

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, June 13, 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 Pastor Jonathan Bowling of Carolina Beach Presbyterian Church 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

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

ADOPT THE AGENDA

ACTION: Motion to approve 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. Annual Write-off of Outstanding Accounts Receivables
2. Budget Transfers
3. Resolution of Support for the Wilmington Urban Area Metropolitan Planning Organization's Action Planning Grant Application Through the Safe Streets and Roads for All Program
4. Resolutions to Accept Grant Funds from the N.C. Division of Water Infrastructure
5. Set a Public Hearing for July 11, 2023, to Consider a Text Amendment to Amend Chapter 40, Sec. 40-72 – Table of Permissible Uses, Sec. 40-261 – Development Standards for Particular Uses, and Sec. 40-548 – Definitions to Amend Standards for Event Venues/Bars
Applicant: Town of Carolina Beach
6. Set a Public Hearing for July 11, 2023, to Consider Conditional Zoning for an Event Venue/Bar at 205 Charlotte Avenue in the Central Business District (CBD)

Applicant: Kindred Carolina Beach LLC

7. Set a Public Hearing for July 11, 2023, to Consider a Request to Rezone 601 Augusta Avenue from Conservation (C) to Residential (R-1)

Applicant: Parris Stratton

8. Amend Sec. 16-205 – Schedule B, Stop Intersections for South 6th Street
9. Personnel Policy Updates
10. Approval of Council Meeting Minutes from May 9 and 23, 2023

Council Member LeCompte said there was a correction to a figure in item 1, so a revised Resolution No. 23-2292 was issued.

Council Member Hoffer asked how some unpaid utility bills became so high without being cut off. Ms. Hall said these are accounts that have been closed but left with a balance owed. She said they have been turned over to collections, but they must be written off the books. Ms. Hall said the debt is not forgiven, so any money received will be applied. She added that utility accounts could not be turned off during the COVID-19 pandemic, which caused some high unpaid balances.

Council Member Hoffer asked if a stop sign will be removed from 6th Street and Seafarer Drive. Planning Director Jeremy Hardison said stop signs will be switched to make 6th Street the through-street with Hamlet and Clarendon avenues as the stopping streets. He said the changes, which are happening because 6th Street has been identified as an emergency route, do not affect anything on Seafarer Drive.

Council Member Benson asked about a transfer amount totaling \$135,000 for the wastewater treatment plant. Public Utilities Director Mark Meyer said some sludge needed to be eliminated to make repairs, but the plant will stay within budget during the coming year.

ACTION: Motion to approve 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

SPECIAL PRESENTATIONS

11. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, reviewed upcoming special events:

- Flock of Food Trucks – June 29 at Lake Park
- East Coast Got Em On King Mackerel Classic – July 7-9
- South Atlantic Lifesaving Association Regional Competition – July 12-13 at Boardwalk beach strand
- GRiZMAS in July – July 30 at North End Pier
- Fireworks/Music – continues every Thursday through September 1 with the exception of July Fourth and Labor Day weekend shows on Friday

- Movies at the Lake – continues every Sunday through September 3
- Family Night – continues every Tuesday through August 22 at the Gazebo
- Boardwalk Bingo – continues every Wednesday through the season at the Gazebo
- Carolina Beach Market – continues every Saturday through September 30 at Lake Park

Council Member Benson asked if the work at Lake Park will have any impact on events there. Mr. Murphy said there have been some adjustments with the market and the upcoming food trucks event, so they are making it work and don't foresee any issues.

Council Member LeCompte reminded everyone about the Life Rolls On event on July 29 and said it is a great volunteer opportunity.

Mr. Murphy said the access mat is now fully down in the Boardwalk area.

Mayor Barbee said visitors appreciate the fireworks nights and other activities, and he thanked the Parks & Recreation staff for their work. Mr. Murphy said they couldn't do it without Public Safety and Public Works.

12. Manager's Update

Mr. Oakley gave an update on various projects:

- Lake Park improvements – The lake is being dredged and the spoils will be used to fill geotextile bags on the shoreline, resulting in stable banks, better appearance, improved water quality, a healthier ecosystem, and increased stormwater capacity. The contractor and staff are aware of concerns about effects on wildlife and are on the lookout for issues. Security fencing has been raised to allow for the passage of wildlife. People are encouraged to report anything else they see that needs attention.
- The marina project is still on schedule. Mayor Barbee said there have been no complaints from boat captains and praised staff and the contractor for a good job. Council Member Hoffer said Canal Drive has not yet been closed due to the project and asked if that would be happening. Mr. Oakley said a brief closure is possible, but the contractor has worked to avoid any major closures.
- Ocean Boulevard sidewalk – The Town is still waiting for the N.C. Department of Transportation (DOT) encroachment agreement.
- Starfish Lane access – The project is looking great but not yet complete.
- Emergency Operations Center Open House – Staff will host this on June 27 from 4:00 PM to 6:00 PM in the multi-purpose room. Mayor Barbee encouraged residents to attend and said the event would give everyone confidence that the Town has a plan for when emergencies arise.

Council Member LeCompte asked about the AM radio station. Mr. Oakley said the antenna was bad, and there is a purchase order out to replace it. He said once that is done, the station can begin operating again.

Council Member Hoffer asked if DOT has the information requested regarding the Spartanburg crosswalk. Mr. Hardison said staff is collecting the data now.

Council Member Hoffer asked if the Town has heard from DOT about the missing entrance sign. Mr. Oakley said DOT has come to look at it and the Town will hopefully be getting a new sign, but he has not heard any official word about replacement.

Mayor Pro Tem Healy asked if there is a spreadsheet showing Town projects and progress. Mr. Oakley referred him to the project map on the Town's website. Mr. Parvin gave a brief demonstration of how to use this.

PUBLIC COMMENT

Bob Ponzoni of Canal Drive spoke about flooding on Canal Drive. He gave some history of the issue and said the Town has an opportunity to help resolve conditions brought about by past well-meaning decisions. Mr. Ponzoni suggested trading the one-way valve at the lake with a valve that could be volume-controlled and coordinated with the lake's new high-capacity pumps.

Kathleen VanKeuren of Canal Drive relayed concerns about the lack of enforcement of ordinances regarding stormwater and sediment at construction sites. She cited violation signs at some sites that have been up since January with no action. Ms. VanKeuren said this is inexcusable and asked when staff will enforce the ordinances and answer emails from her. She said she welcomes the chance to speak about her concerns and possible solutions.

Council Member Hoffer, who is a building inspector, said the best way to remedy this is to stop inspecting these sites until they comply.

Ethel Kagan of 5th Street said quicksand is developing next door due to construction. She said her property is sinking and nearby wetlands have been removed, making the area a clay swamp. Ms. Kagan cited concerns about children playing in the area and said she wants it filled in.

Ralph Harkins of 704 South 5th Street said he has pulled kids out of the mud in the aforementioned area. He said it is a dangerous spot.

Richard Cecelski of 941 Carolina Sands Drive spoke against the rezoning request for 601 Augusta Avenue, which is seeking to go from Conservation (C) to Residential (R-1). He said the current C zoning comes with standards that support good stormwater and environmental practices, and he is concerned that more impervious surface will increase the amount of water and pollution that flow off the tract. He asked Council to please take the Town in a progressive direction that supports good stormwater policy and wildlife when deciding on this matter at the July meeting.

Harry Gee of 600 5th Street said geese at the lake make a mess with their droppings. He suggested weekly pressure washing of the sidewalks there. Mr. Gee also cited concerns about storm drain gates running parallel to the street, saying they should be vertical to eliminate safety concerns for bicyclists. In addition, he said there are not enough handicap parking spaces in the Town.

Parris Stratton of 8759 West Telfair Circle in Wilmington, who owns 601 Augusta Avenue, asked Council to watch the June 8 Planning and Zoning Commission meeting in advance of the rezoning

request coming before Council in July. He said the property does not contain wetlands and there are no drainage issues. Mr. Stratton said the future Land Use Plan has the tract as R-1, and prior to a mistake on the Town zoning map the tract was also designated as R-1.

Mayor Barbee said the public comments section is not as interactive as Council Members would like, but he assured speakers their voices are being heard.

Council Member LeCompte said she would like an update on Americans with Disabilities Act (ADA) compliance at an upcoming workshop. Mr. Parvin said the Town has added quite a few handicap parking spaces this year.

Janet Hoffer of Friends of CB Parks & Greenways thanked Council for putting Skate Park improvements in the budget. She said this is a huge win for the community.

Council Member Hoffer said although he loves wildlife, he agrees with Mr. Gee that the geese at the lake need to go and encouraged staff to find a solution.

PUBLIC HEARINGS

13. Public Hearing on the Proposed FY 23/24 Budget

Mr. Oakley presented a review of the budget process and details for the proposed budget. The proposed General Fund budget is \$20,626,376, up almost 5% from the current year, and the Utility Fund budget is \$10,048,743, down slightly from the current year.

Highlights include:

- Balanced budget – no property tax increase
- Sales, property, and room occupancy tax collections have all increased
- 3% water/sewer rate increase
- 3 new positions and 6% cost-of-living adjustment (COLA) for Town employees
- Capital projects: Skate Park expansion, paving, stormwater improvements, water/sewer engineering
- Fund balance – 40+%

Mayor Barbee said a previous Council set the fund balance goal as 50%, but when this Council started that figure was 21%. He said the current figure shows great progress, and he's confident it will get back to 50%. Mayor Barbee praised staff for good management of the Town's money.

ACTION: Motion to open the public hearing on the proposed FY 23/24 budget

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

Cindy Dunn of 915 Tidewater Lane said Parks & Recreation Director Eric Jelinski may have ideas on how to solve the problem of geese at the lake. She also said price increases that Duke Energy is reportedly

implementing on October 1 may affect the budget due to higher lighting rates for playgrounds and ballfields. In addition, she asked that Council please include money in the budget for beautification projects.

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

Mayor Pro Tem Healy said the Town does a good job developing a comprehensive budget process that gives various chances for public input.

Council Member Hoffer said last year he was the dissenting vote on the budget because he was nervous about adding more staff, but this year he doesn't have a problem with the proposed additions because they focus on Operations. He said the paving apparatus is a wise move.

Council Member Benson said he supports the budget because the focus on projects makes him comfortable with what the Town is doing.

Council Member LeCompte toured the water treatment plant today and said the four staff members there do an amazing job.

Mayor Barbee said the budget process is lengthy and a lot of work for staff, and he praised their efforts. He said he is excited about the upcoming budget because it's aligned with a plan and will lay the groundwork for the future.

ACTION: Motion to adopt Budget Ordinance No. 23-1204 as presented

Motion made by Council Member Benson

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

Motion passed unanimously

ITEMS OF BUSINESS

14. Attorney's Update

Ms. Fox gave an update on various matters:

- Senate Bill 465 was approved on May 25, permitting municipalities to adopt an ordinance prohibiting the abandonment of vessels in navigable waters within their jurisdictions. Ms. Fox will work with Mr. Parvin to ensure the Town's ordinance aligns with the County's.
- Last year the Town adopted a resolution authorizing litigation to be initiated regarding health and safety concerns arising due to an inspection of a vessel in the harbor with one individual living aboard. No litigation was filed because the boat went away, but it has returned and the

Town believes the previous concerns are valid once again. Ms. Fox asked Council to confirm that the Town can proceed with the steps outlined under previous direction. Council gave consensus to move forward.

- There are two property owners who have not paid the street assessment for Wilmington Beach. Ms. Fox will send one more letter and then initiate legal proceedings to collect the funds.

COUNCIL COMMENTS

Council Member LeCompte said she would like to hold a public hearing to discuss changing Cape Fear Boulevard east of Lake Park Boulevard to a one-way street. Council Member Hoffer asked to include this in the 2025 paving plan. Council Member LeCompte also asked for an update on using the Federal Emergency Management Agency (FEMA) lot on Hamlet Avenue for parking.

Mayor Pro Tem Healy asked staff to follow up on why violations are not being enforced on construction sites. He also asked staff to consider constructing temporary volleyball courts on the Town property at 1101 North Lake Park Boulevard.

Council Member Benson asked staff to draft a text amendment addressing parking exceptions for handicap-accessible vehicles. He said it is difficult to find a place to park the larger vehicles with ramps.

Council Member Hoffer asked staff to make sure South Lake Park Boulevard bike lanes are being swept regularly. He also asked for a parking update at the July workshop.

Mayor Barbee asked staff to continue to look for handicap parking options in the outlying areas.

CLOSED SESSION

15. Closed Session – Attorney/Client and Real Estate

ACTION: Motion to go into closed session to discuss attorney/client and real estate matters in accordance with NCGS 143-318.11(a)(3) and (5); the properties being discussed include Parcel IDs R08807-013-005-000 and 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 7:30 PM.