

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, May 12, 2020 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Regular Town Council meeting was held on Tuesday, May 12, 2020, at 6:30 PM in Council Chambers.

PRESENT: Mayor LeAnn Pierce, Mayor Pro Tem Jay Healy, Council Member Lynn Barbee, Council Member Steve Shuttleworth, Council Member JoDan Garza

ALSO PRESENT: Town Manager Bruce Oakley, Assistant Town Manager Ed Parvin, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR PIERCE CALLED THE MEETING TO ORDER WITH INVOCATION BY MAYOR PIERCE FOLLOWED BY THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

3. CONSENT AGENDA

The following items were included on the consent agenda:

a. Budget Amendments & Transfers

Council Member Garza asked about the \$67,390.19 transfer to cover a shortfall in the Town's matching funds for the final construction cost of the Clarendon Avenue Multi-Use Path. Project Manager Jerry Haire said there were some cost overruns and the project lasted six months longer than planned. He noted that the shortage accounted for 5% of the project cost. Council Member Garza said there was already a 15% contingency included in the project, so the additional 5% cost concerned him.

Council Member Shuttleworth asked about money remaining for bike/pedestrian projects that had not yet been started. He wanted to know if that can be rolled over into the General Fund. Council Member Garza said his recommendation is don't touch the remainder and move it to the General Fund to see how the rest of the year is going to pan out. Council Member Shuttleworth said Council needs to discuss how to deal with contingencies in the future.

b. Set a public hearing for June 9, 2020 to amend Chapter 40 Zoning Article VIII, IX and XVIII to address short term rental registrations

c. Consider Approving Meeting Minutes from March 24, April 3 and 14, 2020

ACTION: Motion to approve the consent agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

a. Manager's Update

Mr. Oakley started with an update on COVID-19 matters, including reopening plans for Town Hall on May 26 and measures that would allow for more outdoor dining, including picnic tables on the Boardwalk and allowances for seating in parking areas. He said it was important to find ways to work with local businesses so they can continue their operations as the law allows.

Mr. Oakley said music and fireworks dates were canceled through June. He said Parks & Recreation is reviewing summer camps, and the farmers' market is planning to start on May 16 with social distancing requirements.

The next topic was the efficiency study. The RFP has been published with submittals due on June 4 and recommendations to Council by June 9.

Mr. Oakley then discussed the proposed budget for FY 20/21. He said it does not include a tax increase in the General Fund and that some reserves from the Utility Fund were moved to make it balance.

Projected Revenue General Fund

FY 19/20 \$15,553,211

FY 20/21 \$15,442,611*

Projected Revenue Utility Fund

FY 19/20 \$9,549,270

FY 20/21 \$8,963,903**

*Expected reductions to sales tax and room occupancy tax

**Includes 5% rate increase and \$314,943 transfer from Utility Fund balance; anticipate significantly less revenue from system development and connection fees this year

General Fund Expenditures

FY 20/21 Requested \$16,307,903

FY 20/21 Proposed \$15,442,611

Includes reductions in capital projects, equipment, and wages

Utility Fund Expenditures

Requested \$10,614,603

Proposed \$8,963,903

Includes reductions in capital projects and equipment

Mr. Oakley said this information with details and a budget message would be available at the May 26 workshop, when there would be time for further review and questions.

Council Member Shuttleworth praised Mr. Oakley and other Town staff for their work on the budget. Mr. Oakley said there were some tough decisions, but Town staff came together to do what was necessary.

Council Member Shuttleworth asked for an update on where the Town is with projected revenue this year. Mr. Oakley said the Town can be reimbursed for COVID-19-related expenses but so far not for revenue loss.

Council Member Garza asked for a four-year average of revenue for April, May, and June.

Mayor Pierce said the Town was closer to a balanced budget than during this time frame in previous years and said she was happy with what has been presented.

5. PUBLIC COMMENT

One public comment was submitted, but Mayor Pierce said it could not be read at this time because it referenced a quasi-judicial hearing that is scheduled to be heard in the next couple of months and Council cannot hear comments about a matter that is subject to a quasi-judicial hearing before the hearing takes place.

6. ITEMS OF BUSINESS

a. Review of Draft Harbor Ordinance

Before discussing the item above, Assistant Manager Ed Parvin gave an update on Military Ocean Terminal Sunny Point (MOTSU):

- Air sparging is complete
- 4 quarters of testing to start in June
- Moving forward with approvals for headworks project
- Town staff has requested an overview of the chain of command, and MOTSU has requested an update on lake dredge status

Mr. Parvin then gave a presentation about the newly drafted Harbor Ordinance.

Problem

As the community grows, there are more user conflicts and environmental issues associated with Myrtle Grove Sound.

- Limited enabling authority
- Resources for enforcement
- Array of issues (marina, harbor, mooring, private docks, public accesses)

Alternatives

- Federal/State resource (NC Wildlife, Marine Patrol, Coastal Management, USCG, Natural Resource Conservation)
- New Hanover County
- Carolina Beach code

Code Enhancement

30 out of 180 days unless:

- Dangerous conditions
- Derelict vessels
- Abandoned vessels

Liveboards

- Allowed at marinas with approved pumpouts: pumpout record must be made available and monitoring procedures
- Limited allowance in the harbor with same provisions

Administration and Enforcement

- Harbor master
- Code enforcement officer
- Police Department

Mayor Pierce said it would be helpful to bring up this topic with the County and municipalities at the next beach towns breakfast so the Town can share its progress and possibly get help from the County.

ACTION: Motion to adopt Ordinance 20-1139

Motion: Mayor Pro Tem Healy

Vote: UNANIMOUS

b. Proclamation Declaring May 16-22, 2020 Safe Boating Week

ACTION: Motion to adopt Proclamation 20-2224

Motion: Mayor Pierce

Vote: UNANIMOUS

c. Census 2020 Update

Mr. Parvin said local participation in Census 2020 has been low. Mayor Pro Tem Healy said we need to get the number up. Council Member Barbee asked if there was any information on exactly which groups were not responding so the Town knows how to pinpoint the weak spots. Mayor Pierce asked Council to continue to encourage Census 2020 participation via social media. She said it only takes about four minutes. Council Member Barbee urged people to go online and complete the questionnaire, even if they have not received a card in the mail.

7. NON-AGENDA ITEMS

Mayor Pro Tem Healy asked how soon the Town can get its committee meetings back up and running with social distancing. Plans call for this to resume in June. He also mentioned vandalism on the Island Greenway and praised the idea of handing out pamphlets at Freeman Park. He said none were available when he was there recently, so he asked that the Town print more so everyone gets one at the gate.

Council Member Shuttleworth asked if more frequent trash removal at the Boardwalk would be possible. He said the receptacles had been overflowing recently and thought we might need to

step up the pace for emptying those. Council Member Shuttleworth also mentioned an email and video that a citizen recently sent about Canal Drive tidal flooding. He said the resident asked about the possibility of bulkheads and sandbags as short-term, affordable solutions that could make a significant impact on the problem resulting from two specific empty lots that are lower than others nearby. Council Member Shuttleworth recommended that Town staff look into this.

Council Member Garza asked for an update about the automation discussion that took place at a previous meeting. Mr. Oakley said the proposed budget does include a digital time clock solution for Town staff.

Council Member Shuttleworth asked for an update from Police Chief Spivey about short-term rentals and beach infractions. Chief Spivey said code enforcement had been following up on and investigating complaints about short-term rentals, but those have now subsided due to restrictions being lifted. He said people at Freeman Park and on the beach strand have been keeping space between their groups. Chief Spivey said there were concerns about large groups gathering at the Boardwalk and open containers of alcohol, but officers continue to try to educate visitors about rules. He said the number of citations has been on par with what is normal for this time of year.

Council Member Lynn Barbee asked Chief Spivey for an update about concerns of speeding and traffic volume on Mackerel Lane. Chief Spivey said there had been some monitoring in the area as well as placement of a radar sign. He said the plan was to move the radar sign to another part of Mackerel Lane next week to gather data from two sections. Mayor Pro Tem Healy asked about the possibility of putting up a weight limit sign to deter truck traffic.

Council Member Barbee praised Town staff for the Boardwalk tables and other efforts that were made to help small businesses. He encouraged the Town to be as flexible as possible and continue to find ways to assist during the COVID-19 pandemic. He also urged Town staff to think about necessary procedural changes when Town Hall reopens and committee meetings resume.

Mayor Pierce asked if Council would need to wait until the May 26 workshop to make any changes to assist restaurants with operations, such as allowing outdoor seating areas to expand into parking lots. Because the Town is still in a state of emergency, such measures could be enacted anytime without a meeting. Mayor Pierce also mentioned a text from a citizen about missing signs on the Island Greenway.

8. ADJOURNMENT

Mayor Pierce made a motion to adjourn at 7:35 PM. Motion passed unanimously.