

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, March 14, 2023 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

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 Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

Motion passed unanimously

CONSENT AGENDA

1. Set a Public Hearing for April 11, 2023, to amend Chapter 40, Article III – Zoning District Regulations, Article IX – Development Standards for Particular Uses, and Article XVIII – Definitions to Create Standards for Wine Shops and Beer Shops in Neighborhood Business Applicant: Maxwell Sussman
2. Resolution No. 23-2279 Supporting H.R. 524 Exempting Carolina Beach from Provisions of the Coastal Barrier Resources Act
3. Approve Contract for Auditing Service for Period Ending June 30, 2023
4. Budget Amendments/Transfers
5. Amend Capital Project Fund for American Rescue Plan
6. Approval of Council Meeting Minutes
7. Approve Kure Beach and N.C. Aquarium Sewer Rates

Mayor Pro Tem Healy gave background on item 2.

Congressman David Rouzer filed a bill that would, in effect, exempt Carolina Beach and Wrightsville Beach from provisions of the Coastal Barrier Resources Act that, based on some interpretations, have prevented federal funds to be spent to use Masonboro Inlet and Carolina Beach Inlet as borrow sites for coastal storm reduction projects. During meetings with Congressional staff earlier this month, representatives from New Hanover County were encouraged to provide resolutions or letters of support from local stakeholders over the next couple of months.

Mayor Pro Tem Healy said this is very important for the Town. He read from the last part of proposed Resolution No. 23-2279.

Council Member LeCompte encouraged other stakeholders to write letters of support to Congressman Rouzer. She said without the Town being exempt, renourishment projects will cost more and wildlife will be disturbed more.

ACTION: Motion to adopt the consent agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

Mayor Barbee recognized former Council Member JoDan Garza in the audience.

SPECIAL PRESENTATIONS

8. Events Update by Tim Murphy

Ken and Kim Feyen of Pleasure Island Jeep Jam gave a presentation about using the Boardwalk Gazebo Stage area for the event's kickoff party on the evening of May 18. The party will feature live music, and organizers are proposing to set up displays for non-profit organizations along Cape Fear Boulevard.

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, said this would be similar to the Thursday night fireworks events in which organizers would have to pay for the parking spots on Cape Fear Boulevard so that section of the road from the stage to Lake Park Boulevard can be closed. He said the Events Committee was comfortable with allowing organizers to set up displays in that area as long as there is room for emergency vehicles. Mr. Murphy also said organizers have talked to all businesses on the block and have the green light to proceed.

Council Member LeCompte asked if the kickoff party is a private event. Ms. Feyen said it's open to the public, and the hope is that those attending will consider buying tickets to the other events happening on the island during the following Friday and Saturday.

ACTION: Motion to approve Pleasure Island Jeep Jam as presented

Motion made by Mayor Barbee

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

Council Member LeCompte
Motion passed unanimously

Mr. Murphy reviewed upcoming special events:

- Solstice Healing Arts & Music Festival – March 18 at Carolina Beach Lake
- Tinted Turtle Trot – April 2 beginning at Mike Chappell Park
- Fancy Pants Croquet Soiree – April 16 at Mike Chappell Park

9. Presentation of the N.C. League of Municipalities Law Enforcement Risk Review to the Carolina Beach Police Department

The purpose of the N.C. League of Municipalities Law Enforcement Risk Review is to assess an agency's adherence to best practices, court decisions, and policies and procedures related to high liability activities in law enforcement. The goal is to mitigate liability exposures, enhance officer safety, and validate that training and operating procedures are meeting industry standards. The process was designed and reviewed by a panel of Police Chiefs representing a cross-section of N.C. law enforcement agencies and is available to agencies that participate in the League's property and liability insurance pool.

Matthew Selves of the League recognized the Police Department for completing the Law Enforcement Risk Review and proactively serving the community in a professional manner while taking steps to minimize risks to citizens and officers. He gave details about what it encompasses and the 39 categories considered as part of the process. Mr. Selves presented a plaque to Police Chief Vic Ward, who introduced several of his staff members.

Mayor Barbee praised Chief Ward and his staff for the accomplishment.

10. Manager's Update

Mr. Oakley gave an update on various projects and events.

Public Works Pre-Season Projects

Mr. Oakley complimented Public Works Department staff members for their hard work getting ready for the 2023 season. He gave the following status updates:

- Marina restrooms are complete.
- Sandpiper Lane restrooms are complete.
- Lake Park restrooms are complete.
- Alabama Avenue restrooms are 80% complete. The exterior will be finished this week.
- Boardwalk and Hamlet Avenue restrooms had automatic door locks installed.
- Boardwalk walkway repairs will start after the Alabama Avenue restrooms are complete.
- The parking lot at 304 Carolina Beach Avenue South has been graded and stoned.

Council Member Hoffer asked how much of this work is standard vs. above and beyond. Mr. Oakley said most of it is standard, and there is a huge punch list every year. He said staff is tackling most of

these projects in-house this year instead of contracting them out, which is saving money and allowing things to get ahead of schedule.

Mayor Barbee asked Mr. Oakley to bring in some of the Public Works staff for recognition.

Paving Projects Update

Paving projects are underway, but there will be no paving March 13-17 due to cold weather. Paving of Carolina Beach Avenue North should begin March 20, and Florida Avenue will begin in April.

Mr. Oakley said Carolina Beach Avenue North was able to be added to the current project, so it will be good to get this done before peak season. He said if Council chooses, the Town can add other roads to the current paving projects and consider a budget transfer at the next meeting.

Mayor Barbee said Council Member Benson has brought up a good point about getting other projects done now to avoid further mobilization costs later. He said adding even just a few small projects would be a good idea. Council gave consensus for Mr. Oakley to look into additions and come back with cost details.

Mayor Pro Tem Healy asked about the price. Mr. Oakley said he thinks an additional \$50,000 could get some significant work done, but he will bring back specifics.

Lake Park Lighting

Town-maintained lampposts: Issues have been remedied with the Duke Energy meter, and power has been restored. A new light has been installed near Charlotte Avenue. An inspection filed on March 7 indicates 100% operational lighting.

Duke Energy lighting: A site visit conducted on March 3 confirmed locations for 10 new lights between Hamlet Avenue and Spartanburg Avenue. Duke Energy will schedule a contractor to install them.

Mayor Barbee said everyone needs to report street lights out when they see them.

Mr. Oakley said the Town is looking at new fixtures that are dark-sky compliant for lights downtown along Lake Park Boulevard. He said this may be a budget issue that has to come before Council.

Canal Drive Traffic Equipment

Staff created new and improved tidal flooding signage with an arm to deter traffic. This was produced in-house, which means reduced cost and wait time for repair parts, and it will be permanently stationed. It is scheduled for installation in March or April.

FY 23-24 Budget Process and Schedule

- March 14 – public hearing for non-profit requests (Council meeting)
- March 16 – budget open house – water and sewer 4:00-6:00 PM
- April 11 – public hearing to receive community input (Council meeting)
- April 25 – budget workshop
- May 2 – budget workshop

- May 2 – budget open house
- May 9 – public hearing for community input (Council meeting)
- May 23 – budget message presented to Council (workshop)
- June 13 – adopt budget (Council meeting)
- July 25 –budget/strategic plans follow-up retreat

At Council's next workshop, staff will present capital improvement planning financial models that propose how to pay for big-ticket items.

Public Utilities Open House

The Public Utilities Open House will be Thursday 4:00-6:00 PM in Council Chambers. It will contain information and answers to questions about water, sewer, and capital improvement planning.

Resident Parking Zone

Mr. Oakley explained the residential parking press release that went out last week. Nothing new has been added to the ordinance. It was just asking that the Town enforce the current code, such as parking in front of hydrants, stop signs, driveways, etc.

Council Member LeCompte said this is not about revenue but quality of life.

Mr. Oakley said the Town is not paying the parking company to look for violations in these areas unless there are complaints.

Mayor Barbee said Kure Beach has had a similar ordinance for years, and he has heard it has eliminated problems without being a huge issue for residents.

Other Updates

There was a huge turnout for the lake stabilization dredging project pre-construction bid meeting. Bids are due March 23.

Council Member Benson asked about the Ocean Boulevard sidewalk. Mr. Oakley said engineers are working out stormwater issues, and the project should go out for bid soon.

Council Member Hoffer asked that the sidewalks in the Seagrove community be connected to the new Ocean Boulevard sidewalk.

Mayor Barbee said the Town heard back from the N.C. Department of Transportation (DOT) about the Hamlet crosswalk and stoplight. He said this should be operable in five to six weeks, and the stoplight will be on flash for seven days after that to give drivers time to adjust.

PUBLIC COMMENT

Alex Torres of 310 Spencer Farlow Drive said he is frustrated with parking. He said the parking company is predatory and aggressive, and he would like to know if they have quotas for writing tickets.

Kristen Dunn of 907 Ocean Boulevard expressed concern about flooding on Canal Drive. She said there are grants available for nuisance flood mitigation. Ms. Dunn also said there are not enough restrooms at Mike Chappell Park.

Mayor Barbee encouraged residents to come to the Public Utilities Open House to hear more about what the Town has done with grants.

Danny Tangredi of 1309 Bonito Lane thanked the Town for the paving projects. He said he is not in favor of having to register golf carts as vehicles.

Tyler Smith of 322 Goldsboro Avenue thanked Council for enforcement of residential parking.

Steve Jaeb of 204 Tennessee Avenue is supportive of residential parking enforcement.

Patrick Boykin of 712 Glenn Avenue thanked Council and staff for repairing the pothole in front of his house. He said there has been no resolution to the unsanitary conditions on the property next door to his home.

JoDan Garza of 513 Atlanta Avenue said he supports the inlet resolution. He said the Town needs to trim back some trees for the safety of cyclists and pedestrians. Mr. Garza also made several other suggestions, including running the residential zone map to Alabama Avenue and bringing parking enforcement back in-house.

PUBLIC HEARINGS

11. Public Hearing on Non-Profit Funding Requests

Non-profit representatives presented funding requests for the 2023/2024 fiscal year.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Nancy Busovne of the Pleasure Island Sea Turtle Project thanked Council for support over the years and said this will be her 23rd summer doing this work. She said the group's funding request remains the same as last year, but this year the turtle nests in Freeman Park past the pinch point will be left to hatch naturally with volunteers checking them twice per day. Ms. Busovne asked for creation of a decal so volunteers can access those nests.

LeeAnn Tluchowski of the Pleasure Island Chamber of Commerce reviewed the organization's activities and accomplishments and said the group is seeking Town support for the following 2023 events: the Carolina Beach Music Festival, Pets in the Park, and the Cape Fear Kite Festival.

Mayor Barbee said the Chamber has done fantastic work and praised the group's transformation over the past couple of years.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

12. Approval of Financing Terms, Resolution of Necessary Findings, and Reimbursement Resolution for Acquisition of 1101 North Lake Park Boulevard

Finance Director Debbie Hall requested bid proposals from eight lenders for financing the acquisition of 1101 North Lake Park Boulevard for \$2 million with a 10-year term. The Town received three proposals, and Ms. Hall recommended Truist Bank as having the most favorable terms, including a 3.98% interest rate. To accept the proposal, Council must approve three resolutions.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Mr. Parvin said Ms. Hall did an excellent job getting the best deal for the Town.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Barbee

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

Motion passed unanimously

Council Member Benson said this acquisition is important because it gives the Town a contingency for storage and treatment of water.

ACTION: Motion to approve Resolution No. 22-2275 accepting the terms of the proposal from Truist Bank

Motion made by Mayor Barbee

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

Motion passed unanimously

ACTION: Motion to approve Resolution No. 22-2274 authorizing the Finance Director to file a Local Government Commission (LGC) application

Motion made by Mayor Barbee

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

Motion passed unanimously

ACTION: Motion to approve Resolution No. 22-2276 to allow reimbursement of expenses from loan proceeds

Motion made by Mayor Barbee

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

Motion passed unanimously

ITEMS OF BUSINESS

13. Consider the Police Advisory Committee's Request to Change the Committee Name to Police Advocacy Committee

Council Member LeCompte said Police Advisory Committee members have come to the conclusion that the group is not advisory in nature because it does not advise Chief Ward on how to run his department. She said it's more of an advocacy group that acts as a liaison to the public and provides volunteer support for events. She said the committee voted unanimously to request that Council change its name to the Police Advocacy Committee to better reflect its mission.

ACTION: Motion to change the Police Advisory Committee's name to the Police Advocacy Committee

Motion made by Mayor Barbee

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

Motion passed unanimously

14. Discussion on Planning and Zoning Commission Reappointments

Last month Council began discussing whether to extend the current Planning and Zoning Commission member terms while the Commission is working on the Unified Development Ordinance (UDO). Mayor Barbee said this is going to be a long project, and with four terms set to expire on June 30 continuity may be affected. The expiring seats belong to Chairman Wayne Rouse, Commissioner Lynn Conto, Commissioner Ethan Crouch, and Commissioner Todd Piper.

Ms. Fox advised Council on their options.

Council Member Hoffer said he doesn't think Council should do anything different and suggested consideration of reappointing the specific individuals at the normal time that would be done, which is closer to the end of the terms.

Mayor Pro Tem Healy said he is fine with doing the reappointments now for peace of mind for the Commissioners as they take part in a process that could go on for 16 months or more.

Council Member Benson said the Commission has not tackled something of this magnitude for a long time, so it's important to expedite it and get it right.

Council Member LeCompte said the current Commissioners are committed and have done a lot of homework, so having to start over on the UDO process with others would hamper progress.

ACTION: Motion to reappoint the four Planning and Zoning Commission members for an additional three-year term

Motion made by Mayor Barbee

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

Voting Nay: Council Member Hoffer

Motion passed 4-1

15. Sunset of Golf Cart Allowances on Streets within the Town

On November 10, 2008, the Police Chief presented an ordinance to allow golf carts on Town streets. Since that time, safety concerns have continued to rise. To attempt to address many of these concerns, in 2017 the Town adopted:

1. Definitions for golf carts and low-speed vehicles (LSVs)
2. Clarifying language for where golf carts are allowed
3. Safety equipment (i.e., seat belts, headlights, tail lights, turn signals) required on golf carts
4. Installation of DOT-required safety equipment prior to being able to register a golf cart in the Town
5. Recognition of state-registered LSVs and clarification of regulations for them

After having the additional regulations from 2017 in place, public safety staff members continue to have significant concerns about maintaining public safety with golf carts on Town streets. These concerns have risen as traffic continues to increase due to more residents and exponential growth of tourism. To address these issues while protecting existing investments made in golf carts, a sunset date of December 31, 2025, is established by proposed Ordinance No. 23-1199. It states that from July 1, 2023, until December 31, 2025, only golf cart owners who have received permits in the previous calendar year may continue to renew their permits; no new permit applications shall be allowed. This does not include LSVs, which are registered with the N.C. Division of Motor Vehicles (DMV).

Mr. Parvin said there were 729 golf carts registered in the Town in 2022 and 579 so far in 2023.

Chief Ward said the main concerns with golf carts are unbelted minors and people driving after drinking. He also said the current permitting process is haphazard at best and makes it difficult to identify who owns a particular golf cart.

Mayor Barbee said he is torn because he is concerned about public safety but does not like passing costs to residents.

Council Member Hoffer asked if someone inspects each golf cart every year when people come in to register. Mr. Parvin said people just come in to get their permits, and there is not a staff member walking outside to inspect golf carts.

Council Member Hoffer said his main issue with the proposed ordinance is how quickly the changes would be implemented. He said he thought it would be more like five years.

Mayor Barbee asked what the logic is behind the proposed 2025 date. Mr. Parvin said the Technical Review Committee (TRC) discussed what a reasonable time frame would be, and after much deliberation the group came up with the date.

Council Member LeCompte said she also thought changes would not occur for five more years. She said she agrees that it's a safety issue, but the Town has already asked residents to invest a lot of money in golf carts during the past few years.

Mayor Pro Tem Healy said Council already planted the seed for allowing five years when this issue was discussed in the past.

Mayor Barbee said he also likes the five-year time frame, but he wants to be sensitive to the Police Department. He proposed four years as a compromise.

ACTION: Motion to approve Ordinance No. 23-1199 as presented but with the exception to change December 31, 2025, to December 31, 2027

Motion made by Mayor Barbee

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

Voting Nay: Council Member Benson

Motion passed 4-1

COUNCIL COMMENTS

Council Member LeCompte asked to hear an update from the Centennial Committee at the next workshop.

Mayor Pro Tem Healy, said he wants to have a discussion at the next workshop about vendors on the beach, including how many, fees, etc.

Council Member Benson asked when the Carolina Beach Avenue South project will go to the TRC and come back to Council with associated costs and options.

Council Member Hoffer reminded everyone about the opening of the Friends of CB Nursery on Saturday at 10:00 AM, when trees from the N.C. Wildlife Federation will arrive. He also encouraged people to come to Thursday's open house to learn more and talk to Council and staff about anything. Council Member Hoffer said the public can walk into Town Hall to get his business card with his email address and phone number for future contact about any Town issues.

Mayor Barbee offered condolences to Council Member Hoffer on the passing of his mother.

CLOSED SESSION

ACTION: Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(5); the properties being discussed include the following Parcel IDs:

- R08807-013-005-000
- R08807-013-004-000

Motion made by Mayor Barbee

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

Motion passed unanimously

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

ADJOURNMENT

Mayor Barbee adjourned the meeting at 8:30 PM.