

CAROLINA BEACH

Town Council Workshop

Tuesday, August 23, 2022 - 9:00 AM

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



MINUTES

CALL TO ORDER

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

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

DISCUSSION ITEMS

1. Employee Recognition

Police Chief Vic Ward introduced new employees and recognized employees that have been promoted.

Promotions:

- Tom Brothers – Sergeant
- Justin McDade – Corporal

New hires:

- Alyssa Cotter (lateral)
- John Kmetz (lateral)
- Cavin Sydes (rookie)

Mayor Barbee said keeping officers has been a struggle, so he praised Chief Ward for the recent promotions and additions.

2. Update from the Parking Committee

Parking Committee Chairman Wayne Rouse gave an update. He said he was representing the committee and not himself.

Mr. Rouse said the committee has completed the assignment requested by Council. He thanked Mr. Oakley, Mr. Parvin, Ms. Ward, and other committee members for the time and attention invested in carrying out the mission. Mr. Rouse said the committee was a representative sample pool of the island at large. He said the committee produced a document of recommendations with the following common themes: residents want neighborhoods protected, parking should be easier to understand, and there is a growing supply issue when it comes to parking. Mr. Rouse then went through each recommendation.

Parking Committee Recommendations for Council

1) Recommendation that Council create a residential zone beginning at 3rd Street or equivalent and extending west.

Council Member Benson asked about the possibility of giving residents the right to use Town rights-of-way to plant trees to deter parking in these areas. Mr. Parvin said the Technical Review Committee (TRC) can come back with some recommendations on that.

2) Recommendation that Council add more and better located handicap spaces.

3) Recommendation that Council consider signage changes that clearly distinguish between Town and private lots.

Mayor Barbee said there has been some discussion about creating a Town symbol to simplify things. He said it's often hard to read text on signage.

4) Recommendation that Council consider investigating the possibility of selling non-resident passes to Carolina Beach and Kure Beach Sewer Authority partners.

5) Recommendation that at this time, Council take no action on creating different parking zones.

6) Recommendation that Council consider changing two-hour parking on Cape Fear Boulevard west of Lake Park Boulevard to \$5 per hour and \$25 per day.

Mayor Barbee said this would remove the two-hour restriction in that area.

7) Recommendation for Council to consider offering discount incentives on parking fines if paid promptly.

8) Recommendation that Council consider working with Pivot Parking to reduce the number of tickets for minor infractions.

9) The committee reaffirmed Section 16 of the parking code and ordinances and suggested Council consider enforcement of same.

Mr. Rouse said what this means is that when it comes to where people can and can't park, the Town doesn't need to come up with new rules when there are already rules on the books. He said there are plenty of ordinances to clean up some of the issues the Town is having, and those should be enforced

by Pivot Parking or the Police Department. Mayor Barbee said Council may ask for a plan on how to enforce these rules, especially in certain trouble spots.

10) Recommendation that Council consider offering free parking in January and February.

Mr. Rouse said this would give the Town a couple of months to reset signage for the following year and do infrastructure things. He said it's also a way to support businesses during slow times.

11) Recommendation that Council consider offering free parking in December.

Mayor Barbee asked if there was any financial logic around this. Mr. Rouse said this was not part of a financial discussion but came up as an additional recommendation during the conversation about free parking in January and February.

12) Recommendation that Council continue the policy of not selling non-resident parking passes to those who live over the bridge.

Mayor Barbee asked Mr. Rouse to provide some details about this recommendation because it has been an emotional issue for many. Mr. Rouse said this basically boils down to a supply issue when taking residential projects already approved into consideration in addition to the average of 15 permits approved per month for new construction. He said the number of residents needing passes will continue to multiply.

Council Member Benson asked if there was discussion of any other options, such as an off-season pass for non-residents that would be good from Labor Day to Memorial Day. Mr. Rouse said there was a motion made to not offer any non-resident passes to those who live over the bridge and that motion passed, so the committee did not look at anything else.

Council Member Hoffer asked if the vote was unanimous. Mr. Rouse said no, but it was a solid majority among the nine members of the committee. He said the members were of varying ages and backgrounds and therefore representative of the island.

Mayor Barbee said the committee was made up of the Chairs of all of the Town's other committees, so these are seasoned people who are used to dealing with Town issues. He thanked the committee for taking on a tough issue. Mayor Barbee said the recommendations will go to Mr. Oakley for analysis before coming back to Council for discussion.

Mayor Pro Tem Healy also thanked the committee and said he hopes Council will have some good discussions when decisions are made. He said he is sure Council can work some of the committee recommendations into the plan.

Council Member Benson asked if November 1 is when the Town enters the second year of the parking contract. Mr. Oakley said yes.

Council Member Hoffer said there is growing pressure on parking in residential zones, and he thinks it is related to the elimination of non-resident passes for those who live over the bridge. He said people will adapt, and this could be causing a push into residential zones. Council Member Hoffer said he's not convinced that non-resident passes for those who live over the bridge hurt the Town.

3. Water 101 – The Basics of the Water System

Public Utilities Director Mark Meyer reviewed the basics of how the Town's water system operates. He said currently the Town is averaging about 1.1 million gallons per day over 365 days, the Town has 2 million gallons of storage, and the Town is roughly at 50% water supply.

Mr. Meyer said the current available system supply is 2 million gallons per day. He said like most utility providers serving vacation destinations, the Town's water demand is noticeably seasonal and often comes with challenges. Mr. Meyer said the water supply and storage must be geared toward satisfying consecutive peak-day demands experienced over Memorial Day weekend, the July Fourth holiday, Labor Day weekend, and other peak summer periods.

Existing conditions and project supply needs

Some general concepts that are foundational to the report and the evaluation of the existing system:

- 1) The supply capacity of a water system supplied by wells must be calculated using a 12-hour-per-day pumping rate.
- 2) Water supply is the quantity of water that can be supplied to a system. Water demand is the water consumed by the customers of a system.

Phase 1

- Install a third filter at the Alabama water treatment plant site with new well 15H
- Construct a new 1-million-gallon storage tank and pump station on Military Ocean Terminal Sunny Point (MOTSU) near the sewer plant (future membrane plant site)

Preliminary Budget: \$7,714,000

- Increases available supply by approximately 500,000 gallons per day
- Added 1-million-gallon storage provides a buffer for consecutive peak days in the near term

Mr. Meyer said Phase 2 would include adding a nanofiltration system and another 1-million-gallon tank. He said the Town is in good shape and has the ability to grow but is trying to be proactive instead of reactive.

Mayor Pro Tem Healy asked if the Town will be in good shape when The Proximity comes. Mr. Meyer said yes. He said the Town has an all-inclusive system, which is different than many coastal towns that have to buy water, must send it off to be treated, and have no wastewater capacity. He said the Town is a one-stop shop that can create, treat, and dispose of water with an in-house system. Mr. Meyer said the Town controls its own destiny here, while most coastal communities don't have that option.

Council Member Hoffer asked how adding new pumps will help the Town get more water if you're only allowed to pull so much water from the aquifer. Mr. Meyer said adding new wells means pulling water from different areas, which is more efficient.

Council Member Benson asked what the Town expects back from the \$250,000 to be spent this fiscal year on a preliminary engineering report for getting permits. Mr. Meyer said this will ensure that everything is regulation and that the Town would be able to move forward with the plans at hand. He said the Town is looking at a one- or two-year time frame.

Mayor Pro Tem Healy asked Mr. Meyer when he would like to see the project completed. Mr. Meyer said he would envision two years, maybe three at the most, which is all dependent on buildout and based on what the Town is able to finance and when it goes out for bonds for projects.

Council Member LeCompte said messaging needs to be clear because there are a lot of residents who think we're close to being out of water. She said these kinds of presentations are important.

Council Member Hoffer asked if there is an agreement with MOTSU for putting a tank in place at this stage. Mr. Parvin said in 2006 and 2009 the Town received approval from MOTSU for a 3-million-gallon storage tank, but in 2012 MOTSU reeled back the Town on several things so the Town is going through that approval process again with generic conditions. He said the request is for a 2-million-gallon tank so the Town can put in a 1-million-gallon tank now and add another later.

Mayor Barbee said he hears a lot of comments about the taste of the Town's water, but it's the water we have. Mr. Meyer said the Town does minimal treatment, just enough for what it takes to make the water as good as possible, but it's natural aquifer water. He said it's not a good idea to mess with the mix, but people can add a filtration system or whatever they need to make the water how they want it.

4. Emergency Operations Plan

Mr. Oakley said the Town had an Emergency Operations tabletop exercise last week that Council Member LeCompte came out to observe, and it went smoothly. He said the Town is fortunate to have such seasoned staff, and citizens should feel confident that they will be well taken care of in an emergency. Mr. Oakley said he provided Council with an elected officials' guide to Emergency Operations, and he stressed that consistent messaging is key.

Through the expertise of Fire Chief Alan Griffin, the Town crafted the 2016 Emergency Operations Plan (EOP). The plan brought the Town to the forefront in the State for emergency response procedures. The plan has needed limited modifications over the years and was the foundation plan for the current efforts to link New Hanover County's EOP with its municipalities.

Last year the County hired a consulting company to rewrite its EOP, along with all its municipalities' EOPs. The Town's plan saw the least number of changes, and it now works in close conjunction with partners throughout the County. Town staff considers this an extremely valuable effort because the Town works so closely with County partners during emergency response situations.

After a little over a year of effort, the draft plans are complete. On August 15-16 the Town tested the new EOP by conducting an exercise involving key leaders that will be involved in setting up and managing response efforts. The EOP was well-received and opened the door to improving communications for all.

Staff provided a copy of the base plan for Council to review; 15 annexes will also be utilized in conjunction with the final EOP. The annexes discuss specific issues (i.e., hazardous materials, search and rescue, firefighting, etc.).

A formal adoption will be requested at the September 13 Council meeting. Kure Beach also plans to adopt its new EOP at its September 19 Council meeting.

Mr. Parvin presented details. He said one of the changes in the new plan involves continuing to refer to the County's Emergency Operations Center (EOC) but changing the municipalities, including the Town, to an Instant Command Post (ICP), which is uniform with standards for all local government entities. He also gave details about testing of the new plan on August 15-16 and reviewed the top 10 hazards in the County, steps for the Town declaring an emergency, steps for activation of the Town's ICP, and key activities involved with emergency response.

Mr. Parvin said another change was with activation levels. Instead of referring to situations in terms of a numerical scale, the Town will now use a stoplight system that goes from monitoring (green) to partial (yellow) to full (red).

Mr. Parvin said the next steps are for Council to review the plan, ask questions, and vote on its adoption on September 13. He said the item is planned to be on the consent agenda for that meeting unless Council Members want to make it a separate item and hear the presentation again. The consensus of Council was for the plan to be on the consent agenda.

Council Member LeCompte said she recently asked about using a local AM radio station during emergencies such as hurricanes when people don't have power or mobile phone service. Mr. Oakley said the Town will be able to use this option for updates.

5. Short-Term-Rental Update by Attorney Fox

Ms. Fox gave an update on short-term rentals, focusing on a recent N.C. Court of Appeals opinion involving the City of Wilmington and the ordinance it adopted in 2019 attempting to regulate short-term rentals. She reviewed the legislative history from 2011 to 2017, the outcome of which was that a local government entity can't require registration of a rental property unless it has excessive violations.

A 2019 ordinance from the City sought to regulate the short-term-rental market by requiring registration, among other things. A lawsuit was filed challenging the validity of the ordinance, and the N.C. Court of Appeals ruled that when a local government enacts an ordinance asserting powers that exceed those granted by the General Assembly, the Court is compelled to invalidate the unauthorized action. The Court found there was no enabling legislation for the parts of the City's ordinance that addressed registration and a lottery system, so the Court struck down the registration requirement,

the lottery system, and any provisions that could not be severed from the registration requirement. The Court found there was enabling legislation for many other parts of the ordinance, including a restriction of whole house lodging to certain zoning districts, parking space requirements, refuse storage and collection requirements, and a requirement that certain information be posted. As a result, the City changed its ordinance and refunded the registration fees collected.

Following the Court's ruling, the best ways to regulate short-term rentals is through the tables of uses, allowing them only in certain zoning districts, and adopting development standards to address the impacts, such as parking requirements, trash management, occupancy limits, etc.

Council Member Hoffer asked if the Town can require exterior signs showing who operates each short-term rental. Ms. Fox said she thinks that would likely fall into a category that does not have enabling legislation. Council Member Benson said he thinks the requirement that certain information be posted is intended for safety and other information for renters that would remain on the interior of the unit, such as trash pickup schedules, important phone numbers, etc.

Ms. Fox asked Council Member Hoffer if the intended benefit of such an exterior sign would be to have knowledge of who to contact if there's an issue with the rental property. Council Member Hoffer said yes. Mayor Barbee said not knowing who to contact can present a public safety issue. Ms. Fox said the Town can't make the rental properties register, so there's no way to do that. She said the Town needs to determine what it is trying to address and how it can do so within the enabling legislation.

6. WMPO Bicycle and Pedestrian Advisory Committee Appointment

The citizen representative on the Wilmington Urban Area Metropolitan Planning Organization (WMPO) Bicycle and Pedestrian Advisory Committee recently submitted his resignation, and Mayor Barbee must make a recommendation for a replacement.

Mayor Barbee said he asked Ricky Niec, Chairman of the Town's Bike/Pedestrian Committee, for feedback, and he recommended Rodney Kidd.

ACTION: Motion to appoint Rodney Kidd to the WMPO Bicycle and Pedestrian Advisory 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

MANAGER'S UPDATE

Mr. Oakley gave an update on current and future projects.

Social Media

It is a long-standing policy that the Town's Facebook page is used for information dissemination and not as a public forum, so that's why it does not allow comments. The intent is not to block opinions but to push out information.

Council Member Hoffer asked if staff can put together a short explanation that can be shared with the public. Ms. Fox said she thinks this is already at the top of the Facebook page.

Mayor Barbee said not allowing comments was the recommendation from the UNC School of Government when he went through social media training. He said allowing comments can present various legal situations.

Council Member LeCompte said Facebook comments become public record and can't be deleted, so the bottom line is whether the Town wants to deal with that.

Charitable Request

Carolina Customs has requested the donation of a Freeman Park pass to auction off as part of a fundraiser for Ocean Cure.

ACTION: Motion to approve the Freeman Park pass for Carolina Customs to be auctioned off to benefit Ocean Cure

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

Ocean Boulevard Sidewalk Project Open House

There is another open house for the Ocean Boulevard Sidewalk Project tomorrow 5:00-7:00 PM.

Carolina Beach Avenue South

Mr. Hardison has worked up some options for possible solutions to the Carolina Beach Avenue South issues previously discussed. There is nothing in the budget for these right now, but the options give ideas for what can be done on the one-way street.

Options for the 30-foot right-of-way include:

- Option 1 – no sidewalks, 11-foot one-way drive, two 5-foot bike lanes, 9-foot parallel parking
- Option 2 – 5-foot sidewalks on both sides, 15-foot one-way drive, 5-foot bike lane
- Option 3 – 5-foot sidewalks, 12-foot one-way drive, 5-foot bike lane, 8-foot parallel parking

Mayor Barbee said any of the options would help with keeping traffic moving in one direction and limit the biggest problem of drivers going the wrong way.

Council Member LeCompte said she thinks a designated bike lane is imperative because there are a lot of bikes on Carolina Beach Avenue South. She said signage is a big thing and suggested marking preferred bike routes to try to keep bicyclists off Lake Park Boulevard.

Mayor Barbee said Council supports doing something and would like staff to bring forward a recommendation and costs.

Council Member LeCompte said she would like an open house to get public input.

Mayor Barbee asked if Council can lower the 25 mph speed limit. Mr. Hardison said yes. Council Member Benson said he would like to do that. Mayor Barbee asked staff to add a possible speed limit change to the next discussion about Carolina Beach Avenue South. Mr. Oakley said a speed limit ordinance would be essentially cost-free except for signage.

Mayor Barbee asked staff to bring back costs for the options and more firm plans, and if Council decides to move forward then public input can be sought.

COUNCIL COMMENTS

Council Member LeCompte said there are two Boardwalk Blasts left: this Thursday and next Friday. She said the next 50/50 raffle will benefit the Carolina Beach Blueliners Foundation, and the last one will benefit the Carolina Beach Lifeguard Association. She also reminded the public about the American Red Cross blood drive on August 31 and the Police Department Bike Rodeo on November 5, which is still seeking sponsorships.

Council Member Benson asked when Council will decide what side the Ocean Boulevard sidewalk will be on and what material will be used. Mr. Oakley said the material was already set forth in the funding. He said staff will compile comments from tomorrow's open house for discussion at the September meeting.

Council Member Hoffer reminded everyone about the 2025 Lake Park Boulevard paving project and said it is important to stay on task with this.

Council Member Hoffer asked if the Town can put out some signage about the status of current projects on Saint Joseph Street, Ocean Boulevard, and Lake Park. He said he has seen similar signs in Wilmington marking the site of a project, which phase it is in, etc. Mr. Oakley said this has been done for some larger projects, and the Town can look at putting out some smaller signs for smaller projects. Mayor Barbee said this type of signage can set the public's mind in a positive way when they see a construction site.

Mayor Barbee asked when Mike Chappell Park bathrooms would be up and running. Mr. Oakley said this would be in early September.

Council Member LeCompte asked Mr. Hardison if at the next meeting he can give an update on the permitting process with Coastal Area Management Act (CAMA) for rehab of the bathrooms on the Boardwalk. Mr. Hardison said yes.

Mayor Barbee said the Clarendon Avenue Bike Path Project is still on the WMPO list, and at some point Council needs to give direction. He said a good first step would be for Council Member Hoffer to take the issue back to the Town's Bike/Pedestrian Committee to find out if there is any community support for pushing forward. Mayor Barbee said if not, then it should probably be removed. Council Member LeCompte said WMPO will not release money for that specific project unless the Town gives them direction. She said if Council wants another project instead, WMPO will have to release that money

and the Town will have to reapply. Mayor Barbee said Council should let WMPO know one way or the other.

Council Member Benson reminded everyone about the open house for The Proximity tomorrow at 5:30 PM. He said it will include food, beverages, and the opportunity for public comment both spoken and written. Mayor Barbee said he has never seen a company that wants public input as much as with this project, and everyone should embrace that. He encouraged the public to go and give feedback.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 11:30 AM.