

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, January 8, 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, January 8, 2019 at 6:30 PM at Council Chambers.

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

ABSENT:

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

1. MAYOR BENSON CALLED THE MEETING TO ORDER WITH INVOCATION BY PASTOR DAN KECK OF KURE MEMORIAL LUTHERAN CHURCH FOLLOWED BY THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

a. The following items were approved under the consent agenda:

Set public hearing for February 12, 2019 at 6:30 pm or soon thereafter to hear requests for funding from non-profits.

Set public hearing for February 12, 2019 at 6:30 pm or soon thereafter for a text amendment to Chapter 40 Article VIII to expand the size allowance for corner lot freestanding signs.

Set a public hearing for February 12, 2019 at 6:30 pm or soon thereafter for a text amendment to Chapter 40 Article III to review the use allowance for Distilleries and Breweries in commercial zones.

Approve budget amendments and/or transfer as presented by the Finance Director.

Minutes from the December 11, 2018 Town Council meeting.

ACTION: Motion to approve the consent agenda.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

- a. Small Business Administration-Elizabeth Dwyer

Small Business Administration-Elizabeth Dwyer reminded citizens of the services that they offer.

- b. History of Carolina and Kure Beach by Elaine Henson

Elaine Henson gave a presentation on the history of Carolina and Kure Beach.

- c. Manager's Update

Ed Parvin gave an update on the current and upcoming projects.

5. PUBLIC COMMENT

- a. Derek Then 500 St. Joseph Street, Unit 3106 spoke about affordable housing and against raising the building height requirements.

Amy Hooker Kidd 618 Clarendon Avenue spoke against the grant application for a multi-use path on Clarendon Avenue. She asked Council that if the grant is approved, please hold a public hearing.

Council Member Pierce said that they would.

Mary Weber 500 St. Joseph Street spoke against changing the building height requirements. She suggested waiting to hear from the Land Use Study.

Fred Grady Cape Fear Boulevard said he loves the bike path on Cape Fear. He thanked Jerry Haire and Council for a job well done.

6. PUBLIC HEARINGS

- a. Adopt a resolution to amend the Land Use Plan policy #31 (A) to change how the one for one setback rule is applied for buildings over 50'. Applicant: Pelican Point CB, LLC

Jeremy Hardison presented a resolution to amend the Land Use Plan policy #31 (A) to change how the one for one setback rule is applied for buildings over 50'.

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

Mary Weber asked if the plan gets approved is there a minimum requirement between two buildings.

Council Member Shuttleworth replied that the fire code requires a minimum distance. The Fire Marshal would have to approve each Conditional Use Permit request.

Mr. Hardison added that the more restrictive rule would apply.

Mr. Derek Then, 500 St. Joseph Street stated that he was concerned about parking.

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

Council Member Garza said he would like to stick with what is already in place.

MPT Bridges asked why would you amend this now if the Land Use Plan is currently under revision.

Council Member Shuttleworth said he didn't think staff would recommend this if there was a safety issue. It just gives the builder some flexibility.

MPT Bridges asked if you are increasing the height, are you making the building narrower.

Council Member Shuttleworth said it might make it narrower but it moves it away from the street.

Mayor Benson stated that he does not have a problem with it and that they will have checks and balances.

ACTION: Motion to approve Resolution 19-2197 that the Town of Carolina Beach amends its CAMA Land Use Plan as it relates to the one to one setback policy when buildings exceed the 50' height requirement.

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|--------------------------------------|---------|
| Steve Shuttleworth (Moved By) | For |
| Joe Benson | For |
| Tom Bridges | For |
| LeAnn Pierce | For |
| JoDan Garza | Against |

Vote: carried

- b. Amend Chapter 40 Article III, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulations Applicant: Pelican Point CB, LLC

Jeremy Hardison presented the request amend Chapter 40 Article III, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulations.

Session Law 2017-10 (SB 131) revised the requirements in G.S. §153A-341 and §160A-383 concerning statements a governing board shall adopt when considering a zoning amendment. The revised requirements are applicable to all zoning amendment applications filed on or after October 1, 2017. Under the changes in the new law, a governing board’s statement of approval for a zoning amendment will also be deemed an amendment to the comprehensive plan and the governing board shall not require any additional request or application for amendment to the comprehensive plan. As used in the section, a comprehensive plan includes a unified development ordinance and any other applicable officially adopted plan.

Local governments within the 20-coastal counties are subject to the land use planning requirements under Article 7 of the Coastal Area Management Act of 1974 (G.S. §§113A-108 through 113A-111) and the Coastal Resources Commission’s (CRC) rules for land use plans (15A NCAC 07B.0700 and .0800.) CAMA plans require local adoption along with state certification and would therefore be considered a “comprehensive plan” as defined in the revisions to G.S. §153A-

341 and §160A-383.

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

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

ACTION: Motion to approve Ordinance 19-1102 in accordance with the provisions of the NCGS 160A-383, Council does hereby find and determine that the adoption of the ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

This Ordinance amends the plan and meets the development needs of the community that were taken into account in the zoning amendment.

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| Joe Benson | For |
| Tom Bridges | For |
| LeAnn Pierce | For |
| Steve Shuttleworth (Moved By) | For |
| JoDan Garza | Against |

Vote: carried

- c. Text Amendment: To amend Chapter 16 Article VI Sec. 16-205 and Sec. 16-208 to either close the 300 block of Texas Avenue or make it only for one-way traffic

Miles Murphy presented the request to amend Chapter 16 Article VI Sec. 16-205 and Sec. 16-208 to either close the 300 block of Texas Avenue or make it only for one-way traffic. He compared the cost of each option. He stated that the Town has received numerous complaints that vehicles are utilizing the one way road as a two way road.

Mayor Benson made a motion to open public hearing.

Mayor Benson made a motion to close public hearing.

Council Member Shuttleworth asked what Operations would like to see happen so they can access the stormwater lift station.

Mr. Parvin said they were comfortable with either option. TRC felt both options were safe and recommended the one-way because it was a more cost effective solution.

ACTION: Adopt Ordinance 19-1101 amending Chapter 16 Motor Vehicles and Traffic, Article VI to allow for one-way eastbound traffic along the 300 block of Texas Avenue.

Motion: Joe Benson

Vote: UNANIMOUS

7. ITEMS OF BUSINESS

- a. Resolution in support of a TASA Grant application for the Clarendon Ave. MUP project

Jerry Haire presented a request to apply for the Transportation Alternatives Set Aside (TASA) grant.

Federal DOT funds will be administered through MPO; same funding source as the Island Greenway, Cape Fear Blvd. & Harper Ave.

There would be an 80% grant/20% local match minimum program w/ \$898,000 in available funding.

Carolina Beach Bicycle Pedestrian Advisory Committee at their November 19 meeting recommended unanimously that Town Council consider applying for funding for the Clarendon Avenue Multi-Use Path from 4th St./ CB Elementary to Mike Chappell Park & new Island Greenway.

The project is a priority project in the 2018 CB Pedestrian Plan, and 2011 CB Bicycle Multi Use Transportation Plan.

The project would be a 10 foot wide paved path with streetscape similar to Cape Fear Blvd.

Council Member Pierce said that the Bike/Ped Committee is supportive of this project.

Council Member Shuttleworth said the elementary school is in favor of the project and said this project has been discussed in great detail in the past. Thousands of dollars has been spent in design. The project was moving forward but then a new Council came in and didn't want to fund it.

Mayor Benson asked if money has been spent to apply for the funds.

Mr. Haire replied that if awarded, Council is committed to matching funds. It would be \$136,000 (20% match).

Council Member Shuttleworth was concerned on how that would be paid and asked if it could be financed.

Debbie Hall said she would have to look at the numbers.

Council Member Shuttleworth asked if it could wait until July 1.

Mr. Haire replied that it could.

MPT Bridges said that it's hard to turn down the money for these projects.

Council Member Pierce said she would rather fund items like this over funding vehicles and equipment.

ACTION: Motion to adopt Resolution No. 19-2198 in support of submitting a TASA Grant application in the amount of \$546,450 for the Clarendon Avenue Multi-Use Path project.

Motion: LeAnn Pierce

Vote: UNANIMOUS

b. Appointments to the Underground Powerline Committee

The following applicants were appointed to the Underground Powerline Committee:

Walter Bartlett

Kurt Taube

Greg Spence

Cynthia Dunn

Cathy Casey

Jay Healy

Arthur Hughes

Steve Reams

The Council liaison will be Council Member Steve Shuttleworth.

8. NON-AGENDA ITEMS

Council Member Garza would like staff to ask Duke Energy about a raffle system to paint the power poles to add color to the Town.

Council Member Garza asked for the status of the tree at the corner of 7th and Charlotte. It has an obstruction if you are traveling north.

Council Member Garza asked if Town Hall is recycling yet. There are plastic bags lining the recycle bins so he feels they are probably not.

Mr. Parvin replied that staff is recycling the items in the recycling bins in Town Hall.

Council Member Garza asked if the Town had heard back on the response to the LGC.

Debbie Hall mentioned that she has not hear anything official but she did speak to them on the phone and they were satisfied with the response.

Council Member Garza asked about the buildings in town that are being demolished.

Council Member Pierce asked what the process is for demolition.

Ms. Fox replied that you must follow the General Statutes and all of the noticing requirements. You must be certain that you are communicating with the property owner and not a tenant or property manager.

Council Member Pierce would like for the Code Enforcement Officer to issue notice of violations to these property owners.

Council Member Garza asked about renting a location at the boardwalk for the Federal Point History Center. He would like to move forward on that. They would receive much more foot traffic and exposure on the boardwalk.

Council Member Garza asked why there has only been 2 civil citations written since Sept 24. He asked

chief what his staff does in the off season.

Chief Spivey mentioned that the golf carts are not out as much. Freeman Parks is the most common place that they issue citations to and there is not much going on out there in the off season.

Council Member Pierce asked if Mr. Parvin had met with the boy scout that is working on his Eagle Scout project to do the kiosks on the Island Greenway.

Mr. Parvin said that Brian Stanberry is coordinating that and that he was told it was the kiosks at the boardwalk.

Council Member Pierce mentioned that she feels that it was the trail heads because they wanted those complete before the ribbon cutting.

Council Member Pierce asked if the TDA asks for the bike paths and rack would be coming up in January.

Sheila Nicholson replied that it will be at the January 31 TDA meeting.

Council Member Pierce said that she does not want it heard at the January 31 meeting because she won't be there. She requested Sheila to ask them to move it to March.

Council Member Shuttleworth mentioned that Layton does not have a date on the beach nourishment yet. He also mentioned that he will not be at the February meeting, he will be out of town.

MPT Bridges said that there is a Town and State Dinner on February 20th in Raleigh and feels that it would be good for Council to attend.

Council Member Shuttleworth asked Mr. Parvin to reach out to Lucky to see if he would like to attend.

Council Member Garza asked when the Beach Communities Meeting will be.

Mrs. Ward replied that it is Wrightsville Beach's turn to host and it will probably be in the spring.

Mayor Benson said that Loralie Grigas can now treat patients on Medicaid and she was invited into Trilium. He will be meeting with Chairman Barfield tomorrow at 10 am to request a letter of support. She would like to be on block funding so patients don't have to leave the island.

9. ADJOURNMENT

Adopted at a regular meeting on February 12, 2019.