

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, April 10, 2018 @ 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, April 10, 2018 at 6:30 PM at Council Chambers.

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

ABSENT:

ALSO PRESENT: Town Manager Michael Cramer, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MEETING CALLED TO ORDER WITH INVOCATION BY RESIDENT DORRENE STANLEY 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:

- Resolution 18-2180, Deed of Dedication for Spinnaker Pointe
- Budget amendments and transfers as presented by the Finance Director
- Set a Public Hearing for May 8, 2018 at 6:30 PM to hear a text amendment to Chapter 40, Article III Sec 40-73 Dimensional Standards for the various zoning districts to amend yard requirements for structures exceeding maximum height regulations and amend of the 2007 CAMA Landuse Plan. Applicant: Charles Poindexter
- Set a Public Hearing for May 8, 2018 at 6:30 PM to consider a Conditional Use Permit for a Body Piercing establishment to be located at 1009 N. Lake Park Blvd unit B2. Applicant: Jesse Gurganus
- Set a Public Hearing for May 8, 2018 at 6:30 PM to allow the public the opportunity to provide feedback on the FY 2018-2019 Budget
- Set a Public Hearing for May 8, 2018 at 6:30 PM to hear a presentation regarding the

- adoption of changes to the Rate and Fee Schedule related to System Development Fees
- Approval of the March 13 and 27, 2018 council meeting minutes.
- Approve the reimbursement request/application to the New Hanover County TDA Board in the amount of \$181,062.46

ACTION: Motion to approve the consent agenda as presented.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

a. WMPO Presentation

Abigail Lorenzo with the Wilmington Urban Area Metropolitan Planning Organization gave an update on the 2045 Metropolitan Transportation Plan. This is a federally required long range transportation plan with a minimum 20 year horizon. It includes:

Multi-modal transportation needs analysis

Region demographics, land use, and travel pattern analysis

Fiscal analysis and constraint

Public Involvement

The 2045 MTP will plan for a safe, realistic, efficient, and reliable multi-modal transportation network that embraces innovation and is environmentally and socially responsible. The WMPO will host an Open House at the Carolina Beach Town Hall on May 1, 2018 from 4-6 pm. You can look at the maps and give your input on their website at capefearmovingforward2045.com.

b. April - May Special Events

Brenda Butler presented the events scheduled for April and May.

April:

BEACH BACON & BEER FEST – Saturday 14th – Lake – 11:00 AM – 5:30 PM

TINTED TURTLE TROT – Sunday 15th – Mike Chappell Park 10:00 AM – 12:00 PM

SENIOR DAY – Sunday 22nd – Boardwalk Beach – 8:00 AM – 5:00 PM

GNARLY CHARLEY SURF – Saturday 28th – North End Pier – 9:00 AM – 4:00 PM

May:

STREET ARTS FESTIVAL – Saturday 20th – Cape Fear Boulevard – 10:00 AM – 4:00 PM

SNC SURFING ASSOCIATION – Saturday 12th– Pier – 6:00 AM – 6:00 PM

JEEP GO TOPLESS – SATURDAY 19th –Freeman Park – Crossing into CB @ 8:00 AM

BEACH WRESTLING STATE & NATIONAL CHAMPIONSHIPS – Saturday 19th - Beach at the Boardwalk– 10:00 AM – 5:00 PM

SALTY CRAWLERS 4x4 OFFROAD CLUB will be doing a beach clean-up at Freeman Park – Sunday 20th

FIREWORKS - BOARDWALK ON THE BEACH – FRIDAY 25th – 9:00 PM - Starting in June, fireworks will be every Thursday night at 9:00 AM

MOVIES AT THE LAKE – Every Sunday starting May 27th thru August 26th - @ the Lake - (Around 9:00 pm) 27th Trolls

5. PUBLIC COMMENT

Rocky Ruffin, 500 St. Joseph Street Inlet Harbor spoke against changing the height requirements.

Harry from 500 Jarrett Bay Drive spoke in favor of the pedal pub.

6. PUBLIC HEARINGS

- a. Public Hearing in order to give Standing Committees the opportunity to provide feedback on the FY 2018-2019 Budget

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

Duke Hagestrom presented on behalf of the Parks and Rec Committee and encouraged Council to strongly consider endorsing the budget request for the Parks and Recreation Department. They have made great improvements over the last several years and are moving forward with the Parks and Rec Master Plan.

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

- b. Amend Chapter 14 to create allowances for Food Trucks in nonresidential zoning districts.

Ed Parvin presented the request for an allowance for food trucks in Carolina Beach. There were no real allowances in the Code. Some of the new proposed language includes:

This would be an annual permit.

You would have to get permission from the property owner.

There would be a \$100 permit fee.

It would only be allowed in the commercial zone and districts.

You must have a brick and mortar eating establishment in Carolina Beach.

You must have separation from other restaurants by at least 100 feet.

You must have a site plan on where you want to put your truck.

The food truck owner would be responsible for trash collection. They must take it with them. They cannot use public trash cans.

They would have stay within 3 feet of their truck.

The truck must be self-contained. They cannot use town water.

They would have to meet the noise code.

They are designed to be on private property but can be on public property during public events.

They would have to be approved by the event organizer.

You cannot have a drive-thru.

They can have one temporary sign.

The State requires them to have a bathroom available but they can use public facilities.

They are not limiting the number of trucks.

You can only operate during the hours that your brick and mortar business is open.

Council Member Garza asked if a food truck could offer different menu items than the brick and mortar business.

Mr. Parvin replied that you can sell any type of food item. It does not have to be the same as the

restaurant.

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

No one spoke.

Council Member Shuttleworth made a motion to close the public hearing. Motion carried unanimously.

Council Member Pierce asked about requiring insurance and if the trucks can be out year round.

Mr. Parvin said that they will be on private property so the Town does not require insurance unless it is a special event. They can operate year round.

Council Member Shuttleworth was concerned that Carolina Beach would be the only community out of the 28 that were queried that requires a brick and mortar and Planning and Zoning wasn't necessarily in favor of keeping that condition. He also requested to see a map of where a food truck could set up and meet the requirements of being on private property, 100 feet away from any other eating establishment, and in a commercial district. He does not feel there are many areas that would accommodate food trucks.

Council Member Garza suggested having the conversation about opening it up to public parking lots.

Council Member Shuttleworth said he feels the brick and mortar business owners would have a problem with that.

Council Member Garza mentioned that he has a problem with the regulation on business hours.

Council Member Pierce said that the only thing she wanted to make sure of is that they have a brick and mortar.

Council Member Shuttleworth said that he is fine with what Planning and Zoning recommended but he does not agree with the requirement to have a brick and mortar but he can live with it.

Council Member Garza said he has a problem with the food trucks not being able to stage in the Central Business District and he does not agree with them having to keep the same hours as their brick and mortar.

Council Member Shuttleworth agreed that it is a little punitive to require the hours to coincide with the brick and mortar.

Mr. Parvin said there may be a health department issue with the hours but he would check. They have to take their trucks back to a location to be serviced.

Council Member Shuttleworth asked that Council revisit this in a year to see how it is

working.

ACTION: Motion to approve Ordinance number 18-1078 with the amendment to remove the requirement for the food truck to maintain the same hours as the brick and mortar subject to health department approval.

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

Vote: carried

7. ITEMS OF BUSINESS

- a. Consider approving a Commercial Pedal Vehicle application to authorize tours and the consumption of alcohol by passengers. Applicant: David Hamlet and Tina Bell

Jeremy Hardison presented the application to authorize pedal vehicle tours and the consumption of alcohol. He showed the stops that they are requesting on a map as well as the waivers they are requesting.

Applicants Matt Hamlet and Tina Bell presented their business plan to Council.

Attorney Noel Fox reminded Council that the applicant has made several requests for exclusions.

Council reviewed the application and felt that the applicants needed to provide more detailed information such as exact routes and drop off and pick-up details. They asked that the applicants meet with staff and provide the exact information that is required by the Ordinance.

The Applicants asked to table their application to the next meeting. No action taken at this time.

- b. Amend Chapter 34, Article III Obstructions to expand Sidewalk Cafe allowances on the oceanfront boardwalk, Applicant: Town Council

Assistant Manager Ed Parvin presented the request to expand sidewalk cafe allowances on the oceanfront boardwalk. The new language would state: "In no instance shall an encroachment exceed more than $\frac{1}{4}$ the width of the boardwalk with the exception of the oceanfront boardwalk. The oceanfront boardwalk may encroach up to 6' from the facade of the building."

Council Member Pierce asked if the Town could issue citations for violations.

Mr. Parvin said that you could but it is easier to go in and ask them to move it. You could also revoke their permit.

ACTION: Adopt Ordinance number 18-1083 to allow for additional encroachments on the oceanfront boardwalk.

Motion: Steve Shuttleworth

Vote: UNANIMOUS

- c. Consider updating ARTICLE II – WEEDS, JUNK, ETC. to allow for more efficient enforcement, particularly concerning unkempt lawns

Planner Miles Murphy presented a request to make the following changes to the current code:

Reduce height limit to 8”

Refine and reduce abatement time frame

Add posted notice option

Add penalty for failure to abate

Add definition for Abandoned Furniture

Add definition for Odors

The nuisance abatement fee schedule is based on lot size plus a \$50 administration fee. The first offense would include a \$50 penalty and would double each repeat offense per calendar year.

Council Member Pierce asked if notices would be sent to the tenant or the property owner.

Mr. Murphy replied that it would go to the property owner as well as posting a notice on the property. This applies to both residential and commercial property.

MPT Bridges asked if staff had incorporated the suggestions from the Planning and Zoning Commission into the proposed recommendation.

Mr. Murphy said that they did.

ACTION: Motion to approve Ordinance 18-1080.

Motion: Steve Shuttleworth

Vote: UNANIMOUS

- d. Consider updating Chapter 28 - Watercraft, Beaches and Coastal Parks , Article III - Beaches, Division # - Unattended Beach Equipment Prohibited

Mr. Parvin presented the request to amend Chapter 28 to clarify allowances for obstructions on the public beach.

ACTION: Motion to adopt Ordinance Number 18-1084.

Motion: Steve Shuttleworth

Vote: UNANIMOUS

- e. Bike/Ped Committee Appointments

The following applicants were appointed to the Bike/Ped Ad-hoc Committee:

David King

Eric Hanson

Mike Hoffer

Nicholas Hahn
Steven Klem
Yvonne Bailey
Marcia Russell

f. Adopt a Budget Ordinance Amendment for the Northend Sewer Project

Jerry Haire presented the Northend Sewer Project Budget Amendment for additional funding. The State has required the Town to look at adding a lift station. The loan has been approved but the Town cannot get reimbursed until it goes out for bid.

Council Member Shuttleworth asked if this was a new requirement to add the lift station.

Mr. Haire stated that the Town submitted an engineering report and it came back saying that there needed to be an additional lift station. This would be an additional lift station, not replacing one.

Mr. Cramer added that it is extremely flat in the Georgia, Florida, Delaware Avenue area. The existing sewer is just barely over the State limits.

Council Member Shuttleworth asked for clarification on the budget amendment and if it is just covering engineering only or if it includes the lift station.

Mr. Cramer replied that it is just for the engineering. The cost of the project is estimated at \$2.1 million.

ACTION: Adopt Ordinance 18-1082 to fund additional professional services required for the Northend Sewer project.

Vote: UNANIMOUS

8. NON-AGENDA ITEMS

Council Member Garza requested to have handouts at the Beach Beer and Bacon Festival.

Council Member Pierce agreed.

9. CLOSED SESSION

a. Closed Session to Discuss an Attorney/Client Matter in Accordance to NCGS 143.318.11(a)(3)

Mayor Benson made a motion to go into Closed Session to Discuss an Attorney/Client Matter in Accordance to NCGS 143.318.11(a)(3). Motion carried unanimously.

Mayor Benson made a motion to return to Open Session stating no action taken.

Ms. Fox gave an update that New Hanover County Case 18 CVS 000429 Jubilee Carolina vs Town of Carolina Beach will be heard in Superior Court on April 24, 2018. The Petitioner is Harris Teeter. Their claim is that the Town approved a site plan that provides inter-connectivity.

10. ADJOURNMENT

ACTION: Motion to adjourn at 10:10 p.m.

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on May 8, 2018.

Kimberlee Ward, Town Clerk