

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, September 12, 2023 - 6:00 PM

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



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## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by Blair Williams of Lifepoint 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 adopt the agenda

Motion made by Mayor Barbee

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

*Motion passed unanimously*

### CONSENT AGENDA

1. Set a Public Hearing for October 10, 2023, to Consider Conditional Zoning for a Bar at 801 Saint Joseph Street in the Highway Business District (HB) – Applicant: Putter Pub, LLC
2. Budget Amendments
3. Budget Amendment for Carryover
4. Harbor Master Position
5. Approval of Council Meeting Minutes

Council Member Benson asked to move item 4 to Items of Business.

Council Member Hoffer pointed out that the Goose Masters contract is part of the consent agenda, so the Town will soon begin chasing geese away from the Lake.

**ACTION:** Motion to adopt the Consent Agenda with the movement of item number 4 into Items of Business

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**

### 6. Events Update

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

- Bring Your Own Pool Party – September 16 at 209 Charlotte Avenue (former Deck House)
- Dragon Boat Regatta – September 23 at the Boat Basin (kickoff party September 22 at SeaWitch)
- 3<sup>rd</sup> Annual Pets in the Park – October 7 at Lake Park
- Fresh & Raw Tour – October 7 at Shuckin' Shack
- 4<sup>th</sup> Annual Beachin' Car Show – October 14 at Lake Park
- Annual BBQ Fundraiser – October 28 at the Fire Department
- Halloween Golf Cart Rally – October 28 beginning at Publix and ending at the Boardwalk

Mayor Barbee said the public is invited to a push-in ceremony for the Fire Department's new truck on Sunday.

### 7. Community Member Recognition

Kevin Murphy of Ocean Cure showed a video of the 2023 Life Rolls On event, which involved 120 athletes and over 500 volunteers. Council recognized Mr. Murphy for his contributions to the community and presented him with a Key to the City.

### 8. Manager's Update

Mr. Oakley gave an update on various projects:

- Project open house – September 26 4:00-6:00 PM in Council chambers
- Boardwalk restroom – This should be ready before next summer.
- Lake Park improvements – The project is still moving forward. Crews will begin mowing sections of grass where the ropes have been removed.
- Ocean Boulevard sidewalk – The Town is awaiting N.C. Department of Transportation (DOT) signoff.
- Scotch Bonnet Lane bulkhead – This is going out to bid next week.
- Florida Avenue bulkhead – This is going to Coastal Area Management Act (CAMA) for permitting.
- Police Department recognition – Sgt. James Tice was recognized by the U.S. Secret Service for ranking 19<sup>th</sup> among 1,500 digital forensic examiners in the nation.

Mayor Barbee said he and Council Member Hoffer are meeting with DOT officials on September 21 for an update on various projects, including the Lake Park Boulevard sidewalk and 2025 paving.

Council Member Hoffer asked whether the Boardwalk restroom project may have to be put off by a certain date so work doesn't happen during the next summer season. Mr. Oakley said it's a three- to four-month project, and the Town hopes to award the contract in December so work can get started immediately.

Mayor Barbee asked when Council may be able to review rules regarding café permits for the next summer season. Mr. Oakley said this is on an upcoming workshop agenda.

### **PUBLIC COMMENT**

Robert Bryant Jr. of 6802 Hailsham Drive in Wilmington said he was upset with the contractor that runs one of the private parking lots because he received a citation when the pay station was not operational. He asked if Council could write a letter to the private parking companies informing them of complaints the Town is receiving.

Mayor Barbee asked if the Town has any recourse for how private parking lots operate. Mr. Oakley said the Town is limited in what it can do and can't control what they charge or their hours of operation. Mayor Barbee said he's not sure the Town can do anything, but he thanked Mr. Bryant for coming out to voice his concerns.

Melinda Sininger of 1512 Carolina Beach Avenue North Unit F3 requested a meeting regarding a possible CAMA violation by a neighbor's second-floor deck structure. Ms. Fox said she is aware of the meeting request and will respond after due diligence has been performed.

### **ITEMS OF BUSINESS**

#### 9. Ordinance Regarding Digging Holes on the Beach – Ordinance 23-1213

Public safety personnel continue to have issues with large holes being dug on the beach. These holes can become a hazard for first responders and beach patrons. This issue had been addressed in Town code in the past, but there was not sufficient language to allow for enforcement actions to be taken. The Technical Review Committee (TRC) looked at language already adopted in other beach towns in North Carolina. After discussion with these communities, new language is being proposed for Council consideration.

Mr. Parvin presented the details. The proposed regulations are as follows:

- Hazardous conditions: defined those created by holes
- Beach strand: Alabama Avenue to North End/Freeman Park
- 12 inches deep/5 inches wide
- Toy shovels only
- Attended at all times and filled by 5:00 PM
- Civil penalty: \$50

- Any person violating the provisions of this section shall be subject to a civil penalty in accordance with the annually adopted rates and fee schedule. If a person fails to pay this civil penalty within 10 days after being cited for a violation, the Town may seek to recover the penalty by filing a civil action in the nature of debt.

Mr. Parvin said the proposed regulations were modeled mostly after what Ocean Isle Beach is doing.

Mayor Barbee said in addition to posing a hazard to first responders and the public, holes on the beach can be dangerous to sea turtles.

Mr. Oakley said the proposed regulations help the Beach Patrol have an enforcement tool. He said the purpose is not to stop a child from having fun on the beach.

Mayor Pro Tem Healy said he's not sure why the Town is going after this so hard. He said it will be tough to enforce. Mr. Oakley said he doubts many tickets will be issued. Mayor Barbee said the Town will only be going after extreme examples.

Council Member Hoffer said he doesn't love implementing new rules, but the beach is crowded now and holes can be a problem.

Mayor Barbee said public safety officials think they need these regulations to keep the beach safe.

Council Member Hoffer asked that the Town not put up an excessive number of signs about this because that would be pollution.

**ACTION:** Motion to approve Ordinance 23-1213

Motion made by Mayor Barbee.

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

Voting Nay: Council Member Benson

*Motion passed 4-1*

10. Text Amendment to Amend Chapter 16, Article VI – Schedules to Amend Schedule C, No-Parking Signs on Bertram Drive – Applicant: Town of Carolina Beach

The Portside Village homeowners association (HOA) submitted concerns about safety issues regarding ingress and egress from Bertram Drive to North Lake Park Boulevard. The HOA requested that TRC review and consider placing no-parking signs on the first several sections of grassy area in the right-of-way on the north side of Bertram Drive. The members of the HOA are concerned that vehicles parking on the grass in front of the commercial buildings along Bertram Drive are obstructing the roadway and causing visibility issues for ingress and egress on Lake Park Boulevard. TRC reviewed the request at the August meeting and did not have any objections to designating this area as no-parking.

The new language includes Bertram Drive on the list of designated no-parking areas from the intersection of North Lake Park Boulevard extending east 400 feet located on the northern side of Bertram Drive.

Planning Director Jeremy Hardison presented the details.

**ACTION:** Motion to approve Chapter 16, Article VI – Schedules to amend Schedule C as presented  
Motion made by Mayor Barbee

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

*Motion passed unanimously*

11. Amend Revenue Bond Budget – Ordinance 23-1211

Staff is requesting the amount of \$385,991.28 to complete the oxidation ditch project for required repairs to the wastewater treatment plant. This total also has the 20% addition for any unseen issues that might happen. The original scope of the project included complete replacement of both oxidation ditches. This was scheduled to be done with the next round of revenue bonds and was anticipated to cost \$3,090,000. By working with multiple vendors and developing a plan for a rebuild vs. replacement, the project will be substantially cheaper. Once the first oxidation ditch is complete, staff will begin scheduling a rebuild of the second ditch. This rebuild will likely occur with the next revenue bond and is anticipated to cost more (\$500,000-\$600,000) due to many of the replacement parts needed for the first rebuild being already in stock by the Town. At the highest estimates, the Town will still save over \$2 million by utilizing the rebuild process put together by the Public Utilities Department.

Mr. Parvin presented the details.

Council Member LeCompte praised Public Utilities Director Mark Meyer for coming up with this solution.

**ACTION:** Motion to approve Ordinance 23-1211

Motion made by Mayor Barbee

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

*Motion passed unanimously*

12. Harbor Master Position

During the budget process, the Town looked at options for adding additional resources to help with harbor issues:

1. Hire a full-time employee (FTE)
2. Hire 2 part-time employees (PTE)

Staff decided to budget to hire 2 PTEs and evaluate to see if one or both should be brought on as FTEs next year or if the Town should continue with the PTE positions. After completing the interviews and re-evaluating command and control concerns, staff concluded the Town has a great opportunity for an FTE hire that would serve as the most productive complement to the current Harbor Master. The Town has reviewed this recommendation with Human Resources, and staff ran a report to show \$23,015.20

was spent last year in overtime/comp time. Furthermore, before August ended the Town had already exhausted all overtime budgeted for the Harbor Master for the fiscal year that started on July 1, 2023. By hiring one FTE, the Town believes it can actually save money and require less funding in the budget. With the management, oversight, and training for 2 PTEs, the Town believes it will not see the same savings. If approved, staff will bring back any anticipated costs after negotiating and hiring the new position.

Mr. Parvin presented the details. He said the situation in the harbor has become more complicated due to pollution and vessels sinking and being abandoned. Mr. Parvin said there is a lot more going on in the harbor now than in the past.

**ACTION:** Motion to approve the Harbor Master request as presented

Motion made by Mayor Barbee

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

*Motion passed unanimously*

### **COUNCIL COMMENTS**

Council Member LeCompte said September 28 will be a day of community service in honor of the late Gail McCloskey, the former longtime president of the Pleasure Island Chamber of Commerce. A Facebook event has been established, and people are encouraged to use it to post photos of how they are serving the community.

Mayor Pro Tem Healy thanked residents and staff for all the events hosted in the community.

Council Member Benson asked staff to be conscious of overtime hours for non-emergency harbor-related matters.

Council Member Hoffer said he would like to pursue an ordinance restricting e-bikes on the beach strand. He said he will ask the Bike/Ped Committee to start looking into it.

Mayor Barbee said he would like to request a meeting with private parking companies to try to come to an agreement on customer service.

### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 7:30 PM.