

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, May 9, 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 Becky Blackmore of St. Paul's United Methodist 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

Mayor Barbee said an item about the Lake Park dredging and stabilization agreement has been added.

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. Budget Amendments/Transfers
2. Consider Approving Resolution No. 23-2287 for Wording on the Entryway Sign to Read "Celebrating 100 Years 1925-2025"
3. Approval of Council Meeting Minutes

Regarding item 2, Council Member Hoffer said Council needs to be sure about wording on the entryway sign. Council Member LeCompte said the only change she would suggest is putting the centennial tagline on it if there is room. Mr. Oakley said the resolution can be changed to include that if it fits.

ACTION: Motion to adopt 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

4. Events Update by Tim Murphy

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

- Beach Wrestling – May 20 at Boardwalk beach strand
- Surf Dog Experience – May 20 at North End Pier
- Pleasure Island Jeep Jam – May 18-20
- Beach Music Festival – June 3 at Boardwalk beach strand
- Flock of Food Trucks – June 29 at Lake Park
- Fireworks/music nights begin May 26 and continue every Thursday through the season with the exception of July Fourth and Labor Day shows
- Movies at the Lake begin May 28 and continue every Sunday through the season
- Carolina Beach Market – begins May 20 at Lake Park and continues every Saturday through October 7

Mayor Barbee encouraged the public to sign up for fireworks volunteer shifts to help guard the beach. Mr. Murphy said volunteers can sign up online or call the Parks & Recreation Department.

Council Member LeCompte said the Beach Music Festival is still looking for volunteers.

Mayor Pro Tem Healy asked what the age requirement is for fireworks volunteers. Mr. Murphy said 16 and up.

5. Proclamation for Safe Boating Week – May 20-26, 2023

The local United States Power Squadrons chapter is asking Council to issue a proclamation designating May 20-26 as Safe Boating Week. Mayor Barbee read Proclamation No. 23-2285. Members of the Cape Fear Sail & Power Squadron spoke about boater safety, including the use of lifejackets.

6. Manager's Update

Mr. Oakley gave an update on various projects and events:

- Sunny Day Flooding Project – An update will be presented at the May 23 workshop.
- AM radio station – The phone line is not working, but it should be fixed soon.
- Contractors' meeting – All contractors that have applied for a permit with the Town have been invited to attend a meeting on May 11 from 1:00 to 3:00 PM. It will also be recorded.

- Boardwalk bathroom facility – This was approved by the Coastal Area Management Act (CAMA) and the Town’s Board of Adjustment. There is money in the budget to move forward with the design.
- Spartanburg crosswalk – N.C. Department of Transportation (DOT) supports the project but is asking for more data to justify the need.
- Scotch Bonnet Lane bulkhead – This is still in the design phase.
- Starfish Lane stormwater dock and bulkhead – This is in progress. Demolition of the existing gazebo is complete.
- Ocean Boulevard sidewalk – The Town is waiting for the DOT encroachment agreement, and then it will go out to bid.
- Saint Joseph Street multi-use path – Survey work is being finalized, and then the design will be reviewed again.
- Marina – This is on schedule, if not ahead. The electrical boxes may get moved to the west side.
- Lake Park Boulevard lighting – Public Works Director Brian Stanberry said Duke Energy will be installing approximately 12 new overhead streetlights from Hamlet Avenue to the Carolina Sands community.
- Canal Drive tidal barricades – Public Works Supervisor Dan Woodford and his staff custom-built new barricades, which saved the Town approximately \$68,000.

Council Member Hoffer asked what information DOT is looking for regarding the Spartanburg crosswalk. Mr. Hardison said DOT wants to know how many people will potentially use the crosswalk, how many houses it will serve, crash data, and other information to justify whether it’s needed. He said if there are crosswalks at too many intersections, it’s hard to notice them.

Council Member LeCompte asked how the information will be collected. Mr. Hardison said the Town already has the data and can provide it to DOT.

Mayor Pro Tem Healy said DOT representatives have looked at a possible sidewalk from Lake Park to Carolina Sands and said it’s feasible. Council Member Hoffer said large portions of the right-of-way in that area are only 3 feet, which isn’t wide enough, and there are power poles in the middle at some spots.

Mayor Pro Tem Healy asked if there is an update on the Boardwalk property lease. Mr. Oakley said the lease for the property that contains the Ferris wheel has expired, but he will negotiate an agreement until the end of the summer. Council gave consensus for this.

Council Member Benson asked about the lake dredge project start date. Mr. Oakley said it could begin as soon as the contract is signed but more likely would start in late summer.

PUBLIC COMMENT

Tracy Ferrell expressed concern over safety at the bus stop in front of Hang Ten Grill. She said motorists do not stop for the school bus and asked Council to do something to make it safer.

Police Chief Vic Ward updated Council on mitigation efforts the Police Department has taken and the number of citations that have been issued. He said between January 10 and May 5, action was taken

on 65 violators, and 75% of those were charged, not just stopped. Chief Ward said the Police Department is limited on what it can do and added that buses won't go into residential neighborhoods between Cape Fear Boulevard and Spartanburg Avenue because negotiating a large vehicle through there causes more issues. He said he would love to see the bus stop moved, and officers try to be out there every day.

Cindy Dunn said she is in favor of the bus stop being moved. She also said Tree City USA does not protect trees on private property. Ms. Dunn previously provided Council Member Hoffer with an example of an ordinance that could do this. She also suggested asking committee members to help with fireworks and encouraged staff to consider hosting a young entrepreneur market.

Paul Levy of 1606 Mackerel Lane praised the budget process and said it has improved. He asked Council to consider adding maintenance and security for bathrooms and a traffic management plan. Council Member LeCompte asked staff to bring this to a workshop for the Operations Advisory Committee to present.

Steve Jaeb of 204 Tennessee Avenue asked Council to reconsider the placement of portable restrooms at the Tennessee Avenue beach access.

Christy Lee asked if taxpayers or contractors pay for road cuts within the Town. Mr. Oakley said the Town is requesting a new position in this year's budget that will focus on street maintenance and get these cuts filled in a more timely manner.

Fred Grady of 608 Cape Fear Boulevard said the fish tiles on the Boardwalk are deteriorating and need attention. Mr. Oakley said supplies have been hard to get, but this is on the project list.

PUBLIC HEARINGS

7. Text Amendment to Amend Chapter 40, Article XVIII – Definitions to Amend the Definition of Gross Floor Area, Outdoor
Applicant: Town of Carolina Beach

Council requested that staff look at the definition of outdoor gross floor area (GFA) regarding the parking requirements for eating and drinking establishments. The current ordinance allows no parking for outdoor GFA if the establishment is within 500 feet of public parking. Additionally, a 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of public parking. Currently, outdoor GFA is defined as any unenclosed areas where business is conducted. Additionally, the area shall be considered enclosed if any type of vertical surface other than typical mesh screening has been installed, whether temporary or permanent. Vertical surfaces shall include plastic rolldowns or similar devices that prevent the free flow of air and weather into the commercial area. GFA is measured from the exterior building walls of the use and includes all floors where the business is conducted.

Current eating and drinking establishment parking requirements were adopted in 2008, and the Town changed the parking requirement from parking spaces per seats to a GFA calculation in 2009. The

distinction between open areas was created to limit confusion on what was considered open and enclosed.

PROPOSAL

The new language defines outdoor GFA as any unheated areas where business is conducted. Any outdoor areas shall meet N.C. Building Code. This new definition allows for eating and drinking establishment owners to temporarily enclose any outdoor areas without the requirement of adding additional parking. Outdoor GFA would be considered indoor GFA if renovations permanently created heated space for the establishment. This allows eating and drinking establishments to operate during the off-season while also giving staff clear guidance for enforcement of the minimum parking regulations. Enforcement of the current ordinance is difficult, as eating and drinking establishments must continue to be monitored to ensure adequate parking is installed if open areas are converted to enclosed areas. This negative effect was presented when the ordinance was changed.

Planning Director Jeremy Hardison presented the details. He said the proposed amendment is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy, and staff recommends approval because it clarifies the language and provides clearer guidance for enforcement. In addition, the Planning and Zoning Commission voted 6-0 to recommend approval.

ACTION: Motion to open 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

Cindy Dunn of 915 Tidewater Lane said not approving this would be an injustice to affected businesses because they shouldn't be penalized for bad weather.

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

Council Member Hoffer asked if a space heater would cause an area to be considered indoors. Mr. Hardison said no, this would still be an outdoor area because a space heater is not a permanent heat source.

Mayor Barbee said rules should not change because a business drops a curtain for weather reasons.

Council Member LeCompte said this is typically only an issue during colder months when parking is not a problem.

Mayor Pro Tem Healy said approving this is a no-brainer, and he's surprised the current rule has lasted 14 years.

ACTION: Motion that Council, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following ordinance amendment to amend Chapter 40, Article XVIII – Definitions to Amend the Definition of Gross Floor Area, Outdoor is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans
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

8. Public Hearing to Receive Public Input on the 2023/2024 Budget

Council offered the public an opportunity to give input on the proposed fiscal year 2023/2024 budget.

ACTION: Motion to open 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

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 (General Fund) include:

- No tax increase
- Sales, property, and room occupancy tax collections have all increased
- The Solid Waste budget is a 5.3% increase from the current year based on Consumer Price Index (CPI) projections
- Two new general maintenance workers
- One new Parks & Recreation Specialist
- Beach Patrol (transfer from Fire Department to Police Department)
- 6% cost-of-living adjustment (COLA) for Town employees
- Boardwalk lighting and beach access improvements
- Skate Park improvements

Highlights (Utility Fund) include:

- 3% water/sewer rate increase
- System development fees
- Phase I of water study (preliminary engineering report permitting ongoing and wastewater lift station)
- Stormwater projects
- \$258,957 transferred from Utility Fund Balance

Council Member Hoffer asked what the current Utility Fund Balance percentage is. Mr. Oakley said it's a solid amount and he expects to add to it, but he'll have to get specific numbers to Council at the next workshop.

The public made the following comments regarding the proposed budget:

- Paul Levy suggested restricting short-term renters from using homeowners' golf carts so visitors don't have access to previously purchased parking permits and will have to add to parking revenue during their stays.
- Cindy Dunn requested funding for watering plants.

Mayor Pro Tem Healy said the Town has had an increase in Alcoholic Beverage Control (ABC) revenue. He reiterated that the proposed budget has no tax increase, which he attributed to the parking program and bringing in new businesses. Mayor Pro Tem Healy pointed out that the Town gives back to the community and cited the Skate Park and lighting as examples of improvements.

Mayor Barbee said the Town is getting projects done quicker due to handling more items in-house, so he is in favor of enhancing that program.

Council Member Hoffer asked about burying power lines around Cape Fear Boulevard and Canal Drive. He said although this is not a line item in the budget, he would like flexibility to do this if a cost-sharing opportunity arises. Mr. Oakley said there was never a vote to move forward with this.

Council Member Hoffer said he wants to see line items for the gateway beautification improvement project and street marking.

Council Member Hoffer asked if there is a Building Inspector position funded in the proposed budget. Mr. Oakley said it is still in the proposed budget, and the Town is still evaluating the need to fill the position internally.

Council Member Hoffer said while he was hesitant to add staff last year, which caused him to vote against the budget for the current fiscal year, he said his stance on that is softening because of the need to maintain new facilities and other projects.

Council Member Hoffer asked if the Town's road equipment is capable of handling more than just potholes and street cuts. Mr. Stanberry said staff must get acclimated and comfortable with the equipment before determining how much it can do.

Council Member Benson said he's not yet comfortable with the request for a Parks & Recreation Specialist. He said he thinks a new HVAC system would be a better hit. Council Member Benson said he thinks a paving position is needed.

Mayor Pro Tem Healy said it's been years since the Parks & Recreation Department has added any staff while the Town keeps adding new duties for that department to handle, so he thinks it is necessary.

Council Member LeCompte said she agrees that the condition of the fish tiles on the Boardwalk is disappointing. She said the Town must stay ahead of projects and develop a maintenance plan because there are a lot of great things that need upkeep.

Council Member LeCompte said she is hesitant about adding two new general maintenance workers but may reconsider if this will improve road conditions.

ACTION: Motion to close the public hearing on public input for the 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

ITEMS OF BUSINESS

9. Staff Recommendation for IT Vendor

Staff met to review bids that were received for IT services, as the contract with the current vendor expires in July and staff wanted to consider other options. Mr. Oakley recommended that the Town select local vendor Hooks Systems and said staff wants to meet with vendor representatives to negotiate further before bringing back a contract for Council's vote.

Mayor Barbee asked about a previous discussion involving bringing some IT support in-house. Mr. Oakley said he has considered merging some of those duties into the Town's unfilled communications position, and Hooks Systems is willing to adjust costs if this is done.

10. Lake Park Dredging and Stabilization Agreement

After reviewing bids, Mr. Oakley requested that Council award the lake dredging and stabilization project to Dragonfly Pond Works, which was the low bidder at just over \$916,000. He said he is seeking approval for a contract contingent upon review and approval by Ms. Fox and himself.

ACTION: Motion to approve and award the contract to Dragonfly Pond Works for about \$916,000 for the Lake Park dredging and stabilization agreement contingent upon review by the Town Attorney and Town Manager for actual terms of the contract

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 the Town needs to offer education and enforcement regarding unfilled holes on the beach.

Council Member Benson asked what information staff would like Council Members to bring back from the N.C. Beach, Inlet and Waterway Association spring conference in Emerald Isle. Mr. Oakley said he would like to hear about new technologies for stabilization and different methods of flood control.

Council Member Hoffer said the past two budget processes have gone smoothly with little drama, something he considers a point of pride for both Council and staff.

Mayor Pro Tem Healy said the Town needs to follow through with its commitment to honor the Freeman family at Freeman Park. Council Member LeCompte said this is being discussed as part of centennial planning. Ms. Fox said the Town will focus on this as soon as grant contract requirements are complete.

Mayor Barbee asked if overnight parking is allowed in Town lots. Mr. Parvin said no, although with enforcement starting at 9:00 AM it sometimes happens.

Mayor Barbee asked if a project for the Beautification Committee has been identified. Mr. Oakley said the Town has looked at doing the area in front of CVS.

CLOSED SESSION FOR ATTORNEY/CLIENT PRIVILEGE

11. Closed Session – Real Estate and Attorney/Client

ACTION: Motion to go into closed session to discuss a real estate matter 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 8:00 PM.