

CAROLINA BEACH

Town Council Workshop

Tuesday, August 24, 2021 - 9:00 AM

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



MINUTES

CALL TO ORDER

Mayor Pierce called the meeting to order at 9:00 AM.

PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

ALSO PRESENT

Town Manager Bruce Oakley

Town Clerk Kim Ward

DISCUSSION ITEMS

1. Employee Recognition

Ocean Rescue Captain Tony Wallace recognized the 2021 Ocean Rescue team for success at the recent regional and national lifeguard competitions. He said the group placed second in its division during the regional and first in its division at national, as well as taking home several first-place individual medals at the national level. Lifeguards Mia Holden, Britt Jewell, and Jackson Hudson were present. Mayor Pierce offered congratulations and thanked them for representing the Town. Council Member Shuttleworth said the Ocean Rescue team serves an important ambassador role for the Town and expressed his appreciation for their hard work. Mayor Pro Team Healy said the group makes the Town proud.

Planning Director Jeremy Hardison introduced new Code Enforcement Officer Bryan Shaleuly, who has 20 years of experience in the real estate industry and started working toward getting code certificates before being hired by the Town. Mayor Pierce said it was great to have him on the team.

Mr. Oakley recognized Sheila Nicholson, Executive Assistant to the Town Manager, for 10 years of service to the Town. Mayor Pierce praised her for always being helpful and going the extra mile.

2. Planning and Zoning Committee Update

Planning and Zoning Commission Chairman Deb LeCompte gave an update on the Commission's upcoming goals that were determined during an August 12 workshop:

- Tree preservation: Council has already given the Commission direction to work on this, and the Commission is discussing proactive ideas.
- Regulation of short-term rentals: There is a need to address nuisance and abatement as well as some kind of registration mechanism in case of emergency evacuation situations such as hurricanes and pandemics. There are legal issues that must be considered.
- Stormwater: Improvements to the existing ordinance and permitting process are necessary, and these should address enforcement, best management practices, and penalties for negligent and negative impacts on the community.
- Review of ordinances: The Town should review ordinances already on the books, remove those that are antiquated, and possibly update others.

Council Member Garza said regulation of short-term rentals is a touchy subject, so it will be important to keep an eye on legal updates. Chairman LeCompte said the goal is to follow the law while also having the ability to contact people in case of evacuations or properties that continue to be a nuisance.

Council Member Barbee asked if there is a time frame regarding the tree preservation issue. Chairman LeCompte said the goal is to have something to Council during the October meeting. She said the Commission already has a lot of good ideas and must figure out how to move forward in a way that's legal and appropriate.

Mayor Pro Tem Healy said he recommends that all Commissioners talk into the mic during their meetings. He said it was difficult to hear a couple of people recently.

Chairman LeCompte said as she was reading through ordinances, she found that there is already one for tree preservation, so that will be a small foundation for continuing work on the issue.

Mayor Pierce thanked Chairman LeCompte for bringing forward the goals. She asked Mr. Oakley to explain House Bill 496.

Mr. Oakley said this bill would prevent municipalities from adopting tree preservation ordinances, but it has been taken out and put in the State budget for approval. He said he and Town Attorney Noel Fox have interpreted that the Town would be exempt from this measure because of past local legislation that specifically permits tree ordinances in New Hanover County and all its municipalities. He said if there is any doubt, Council can try to get a tree ordinance on the books.

Mayor Pro Tem Healy said the Town's best bet is to put a tree ordinance in place anyway.

Council Member Shuttleworth said he would recommend that Council adopt something very simplistic because this is a complicated issue, and rapid decisions could lead to unintended consequences that cause problems later. He said he does not think a well-thought-out tree ordinance can be put in place in 30 to 60 days.

Mr. Oakley said if there is any concern, Council can adopt a basic placeholder ordinance. Council Member Barbee asked if the ordinance that Chairman LeCompte mentioned could serve as a placeholder. Mr. Oakley said he will run this by Ms. Fox.

3. Financial Update

Finance Director Debbie Hall gave a financial update for fiscal year 2021, the period from July 1, 2020, through June 30, 2021. She said these are projections because she is still in the middle of closing out things, which will affect some of these figures, and final numbers will be available in October.

General Fund FY21 (YTD)

Revenue: \$17.4 million

Expenses: \$15.1 million

Revenue over expenses (gain): \$2.2 million

Estimated fund balance: 27 percent

Utility Fund FY21 (YTD)

Revenue: \$10.1 million

Expenses: \$8.1 million

Revenue over expenses (gain): \$1.8 million

Council Member Shuttleworth said with 18 percent excess revenue in a year, it could be hard for the Town to justify having to keep raising utility rates. Ms. Hall said expenses are lower because of \$359,000 in carryovers that were rolled over this year. Council Member Shuttleworth asked if these were projects that were budgeted the previous year but spending had not occurred. Ms. Hall said yes.

Council Member Garza asked about the figure for the past three years. Ms. Hall said last year it was negative \$61,000, but it's hard to say what the current number will be until auditors have finished doing entries.

Council Member Shuttleworth expressed concerns about the amount paid by the Utility Fund to the General Fund. He said if general administrative costs are \$650,000, then the Town can't just arbitrarily reduce the transfer number. He said it's risky to find the money somewhere else and not fair to short the General Fund because the Town is trying to massage the budget. He said these cuts should come from somewhere else.

Stormwater Damage Prevention Fund

Balance as of June 30, 2020: \$1.95 million

Amount added: \$350,000

Total as of June 30, 2021: \$2.3 million

Council Member Garza asked for a quick rundown of how the funds are used. Ms. Hall said this is in case the Town has to start contributing to beach renourishment. She said this was started several years ago to help build up reserves if the Town stops receiving federal funding.

Council Member Garza asked when the audit typically starts. Ms. Hall said the auditors are coming next week, which is a week earlier than normal so final numbers will hopefully be available sooner.

4. Stormwater Update

Brandon Wise, new Stormwater Manager, gave an update on stormwater projects:

Why Do We Have Stormwater?

- The Town of Carolina Beach is required to maintain a stormwater program per their Municipal Separate Storm Sewer System (MS4) permit issued by the State of North Carolina
- Permit #NCS000394
- The Stormwater Department maintains all stormwater conveyances inside of Town limits such as catch basins, pipes, ditches, swales, ponds, and other stormwater containment devices
- The Stormwater Department ensures all Town facilities with a potential to pollute are maintained in accordance with North Carolina Department of Environmental Quality (NCDEQ) requirements
- The Stormwater Department helps mitigate flooding by controlling levels in lakes and ponds around the Town along with cleaning stormwater lines to try to prevent blockages
- The Stormwater Department helps educate the public about stormwater and how it affects their everyday lives
- Regulations and enforcement are given to the Stormwater Department via Town Ordinance Chapter 32 and the Clean Water Act of 1972 via MS4 permit #NCS000394

Stormwater Operations

Staffing: 6 full-time staff members (1 open position), 1 permit review, Stormwater System Manager, all of whom report to the Public Works Director

1. Quarterly maintenance and inspection of Canal Drive outfall valves
2. Pre-/during/post-rain event inspection of all stormwater infrastructure
 - All stormwater ponds are inspected following large rain events per the requirements of the Town's MS4 permit
 - Trash racks are inspected and cleaned prior to known large rain events
3. Quarterly cleaning of 7 sedimentation vaults and trash racks
4. Pipe system cleaning: 5,147 linear feet of line cleaned since June 1
5. Street sweeping: 416 miles of road swept since June 1
6. Maintain and operate 5 primary pump stations and 3 (working on 4) auxiliary stormwater pumps
7. Lake/pond oversight
 - Town maintains Carolina Beach Lake, Greenville pond (end of Greenville Avenue by the Greenway), Alabama pond (end of Alabama Avenue near start of the Greenway), Seagrove pond (western side of Carolina Sands on the Greenway), Town Hall pond (pond on North Lake Park Boulevard next to Sherwin-Williams), Ocean Ridge pond (end of Winner Avenue), and Island Forest pond (Bennet Lane)

A Day in Stormwater

- Street Sweeper Operator begins sweeping around 7:00 AM
 - Averages ~10 miles of road a day
 - Preventative maintenance keeps excess sediment out of the stormwater system

- Stormwater Supervisor starts day inspecting pond and determining day's schedule for pumping, begins inspecting the stormwater system for any visible issues
- Field staff arrives and receives day's work from Stormwater Manager
 - Work may entail – cleaning stormwater system to remove sediment from infrastructure, installing riprap around inlets and outlets to help prevent sedimentation, general lawn care around ponds or ditches, cleaning of stormwater BMPs at the Boardwalk or other public restrooms/showers
- Permit Reviewer receives permit applications for fill/grade/clear permits and drainage permits
 - Permit Reviewer inspects approved permit sites along with making sure all active construction sites are in compliance with Town stormwater ordinances and are draining properly
- Stormwater Manager receives calls from public and maintains list of areas of concern along with known problem sites
 - Manager responds to calls and inspects problem areas to try to determine how to help address issues or if issues may fall to the responsibility of the property owner
 - Manager also ensures all Town documentation and work is done in compliance with NCDEQ permit requirements

Problem Resolution

1. Flooding concerns are fielded through Director and staff.
2. If actions are appropriate and achievable, they are undertaken directly.
3. Lists are created of the reported and observed issues.
 - Lists are created for different types of jobs and what type of work is going to be necessary to complete jobs, such as Vactor jobs, TLC jobs, camera jobs, repair jobs
4. Staff determines if a solution for each issue is budgetarily feasible.
5. Immediately fundable projects are moved forward.
6. Staff maintains a line of communication with citizens in area of concern if an immediate solution is not obtainable.
7. If solution is not permissible in the existing budget, it is factored into the upcoming budget proposal.

Stormwater and Flooding

Issues Documented Week of August 1-7

- Summer Salt Lane/Saint Joseph: multiple properties affected, Publix pond, CB Village, easement Raleigh/Monroe: property development related, solution in negotiation
- 400 Tennessee: low area, potential clogged line, potential new basin
- 404 Columbia: low area, property owner wants to install basin, tie into Town system
- 405 Columbia: impacted by high lake levels on Wednesday AM
- 705 South 5th: clogged pipe – Vactor scheduled
- 519 Canal: failed stormwater pipe, bulkhead compromised
- Sea Oats/Canal: pipe and basin clogged, standing water in road, Vactor scheduled
- 1613 Pinfish: drain clogged, Vactor scheduled
- 1606/1612 Snapper: flooding of private property, potential basin in right-of-way
- 200/300 Goldsboro: pipes need jetting, possibly related to failure of N.C. Department of Transportation (NCDOT) stormwater on Lake Park

- 600 North Lake Park: failure in NCDOT stormwater pipe – reported to NCDOT
- 8th/Columbia: clogged trash rack on Town right-of-way and construction related
- 1607 Spot: no stormwater infrastructure, standing water, possible retention swale
- 1411 Pinfish: standing water
- 935 Tidewater: construction site runoff, addressed with contractor
- 1205/1207 Snapper: construction concerns
- 1416 Searay: construction concerns
- 904 Grand Bahama: flooding from Basin Road, proposed solution with American Rescue Plan funding
- 706 Canal: construction runoff adjacent
- 1512 Bonito: drainage issues

Stormwater and Flooding – Work Completed

- Summer Salt Lane/Saint Joseph – worked with Publix and their contractor to get pond unclogged, getting quotes to complete work of removing overgrowth from wetlands at Saint Joseph, plan put in place to address overland washout on Saint Joseph
- Raleigh/Monroe – ongoing project, working with homeowner on Charlotte Avenue to get canal cleaned on their property to help address the pipes holding water
- 400 block of Tennessee – storm drains cleaned with Vactor truck, determined issue is a ditch on private property, property owner has been informed of requirement for maintenance and is working on taking care of it
- 404 Columbia – met with homeowner and the Town is going to install stub-out in stormwater box to allow homeowner to tie into the drain system and help drain low spot in yard
- 405 Columbia – met with homeowner to discuss concerns about potential construction behind house, also discussed approval of installing yard drains that drain to a Town basin
- 705 South 5th – cleaned basins at driveway and at corner of road, cleaned pipe along 5th and Sumter, installed riprap around catch basin to help prevent sediment from reaching the system
- 519/601 Canal – purchase order has been created for work to be completed, working on ensuring all proper Coastal Area Management Act (CAMA) permits are obtained
- Sea Oats/Canal – catch basins cleaned, scheduled to clean outlet pipe during inspection of check valve
- 1613 Pinfish – catch basin cleaned along with cleaning of stormwater lines along road
- Majority of construction concerns handled with meetings by Stormwater Manager, Building Inspector, or Permit Reviewer

Projects in the Works

- Pipe to be fixed along Spartanburg, problem identified, solution determined will be fixed in the near future
- Drainage issues at Beach Community Church (4th and Cape Fear), Town is going to install small pipe to allow for the church to build a catch basin in order to help drain area used for parking
- Saint Joseph overland wash, 811 called in, will begin work on small swale and berm to direct water to waterway
- Regrade land around catch basins at the Florida/Maryland intersection along with cleaning the catch basins and the stormwater line

- Begin inspections of Canal Drive outfalls along with cleaning some of the outfalls (must be done at low tide)
- Multiple locations of flooding concerns needing attention from the Vector truck
- Multiple right-of-way ditches in the Wilmington Beach area scheduled for maintenance
- Sinkhole at Island Marina, quotes being gathered to address the problem
- Continuing to gather quotes from contractors to complete large-scale (budgeted) projects, hoping to start knocking out some of the larger projects
- Work with the Town's Wastewater Treatment Plant to implement stormwater management for the facility to better handle flooding during large rain events
- Developing information pamphlet for all residences with pools to go over proper ways to drain pools in order to prevent chlorination of waterways and flooding of neighboring properties
- Developing information pamphlet for all owners of private stormwater ponds on the maintenance and operation requirements of these ponds

Mr. Wise said he's available weekdays 7:00 AM to 4:00 PM at brandon.wise@cb.org (preferred contact method) or 910-524-6061. The on-call number, 910-465-0593, is available at all times.

Council Member Barbee asked how staff members know what they are going to work on each day. Mr. Wise said what they work on is based on factors such as how big the problem is and the weather. Council Member Barbee asked if there is a record of what is done each day. Mr. Wise said yes.

Council Member Shuttleworth suggested working with staff in other departments, such as Operations and Utilities, so they know to stop for clogged curb inlet grate covers to pull out pine straw and trash. He said residents should do this as well because Stormwater staff can't get to everything.

Mayor Pierce said the Town needs to train everybody to do this.

Council Member Barbee said residents have made positive comments about working with Mr. Wise.

Mayor Pro Tem Healy said the public should read the weekly update to stay informed on everything being done by Stormwater staff.

Council Member Garza welcomed Mr. Wise to the Town and said it was a great presentation.

Mr. Oakley said stormwater was also a policy issue put in the State budget; this is a measure that would prevent municipalities from adopting stormwater ordinances above and beyond what the state already has. He said it is not unusual for some bills to be moved to the budget as a negotiating tool.

5. Manager's Update

Town Manager Bruce Oakley gave an update on various projects and events:

Hamlet Ocean Rescue/Restroom Facility

The Town received bids from 5 bidders ranging from \$777,000 to \$968,000. Staff has met with the low bidder and is verifying past local work. Mr. Oakley said he is requesting Council authorization to

negotiate an interim agreement to construct the restrooms. He said this would give the Town the opportunity to negotiate with the contractor, but he would have to come back to Council with a project ordinance to approve funding in the budget.

Mayor Pro Tem Healy asked about the possibility of using room occupancy tax (ROT) funds. Mr. Oakley said the debt service that the Town takes for a public restroom used by tourists could be reimbursed with ROT dollars, but the Town would have to borrow the money and build it first, then every year ask for a reimbursement on the debt service.

Council Member Garza asked if the Town is giving up quality by going with the cheapest bid. Mr. Oakley said the Town has to go with the lowest responsible bidder.

Council Member Garza asked if the project will be completed by next summer. Mr. Oakley said the current projection is for mid- to late March.

ACTION: Motion to authorize the Town Manager to pursue contract negotiations on the Hamlet bathrooms

Motion made by Council Member Barbee

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mayor Pierce asked who the Project Manager would be. Mr. Oakley said Paula Kempton and Ben Meister would be the Project Managers.

Coastal Storm Damage Mitigation

Mr. Oakley and Mayor Pierce will meet with the U.S. Army Corps of Engineers next week for updates on federal funding.

Lake Dredge

The Project Manager is currently meeting with the Engineer to work on permitting and options, and hopefully more information is coming soon. Another individual has reached out about disposal of spoils and the Town has looked at the County landfill, but this is an expensive option.

NON-AGENDA ITEMS

Council Member Shuttleworth

- Potholes on Canal Drive and side streets are dangerous and have been a problem for several months. Some work was recently done on them, but it was not a complete job and the problem persists. Mr. Oakley said the Town recently hired a new contractor to take care of this because it wasn't getting done.
- How many monetary citations have the new Beach Patrol employees written? There are reports that they are not writing citations but are instead calling the Police to write them, and the Police aren't always responding. He is not interested in adding 3 people to staff just to educate, and if Police are summoned and don't show up he'd like to know why. Mr. Oakley said the

Beach Patrol employees are empowered to write tickets, but there is a technology issue and they don't have the proper equipment. He said next year they will be fully integrated with the ticketing systems. Council Member Shuttleworth and Mayor Pierce expressed frustration. Mr. Oakley said the Beach Patrol employees have prompted a lot of compliance, which is the ultimate goal. Council Member Shuttleworth said it's about making money, and the public is tired of the Town raising taxes and utility rates while placating visitors.

Council Member Garza

- The Town should have a game plan if it wants to continue the Beach Patrol next season.

Council Member Barbee

- It's concerning to see bills get moved into the State budget, especially when it comes to tree preservation. He is not in favor of the State trying to take away authority from municipalities, and the Town should do whatever is necessary to push back. Mayor Pierce said the recent resolution Council passed was a way of reaching out to let the State know what the Town's position is.

Mayor Pro Tem Healy

- He and Mr. Oakley are attending a Military Ocean Terminal Sunny Point (MOTSU) meeting tomorrow in Leland, and he looks forward to reporting back to Council.

Mayor Pierce

- Did the Town inspect the community building? Mr. Oakley said yes.

CLOSED SESSION

6. Closed Session to Discuss a Personnel Matter

ACTION: Motion that we go into closed session to discuss a personnel matter in accordance with NCGS 143-318.11(6)

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

Mayor Pierce called the meeting back to order and said Council took no action during closed session.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

Motion passed unanimously

The meeting adjourned at 10:30 AM.