

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, May 11, 2021 - 6:30 PM

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



MINUTES

CALL TO ORDER

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Judge Rebecca Blackmore of St. Paul's United Methodist Church and Pledge of Allegiance.

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

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 Pierce

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

Motion passed unanimously

CONSENT AGENDA

1. Budget Amendments/Transfers
2. Approve Kure Beach & Fort Fisher Aquarium Sewer Rates
3. Set Public Hearing for June 8, 2021 to discuss establishing a Municipal Service District
4. Set a Public Hearing Date for June 8th to consider amending Chapter 40, Article VII, to review fence regulations.
5. Set a Public Hearing Date for June 8th to consider amending Chapters 12, 36, & 40, to make required 160D updates.
6. Approval of Meeting Minutes from 4/13/2021 and 5/4/2021

Council Member Garza said he wanted to mention a matter related to item 3, setting a public hearing to discuss establishing a Municipal Service District (MSD). He said House Bill 781, which would allow

municipalities to create social districts that permit open containers of alcohol outdoors, is under consideration. He said he thinks this could be a beneficial MSD component.

Council Member Garza asked about the transfer of \$40,000 to cover the costs of an unfunded high-priority project on Raleigh and Monroe avenues. He said his understanding is this was a necessary item because it has long-term benefits. Mr. Parvin confirmed this.

Council Member Garza also asked about two \$30,000 transfers “to cover material due to the increase of building.” He said he was curious as to what that means. Finance Director Debbie Hall said this is for the cost of material for new lines due to an increase in adding new construction, so funds had to be pulled from another account to cover the cost.

ACTION: Motion to approve the consent agenda

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

SPECIAL PRESENTATIONS

7. Special Presentation by Johnathan Strickland regarding Pack It In, Pack It Out

Local middle school student Johnathan Strickland presented his poster design and spoke about the Pack It In, Pack It Out program. The Kure Beach resident and eighth-grader at the Wilmington Academy of Arts and Sciences said he became interested in the endeavor as part of a social studies project that called for students to create an action plan for addressing an issue that affects the community. He spoke about the long-term environmental impact of single-use plastics and said the Pack It In, Pack It Out program will help but only if the bins are emptied regularly and awareness is spread to tourists.

Mayor Pierce said the young people who have appeared before Council recently gave her hope for the future. She said she was proud of Johnathan for supporting the Town’s effort.

Council Member Garza encouraged Johnathan to get involved with Ocean Cure and ask his friends to join him.

Mayor Pro Tem Healy said Johnathan’s teacher and parents should be proud of what he’s done. He joked that Johnathan should think about running for office in Kure Beach in November.

Council Member Barbee said he first became aware of Johnathan’s poster – which addresses entanglement, health risks, quality, and environment – after his father posted it on Facebook, but soon short-term rental owners started using the poster in their properties. He said this was a good example of how one person can make change happen.

Mayor Pierce said there have been some very impressive youths to make presentations to Council lately, and she is very excited about that.

8. Presentation by the Cape Fear Sail & Power Squadron – Safe Boating Week

Commander Otis White, joined by several others from the Cape Fear Sail & Power Squadron, all wearing life jackets, presented information on safe boating and requested Council’s support on proclaiming May 22-28, 2021, as Safe Boating Week. Mr. White said the group had been doing this annual presentation for 14 years. He discussed the need for boater education, knowledge, and experience, especially with the past year being the largest for the sale of boats in 13 years. He said life jackets are the single-most important safety feature for boaters. Others in the group introduced themselves.

Mayor Pierce said the group’s work is very important and expressed appreciation.

ACTION: Motion to approve Proclamation No. 21-2235, a resolution of the Town of Carolina Beach, North Carolina, proclaiming the week of May 22-28, 2021, as Safe Boating Week

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

9. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator for the Town, began his update with a presentation about a new event on behalf of organizers who were out of town. He said Pets in the Park is proposed for Saturday, October 9, from 10:00 AM to 2:00 PM at Carolina Beach Lake. The event, hosted by the Pleasure Island Chamber of Commerce, celebrates pets, their owners, and pet-friendly businesses in dog-friendly Carolina Beach. Organizers expect about 1,000 people to attend. Planned activities include a pet parade, pet contests, pet blessings, visiting animal rescue groups, live music, food trucks, a petting zoo, and vendors with pet-related items and services. Mr. Murphy said the Events Committee recommended approval of Pets in the Park.

Council Member Barbee said he recalled a similar successful event in the past. Mr. Murphy said this was a little bit different, which is why organizers were seeking Council approval.

Council Member Garza said his “number one concern is number two.” He said the event should focus on education and placement of bags to ensure people remove their pets’ waste from the grounds. He said they might also want to consider having someone ready to scoop poop if necessary.

Council Member Garza said he would like to see contracts for events include a stipulation that would allow the Town to display its logo at the events to show the Town is a part of the community.

ACTION: Motion to approve Pets in the Park

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

Mr. Murphy reviewed special events for May/June:

- Carolina Beach Market – May 15-October 2 (Saturdays) at Lake Park

Council Member Garza said he recently attended the Street Arts Festival at the lake and was uncomfortable with the compact nature of the event. He said there were similar comments from residents and vendors. Council Member Garza said he would like to see vendors spaced out more during similar events, such as the upcoming Saturday markets. Mr. Murphy asked if he thought vendors should move to the south. Council Member Garza said he would like to see more space utilized by pushing vendors down toward the old playground. Mayor Pierce asked Mr. Murphy to relay Council Member Garza's concerns to market organizers.

- Tinted Turtle Trot – May 16 at Mike Chappell Park
- Youth Fishing Tournament – June 5 at Kure Beach Pier (sponsored by the Town Parks & Recreation Department)
- Irreverent Warriors Hike – June 12 at Good Hops Brewing (start/end)
- Carolina Beach Spring Triathlon – June 19
- Eastern Surfing Association – May 22-23, June 5-6, July 31-August 1, Wahine Classic (TBD August), September 11-12, October 2-3, and October 23-24 at North End Pier

Council Member Garza asked how packed the Town will be from the triathlon. Mr. Murphy said it's estimated at 300 participants. Council Member Garza asked where it takes place. Mr. Murphy said on Hamlet Avenue with closures on Dow Road from Cape Fear Boulevard to Kure Beach. He said it has a big impact on the Town. Council Member Garza recommended the placement of signs in the Hamlet Avenue area a day or two prior to the event to give people in the area time to prepare. Mr. Murphy said he hopes to do some signage in the bridge area similar to what's been done ahead of filming activity.

Mayor Pro Tem Healy asked Mr. Murphy to talk a little about how movie productions impact the Town. Mr. Murphy said the biggest benefit is the economic impact because the Town encourages film crews to spend locally on food, parking, and more, and evidence has shown that they have. He said a lot of the film workers are local and can now work closer to home instead of traveling to other states.

Mayor Pierce asked if filming is going well. Mr. Murphy said it is.

Mayor Pierce asked if there is a list of events available to the public. She said the Chamber used to produce one, but she has not seen it in a while. Mr. Murphy said he is working with the Chamber to put together a master list.

Council Member Shuttleworth asked about the status of the summer amusement rides, live music, and fireworks. Mr. Murphy said he is not involved with the rides, but he reported that music and fireworks will start on Friday, July 2, and then continue weekly every Thursday through September. He said Movies at the Lake will be happening every Sunday starting later in the summer and then move to Saturdays for the last few weeks after the kids go back to school. Council Member Shuttleworth said it was good news that the Town was starting to see some normalcy after the COVID-19 pandemic. Mr.

Murphy said there will also be Family Night on Tuesdays for 14 weeks. Mayor Pierce asked if Bingo on the Boardwalk would be returning. Mr. Murphy said there would be no Bingo.

Council Member Garza praised Mr. Murphy for doing a good job. Mayor Pierce said it can be difficult to coordinate and navigate the issues involved with special events but that Mr. Murphy has really stepped up to the plate. She thanked him for a great job. Mr. Murphy said he appreciated the feedback and has enjoyed doing it.

10. Manager's Update

Mr. Oakley updated Council on current and future projects.

Fuel "Shortage"

- State of emergency – suspending motor vehicle fuel regulations and trucking restrictions
- Vehicles full/emergency supply/partners

N.C. Department of Transportation (DOT)

- Hamlet/Lake Park traffic signal – has been funded and will begin likely after the summer season; also investigating putting a left-turn lane on Dow Road into the Carolina Beach State Park traveling northbound and some beautification enhancements, such as wildflowers coming into the Town on other side of bridge

Beach Patrol

- Ocean Rescue – the Town is looking to restart this position in the upcoming budget; the plan is for a more proactive approach to enforcement of issues seen on the beach

Mayor Pierce asked for an update on the sailboat over the weekend. Mr. Oakley said Mr. Parvin was about to cover that. Mr. Parvin made a presentation.

Harbor – Abandoned Vessels

- Just north of the mooring field on Saturday, May 8
- Vessel was under violation
- Owner was notified that the vessel was taking on water prior to sinking
- Owner has been given until 5:00 PM on May 12 by the Coast Guard to remove hazardous materials

Mayor Pierce asked if the owner has been identified. Mr. Parvin said there are two possible responsible parties, and the Coast Guard is investigating which one should be held accountable. Mayor Pierce said she has heard the same owner has another boat in the waterway. Mr. Parvin confirmed this.

Council Member Shuttleworth asked if the Town can expedite getting the vessel out of the water for environmental mitigation issues.

Mr. Parvin said there is another problematic vessel that popped up in the waterway today. He said the Town has been dealing with the owner of this boat since last winter. Mr. Parvin said the boat is in

shallow water and dragging anchor due to heavy winds. He said the Town is working on remedying this and another one right behind it, which is being removed tomorrow. Mr. Parvin said it's been busy in the harbor, and the Town is making progress with the issues.

Council Member Garza asked what the worst-case time frame is for removing the boat mentioned at the beginning of the presentation if the owner won't take action. Mr. Parvin said after the deadline, there will be action the following day, such as getting the hazardous materials off the vessel. He said there will be placement of a light to illuminate it so it's visible at night. Mr. Parvin said while it isn't right in the middle of the channel, it does pose a hazard to navigation. He said the Town is trying to move as fast as possible.

Council Member Garza asked Mr. Oakley if he would be part of the conversation about the left-turn lane on Dow Road when the DOT visits. Mr. Oakley said the engineer will come out and assess certain criteria. Council Member Garza said it would be beneficial to compile data showing how quickly Kure Beach has grown in the past five years and how many people go to Fort Fisher and the aquarium because Dow Road is the main corridor used. He said those statistics would likely be more convincing than the engineer just looking at the road. Mr. Oakley said the DOT goes take into consideration traffic counts on the road. Council Member Garza said it would be helpful for the Town to come to the table with that information readily available. Council Member Barbee joked that the Town should offer to buy the engineer dinner if he will visit on a Saturday when traffic is at its peak.

Mayor Pierce mentioned the vessel issues and said this was a big part of why the Town enacted an ordinance covering the waterway. She said the Town is trying to eliminate these problems, and it's helpful to be able to take action legally to remove the boats.

Council Member Barbee said this is a big issue statewide, and the State is working on legislation to help strengthen the laws.

Mayor Pro Tem Healy asked about previous plans to expand the mooring field, including adding more mooring balls. Mr. Parvin said one broke free a few years ago, so the Town is looking at replacing that one. He said all of them have been surveyed to determine the condition of the chains on them. He said there is still some discussion about possible expansion going north, but that is not an immediate plan. He said it's possible within the next year or two, and it would allow for more people to have a safe place to moor and eliminate problems with boaters dropping anchor anywhere because the mooring field is full.

Council Member Garza asked for more specifics about the worst-case scenario for removal of the boat mentioned at the beginning of the presentation. Mr. Parvin said the Coast Guard will activate funds and have the contractor go out within days. He said the hope is to accommodate both problematic vessels at the same time.

PUBLIC COMMENT

Tracey Kendrick of 1812 Canal Drive #6 addressed Council about issues with events being held on the beach right in front of his property. He said he has informed Council about these concerns previously. He said his main concern is that his renters and guests can't enjoy the beachfront, which already has

limited space due to sand washing away and the placement of rocks, when surfing event coordinators are telling people to move or stay out of the water. He said he appreciates the economic impact of the events but feels they should not keep people from enjoying time on the ocean in front of his property. He said it is unfortunate that taxpayers within that district cannot use the property they purchased for the benefit of having easy access to the beach. He said Mr. Murphy has been good about reaching out to address issues, but he was upset that no one in his community has heard back from anyone on Council. He said as a former County Commissioner in another area, he will be out during the upcoming election to put people in place who will respond to requests.

Council Member Garza said he would always be pro-surfer and suggested the renters of the property volunteer to help a community organization, especially because surfers start at a young age in our community. He said rather than seeing the surfing events as a nuisance, people should use it as an opportunity to give back.

Mr. Kendrick said he appreciated Council Member Garza's opinion but added that he pays a lot of tax money in the Town and picks up trash every day to give back to the community.

Council Member Garza said he doesn't discriminate against anyone who pays low or high property taxes. He said we're all part of a community and should help each other.

Mayor Pierce apologized for not responding but said when she read the thread she thought Mr. Murphy had answered Mr. Kendrick's questions and was aware that Mr. Kendrick planned to address Council tonight. She said it is a public trust beach and anybody can be out there, but she wants to have some discussion with Mr. Murphy about what exactly is done during the events.

Amy Rose and Gina Gray of Eastern Surfing Association came to the podium. Ms. Rose said the group has been doing these events for 18 years and does occasionally use safety flags to mark surfing zones so surfers don't collide with and hurt non-surfers, especially small children. She said sometimes event organizers will also blow a whistle to warn of potential danger.

Council Member Shuttleworth asked how wide apart the flags are. Ms. Rose said she was not sure. Ms. Gray said they usually extend from where the pier starts to where the jetty is, and this is only done while surfers are competing.

Council Member Shuttleworth encouraged the surfing event organizers to refrain from blocking private beach accesses. He said anyone can use the beach and nothing says property owners have the right to be on the beach directly in front of their property, but preventing them from getting to the beach is a problem. He said the surfing group must work on that. Ms. Rose said they can have announcers tell people to move if they are blocking access and otherwise be more mindful of the issue.

Mayor Pierce asked Ms. Rose to introduce herself to Mr. Kendrick so he knows who to approach if there are issues. She said she thinks everyone can work together and that many of the events are geared toward young people.

Council Member Shuttleworth said as much as the Town might be a surfing community, it's also a rental community.

Ms. Rose said the property owners can have her number, and if renters have issues the event organizers will do the best they can to address them.

Mr. Kendrick's wife Sharon said they are not complaining about the surfers and that their son is a surfer. She said people have tied their tent to their community's private walkway and blocked access, and when asked to untie there was backlash and refusal. She said their renters have said they were asked to leave the beach and dunes are being worn down. She said barriers they have put up to protect the dunes on private property are being removed by nearby business owners.

Mayor Pierce asked that the Kendricks and the event organizers exchange phone numbers and said she thinks communication will solve many of the problems.

David Cole of 205 Greenville Avenue and owner of Hurricane Alley's said he would like the Town to consider moving the Movies at the Lake to the Boardwalk area. He said the current location poses a safety issue due to its proximity to the main road. He said the Boardwalk area would also be better because people could patronize nearby restaurants.

Mayor Pierce said Mr. Oakley and Mr. Murphy can talk about the possibility of this.

Mr. Cole also asked who came up with the MSD idea. Mayor Pierce said there will be a presentation about this during the June 8 public hearing on the issue.

Council Member Shuttleworth said the idea has been around for a while. Mayor Pierce said it is done in downtown Wilmington.

Council Member Shuttleworth said the purpose is to offset some of the Town's costs in the Boardwalk area. Mr. Cole asked him to be specific. Council Member Shuttleworth gave daily cleaning of sidewalks as an example.

Mr. Cole asked who came up with the idea of charging a separate tax for a separate group of people who had already suffered economic hardships due to shutdowns during the COVID-19 pandemic.

Mayor Pierce said she's assuming Mr. Cole is against the MSD. Mr. Cole said he doesn't know anything about it, but what he's seen is ridiculous.

Mayor Pierce said she owns property there and it would affect her as well. She explained that a lot of districts do this and it's not something that has been approved in the Town. She said it's something the Town is considering, and she has suggested that Boardwalk property owners get together to discuss if they are in favor of it and if so, what they would like to see happen there with the extra money.

Mr. Cole said there was an attempt to do this previously, and the current effort is bad timing due to local businesses having staffing shortages and other struggles. He said parking and other issues have

always been a problem in the area. Mr. Cole asked if the Town Manager came up with the idea. Council Member Barbee asked Mr. Cole if he was asking who invented the MSD concept because it has been around for a long time. Mr. Cole said he wanted to know who brought it up as a possibility for the Town.

Mayor Pierce said the public comment section is meant for people to bring issues before Council and not intended to facilitate back-and-forth exchanges. Mr. Cole said it was just a question, and he wanted to know if it was everyone’s idea. Several Council Members said yes. Council Member Shuttleworth said the idea has come up for years as a result of requests by business owners for more Town efforts in the Boardwalk area.

Mr. Cole asked who will oversee the money. Council Member Shuttleworth said it would be in the Town’s General Fund and that there would be a discussion of the details during the June 8 meeting. Mr. Cole said if the Town is going to try to tax all the business owners in the Boardwalk area, the Town should try to bring in more business there.

PUBLIC HEARINGS

- 11. Public Hearing to Receive Public Input on the FY21/22 Budget

ACTION: Motion to open a public hearing to discuss the 21-22 budget

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

Council Member Shuttleworth and Mayor Pierce told Mr. Cole he could come back up to speak during the budget public hearing.

FY 21-22 Budget
General Fund Revenues

	FY 20-21	FY 21-22
General Fund	\$15,442,611	\$16,824,692*
Utilities	\$8,963,903	\$9,357,676**

*Includes proposed tax decrease – \$22.5 cents per \$100. Tax -neutral rate – \$21.36 per \$100.

**Includes 2 percent rate increase, \$1 stormwater fee increase, and \$312,446 from Utilities General Fund.

Council Member Shuttleworth said the utilities bond years ago had a stipulation that said the Town had to raise rates so much every year to ensure the Town can make its anticipated payments. He said the rates had gone up 5 percent for the past few years and were projected to continue to rise at that rate, so he wanted to make sure a 2 percent increase will be sufficient. Mr. Oakley said yes, he’s confident the 2 percent increase will work.

Council Member Shuttleworth asked about a fee in the Utilities budget to offset general and administrative costs back to the Town's General Fund. Ms. Hall said that amount was reduced to \$400,000. Council Member Shuttleworth asked if this was sufficient. Mr. Oakley said yes.

General Fund

Revenues and expenses

- Increased tax revenue from revaluation
- Tax rate decrease – 23 cents per \$100
- Municipal Service District
- Cost-of-living adjustment and merit – effective January 1, 2022
- Debt Service

Council Member Shuttleworth said the proposed MSD would be an additional .5 cents per \$100 valuation, so business owners in the area could figure out exactly what they would owe looking at their tax valuation. He asked Mr. Oakley if the MSD was expected to generate approximately \$71,000. Mr. Oakley said that is correct. Council Member Shuttleworth said these funds would be directed to a specific area and dedicated for services above and beyond what other parts of Town are getting. Mr. Oakley said this money would not cover what is already done now but could be used for additional services.

Council Member Garza said while there is almost a 10 percent increase in General Fund Revenue and the current year has been good financially for the Town, he is worried because historically the Town takes in less than what it projects for revenue. He asked if the proposed budget includes needs and wants. Mr. Oakley said there have been cuts in all requests, but the budget contains projects that Council wants to see.

General Fund Capital Projects

- Restroom facility at Mike Chappell Park
- Hamlet Ocean Rescue/Bathrooms Facility
- Playground at Lake Park
- Saint Joseph Street Bike Lanes
- Fire Department Vehicles

Mr. Oakley also mentioned the need for a new HVAC system at Town Hall. He said someone is there working on it every day. He also said there are several water and sewer capital projects that Mr. Parvin will explain in detail later. He said the Town had to put off a lot of projects last year because of the COVID-19 pandemic, so the objective was to try to get some things back so the Town doesn't get too far behind.

Utilities Fund

- Rate increase 2 percent – water/sewer rate
- Stormwater \$1 fee increase
- \$312,446 from fund balance
- Cost-of-living adjustment and merit – effective January 1, 2022

Council Member Garza said he would like to see cost-of-living adjustments and merit increases for Town staff to be consistent in the future for the purposes of employee morale. Mr. Oakley said this is very important for employee retention and said employee evaluations, which haven't been done yet, give an incentive for staff members to do well and be rewarded but are also a way for supervisors to see how their staff has done in the past year.

Mr. Parvin spoke about other budget plans.

Stormwater Projects

- Spartanburg Avenue/Third Street
- Maryland Avenue/Virginia Avenue
- Eastern Hamlet Avenue
- Basin Road
- Henniker's Ditch Maintenance

Florida Avenue

- Stormwater: inverted crown
- Paving: Canal Drive to Delaware Avenue
- Sewer: lining existing pipes to eliminate I&I

Lake Playground

- Applied for matching Land Water Conservation Fund (LWCF) grant for new playground at Lake Park: funds are available but still waiting for final decision from the National Park Service
- Requested funding (\$450,000) through Economic Development Initiative to fund new restroom, playground, and picnic shelter
- The playground was one of the most requested amenities from the Lake Park Master Plan

Council Member Garza referred to the map of Lake Park and said the area around the exit to the elementary school would be a great spot for expansion of markets. He asked if that area could fit golf cart parking spots. Mayor Pro Tem Healy said that topic came up six or seven years ago and didn't go over very well with people who live in that neighborhood.

Mayor Pro Tem Healy said there is nothing more important than infrastructure. He said Phases A and B have been completed, but he wanted to know if there was any discussion about going back to make a game plan for Phase C. Mr. Parvin said this is on the capital plan for the next 20 years. He said planning is going on for the next set of bonds in 2024, and he believes Phase C would be built into that.

Council Member Garza asked if there are things we can do now to prepare for that. Mr. Parvin said permitting was in this year's budget but has been pulled out and will go to the 22-23 budget.

Mr. Parvin shared a schematic of the new bathrooms at Mike Chappell Park, which will be housed in a building that will also serve as a picnic shelter. He said the plan is to replace the older structure with the new facility.

Mayor Pierce opened the floor for public comment about the budget.

Tracey Kendrick of 1812 Canal Drive #6 said he just wanted to state for the record that in his previous comments he did not speak about haves and have-nots and because Council Member Garza interjected that there are different people within the taxing community that pay taxes, Council Member Garza obviously has an agenda. Mr. Kendrick also said he does not think the proposed MSD tax is fair to the whole community because it taxes people at different rates due to where they are.

David Cole of 205 Greenville Avenue and owner of Hurricane Alley's said he has been asking since October for cost information about the building that was torn down on the Boardwalk, but no one has ever given him an exact amount. He said he was told the Town took the money from the Hamlet project to do this. Mayor Pierce said none of the Town's money is in a pot for anything in particular. She said that money came out of the General Fund and asked Mr. Cole if he was talking about the shell shop.

Mr. Cole said this is an example of things that go on in the Town with no accountability. Council Member Shuttleworth said there is accountability. Mr. Cole asked what the cost to tear down the building was. Mr. Oakley said Town staff did this in-house. Council Member Shuttleworth said it was a couple thousand dollars for the dump fees. Mr. Oakley said the Town rented a piece of equipment, but it's hard to calculate staff hours.

Mr. Cole asked why that building wasn't turned into bathrooms instead of being torn down. Council Member Shuttleworth said the building could not be rehabbed because it had environmental and structural problems and would not have made Americans with Disabilities Act (ADA) code. He said the only solution was to tear it down.

Mr. Cole said any building can be rehabbed, and this is an example of how the Town wastes money. He complained about the split-rail fencing around the property. He said he was told it was chosen because it was the cheapest thing to do. Mr. Cole said this is not acceptable when the Town wants to tax his area differently. He said the Town didn't want to lease the land for rides and therefore fenced it off.

Council Member Garza said Council as a whole chose to knock down the building as part of its long-term goals. He said the Town wants places for residents to hang out besides in that spot right in front of Fork -N- Cork. Mr. Cole said the fence doesn't match the aesthetics of the Boardwalk.

Mayor Pierce said the Building Inspector had condemned the building, so the Town decided to take it down. She said the community has continually asked for open space, and the Town wanted a continuous open space all the way to the water. She said that didn't happen because the cooperation was not there. She said she thinks the cost of purchasing the property was \$230,000. Council Member Shuttleworth said he thinks it was \$325,000. Council Member Garza told Mr. Cole if he wanted exact numbers, he needs to give the Town until Friday because that's not something anyone just has on hand.

Mayor Pierce asked Mr. Cole who he had been asking about the numbers since October. Mr. Cole said as a member of the Operations Committee, he asked staff members present at those meetings. Mayor Pierce asked Mr. Oakley to get information about the price of the building and the cost of demolition

to Mr. Cole. She said she agreed that the members of the public should get numbers if they ask for them because this deals with the citizens' money, and they have every right to know. She said the Town really wanted to extend the open space area around the Boardwalk so businesses down there can have more events.

Council Member Shuttleworth said the Town couldn't lease the property for rides without going out to the public for highest and best use.

Mr. Cole said there have been orange cones and police tape down there for months.

Mayor Pierce said she has spent the past 12 years trying to make the Boardwalk better and has a vested interest because she owns property down there.

Mayor Pro Tem Healy said the cones aren't pretty, but the reason they are there is because the Town planted sod and it takes a while to adhere.

Mr. Cole said he will be back to speak to Council in June. He said Council should work with every business in the Boardwalk area and try to bring events from Lake Park and Freeman Park to the area, especially in the off-season.

Mayor Pro Tem Healy said the property that Mr. Cole mentioned would have picnic tables and photo cutout props in a family-oriented environment.

Mayor Pierce told Mr. Cole to email Council and copy Mr. Oakley anytime he has a question, and they will get him answers.

Mr. Cole said he has come up with ideas to help the Town and Boardwalk area, but they go nowhere. He gave making Cape Fear Boulevard a one-way street as an example. Council Member Shuttleworth said there has been prior discussion about this, so it may still happen.

Mayor Pierce said Mr. Cole's comments were getting away from the budget. Mr. Cole said he thinks safety should be part of the budget.

Mayor Pierce said she thinks the area is going to have a phenomenal year, if March and April are any indication.

Paul Levy of 1606 Mackerel Lane said he wanted some clarification about how the amount for a revenue-neutral budget was calculated at an 11.8 percent decrease when there are people like him whose property valuations have gone up 36 percent.

Mayor Pierce said the Town had the highest appraisal values in the County, showing the demand for property here.

Council Member Shuttleworth said the figure was determined using the UNC School of Government's calculation for revenue-neutral.

Council Member Barbee said there is a link on the UNC School of Government's site that explains this calculation.

Council Member Shuttleworth said Council has to look at what it's going to take to run the Town and then consider going above and beyond that with things the community is asking for while also considering inflation and other increased costs.

Mr. Levy said he is not complaining or commenting, but he just wanted to understand. He said he would prefer for the Town to spend any additional tax money locally rather than in Washington, Raleigh, or at the County level.

Mayor Pierce said she appreciated the volunteer work of Mr. Levy and Mr. Cole on the Operations Committee. She asked that they get together with Council Member Garza, who is the committee liaison, and Mr. Oakley to discuss ideas they have. Mr. Levy said he and Mr. Oakley are already working on putting that on the schedule.

No one else requested to speak.

Council Member Barbee said he has high hopes for the Town's grant writer position. He said he thinks the Town leaves a lot of state and federal money on the table, and the grant writer could help go after that and multiply citizens' tax money. He said wants to see that person hit the ground quickly to get all the grants possible. He said sometimes grants become available, but the Town doesn't have the funds for the matching component.

Council Member Shuttleworth said he can't think of any grant that has come before the Town where matching money wasn't available. He said it's a matter of finding the grants that are available and applying for them.

Council Member Barbee said he wasn't suggesting that the Town wasn't getting grants. He said he is suggesting that the Town has a new person starting, and we want to ensure we leverage that person as much as we can.

Mayor Pierce said she agrees and wants to give the grant writer the reins. She said she thinks Council Member Barbee is saying somebody is getting the free money, so the Town wants it. She reminded the public that this is not the end of the budget, and efforts to whittle it down will continue with a vote coming later in the process.

Mayor Pro Tem Healy said there are many residents who are trying to figure out what revenue-neutral means, so he would like to see an explanation in simple form on the website to help eliminate confusion. Mr. Oakley said the Town is required by law to put it in the budget message, so he will make it clearer than what the law requires and put it on the website.

ACTION: Motion to close the public hearing on the budget
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

12. Text Amendment: Consider amending Chapter 40, Article III, Article VII, & Article XVIII to review setbacks for through lots for fences, swimming pools and accessory structures.

ACTION: Motion to open the public hearing for the text amendment to consider amending Chapter 40, Article III, Article VII, and Article XVIII to review setbacks for through lots for fences, swimming pools, and accessory structures

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

Planner Gloria Abbotts presented the details. She said the goal of the proposed text amendment is to give property owners with through lots more flexibility. She said there are currently about 70 double-frontage lots in the Town, which means they technically have two front yards, so structures have to meet front yard setbacks on both sides now.

Definitions

- Rear yard means the area between the side lot lines across the rear lot; through lots have no rear yard, only front and side yards
 - Designated rear yard means a yard on a through lot where the principal structure is not addressed, and the front entrance is not oriented from the adjacent right-of-way

Accessory Structures

- Proposing 10 feet from property line in designated rear yard; in most areas of Town right now, they have to be setback 20 feet

Council Member Shuttleworth asked what prompted this proposed change. Ms. Abbotts said there is new construction on some of the double-frontage lots, and some property owners are asking for more flexibility in what they can do.

Council Member Shuttleworth said he would like an example of a double-frontage lot. Planning Director Jeremy Hardison said many of them are across from the lake on South Lake Park Boulevard backing up to Carolina Beach Avenue South. He said their rear yards essentially function as front yards, and therefore existing regulations limit what they can do with pools, privacy fences, etc. Council Member Shuttleworth asked if there are other areas of Town that have double-frontage lots. Mr. Hardison said there are, including some in areas where the right-of-way hasn't been approved yet, such as the 300 block of Birmingham Avenue. Council Member Barbee asked if there are some on Harper Avenue. Mr. Hardison said yes, there are some where it narrows from Monroe Avenue to Harper Avenue.

Pool Setbacks

- Inground: 5 feet in designated rear yard
- Above-ground: 10 feet in designated rear yard

Council Member Shuttleworth questioned how it would look to have a pool 5 feet from the street. Mr. Hardison said the setbacks will be measured from the property line, not from the edge of the pavement. Ms. Abbotts said the idea is it's not a structure and therefore would not cause sight interference.

Fences on Through Lots

- No fence shall exceed 6 feet in height in the designated rear yard
- Fences shall comply with Sec. 40-203 (sight-distance triangle)

Council Member Shuttleworth said because someone's backyard could adjoin a neighbor's front yard, this is going to be a different look than what's been discussed in the past.

Mr. Hardison said the Planning and Zoning Commission approved allowing some more flexibility in the rear yards.

Mayor Pro Tem Healy asked why there is a difference in the setbacks for inground and above-ground pools. Council Member Shuttleworth said a couple of years ago the Town went through an ordinance change, and there were some people who said they did not want to look at an above-ground pool in their neighbor's yard.

Council Member Garza asked if the Planning and Zoning Commission talked about the Land Use Plan and the harmony of that street.

Mayor Pierce asked if the Planning and Zoning Commission vote was unanimous. Ms. Abbotts said yes.

Mayor Pierce opened the floor for public comment about the issue.

Deb LeCompte of 307 Charlotte Avenue and Chairman of the Planning and Zoning Commission said although the Planning and Zoning Commission's vote ended up being unanimous, she was against allowing a 6-foot fence in the backyard of somebody else's front yard.

No one else requested to speak.

Mayor Pierce asked Mr. Hardison if the Town is getting a lot of requests on the matter. Mr. Hardison said yes, it has come up quite a bit.

Council Member Shuttleworth asked why Council should make any changes. Ms. Abbotts said the goal is to offer more flexibility to the owners of double-frontage lots.

Mayor Pro Tem Healy said his gut is that he doesn't like the proposed changes personally. He said a major goal of the Land Use Plan was cosmetics, and he thinks this goes against it.

Council Member Barbee said he is torn because he thinks the Town is stirring up something without fully understanding the implications of it. He said he worries about the things he's not thinking about at the moment. He said people who own the lots bought them under the current restrictions, so what's in place now should not be a surprise to anyone. He said he is concerned about changing things and is thinking about the person who sits on his or her front porch every day and would now be looking at a pool or 6-foot fence.

Council Member Shuttleworth said he is worried about how crowded things will look walking down the street. He said the auxiliary structure component is the most problematic.

Council Member Barbee said this might not be very aesthetically pleasing.

Council Member Shuttleworth asked Town staff to come back with specific examples and diagrams in 60 days. Mayor Pierce said she is hearing Council Members say they'd like more time and added that it's unlikely there would be a motion to approve tonight. Mr. Hardison said there is no rush and that this was more of a question about peculiar lots. Mayor Pierce said the answer is no unless Town staff can convince Council otherwise. She said she doesn't like it and doesn't want to live next to it.

Ms. Fox suggested Council make a motion.

ACTION: Motion to defer this for at least 60 days and have staff return with some more exhibits

Motion made by Council Member Shuttleworth

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

Motion passed unanimously

ACTION: Motion to close the public hearing

Motion made by Mayor Pierce

13. Text Amendment: Consider amending Chapter 40, Article III & Article XVIII, to address rooming houses.

Applicant: Town of Carolina Beach

ACTION: Motion to open the public hearing to consider amending Chapter 40, Article III and Article XVIII, to address rooming houses

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

Mr. Hardison said this item is a result of direction Council gave a few months ago to address the issue of a use that the zoning ordinance does not currently address. He said rooming houses are found in the minimum housing standards with regulations for occupancy, room size, and safety, but there is no direction on whether they are actually allowed in the Town. He said his staff is proposing adding

specific language to the zoning ordinance that would create rooming houses as a use in the Table of Permissible Uses and prohibit the use in all zoning districts.

Mr. Hardison said the proposed definition for a rooming house is “a dwelling unit not owner-occupied where individual sleeping rooms are rented under separate agreement or lease, either written or oral, regardless of whether an agent or rental manager is in residence.” He gave some examples and said the proposed verbiage would not interrupt how some Airbnb operations are happening.

Mayor Pierce said a person leasing a house should be able to have roommates. Mr. Hardison said this would be permissible under the proposed verbiage because the rooms would not be leased separately. Ms. Fox said there will be gray area and not everything can be addressed at once, but this should prevent situations where the people living in a house are turning over every week.

Mayor Pro Tem Healy asked what is in the proposed verbiage that would prevent the situation at one property that had generated numerous complaints. Mr. Hardison said the stipulation that you cannot rent individual rooms if you do not live on the premises would prohibit that. He said a person leasing a house would be able to recruit roommates and contact the homeowner to put everyone on one lease.

Mayor Pierce said if the homeowner doesn't require everyone to be on the lease, she doesn't see how the Town can require this. She asked who is going to police it. Mr. Hardison said the neighborhood will police it.

Council Member Shuttleworth said he is fine with the verbiage and thinks it gives an enforcement mechanism.

Council Member Barbee said he thinks Council could come up with what-abouts for hours.

Mayor Pro Tem Healy said the language is good and there aren't too many ways to get around what the proposed text amendment is trying to prevent. He said it's a start.

Council Member Barbee said there are fewer end-arounds than what the Town has with the current verbiage.

Mayor Pierce said the ordinance would be complaint-driven, so if there are not complaints then nothing will happen.

Mayor Pierce opened the floor for public comment on the issue.

Lynne Denne, a longtime resident of the corner of Raleigh Avenue and 7th Street, said she doesn't like what is happening in her neighborhood. She said a nearby Airbnb and boarding house are causing problems that are bringing police to the area every week. She said the boarding house has been an issue for three and a half years. She said she isn't against people having roommates, but a roommate typically stays somewhere at least a month and has a lease, not someone new showing up every day. She said the owner of the property is just there long enough to say he is there and that rooms in the house are listed on Craigslist right now for \$200 per week.

Mayor Pierce asked Ms. Denne if she agrees with the proposed verbiage for the text amendment. Ms. Denne said yes, she agrees with the verbiage if the property in question is not grandfathered. She said she wants to make sure there isn't a way around this if the owner sometimes stays in the house.

Mayor Pierce said this is a good point and wanted to know if the owner would have to be a full-time resident.

Council Member Shuttleworth said the language is going to give Town staff what is necessary to start moving forward on various issues around Town.

Mayor Pierce said this is where the Town starts. Ms. Denne thanked Council for the action. Mayor Pierce said she doesn't like what's going on either. Ms. Denne said nobody should have to live like this. She said it's not fair to the Police Department in terms of wasted resources. She asked Council to please approve the proposed text amendment.

No one else requested to speak.

ACTION: Motion to approve whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the following ordinance amendment to amending Chapter 40, Article III and Article XVIII, is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Shuttleworth

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

Motion passed unanimously

ACTION: Motion to close the public hearing

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

ITEMS OF BUSINESS

None

NON-AGENDA ITEMS

Council Member Garza asked Ms. Fox to keep an eye on House Bill 781 because he thinks it would be beneficial to the Boardwalk area. He said he wanted to reiterate his comments earlier that events at the lake should encompass the space as a whole rather than being jam-packed into one area. He said he saw on Facebook that the Boardwalk is getting a petition together regarding parking, so Council will want to discuss that at some point. He said as summer gets closer, he wants to continue to educate residents about hurricane preparation and re-entry after storms. He said it's also a good time for the Fire Department to remind people about smoke detectors and fire extinguishers. He said this past weekend indicates it's going to be a busy summer. He wished a happy Mother's Day to all the moms.

Council Member Barbee said the Police Advisory Committee is planning an open house during its next meeting on June 7. He said he was still thinking about the presentation by Johnathan, the student who encouraged finding ways to cut down on plastic, as he drank from a plastic bottle. Council Member Garza said it would be a good idea to send Johnathan the video of his presentation.

Mayor Pro Tem Healy said he thinks the youth who have appeared before Council recently have been fantastic. He said he thinks the Town needs more cigarette butt containers. He said the Town should take a look at fines for civil citations such as littering on the beach and adjust them accordingly. He said he thinks the Pack It In, Pack It Out program is working except in the Boardwalk area, and he would like the Town to continue pushing forward with it. Council Member Garza suggested getting Ethan Crouch of Surfrider Foundation involved with a cigarette container because he had been interested in the past.

Mayor Pierce said she met with U.S. Rep. David Rouzer last week to discuss items such as beach renourishment. She said he reported that the local Army Corps of Engineers has asked for money to be awarded to our area and the money is there, but it's up to the district office to decide who will get it. She said if we don't get it this year, Rep. Rouzer is looking at some ideas for 2022, such as earmarks being allowed again for beach renourishment. She said the Town should know something in the next month or so. She said he is working on it but has no more answers than Council does at this point. She said she has a mayors' meeting in the morning to talk about brainstorming ideas for the quarter-cent sales tax. She said her biggest concern is using it for infrastructure and wanted to know how that money would be distributed back to the Town. She said she was asked to support a proclamation to recognize June 4 as Tourette Syndrome Awareness in the Town and asked Council to give consensus for approval. Council Members indicated consensus. She said she appreciated the public input given at tonight's meeting.

CLOSED SESSION

14. Closed Session to Discuss an Attorney/Client Matter

This item was removed from the agenda.

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 9:08 PM.