

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, November 12, 2024 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by Mayor Pro Tem LeCompte and Pledge of Allegiance.

### PRESENT

Mayor Lynn Barbee  
Mayor Pro Tem Deb LeCompte  
Council Member Jay Healy  
Council Member Joe Benson  
Council Member Mike Hoffer

### 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

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Barbee

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

*Motion passed unanimously*

### CONSENT AGENDA

1. Set a Public Hearing for December 10, 2024 – Conditional Zoning Application for a K-5 School at 105 Dow Road Applicant: Seaside Chapel
2. Budget Amendment/Transfer
3. Approval of Council Meeting Minutes from October 8, 2024

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

Motion made by Mayor Barbee

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

*Motion passed unanimously*

## **SPECIAL PRESENTATIONS**

### **4. Presentation of Annual Financial Audit**

Victor Blackburn of Bernard Robinson & Company presented a summary of the annual financial audit, which included the following:

- Unmodified opinion on the audited financial statements, which is the cleanest opinion.
- Due to the amount of Federal and State funding received by the Town, the Town was required to have both a Federal and State single audit.
- Testing of those audits noted no findings or internal control issues, which resulted in unmodified opinions on Federal and State funds subject to additional audit procedures.

Mr. Blackburn reported that the Town has a 45% fund balance, which equates to approximately 6 months of reserve funds. He said this is up from 20% in 2019 and is indicative of the Town's fiscal responsibility.

Mayor Barbee thanked Town staff, including Mr. Oakley and Ms. Hall, for managing the Town's money well, resulting in a great audit that will put the Town in a strong position to do the next round of infrastructure projects.

### **5. Manager's Update**

Mr. Oakley welcomed Mr. Parvin back, who recently returned after a 4-month Coast Guard deployment, and thanked him for his service.

Mr. Oakley reviewed upcoming events:

- Trash to Treasures Yard/Vendor Sale – November 16 at Lake Park
- Santa by the Sea – November 30 and December 21 at Lake Park
- Letters to Santa – mid-November through December 2 at the Rec Center
- Christmas Parade – December 6 on Lake Park Boulevard from Lake Park to Publix
- Holiday Market – December 7 at Lake Park
- "Elf" Movie – December 14 at Lake Park

Mr. Oakley reviewed the FY 25/26 budget schedule:

- Budget open house – January 15
- Council strategic planning sessions – February 20-21
- Public hearing for non-profit requests – March 11
- Public hearing for community input – April 11
- Budget workshop – April 22
- Budget workshop (if necessary) – May 6
- Budget open house – May 6
- Budget message presented to Council – May 27
- Budget adoption – June 10

Mr. Oakley gave an update on various projects:

- Beach renourishment should start in late January or early February.

- Parking requirements the U.S. Army Corps of Engineers (USACE) made for the Town to receive funding for the renourishment project were clarified. Staff's goal was to ensure the downtown business district accepted resident passes under the new guidelines.
- The Ocean Boulevard sidewalk project should start this week.
- The Boardwalk bathroom project is scheduled to start in January.
- The Texas Avenue pump station is in the design phase. The temporary solution is working, but the permanent solution will be more efficient.
- The Town is applying for a grant to conduct a flow analysis of the entire stormwater system.
- The Town did not get the grant for the Lake Park Boulevard sidewalk project but is still moving forward with a sidewalk from Lake Park to Carolina Sands. The Town should be in a good position to possibly receive funding next year.
- The Town received several bids to conduct a facilities study that will project needs 10-20 years out.

Council Member Hoffer said the Town should make a request to the N.C. Department of Transportation (DOT) to change the speed limit on Ocean Boulevard. He also asked that staff consider installing irrigation lines on Ocean Boulevard for residents who are willing to water along the new sidewalk.

Mr. Oakley said back when the speed limit on Dow Road was reduced the Town also asked for a reduction on Ocean Boulevard, but DOT said no because they didn't believe it was warranted. He said the Town can make the request again but needs action from Council, so he suggested putting a resolution to request a reduction in the Ocean Boulevard speed limit on the next agenda. There was consensus among Council for this.

Mayor Pro Tem LeCompte requested a status update on the welcome sign being worked on by the Beautification Committee.

Community Development Director Jeremy Hardison reported the following recent developments:

- 55 renovation permits, 4 new residential construction permits, and 28 certificates of occupancy have been issued
- 3 demolition permits have been issued: 210 Teakwood Drive, 1517 Pinfish Lane, and 1101 North Lake Park Boulevard
- New businesses: Hooks and Arrows Bait and Tackle Shop at 1401 North Lake Park Boulevard, Sand Dollar Restaurant at 5 Cape Fear Boulevard, and Drift Coffee Shop and K38 at 1000 North Lake Park Boulevard
- Board of Adjustment on November 18: Dry Dock Inn pool fence variance and 315 Carolina Beach Avenue North
- BeBot beach sweeper will run on Sunday, December 1
- Proximity has 98 residential units approved as well as the leasing office, fitness center, and pool, and they are requesting finals as they complete each building; the stoplight at Winner Avenue should be installed in January
- Seaside Chapel will be requesting a K-5 school at the November Planning and Zoning Commission meeting and December Council meeting

## **PUBLIC COMMENT**

Natalie Evans of 1205 Saint Joseph Street asked Council to consider purchasing the 5 acres of land at 1215 Saint Joseph Street for conservation if the pending sale is not completed. She said there is a variety of wildlife that lives on that property and the surrounding area. Ms. Evans also encouraged Council to look at preserving other untouched properties through the use of grants.

Tony Bruffy of 1205 Saint Joseph Street said he is concerned about flooding at 1215 Saint Joseph Street if this property is developed. He said he also worries about whether the current water and sewer infrastructure can support this development, especially with Proximity nearby. Mr. Bruffy said more sustainable use of this land, such as a nature trail, should be considered.

Heather Bullock of Towriffic Towing at 4904 Carolina Beach Road asked Council to consider extending the mileage limit on the proposed towing ordinance that is scheduled to go before Council on December 10. She said the latest proposal continues to support the current monopoly and does not align the Police Department rotation ordinance with the private towing ordinance.

Kate Pascarosca of 812 Blanche Avenue said she is happy to see that the Town's fund balance has gone up so dramatically. She also spoke about the parking changes and how they affect residents that don't live within walking distance to the beach and said she hopes the Town can come up with a solution that makes both the USACE and residents happy.

Matt Dunn of 907 Ocean Boulevard recommended that Council start having conversations about parking for 2025. He said the Town of Kure Beach is asking for public input on its website.

Kristen Dunn of 907 Ocean Boulevard said the Town has a spending problem. She asked that Council put the following discussion items on the November workshop: Pivot Parking contract and how much the Town has paid them, bringing parking enforcement back in house, turning 1708 Canal Drive back into public restrooms, residents not being able to park near the beach, and how the proposed Embassy Suites will affect parking. Ms. Dunn also said the only way residents find out about the business of the Town is through social media.

Gail Major of 1100 Canal Drive said we need to figure out where our problems come from and what happens to the children. She also said that residents should be allowed to raise their hands to speak during Council meetings. Ms. Major said little concerns, such as parking, don't have to turn into big concerns.

Alex Torres of 310 Spencer Farlow Drive spoke about parking and said Council did the least possible to notify the public about the special meeting. He said parking passes should be sold to everyone at the same cost and asked that the Town not rely so much on parking for its main source of revenue. Mr. Torres said social media is effective as a communication tool because he only heard about this issue through that channel. He asked Council to explore the possibility of the Town taking over parking and said public input is important because people get upset when they feel like they don't have a voice.

Shawn Hardesty of 700 Carolina Beach Avenue North said his main concern about the new parking plan is how it will affect businesses. He said he’s glad to hear discussions are ongoing, and he thinks an open forum for public input would be helpful for everyone involved.

**PUBLIC HEARINGS**

- 6. Text Amendment to Amend Article 7, Sec. 7.3 Definitions to Add a Building Footprint Definition  
Applicant: North Pier Holdings, LLC

Mayor Barbee said by agreement of all parties, this item will be continued to a future meeting. Ms. Fox said a motion is necessary.

**ACTION:** Motion to continue item 6, which is a text amendment having to do with building footprints, to the December 10 Council meeting

Motion made by Mayor Barbee

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

*Motion passed unanimously*

- 7. Approval of Financing Terms, Resolution of Necessary Finding, and Reimbursement Resolution for a New Boardwalk Restroom

Ms. Hall requested bid proposals from 7 lenders for financing the demolition and construction of a new ADA-compliant public restroom located at 9 Boardwalk Avenue for \$1,998,147 with a 15-year term. The following proposals were received:

Lenders	Interest Rate	Financing Term
Truist Bank	3.97%	15 years
Atlantic Union	4.968%	15 years

The debt service payment will be appropriated in the FY 25/26 budget.

Ms. Hall recommended the proposal from Truist Bank. To accept the terms, Council must approve 3 resolutions. The Town plans to go to the Local Government Commission (LGC) for approval of the financing terms on December 3. Ms. Hall said if all goes as planned, construction should begin in January and will be an 8-month process.

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

Motion made by Mayor Barbee

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

*Motion passed unanimously*

No one requested to speak.

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

Motion made by Mayor Barbee

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

*Motion passed unanimously*

**ACTION:** Motion to approve Resolution #24-2317 accepting the terms of the proposal from Truist Bank

Motion made by Mayor Barbee

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

*Motion passed unanimously*

**ACTION:** Motion to approve Resolution #24-2318 authorizing the Finance Director to file an application with the Local Government Commission on this

Motion made by Mayor Barbee

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

*Motion passed unanimously*

**ACTION:** Motion to approve Resolution #24-2319 to allow reimbursement of the expenses from the loan proceeds

Motion made by Mayor Barbee

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

*Motion passed unanimously*

**ITEMS OF BUSINESS**

8. Discussion to Consider Amending Wrecker/Towing Regulations

The following is an overview of proposed changes to towing regulations:

Organized the ordinance based on:

1. Regulations that apply to all towing/wrecker operators
2. Regulations that apply to private/trespass towing procedures
3. Regulations for operators providing towing for public property/impoundment purposes

Proposed

- Combined Article VII – Wrecker/towing services and impoundment and Sec. 18-78 Vehicle towing and storage – Police Department eligible list
- Changed age of individual operating a towing/wrecker from 18 to 21 years of age
- Clarified policy for the Police Department eligibility list
- Changed from towing any automobile or truck regardless of size or weight to capable of towing the type of automobile or truck requested to be towed
- Changed from having facilities to protect from the elements vehicles damaged by exposure to take the appropriate precautions to protect damaged vehicles from the exposure of weather

elements and have sufficient fenced storage space with security lighting to protect vehicles from break-ins, theft, and damage

- Changed from having a garage located within the Town to within New Hanover County located 3 miles from Town limits
- Added to rates and fees schedule a \$200 towing/wrecker application fee

This agenda item is for discussion only so Council may direct staff to bring back amendments to be considered at the December 10 meeting.

Mr. Hardison presented the details.

Council Member Benson asked why the distance of 3 miles from Town limits was chosen. Mr. Hardison said the Town needs to extend eligibility beyond Town limits for flexibility but keep the range close enough so the Police Department has easy access to vehicles for investigation purposes.

Ms. Fox said the proposed changes went through the Technical Review Committee (TRC) to get feedback from all departments. She said during a busy summer day, if there were an accident in the middle of the Town a wrecker would need to get there quickly.

Mayor Barbee asked when the ordinance was last reviewed. Mr. Hardison said the original ordinance was enacted in 1977 and amended in 1986. Mayor Barbee said keeping the requirement within Town limits is probably not feasible because property uses have changed so much in recent years, and there used to be more service stations with wreckers here. He said he's supportive of moving eligibility off the island, but he's not sure how far.

Council Member Healy asked how many towing companies are currently eligible. Mr. Hardison said there is one that provides services for the Town on public property, such as when the Police Department requests that a car on public property be towed. Mayor Barbee said this does not apply to towing contracts with private businesses.

Ms. Fox said previously the Town had more than one towing company on the list, but as the highest and best use of land within the Town limits has changed since the 70s and 80s, there is merit to bringing back the ordinance for feedback.

Mayor Barbee asked Lt. Sonny Russell of the Police Department to speak about the proposed changes. He discussed how this section of the code affects his department and said the purpose of the amendment is to clarify the unclear language that currently exists. Lt. Russell said it's important to have towing companies that are consistent, trustworthy, and able to respond quickly.

Mayor Pro Tem LeCompte said she would like to see it extended to 4 or 5 miles outside the Town limits but doesn't want to go farther because anything past Monkey Junction will take too long to reach the Town.

Mr. Hardison said 5 miles goes beyond the Monkey Junction intersection and Walmart.

Mayor Barbee said traffic along that stretch can be tough during the summer.

Council Member Hoffer said he thinks 5 miles makes sense because there are not a lot of places to operate a towing company in the Town or south of Monkey Junction. He said he does not like the idea of changing the operator age from 18 to 21 years old because it's arbitrary.

Mayor Barbee said he would feel better if a 21-year-old was towing his car. He said he wants to hear from Police Chief Vic Ward about what he thinks the distance should be.

### **COUNCIL COMMENTS**

Council Member LeCompte asked staff to put an item on the November workshop agenda to discuss putting a Rainbow Bridge near the south side of Lake Park by 2nd Street.

Council Member Healy said he feels Council does a great job of getting public input.

Council Member Benson asked staff to provide some information about bringing back parking enforcement in house. He also asked about revisiting the idea of having an automatic gate or something similar to a drive-through toll booth installed at Freeman Park.

Council Member Hoffer requested that the Town's Code Enforcement Officer start removing illegal signs from the right-of-way, as well as political signs after the 10-day grace period. He also asked Council to start putting together a Freeman Park Committee with defined positions, such as environmental professionals.

Mayor Barbee said there are several sidewalk lamps out around the Boardwalk and asked if staff would address these and look at improving lighting. He praised the contractor that did the 6th Street utility repairs, adding that it was the best work he had ever seen. Mayor Barbee's final comment was about social media and how he feels it does not work. He said it gives too much of a voice to the few because not everyone uses it, and those who do may not be verified residents.

### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 7:45 PM.