited frequently by the police department and cited for many code violations. It meets the seven specific criteria. Staff recommended a 5 foot buffer around the property. The only signs will be the ones required at the pool. They meet all the setback and height requirements.

Mayor: Does the Board have any questions for the applicant?

MPT Bridges: No

Mayor: Does the applicant have any other witnesses to call?

Mr. Barnes: No

Mayor Benson made a motion to open the public hearing. Motion carried unanimously.

Mayor Benson: Would anyone from the public like to come and address Council.

Town Clerk sworn in Patricia Jones.

Patricia Jones: I have one question that would help with clarification for a lot of us as residents that don't quite understand. There's always a tax issue and there's also a resale issue when you combine parcels of land, then what is the process if you want to divide the land again. I'm not sure who can address that but I've always had that question and I'm not sure the public understands that to be able to speak intelligently.

Mayor Benson: That's a great question but not germane to the CUP. Is that right Noel? Am I missing anything?

Ms. Fox: No, you are not.

Mayor Benson: We will address that separately. Anyone else want to address the CUP as presented?

Mayor Benson made a motion to close the public hearing. Motion carried unanimously.

Mayor Benson made a motion to approve the Conditional Use Permit for a 6-unit Planned Unit Development consisting of 3 two-family dwellings located at 409, 411 & 413 Carolina Beach Ave N. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies and meets the four general and seven specific criteria. Motion carried unanimously.

Mayor Benson asked Mr. Parvin to look into Patricia Jones' question as a RFI.

7. ITEMS OF BUSINESS

- a. Consider a Conditional Use Permit extension for Carolina Beach Business Center located at 1324, 1326, and 1328 North Lake Park Boulevard. Applicant: RGL Development

Jeremy Hardison presented the request for a permit extension at 1324, 2326, and 1328 North Lake Park Boulevard.

Mayor Benson said nothing in the permit has changed. Hurricane Florence interfered with the progress of this project.

ACTION: Motion to approve a one-time CUP extension for 12 months at 1324, 1326, and 1328 North Lake Park Boulevard.

Motion: Joe Benson

Vote: UNANIMOUS

- b. Annual Committee Appointment

The following applicants were appointed to committees:

Board of Adjustment:

Teresa Shue was reappointed as an alternate

Miriam Howe newly appointed alternate

Freeman Park:

Brian Graybush was reappointed

Brett Betterfeldt newly appointed

Lou Messina newly appointed

Holley Snider newly appointed

Marketing Advisory Committee:

Miles Bielec was reappointed

Amy Hooker-Kidd was reappointed

Mark Sblendorio was reappointed

Jeff Hogan was reappointed

Operations Advisory:

Jay Healy newly appointed

Bill Skinner newly appointed

Parks and Rec:

Bill Nadeau newly appointed

Planning and Zoning:

Jerry Kennedy was reappointed

John Ittu was reappointed

Police Advisory:

Debra LeCompte was reappointed

Melanie Boswell was reappointed

David Berkel newly appointed

Lynn Barbee newly appointed alternate

8. NON-AGENDA ITEMS

a. Council Member Garza:

Suggested running the movies at the Lake through December

Supported purchasing lapel mics for those presenting

Would like to eliminate over sized vehicle parking in first 10 spaces on Harper and Hamlet.

Council Member Pierce asked to open up the application process for an interim or full time town manager. She suggested reaching out to the CFCOG or someone outside that could assist with the interview panel but in the meantime, have HR advertise the position within the week.

Mayor Benson:

Asked staff to look at the tax implications that Patricia had mentioned

The NCDOT submission is huge public buzz. Please keep Council posted on what Brian comes back with. Please include the request for a 25 mph speed limit from Dow to the Kure Beach Town line.

Post 110 and 129 would like to put up a flag pole and they are trying to identify the optimum location. Right now, the thought is on the Boardwalk. This will be privately funded. They would like a tri-pole so that Ocean Rescue can fly the ocean conditions flag.

Council Member Garza would also like to look into changing the speed limit on Ocean Boulevard and Dow Road up to Mike Chappell Park.

Mayor Benson asked Mr. Parvin to send these requests parallel.

Council Member Pierce asked staff to include Kure Beach on those discussions.

Mr. Parvin said that DOT will want 3 separate resolutions.

Council Member Garza asked to put this on the July workshop.

Mayor Benson asked about informing golf cart drivers to stay off of Dow Road.

Council Member Pierce replied that it says that on the application. She suggested talking to staff about educating each person that gets a decal.

Council Member Garza suggested printing it on the back of the decal.

Mayor Benson spoke about the kiosk at the Boardwalk and that the Town will have one side and the Chamber will have the other. Advertisements will be sponsored by the Chamber.

There will be an Open House for the Clarendon Avenue Multi-use Path and that will be advertised. He asked that a rendering be available to show if it will cross from one side of the road to the other. Council would like to see the cost of changing the location.

Mayor Benson asked for an update on the Ryder Lewis Park and the instruction for commencement.

Council Member Garza mentioned that one issue DOT had with approving projects is that the Town did not have sufficient sidewalks. He suggested that the Town consider taking care of that expense.

Mayor Benson asked Mr. Parvin to look into using Powell Bill money.

Council Member Garza said that they are increasing Powell Bill contributions by 10% next year and 10% the next.

Council Pierce added that DOT said the Town would have to install sidewalks before they would consider crosswalks on Lake Park Boulevard.

Council Member Garza asked Mr. Parvin to bring this back to a workshop.

9. ADJOURNMENT

ACTION: Motion to adjourn at 8:30 p.m.

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on August 13, 2019