

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, July 13, 2021 – 6:30 PM

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



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## AGENDA

**CALL TO ORDER WITH INVOCATION GIVEN BY JEFF BURNS WITH CAROLINA COASTAL COACHING**

**ADOPT THE AGENDA**

**CONSENT AGENDA**

1. Set a public hearing for August 10, 2021 to consider adopting standards for gates located on streets and drives. Applicant: Town of Carolina Beach
2. Budget Amendments/Transfers
3. Year End Budget Transfers
4. Adopt Resolution 21-2239 Accepting the American Rescue Plan Act Funds
5. Approval of Meeting Minutes from 5/25, 6/8/, 6/15 and 6/22

**SPECIAL PRESENTATIONS**

6. Events Update by Tim Murphy
7. Manager's Update

**PUBLIC COMMENT**

*Public Comment allows the public an opportunity to address the Town Council. There is a three minute limit on public comments.*

**ITEMS OF BUSINESS**

8. Restructuring of Citizen Advisory Committees

**NON-AGENDA ITEMS**

**CLOSED SESSION**

**ADJOURNMENT**



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison, Planning Director      **DEPARTMENT:** Planning

**MEETING:** Town Council – 13 July 2021

**SUBJECT:** Set a public hearing for August 10, 2021 to consider adopting standards for gates located on streets and drives. Applicant: Town of Carolina Beach

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**BACKGROUND:**

Staff is proposing an ordinance to address gated drives and streets. The concern was brought up by the Fire Department about not having requirements for gates when the town receives request for them. The ordinance is currently silent on the allowance of gates, along with have not having any standards for them.

**ACTION REQUESTED**

Set public hearing for August 10, 2021

**RECOMMENDED MOTION:**

Approve consent agenda



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Debbie Hall, Finance Director

**DEPARTMENT:** Finance

**MEETING:** Town Council – 07/13/21

**SUBJECT:** Budget Amendments/Transfers

### **BACKGROUND:**

I have received several budget amendments and/or transfer requests. As you know, transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendments and/or transfers. I have also attached a copy of the supporting documentation for the appropriations.

#### **Transfers:**

Transfer \$3,000 from account 10-410-014 Legislative Travel to 10-410-046 Legislative Professional Services to over additional Ward & Smith fees for May and June.

Transfer \$11,956 from account 10-570-074 Parking Capital Over \$10,000 and \$2,044 from account 10-570-018 Parking M&O Grounds to account 10-570-016 Parking M&O Equipment to cover repairs to vandalized parking equipment.

Transfer \$45,000 from account 10-580-045 Environmental Contract Services to 10-620-045 P&R Contract Services to cover additional repairs to the bridges and gazebos at Lake Park.

#### **Annual Transfer:**

A journal entry has been prepared for the annual budgeted transfer from the Utility Fund to the General Fund in the amount of \$725,000.

### **BUDGET IMPACT:**

Transfers will not affect budget.

### **ACTION REQUESTED:**

Approve the budget amendments and/or transfers as presented by the Finance Director.

**From:** Sheila Nicholson  
**Sent:** Thursday, July 1, 2021 3:43 PM  
**To:** Debbie Hall  
**Subject:** REVISED: Transfer request 10-410-014 to 10-410-046 (Ward and Smith)

Debbie,  
Please transfer \$3,000 from 10-410-014 to 10-410-046 to cover the cost of additional legal fees for May and June 2021 through Ward and Smith.

If you have any questions, please let me know.

Thank you,

*Sheila P. Nicholson*

Executive Assistant to the Town Manager  
Town of Carolina Beach  
[sheila.nicholson@carolinabeach.org](mailto:sheila.nicholson@carolinabeach.org)  
(910)458-2995

**DISCLAIMER:**

E-mail correspondence to and from this address may be confidential and/or subject to the North Carolina Public Records Law and may be disclosed to third parties.



**From:** Sheila Nicholson  
**Sent:** Wednesday, June 16, 2021 8:01 AM  
**To:** Debbie Hall  
**Cc:** Ed Parvin; Bruce Oakley  
**Subject:** Transfer request-Parking expenses (repairs to vandalized equipment)

Debbie,  
I have three (3) invoices related to repairing vandalized parking equipment as well as re-programming all 19 Parkeon pay stations. In order to cover these expenses, please make the following transfers:

- \$11,956 from 10-570-074 to 10-570-016
- \$ 2,044 from 10-570-018 to 10-570-016

Total amount of transfers required \$14,000.

If you have any questions or need more details, just let me know.

Thank you,

*Sheila P. Nicholson*

Executive Assistant to the Town Manager  
Town of Carolina Beach  
[sheila.nicholson@carolinabeach.org](mailto:sheila.nicholson@carolinabeach.org)  
(910)458-2995

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LeAnn Pierce  
Mayor

Steve Shuttleworth  
Council Member

Lynn Barbee  
Council Member



Jay Item 2.  
Mayor Pro Tem

JoDan Garza  
Council Member

Bruce Oakley  
Town Manager

**Town of Carolina Beach**  
1121 N. Lake Park Blvd.  
Carolina Beach, NC 28428  
Tel: (910) 458-2999  
Fax: (910) 458-2997

To: Debbie Hall, Finance Director  
Bruce Oakley, Town Manager

From: Eric Jelinski, Parks and Recreation Director

Date: 6/17/21

Re: Budget Transfers – Lake Park Bridges and Gazebos

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I am requesting the below budget transfers for the FY 20/21 Parks and Recreation Department budget to cover additional unexpected repairs to the bridges and gazebos at Lake Park.

The additional funds will be used to remove and replace decking at the bridge by the restrooms, remove and replace decking on both bridges on the south side of the lake, demo the gazebo by the pump house and rebuild with no roof, and demo the gazebo on lake park located next to the new gazebo.

Account	Amount	Transfer to Account
10-580-045	\$45,000	10-620-045

## GENERAL JOURNAL ENTRIES

JE#	Date	Description	GL #	Debit	Credit
54	6/22/2021	Record Annual Transfer from W/S fund to the	10-101-001	725,000.00	
		General Fund	10-397-003		725,000.00
			30-800-080	725,000.00	
			30-101-001		725,000.00
		Total		1,450,000.00	1,450,000.00



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Debbie Hall, Finance Director

**DEPARTMENT:** Finance

**MEETING:** Town Council – 07/13/2021

**SUBJECT:** Year End Budget Transfers

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**BACKGROUND:**

**Notification of Year-End Transfers:**

With the closing of budget year 2020/2021, it is necessary to process year-end budget transfers. Monies are transferred from one account and placed into another. There is no effect on the budget totals. This serves as your notification of these transactions. I've attached a listing of all accounts affected.

**BUDGET IMPACT:**

Transfers will not affect budget.

**ACTION REQUESTED:**

Approve budget transfers as presented by the Finance Director.

BUDGET AMENDMENTS/TRANSFERS					Item 3.
Date	DESCRIPTION	GL #	DEBIT	CREDIT	
6/30/2021	Year End Budget Transfers to clean up account				
	wages and benefits line items for FY20-21.				
	Clerk Wages	10-430-002	3,223.00		
	Clerk Wages FICA	10-430-005	208.00		
	Clerk Medical Insurance	10-430-006	64.00		
	Clerk Retirement	10-430-007	322.00		
	Clerk 401(k) Match	10-430-025	146.00		
	Clerk Printing & Publishing	10-430-012		3,963.00	
	Finance Wages	10-440-002	2,607.00		
	Finance Medical Insurance	10-440-006	107.00		
	Finance Retirement	10-440-007	137.00		
	Finance Bank Charges	10-440-036		2,851.00	
	HR 401(k) Match	10-450-025	49.00		
	HR FICA Taxes	10-450-007		49.00	
	Planning Medical Insurance	10-491-006	6,745.00		
	Planning Travel & Training	10-491-014		6,745.00	
	Public Works Retirement	10-493-007	12.00		
	Public Works Medical Insurance	10-493-006		12.00	
	Police Overtime Pay	10-510-003	12,291.00		
	Police Holiday Pay	10-510-001		12,291.00	
	Lifeguard Retirement	10-520-007	264.00		
	Lifeguard 401(K) Match	10-520-025	73.00		
	Lifeguard FICA Taxes	10-520-005		337.00	
	Fire Wages	10-530-002	60,389.00		
	Fire Overtime Pay	10-530-003	1,253.00		
	Fire FICA	10-530-005	488.00		
	Fire Medical Insurance	10-530-006	1,184.00		
	Fire Holiday Pay	10-530-001		31,480.00	
	Lifeguard Holiday Pay	10-520-001		750.00	
	Police Holiday Pay	10-510-001		31,084.00	
	Marina Wages	10-550-002	190.00		
	Marina Medical Insurance	10-550-006	786.00		
	Marina FICA Tax	10-550-005		145.00	
	Marina 401(k) Match	10-550-025		769.00	
	Marina Workman's Comp	10-550-009		62.00	
	Parks & Rec Medical Insurance	10-620-006	4,283.00		
	Parks & Rec Wages	10-620-002		4,283.00	
	<b>Total General Fund</b>		<b>94,821.00</b>	<b>94,821.00</b>	

10



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley, Town Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council – 07/13/2021

**SUBJECT:** Adopt Resolution 21-2239 Accepting the American Rescue Plan Act Funds

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**BACKGROUND:**

The Town is eligible to receive funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021. Before receiving a payment, Council must formally accept the funds and agree to the regulations.

**ACTION REQUESTED:**

Motion to adopt Resolution 21-2239, accepting the terms and funds associated with the American Rescue Plan Act

# Resolution



Town of Carolina Beach  
Town Council

## **RESOLUTION NO. 21-2239**

### **Town of Carolina Beach Resolution for Accepting American Rescue Plan Act Funds**

**WHEREAS**, the Town of Carolina Beach is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF).

**WHEREAS**, the North Carolina General Assembly will provide for the distribution of funds to eligible North Carolina municipalities; and

**WHEREAS**, before receiving a payment, the Town Council is required to formally accept the CSLRF funds;

**WHEREAS**, revenue received under the CSLRF must only be spent for purposes authorized by the CSLRF, and applicable regulations, and by state law;

**WHEREAS**, revenue received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

**WHEREAS**, the Town of Carolina Beach must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Carolina Beach that we do hereby accept and request CSLRF funding to be distributed by the State of North Carolina; and that the Town of Carolina Beach affirms that the CSLRF revenue will only be used for the purposes prescribed in the CSLRF, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Carolina Beach designates and directs the [Town Manager/Town Attorney/Mayor/Town Finance Officer] to take all actions necessary on behalf of the town council to receive the CSLRF funds.

**ADOPTED**, this the 13th day of July, 2021.

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LeAnn Pierce, Mayor

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Attest: Kimberlee Ward, Town Clerk

Town of Carolina Beach  
Resolution No. 21-2239





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 7/13/2021

**SUBJECT:** Approval of Meeting Minutes from 5/25, 6/8/, 6/15 and 6/22

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**BACKGROUND:**

Attached are the meeting minutes from 5/25, 6/8, 6/15 and 6/22.

**ACTION REQUESTED:**

Review and consider approving under the consent agenda.

# CAROLINA BEACH

Town Council Workshop

Tuesday, May 25, 2021 - 9:00 AM

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



## MINUTES

### CALL TO ORDER

Mayor Pierce called the meeting to order at 9:00 AM.

### 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

Finance Director Debbie Hall

Town Clerk Kim Ward

### EMPLOYEE RECOGNITION

Planning Director Jeremy Hardison recognized Code Enforcement Officer Joe Hutcherson, who will be retiring on May 31, and presented him with a plaque. Mr. Hardison said Mr. Hutcherson has investigated over 400 complaints during his time with the Town. Council Members expressed thanks to Mr. Hutcherson.

### MANAGER'S UPDATE

Mr. Oakley said he has submitted his draft budget message to Council, and he gave a presentation of the highlights.

Budget Message

FY 21-22

General Fund: \$16,627,254\*

Utilities: \$9,357,678\*\*

\*Includes proposed tax decrease – 21.5 cents per \$100

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

Mr. Oakley said based on the Office of the State Treasurer, the revenue-neutral tax rate is a little over 17 cents. He said this figure seems very low, so he has a call in for that office to review the numbers and get back to him.

#### Capital Projects

- Lake Park Playground
- Mike Chappell Restroom Facility
- St. Joseph Bike Lanes
- Stormwater Projects
- Florida Avenue
- Fire Equipment
- Town Hall HVAC

#### Personnel

- One new full-time position (Beach Patrol – seasonal)
- Cost-of-living adjustment/merit

#### Municipal Service District (MSD)

- 5 cents per \$100 of value
- Seasonal employees
- New signage
- Lighting
- Partial coverage of existing expenses

Mr. Parvin reviewed a map of the location of stormwater improvements and how they will be funded. He said these projects would be hitting a lot of areas throughout the Town before phased projects start again in 2024.

#### Rates and Fees

- Solid waste – consistent with GFL built-in CPI: 3.6 percent
- Water/sewer rates: 2 percent
- Paper bills administrative fee: \$1.50
- Freeman Park camping (Labor Day-Memorial Day): ~~\$50~~ \$60
- Mooring field: ~~\$20~~ \$30
- Transient slip: \$70
- Parks & Recreation non-resident: +\$10

Council Member Garza said Freeman Park camping already went from \$30 to \$50 last year and questioned the reasoning for the significant increase. Mr. Parvin said there are fewer camping spaces every year due to limited space from changing environmental conditions, and he said the price is based on what people are willing to pay. He said the camping spaces stay full.

Council Member Garza asked if the camping fee is the only increase for Freeman Park. Mr. Parvin said the Town didn't propose any other increases but will bring back some fees in the late summer or early fall if Council wants.

Council Member Garza asked if parking fees for residents are increasing. Mr. Parvin said the Town didn't increase any residential fees other than the solid waste and water/sewer rates mentioned previously.

Council Member Garza said he wants to see a fixed percentage every year for the cost-of-living adjustment/merit increases for staff. He said this would be good for employee morale and long-term retainment. He said if the Town does not concrete that percentage, there will be issues with staffing.

Council Member Garza said he hopes the Beach Patrol employee will be trained to approach visitors in a welcoming rather than scolding manner if violations of rules, such as trash disposal, are happening.

Mayor Pierce asked which department the Beach Patrol position will be under. Mr. Oakley said Ocean Rescue.

Council Member Garza said he wanted to talk about the proposed MSD. He said he thinks the timing is not right and suggested the Town push off the idea for a while. He said he thinks things got off on the wrong foot from a communications standpoint and that it would have been more beneficial if the Town went to the property owners first for buy-in and to find out their wants versus needs.

Mayor Pro Tem Healy said he has mixed feelings about the proposed MSD. He said he thinks the timing could be better when taking the COVID-19 pandemic into consideration. He said he thinks it will be important to get the facts about how much extra revenue above and beyond the Town spends downtown. He said the Town does spend a lot of money in that area and he thinks it is needed, and he also referred to a list of 15 to 20 municipalities that do a similar tax right now mostly for downtown areas. He said he thinks it is the right thing to do personally, but right now it looks like the Town is punishing business owners by introducing this.

Council Member Barbee said he thinks this is a narrative that the property owners have created. He said the proposed MSD would affect taxes for next year and not last year, and expectations point to a record year here next year. He said no one is ever going to say now is the right time to raise taxes, and you either believe in the MSD or you don't. Mayor Pierce asked Council Member Barbee if he is saying he wants to move forward with it. Council Member Barbee said he wants to hear from the public and that he is not committing to a vote either way right now.

Mayor Pierce said Council is going to have a public hearing on the proposed MSD but that Mr. Oakley needs to have a Plan B in his pocket if Council does not move forward with the implementing the tax. Mr. Oakley said he can have an alternate budget prepared for adoption.

Mayor Pro Tem Healy asked what the ballpark number is for what the Town spends in that area over and above. Mr. Oakley said he can't say over and above, but Public Works calculated at least \$159,000 worth of expenses annually on the Boardwalk area and marina. He said it's hard to account for

additional Police, Fire, and other services. He said the Town spends more there than anywhere else in Town and that he could work on a more precise number.

Council Member Garza said the proposed MSD treads a fine line because there are other areas of the Town that have the need for additional services, such as the lake district or the people who live near Mike Chappell Park.

Council Member Barbee asked about the language in the State rules. Mr. Oakley said MSDs are intended to provide services above and beyond anywhere else in Town, but the State language doesn't really go into expenses.

Mayor Pierce said the proposed MSD is very creative and works in other areas, but she thinks it is happening too fast to get the business owners on board. She said Wilmington Mayor Bill Saffo told her it took several years to happen in the City after committees were formed and business owners were involved. She said the only way to make this work is to have business owners on board. She agreed that the timing is bad and said she does think the MSD will happen in the Town, but this is not the year for it. She said the business owners need to have some recovery and decide what they want that money to go toward to complement their businesses. She said she wants to hear what the public has to say but would be surprised if property owners want to move forward with it right now. She said she wants the Town to revisit the issue after forming a committee and doing more research.

Council Member Shuttleworth said the MSD idea has been brewing for years as a result of business owners approaching the Town about getting extra support. He said if the Town wants a thriving community it has to have a Central Business District, and he doesn't think it's unreasonable to ask the property owners in this area to help bear some of the expense when the Town does things there that it doesn't do in other places. He said the dredging work at the lake is a community stormwater feature to protect the homes in the area and not to beautify the lake, and he said the Mike Chappell Park improvements are a community-wide commitment through taxes and Parks & Recreation. He said the MSD would cover specialty things above and beyond normal in the downtown area. Council Member Shuttleworth said he realizes this is a tough pill to swallow and that some property owners will not be happy about it, so he is fine with putting it off a year or two. He said he doesn't want to move forward with a contentious issue when the Town hasn't had a chance to talk to business owners. He said there should be a well-conceived plan and better education.

Council Member Barbee asked if the property owners in the proposed MSD area would have direct input into where the money goes. He said he wants to know how that works in other places and how it would work here.

Mr. Oakley said some places create downtown advisory boards or other groups. He said technically Council would be the oversight, but it would be a good thing to appoint a board to help plan for the budget and ensure the funds are spent as proposed.

Council Member Barbee said he thinks that long-term the MSD would actually improve the way the Town spends money in the Boardwalk area. He said it would give property owners a voice and help them get more of the services they need.

Mayor Pro Tem Healy said he was aware of a group of downtown business owners that met on a regular basis before the COVID-19 pandemic, so he recommended restarting this.

Mayor Pierce asked Council Members if they wanted to pull the proposed MSD now or move forward with the public hearing on June 8. The consensus of Council was to have the public hearing.

Mayor Pierce said she would encourage Mr. Oakley to have a Plan B for the budget without the MSD. Mr. Oakley said he would have an alternate budget ready to be approved.

Mayor Pierce asked if Council Members wanted to talk about having a committee for the proposed MSD now. The consensus of Council was to wait.

Council Member Shuttleworth said Mr. Oakley needs to decide how budget dollars are spent.

Mayor Pierce asked Mr. Oakley to think about the makeup and operation of a committee for the proposed MSD. She said she thinks it should not be all business owners.

Council Member Barbee said the committee should not tell Mr. Oakley how to spend the money but serve in an advisory capacity.

Mayor Pierce said the committee would be helpful to serve as eyes and ears since Council Members can't be in the Boardwalk area all the time.

Council Member Garza suggested reaching out to the City of Wilmington to find out more about how it overcame its MSD struggles. Mayor Pierce said the City had some struggles, and it took a couple of years to put in place.

Mr. Oakley said he has experience with MSD boards because he has served on one before.

Mayor Pierce asked if the Town's fees for boater services are in line with other places. Mr. Parvin said the fees are pretty close to what is charged elsewhere. He said there are not a lot of mooring fields in North Carolina, and the average is \$30. Mayor Pierce asked him to look at what the City of Wilmington is charging for transient slips.

## **BUDGET DISCUSSION**

Mr. Oakley said he could answer any questions on the general budget. He said the draft budget message is ready for inspection and will go online, but that is subject to change based on the alternate budget he will prepare.

Council Member Barbee asked about the remainder of the budget process. Mr. Oakley said the MSD public hearing and overall budget public hearing will be at the June 8 Council meeting. He said if the MSD is approved, it will go into the budget. Then the Town will have to wait a week to adopt the budget to allow time for people who want to be excluded to submit requests. He said if the MSD is not approved, Council can adopt the budget at the same meeting.

Council Member Barbee asked where the Town would get the rest of the money for the marina rebuild. Mr. Oakley said the Town is still working on that and hopes to split the project in two. He said the total project cost is \$3 million, and \$2 million in grants is available. He said there has been discussion about potential other ways to get funding. He said the project will start this year, but there are no hard numbers yet and the Town may be doing value engineering to get the numbers down.

In reference to the lake dredge, Council Member Barbee asked if the Town still has money from bonds held. Mr. Oakley said this is correct. He said the Town is proposing to use \$400,000 of the revenue bond money for stormwater projects but thinks that can be paid back with American Rescue Plan funds. Council Member Barbee asked if the Town feels confident that federal money will be available. Mr. Oakley said yes.

Council Member Shuttleworth asked where the Town is with the lake dredge request for proposals and having permits ready to go so a contractor can start on the work right away. Mr. Oakley said the Town put out a call for contractors and basically had no formal submittals, just a few people expressing interest. He said he spoke to one and hadn't heard back from him yet and met with another who was interested in dredging but wanted to drain the lake right away during the summer season.

Council Member Shuttleworth said Mr. Oakley needs to follow up with the interested parties, and he mentioned some contractors he believes are qualified. Council Member Shuttleworth said the Town is sitting on a treadmill and not going anywhere with this issue. He said he is getting mixed signals because the contractors he talked to said they were trying to get information to the Town.

Mayor Pierce said she agrees with Council Member Shuttleworth that the Town has to be ready to go when the time comes. She said there is a meeting with the Military Ocean Terminal Sunny Point (MOTSU) Colonel on June 4. Mr. Oakley said there will still be another level of approval after that meeting, but he expects some positive news to come out of it. Mayor Pierce asked if the Town may still get permission to put soil on MOTSU property. Mr. Oakley said it sounds like a good possibility, but the time frame may be two years down the road.

Council Member Shuttleworth said this has been going on for 10 years, and some Council Members have run for office saying they were going to come up with a solution. He said he doesn't understand why it's so difficult to make sure all the permits are lined up. He said it is dangerous out there, and he worries that a child might get stuck in 4 feet of muck. He said not only is the situation hurting the Town on stormwater, but it's an eyesore and it smells. He said the Town has the money in the bank but can't figure out how to do the job, and now it's almost June and things are no further along than they were in January or the January before. He called the situation "ridiculous."

Mayor Pierce said Council Member Shuttleworth is very passionate about the lake, so she asked Mr. Oakley to make that a priority and reach out to the interested parties again.

Mayor Pro Tem Healy asked about the previously mentioned \$400,000 the Town is proposing to take from the \$1.4 million bond money. Mr. Oakley said that money would pay for stormwater projects and be reimbursed, but if American Rescue Plan funds come in first, the Town doesn't have to touch it.

Council Member Garza asked when Mr. Oakley expects that money to be available. Mr. Oakley said he was originally told cash would be in hand by April, but funds have to go through the State and forms were just sent out that the Town has to submit.

Mayor Pro Tem Healy asked if the marina project slated to begin in the fall would start with the south or east side. Mr. Parvin said the Town is getting permits for both sides, but since the project is short \$1 million work might be done on only one side at first while the Town tries to find funding for the other side. Mr. Parvin said the Town will work with the contractor on which side should be first. He said the Town does not want to rip up Canal Drive in the middle of the summer, so that's a big consideration. Mayor Pro Tem Healy said it doesn't matter which side is first as long as a side is done. Council Member Barbee said this was a big project that will cause disruptions, so he thinks as much as possible should be done in the offseason.

### **NON-AGENDA ITEMS**

Council Member Garza said the lot next to the school is for sale, so he would like the Town to reach out to the County to see if it will look into purchasing the land for Carolina Beach Elementary School. He said he would also like to know if there are plans for any future upgrades to the school.

Council Member Garza said he would like the Town to look into adding some additional beach strand restroom facilities in the Wilmington Beach area.

Council Member Garza said budget season is always interesting, and he thanked Mr. Oakley for a great job.

Mayor Pro Tem Healy asked if the Town was in the process of filling the Code Enforcement job. He said this seems like a vital position this time of year. Mr. Parvin said the Town has advertised and received quite a few applications. He said it is a priority position. Mayor Pro Tem Healy said the Town might want to take a look at giving more authority to the Code Enforcement Officer to write tickets.

Mayor Pro Tem Healy said he wanted to know where the Town is in the process of reviewing the ordinance about dogs on the Boardwalk. He said he is a big fan of dogs on the Boardwalk and thinks the public is in favor of it as well. Mr. Oakley said he is meeting with Police Chief Vic Ward and Fire Chief Alan Griffin to review existing ordinances and bring back proposed new ordinances addressing dogs on the Boardwalk as well as other matters that the public has mentioned. Council Member Garza said he loves dogs, but he does not want to move forward with allowing dogs on the Boardwalk because many pet owners don't train their dogs properly. Mayor Pierce said she would be cautious about that because of crowds and little kids being near big dogs. She said maybe it could be a seasonal allowance. Council Member Barbee said there would need to be conditions around timing. Mr. Oakley said the existing ordinance has so many violations that enforcement is a challenge for the Police Department.

Council Member Barbee brought up people parking in the rights-of-way in residential areas. He said it has not been a problem in the past but is becoming one because suddenly crowds of visitors are huge. He said he does not have a proposed solution but wants the Town to think about it for the future.



Mayor Pierce said she is not a fan of parking in the rights-of-way and that the Town will need to have a conversation about it because she has heard complaints from residents. Council Member Shuttleworth said he does not want people parking in the medians on Cape Fear Boulevard and Harper Avenue because of the landscaping, and it also poses a problem for visibility and emergency vehicles. He said the options are to post no-parking signs in rights-of-way or install meters to collect revenue. He said the larger crowds are causing people to park further back, and the Town will need to start looking at towing if vehicles are blocking driveways. Mayor Pierce said five years ago everybody was against a parking deck, but it might be time to revisit that possibility. Council Member Garza mentioned the Harris Teeter lot and said maybe the Town needs to consider restructuring allowances so parking decks with shuttles can be built.

Council Member Garza said the Town needs to really take care of staff as a very busy season is on the horizon. He suggested a party with food trucks before the summer starts and an event after the summer to thank staff and show appreciation.

Council Member Garza brought up House Bill 781 and the potential for allowing open containers of alcohol in the Boardwalk vicinity. He said he thinks this would be beneficial, especially during Thursday night fireworks and other time frames because it would keep people social distancing and help bars.

Council Member Garza said he would like the Town to begin talking about another sidewalk on Ocean Boulevard. He said there are lots of people walking in that area, and there are no sidewalks on any of those side streets. Mayor Pierce said she would put this on her list to revisit. She said she thinks it's in the bike/pedestrian plan, but she doesn't think the Town has ever taken the issue to the Wilmington Urban Area Metropolitan Planning Organization (MPO) for money. She said she has a meeting with the MPO tomorrow and will mention it then. Council Member Shuttleworth said this has been discussed in the past and was an issue because of N.C. Department of Transportation (DOT) requirements that call for sidewalks to be a specific distance off the asphalt and out of the right-of-way, which would basically put the sidewalks on the front porch of residences. He said the Town needs to go to the DOT and request to put a multi-use path in the right-of-way. Mr. Parvin said it could be in the right-of-way but must be a certain distance from the street based on the speed limit and other factors. Mayor Pierce asked that the Bike/Pedestrian Committee revisit whatever is proposed for Ocean Boulevard.

## **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 10:05 AM.

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, June 8, 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 Mayor Pierce 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*

Council Member Barbee requested that the committee appointments item be moved to next month because at the upcoming workshop Mr. Oakley is proposing an ordinance addressing committees and their structures.

**ACTION:** Motion to drop committee appointments from this agenda and push them to next month

Motion made by Council Member Barbee

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

*Motion passed unanimously*

**ACTION:** Motion to adopt the agenda with the motion to remove committee appointments

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. Annual Write-off of Outstanding Accounts Receivables
2. Budget Amendments/Transfers
3. Approval of Meeting Minutes from 4/27/2021 and 5/11/2021

Council Member Garza pointed out that this year's write-off of outstanding accounts receivables represented roughly \$20,000 in unpaid bills, which is money the Town planned for in fees and revenue. He also praised the \$24,000 grant the Police Department received for body cameras and mentioned a \$1,000 donation to the Police Department.

Mayor Pro Tem Healy asked if there is a flag in the system that alerts the Town when someone with an outstanding account gets back in the system. He wanted to know if these accounts are still responsible for their balance or if they are completely wiped off the map.

Finance Director Debbie Hall said the accounts are not completely wiped off and that most are sent to the State, but the Town takes them off the books so they are not shown as continued collections. She said the hope is that the Town will eventually collect on them.

Council Member Garza asked about the source of the unpaid bills. Ms. Hall said they are all water and sewer accounts.

### **ACTION:** Motion to adopt 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*

Mayor Pierce said before the meeting Council Members were in the back meeting the Town's new K9 Officer. She said the public would get a chance to meet the new K9 Officer soon.

Mr. Oakley introduced State Rep. Charlie Miller, who joined the meeting virtually to give updates about House Bill 500 – Disaster Relief and Mitigation Act of 2021. Rep. Miller announced he was able to add a \$2 million allotment to the bill for the Town's lake dredge project. He said the bill must still go through the House and Senate for approval, so he also put in a budget request through his office as a backup plan. He praised Mr. Oakley's communication efforts and said he was pleased because the bill has a lot of bipartisan support. Rep. Miller said the Town has a good team and mentioned his acquaintance with Police Chief Vic Ward as well as Mr. Oakley, both of whom he talks to on a regular basis. He asked Council Members to come to him with any needs or ideas and said he is available to help the Town as much as possible.

Mayor Pierce thanked Rep. Miller for his hard work and said Council Members appreciate him taking care of the Town. She said this is good news and asked Mr. Oakley to explain the need for additional money.

Mr. Oakley said the lake needs dredging, but because the Town is no longer able to use Military Ocean Terminal Sunny Point (MOTSU) land for the spoils that material will need to be taken off the island, which significantly increases the cost of the project. He said this money will help cover some of additional expenses, and the hope is that in the future the Town will be able to use MOTSU land again.

Mayor Pierce said there will be an update on the lake dredge project after the summer season ends.

#### **SPECIAL PRESENTATIONS**

##### **4. Employee Recognition**

Fire Chief Alan Griffin recognized Ken Athing, who is retiring from the Fire Department as a full-time employee but plans to stay on as an active volunteer.

Mayor Pierce thanked him for his work and continued involvement.

##### **5. Marketing Committee Budget Presentation by Chair Jeff Hogan**

Jeff Hogan, Chairman of the Marketing Advisory Committee, presented the FY 21/22 marketing budget. He explained that the purpose of the budget is to use a designated percentage of room occupancy tax (ROT) funds for advertising to get more heads in beds, keep the flow of visitors coming, and ensure continued support of businesses that depend on tourism.

Council Member Barbee asked if the money is mandated through State legislation. Mr. Hogan said yes and added that the money is from a tax on hotel bookings and involves no Town funds.

Mr. Hogan said the budget for FY 21/22 represents a total spend of \$866,207. This is a 30 percent increase from FY 19/20. He said the holdback amount was increased from 10 percent to 20 percent because there was a lot of money leftover due to advertising not being done as much during the COVID-19 pandemic.

Mr. Hogan said a lot of the spend now was a group effort between Wrightsville Beach, Kure Beach, Carolina Beach, and Wilmington, which allowed for a lot more marketing than concentrating on our area alone all the time.

Mr. Hogan went over some the specific items in the budget, including a new logo design and professional videos and photographs.

Revisiting the holdback issue, Mr. Hogan said this amount of \$172,690 would help when there is a catastrophic event such as a hurricane because it enables increased advertising to let people know that the area is open and ready for visitors to return.

Mr. Hogan said the money is spent during the spring and fall shoulder seasons and not during the summer. He said the purpose is to increase the flow of visitors beyond the summer months so businesses can make it year-round.

Mayor Pro Tem Healy asked if holdback money that is not spent rolls over. Mr. Hogan said yes. Council Member Shuttleworth said it stays in the Town's advertising fund and does not go into the general fund. He said the Town has built up a pretty good nest egg that was available immediately after Hurricane Florence in 2018 for additional advertising. Mr. Hogan said feedback from businesses indicated this was successful.

Council Member Shuttleworth thanked Mr. Hogan for being on the committee. Mayor Pierce said she applauded the committee for the 20 percent holdback. Mr. Hogan said the committee plans to switch from virtual to live meetings in August.

Mayor Pierce asked Mr. Hogan if he is recommending approval of the budget. Mr. Hogan said he thinks it's a good budget and that overall it is spending money where it needs to be spent.

**ACTION:** Motion to approve the Marketing Advisory Committee's budget as presented

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*

## 6. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator for the Town, reviewed special events for June/July:

- Carolina Beach Market – May 15-October 2 (Saturdays) at Lake Park
- Irreverent Warriors Hike – June 12 at Good Hops Brewing (start/end)
- Carolina Beach Double Sprint Triathlon – June 19 8:00-11:00 AM; Dow Road from Cape Fear Boulevard to Kure Beach will be closed 8:00-10:00 AM
- Golf Cart Palooza – July 1 4:30 PM from Publix parking lot
- East Coast Got Em On King Mackerel Classic – July 9-11
- Fireworks begin Friday, July 2, and continue weekly on Thursdays through September
- Family Night begins July 6 and continues weekly on Tuesdays through the end of August
- Movies at the Lake series begins July 11 and continues weekly on Sundays through September

Mr. Murphy said all of the event information has been updated on the Town website.

Council Member Garza expressed concern about the Golf Cart Palooza being held on what he considers a huge travel day during a peak hour when lots of visitors will be arriving. He asked if there will be any road closures. Mr. Murphy said Lake Park Boulevard will be closed at Harper Avenue for a brief time.

Mayor Pro Tem Healy asked if there will be police presence. Mr. Murphy said yes.

Mayor Pierce asked for specifics about how long the road would be closed. Mr. Murphy said it will be in increments of about 20 golf carts at a time and should be an efficient process.

Mayor Pierce told Mr. Murphy he has done a good job handling events and said she has heard very few complaints. She said she trusts him to make sure the Golf Cart Palooza will go smoothly.

Mr. Murphy said the Netflix movie “Along for the Ride” has wrapped up filming in the Town, and several other film projects have reached out in the past week or two. He said Council will see more about these in the future.

Council Member Barbee told Mr. Murphy he is doing a great job.

## 7. Manager’s Update

Mr. Oakley updated Council on current and future projects.

### Legislative Update

- Community Project Funding
  - Storm Damage Mitigation: The Town is still working on this and hopes for federal funding for beach nourishment, but the act approved earlier this year reinstated earmarks, so the Town is going to put in storm mitigation as an earmark and hopes for funding to get that done this year. The Town should know something soon.
  - Lake Park Amenities: The Town requested other earmarks for Lake Park, but storm damage mitigation will have to take priority, so those probably won’t get approved in this budget but are possible for the following year.
- House Bill 500 – Disaster Relief and Mitigation Act of 2021
  - Coastal Storm Damage Mitigation: About \$35 million is available for beach nourishment to help with the State match if the Town gets funding.
  - Lake Dredge
- MOTSU: Mayor Pierce, Mayor Pro Tem Healy, Mr. Oakley, and other Town staff met with MOTSU recently, and Mr. Oakley said the relationship has improved and there is the potential for beneficial developments in the future.

Council Member Garza asked Mr. Oakley if he had thought about trying to include infrastructure items such as roads and pipes in with House Bill 500. Mr. Oakley said not at this time because he had to react quickly to the immediate opportunity presented, but this could be something that reoccurs and if so then the Town can start looking at adding other mitigation-related items.

### Lake Dredge

- Permitting
  - Engineering
- Firms
- House Bill 500

Mr. Oakley said Town staff met with a contractor about some lake dredge possibilities, and there are some Coastal Area Management Act (CAMA) issues that need to be cleared up before moving forward. He said this is in progress as well as getting permits back up to speed, and hopefully House Bill 500 will help and the Town can get moving sooner rather than later. He said he plans to provide more frequent updates on the issue.

Council Member Barbee said work to repair bridges and the gazebo at the lake looks good and he appreciates the efforts.

Council Member Shuttleworth said the Town has exhausted its search for a place to put the lake dredge spoils, so the next step is going to the private sector to see if someone can find a solution instead continuing to burden Town staff, which has been trying to find a place on the island to put spoils for three years.

Mayor Pierce said Mr. Oakley will be reaching out to private contractors for pricing.

Mr. Oakley said he will reach back out to contractors who expressed interest in the previous request for proposals to get some ideas. He said the original U.S. Army Corps of Engineers permits have expired, and the Town is working on getting them reinstated.

Mr. Oakley said the Town's billing office will be closed tomorrow morning for training.

Mr. Oakley asked Mayor Pierce if she wanted to consider rescinding the Town's COVID-19 Emergency Order following some recent developments at the State level. The emergency order has been in place for over a year.

**ACTION:** Motion to rescind the Emergency Order for Carolina Beach

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*

## **PUBLIC COMMENT**

Lynne Denne spoke about a boarding house in her neighborhood. She thanked Mayor Pro Tem Healy for listening to residents' complaints and trying to get answers. Ms. Denne said since she spoke to Council about the issue in November, a member of the community was beaten in the head with a hammer by a person living at the boarding house. She said nothing has changed about the situation, and she wants to know what the Town is doing about this.

Mayor Pierce said Council voted last month on an ordinance regulating boarding houses. Mr. Parvin said that instead of allowing individual rooms to be rented out, the ordinance requires that everybody be on one lease unless the owner lives on the premises.

Ms. Denne said she has contacted the owner of the house in question and did not receive any cooperation.

Council Member Shuttleworth asked what has been done about the situation in the past 30 days. Mr. Oakley said there has been a zoning investigation that revealed all residents are now on a lease. Planning Director Jeremy Hardison said there has been monitoring of the site for any issues of non-compliance, but none have been found. He said he spoke to the owner of the property after additional complaints came forward, and Mr. Hardison has requested the lease documents about the individuals residing at the house and what type of agreement they have been provided to the Town.

Council Member Shuttleworth said the Town needs to find a way to expedite enforcement so there can be a resolution. Mr. Oakley said there would be some updates later. Council Member Shuttleworth asked Mr. Oakley to give updates to Ms. Denne and communicate with residents of that area about what is being done.

### **PUBLIC HEARINGS**

8. Consider a Text Amendment to Chapter 6 Buildings and Building Regulations, Chapter 30 Flood Damage Prevention, 36 Subdivisions, and Chapter 40 Zoning to comply with State Statute 160D updates

**ACTION:** Motion to open the public hearing to consider a Text Amendment to Chapter 6 Buildings and Building Regulations, Chapter 30 Flood Damage Prevention, 36 Subdivisions, and Chapter 40 Zoning to comply with State statute 160D updates

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*

Senior Planner Miles Murphy presented the details.

### **Background**

- Consolidates Chapters 153A and 160A into one unified Chapter 160D
- Must be adopted by all cities and counties by July 1, 2021
  - Pushed back due to COVID-19
- Primarily affects subdivisions and zoning ordinances, but there are some small updates to building and flood regulations

### **Definitions, Protocols, and References**

Outside of Conditional Zoning, the biggest changes were:

- Addition of required definitions to Chapters 6, 36, and 40
- New procedures for Special Use Permits
- Updated requirements for public hearings
- Required conflict of interest statements
- Every former 160A/153A reference must reference 160D
- Development approval time periods and site-specific vesting plan and their time frames (Special Use Permits)



- Fraternities and sororities can be independent organizations; where allowed as a permitted use, they are not required to have university recognition

#### Local Ordinance Implications

- No more Conditional Use Permits or Conditional Use Districts
- Changes to notification requirements
- Updated Special Use Permit procedures to Conditional Zoning
- Requirement for a recent Comprehensive or Land Use Plan is already met
- Extra-territorial jurisdiction updates

Mayor Pierce asked if anyone from the public wanted to come forward. No one requested to speak.

#### **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*

**ACTION:** Motion that the Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment to amend Chapter 6, 30, 36, and 40 to reflect 160D State statute changes is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Garza

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

*Motion passed unanimously*

Mayor Pierce praised the Planning Department for working hard on these changes, which were required by State legislation.

### 9. Public Hearing to Consider Establishing a Municipal Service District

#### **ACTION:** Motion to adopt a hearing to consider establishing a Municipal Service District

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. Oakley presented the details.

#### Municipal Service District (MSD)

Council can define district by ordinance if it can establish the district is in need of one or more of the services, facilities, or functions listed in NCGS 160A-536 to a greater extent than the remainder of the city.

- Beach erosion and flood hurricane protection works

- Downtown revitalization projects
- Drainage projects
- Off-street parking facilities
- Watershed improvement projects
- Conversion of private residential streets to public streets

Mr. Oakley said MSDs are mainly used in North Carolina for downtown districts. He said they are fairly common, with over 20 in the State. He said the MSD would allow the Town to do more things in areas where more services are provided. The area being proposed for the MSD is the Boardwalk and marina district, which falls within a portion of the Central Business District.

#### Proposed and Possible Uses of MSD Funds

- Dedicated Police presence
- Increased and improved signage
- Increased security and decorative lighting
- Security cameras
- Future capital projects
- Issuance of debt

#### MSD Advisory Board

- Board consisting of property owners, residents, and businesses within the district
- Recommendations to Council on needed services and projects
- Recommendations to Council on annual budget for district
- Work with Council and Town staff on events and promotions
- Report to Council on progress of projects and review of spending

Mr. Oakley said the proposed tax is a 5-cent increase per \$100 valuation, which would generate approximately \$70,000 per year. He said advertising on proposed signage done using MSD funds would generate an estimated additional \$3,000. Mr. Oakley said the MSD tax would also start a capital project fund that could be built up.

Mayor Pierce asked Mr. Oakley to pull up a map of the proposed MSD.

Council Member Barbee asked about the fiscal process for the MSD, including where the money goes and how the Town is held accountable. Mr. Oakley said he had to create a line item in the proposed budget for the MSD, and State law requires that money is only for meeting the needs of the established MSD. He said there would be an audit every year, and Council has oversight of the funds during the budget process.

Council Member Barbee asked about the amount the Town now spends in the proposed MSD. Mr. Oakley said the Public Works Department alone spends \$159,000 in cleaning and maintenance staff, and this amount does not account for Police, Fire, and utility work. Council Member Barbee said the proposed MSD tax would essentially split the additional costs of maintaining the Boardwalk area between the Town and the property owners there. Mr. Oakley said the proposal is an attempt to cover a portion of the costs.

Council Member Barbee asked how the rate changes. Mr. Oakley said this would be done every year in the budget, similar to setting the overall tax rate. He said the Town would work with the Advisory Board to make recommendations to Council.

Mayor Pierce asked if anyone from the public wanted to speak.

Ms. Fox asked Mayor Pierce for a motion to open the public hearing. Mayor Pierce said she thought that had already been done but agreed to make the motion.

**ACTION:** Motion to open the public hearing on the Municipal Service District

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*

Deb LeCompte of 307 Charlotte Avenue said the only alternative proposed for raising money for the Boardwalk area was the MSD tax. She said with the overall population getting a tax hike due to increased values, she thinks other options should be explored, especially on the heels of the COVID-19 pandemic. She requested that the Town take the next fiscal year to discuss possibilities for the next budget cycle by studying other places, allowing affected property owners to have a say, using ROT funds, and fundraising/volunteer efforts. She said the community should work together to figure out a solution.

Paul Levy of 1606 Mackerel Lane said he has no business interest in the proposed MSD zone. He said as a former member of the Business and Economic Development Committee, he doesn't recall the MSD idea ever being discussed. He said he is open to the idea but thinks there was a lack of communication, so the issue should be tabled during the upcoming budget period and reassessed for the future. He said he hopes Council will engage in open dialogue with the Pleasure Island Chamber of Commerce and those with business interests in the proposed MSD. He said in the meantime, he hopes the Town can find some savings to implement the public safety aspect of the proposal. He said as a full-time resident, he is strongly opposed to additional taxes on all residential properties.

Greg Miller, President of the Tidewinds HOA at 102 Carolina Beach Avenue South, said he wonders why a residential group such as his should pay the MSD tax when they don't receive additional services. He said there are nine separate owners who wish to be excluded from the proposed MSD, and he asked how to express this. Mayor Pierce said if the MSD is approved tonight, then there is an opt-out process. Ms. Fox said a person who doesn't want to be included has five days after the public hearing to write a request to be excluded, and then Council makes the final determination. Mr. Oakley said the residents can send exclusion requests to him or Ms. Ward.

Karen Adams, also of Tidewinds at 102 Carolina Beach Avenue South, asked if each property owner must submit a separate request to be excluded or whether one request from Mr. Miller could represent the whole building. Council Member Garza said voices en masse always help.

Michelle Alberda of 205 Greenville Avenue and co-owner of the building the houses Hurricane Alley's on the Boardwalk said the letter that went out about the proposed MSD looked like junk mail and was not adequate notification. She said there was no communication with business owners in the Boardwalk area and that information only comes in small pieces when they know what questions to ask. She said she is concerned because there would be no cap on the proposed MSD tax. She said additional revenue should come from increasing overall property taxes, reducing expenses, or figuring out how to increase other types of revenue.

David Cole of 205 Greenville Avenue and owner of Hurricane Alley's on the Boardwalk said the proposed MSD tax is unfair, especially when property taxes will already be going up. He said he talked to and got signatures from 53 business owners, and only one person knew about the MSD possibility before Mr. Cole informed them. He said once the MSD is created, it will never go away and the tax rate will keep going up.

Napoleon Barefoot, who said he was born in Wilmington and grew up in Carolina Beach, expressed concern about a new tax coming right after the COVID-19 pandemic. He said it is not necessary and he would advocate against it. He said he and his family own the building at 440 North Lake Park Boulevard where Blackburn Brothers Seafood is located.

Ed Thomas, a Kure Beach resident and owner of Gulfstream Restaurant near the Boardwalk area, said he has been involved with similar ideas in other places, including Atlanta, where the tax went up significantly over 11 years. He said his biggest concern is the inability to cap the MSD tax, and he thinks it disproportionately penalizes people in the proposed area because they already pay many other kinds of taxes. He said Council is voting on the future of the community and that he has seen zones destroyed because of this type of tax.

Lynne Denne of 100 North 7<sup>th</sup> Street said there is enough taxation going on right now and that it has been a tough year. She said the proposed MSD would be more than burdensome, and the Town should look at ways to cut spending and be more frugal.

Jeanie Shaffer, owner of Latella Gelato on the Boardwalk, said she first heard about the proposed MSD from Ms. Alberda and Mr. Cole. She said businesses are still recovering from the COVID-19 pandemic and dealing with struggles they've never had before, including employee staffing and supply chain disruption. She said the MSD sounds good on paper, but in the long term it might not be best for the Town. She asked for consideration of other alternatives and encouraged finding a way for the community to come together to do something different. She said she doesn't own the building where her business is, but she believes the property owner will pass the MSD tax to her and she is worried that it will continue to increase. She said she saw several businesses close during the COVID-19 pandemic and doesn't want to see any others leave the Boardwalk.

Amy Hooker-Kidd of 618 Clarendon Avenue said she doesn't have a business in the affected area, but she thinks the way the proposed MSD tax came about showcases a shortfall in the way the Town handles things. She said it's premature to move forward, and there should be a conversation with all involved before making decisions about their best interests.

Ken Thompson of 203 Carolina Sands Drive said nobody present seems to be in favor of the services that are being provided. He questioned who wants a downtown and who is asking for the MSD tax and the Boardwalk. He said the Town should consider selling the Boardwalk for scrap and returning it to natural land because lumber is at a great price. He said then the Town could take the \$159,000 it's spending in the area and use it for something else to reduce taxes. He asked whether there is any kind of commitment to keep the Boardwalk when nobody is defending it.

Ken Coffey of 1334 Saint Joseph Street said he'll defend the Boardwalk and believes the Town has one of the top 10 boardwalks in the country. He said it was once a blighted area and dangerous, and he served on the revitalization committee for 20 years. He said the Boardwalk is now thriving and businesses are doing great, but he thinks this is the wrong time to bring up a new tax due to the recent COVID-19 pandemic. He asked the Town to put it off until next year and said hopefully property owners can get rid of it again. He said the Town needs to cut costs within by laying off staff. He said he only owns dirt in the area and not a business, but the business owners and the Atlantic Ocean are what bring visitors here.

No one else requested to speak.

**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*

Council Member Garza apologized for the lack of communication and said not soliciting the right input at the beginning of the process was a mistake. He said the MSD tax will probably take place eventually, but his vote would be to not implement it now.

Council Member Barbee said he has spent a lot of time researching MSDs and that the concept checks a lot of boxes for him. He said this would move government closer to the people who use the service, give transparency into costs, and offer accountability to businesses that are requesting services and the Town for providing them. He said the MSD as a concept is very good and will solve problems that people are complaining about, but the Town could have communicated better and sooner. He said he thinks it's a good idea but doesn't have to be done today.

Mayor Pro Tem Healy said nobody likes taxes, but tax revenue dictates quality of life. He said the additional services for the downtown area represent a big cost for the Town. He said there are dozens of places in the State that have implemented this concept for their downtown areas, including the City of Wilmington, and he has not read anything negative about it. He said it gives those downtown areas a voice, but he thinks the timing is bad and the message to the property owners was bad. He said he does see it happening in the future and thinks it's a benefit, offering property owners the ability to have a say in what they want to do with the money. He said he is fine with delaying the issue until a future budget.

Council Member Shuttleworth said communication with residents was not on point, and he was surprised to hear the Town couldn't cap the MSD tax. He said the Town has looked at cuts, but that's not an easy solution because residents have demands and it's a balancing act. He said the last time he voted on a budget to reduce property taxes, it cost the Town \$250,000 in sales tax revenue. He said the Town has explored many options for funds, including increasing parking revenue and fees, but at some point directing a tax toward those who benefit is not disproportionate or unfair. He said he will not support the MSD tax tonight but would encourage future Councils to look at capping it. He said people have put a lot of energy into the Boardwalk, transforming it into a phenomenal asset for the community. He said it's hard for residents to get up and say they support the MSD tax, but some residents do support it. He said in the long run Council needs to figure out how to communicate with business owners and see what some solutions are.

Mayor Pierce said this has been an interesting conversation, and she thanked everyone who spoke. She said 15 years ago nobody wanted to be on the Boardwalk, and now coming up on the 14<sup>th</sup> year of Boardwalk revitalization the area has come a long way. She said she has always been a small business owner who believes in small government and doesn't believe in high taxes. She said with the Town just coming off the COVID-19 pandemic and just tonight releasing the State of Emergency after over a year, she can't and won't support the proposed MSD tax. She said the Town might want to revisit the issue in the future and form a committee to look at it. She said the communication was poor but praised staff for coming up with a creative possibility for raising revenue because it is effective in some communities. She said our businesses need time to recover and move forward.

**ACTION:** Motion to not approve the Municipal Service District

Motion made by Council Member Shuttleworth

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

Voting Nay: Council Member Barbee

*Motion passed 4-1*

Mayor Pierce requested a five-minute break.

#### 10. Public Hearing to Receive Public Input on the FY21/22 Budget

**ACTION:** Motion to open the public hearing to receive public input on the FY 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*

#### Budget Message

FY 21/22

- General Fund: \$16,627,254\*
- Utilities: \$9,328,375\*\*
- Total Budget: \$25,955,629

\*Includes Proposed Tax Decrease – 21.5 cents per \$100 with MSD or 21.75 without MSD

\*\*Includes 2% rate increase/\$1 Stormwater Fee increase and \$312,446 from Utilities General Fund

Mr. Oakley said the more tax the Town cuts property tax, the more sales tax is lost because it has a cascading effect.

#### Budget Highlights FY 21/22

- Facilities Maintenance Position
- Training
- Project Manager/Grant Writer
- COLA/Merit Increases
- American Rescue Plan
- Infrastructure Bill?

#### Projects FY 21/22

- Mike Chappell Park Restroom Facility
- Lake Park Playground
- Saint Joseph Street Bike Lane
- Hamlet Bathhouse and Ocean Rescue
- Fire Department
- Beach Patrol
- Police Department: Drone and K9 Officer Lea
- Stormwater Projects
- Florida Avenue

Mayor Pierce asked if anyone from the public wanted to speak.

Paul Levy of 1606 Mackerel Lane said discretionary items should be reduced and prioritized when outside funding or greater flexibility is possible. He said he is not opposed to the improvements at Mike Chappell Park but is concerned that a request for renovated restrooms became a larger project with meeting space. He said the Town should be cautious about projects unexpectedly going over budget. He said priorities for funding should be beach renourishment and lake dredging, followed by critical infrastructure, public safety, repair and maintenance of existing facilities, and expansion of amenities.

Ricky Niec of 702 Clarendon Avenue said the current budget depends too much on property tax increases, so he asked Council to work with staff to reduce expenses or find other sources of income. He said the Town will be suffering big revenue losses from Freeman Park and the water/sewer transfer to the General Fund, so he would like to see some of the American Rescue Plan funds cover the loss of income and reducing property taxes.

Cathrine Robbins of 301 Ivy Lane said the tax rate is not revenue-neutral and represents an increase of 26 percent. She said a revenue-neutral budget is important to sustain the longevity of the community. She said she wants to know how the actual revenue is being used because she has noticed some projects being listed for several years over multiple budgets that are still not completed. She said she



had questions about the bond passed in 2016, the huge increase for Parks & Recreation, and where the Town's lawsuit settlement fund money is in the budget. She said she wants to see more transparency.

Michelle Alberda of 205 Greenville Avenue said she thinks the Town should get rid of some of the proposed expenses for the Boardwalk area, such as \$18,000 for signage, security cameras, and supplies such as flags. She said she will personally donate lights and would like to figure out some alternative ways to pay for other things. She said the Town and residents can work together, but communication is an important first step.

No one else requested to speak.

**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*

Mayor Pierce said she wants to table the budget vote and ask Mr. Oakley to revisit the budget to shave down some of the numbers. She said residents' County taxes are going up, so she is concerned about the Town taxes also being an increase.

Council Member Shuttleworth said he is fine with the delay, but he is frustrated with residents waiting until June to express concerns when the budget has been discussed publicly since January. He said in addition to property tax values going up, there have been more than 200 new homes built in the Town, so that is going to generate more property tax revenue and the Town's costs are going up just like businesses. He said he agrees that water, sewer, Police, and Fire are the priorities. He said it's painful to hear the public imply that Council Members are not doing their jobs when the budget has been discussed for six months and several cuts have already been made. He stressed the importance of adequate public facilities, such as the bathrooms at Mike Chappell Park, and said he was concerned that the Town is setting up a conflict between Boardwalk property owners and the rest of the public now that the money from the proposed MSD tax would be going into the overall budget. He said there are a couple of weeks left in the fiscal year, so Council does not have to rush a decision tonight, but he cautioned that the Town was unlikely to find additional significant cuts.

Council Member Barbee said there is an unrepresented majority of voters who have made it clear they are tired of maintenance projects not being completed. He said they have been very vocal to him and are part of a changing community that wants different things than it did 25 years ago. He said he does not believe in cutting services to the Boardwalk, but the Boardwalk community has said they do not benefit from the services associated with the proposed MSD tax so those are what should be cut.

Mayor Pro Tem Healy said the Town has done due diligence with the budget for five or six months. He said there has been an efficiency study to see where the Town could save money, and the Town has followed that guidance. He said he doesn't like always pushing things back and that members of the public should have voiced their opinions earlier in the process. He said many residents have spoken to him to say they do not want the additional quarter-cent tax.



Council Member Garza said anyone who has attended or listened to Council meetings in the past few months should know where the priorities are. He said Mr. Oakley stepped into an environment that was less than favorable, and he has done more than enough to show he is the person the Town needs. Council Member Garza said he is ready to make a motion to approve the budget at 21.75 cents.

**ACTION:** Motion to approve the budget at a 21.75-cent tax rate

Motion made by Council Member Garza

Voting Yea: Mayor Pro Tem Healy, Council Member Garza

Voting Nay: Mayor Pierce, Council Member Barbee, Council Member Shuttleworth

*Motion failed 2-3*

**ACTION:** Motion to approve the 21/22 budget at a 21.5-cent tax rate

Motion made by Council Member Shuttleworth

Voting Yea: Mayor Pierce, Council Member Garza, Council Member Shuttleworth

Voting Nay: Mayor Pro Tem Healy, Council Member Barbee

*Motion passed 3-2*

Because the MSD tax was voted down, Ms. Fox said this rate would not be balanced and would require further work to the budget to get it to that point. She said the State requires the Town to pass a balanced budget, so Mr. Oakley will need to bring back a revised budget before the vote could be valid.

Mayor Pierce said due to the invalid vote, she wants to go back to her initial idea of tabling the budget vote until Mr. Oakley can bring back a balanced budget at a rate agreeable to Council.

**ACTION:** Motion to table the budget discussion and ask the Town Manager to come back with a balanced budget at a tax rate of 21.5 cents or less before June 30

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*

Mayor Pierce said Mr. Oakley would need to cut the \$70,000 that was to be generated by the proposed MSD tax.

The budget discussion will resume on June 15 at 6:30 p.m.

## **ITEMS OF BUSINESS**

### **11. Committee Appointments**

This item was removed from the agenda.

## **NON-AGENDA ITEMS**

Council Member Garza

- Council needs to reopen the conversation about a tree ordinance to come up with some short-term and long-term solutions. He suggested sending the issue to the Planning and Zoning Commission.
- Staff is not following up enough on Council Members' non-agenda items.
- He apologized to Boardwalk property and business owners for the lack of communication and said whenever there is an issue affecting certain parts of the community, the Town needs to think ahead about how to get people involved immediately.
- Now that summer has kicked off, people aren't always paying attention to public safety, so it's a good idea to constantly remind everyone about hurricanes and other issues so they can be prepared.
- House Bill 781 could be beneficial for the downtown area, so he asked everyone to learn more about it and follow the progress.

#### Council Member Barbee

- Within the proposed budget was an increase in littering fees from \$150 to \$500, which was very well-received by the Police Advisory Committee. He said he also thinks it's a good move.

#### Mayor Pro Tem Healy

- Transparency has come up a couple of times tonight, so the Town needs to do a better job of communicating with the public.

#### Council Member Shuttleworth

None

#### Mayor Pierce

- It is difficult for the public to sift through budget numbers, so the Town should figure out a way to make this process more transparent.

Mr. Parvin said the MOTSU Committee, which has tentatively scheduled its first meeting for June 30 at Leland Town Hall and plans to gather two to three times per year, is requesting that Council appoint a representative and alternate.

**ACTION:** Motion to appoint Mayor Pro Tem Healy as the liaison to the MOTSU Committee and Mayor Pierce as the alternate

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*

#### **CLOSED SESSION**

**ACTION:** Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143-318.11(a)(3). Matters being discussed are:

18 CVS 3151 Town of Carolina Beach vs. Carolina Freeman LLC

18 CVS 3152 Town of Carolina Beach vs. B&F Enterprises LLC

18 CVS 3153 Town of Carolina Beach vs. DRDK LLC

18 CVS 3154 Town of Carolina Beach vs. Freeman Beach LLC

18 CVS 3155 Town of Carolina Beach vs. Winnie Futch Heirs

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*

Mayor Pierce called the meeting back to order and said Council took no action during closed session.

#### **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 9:45 PM.

# CAROLINA BEACH

Town Council Workshop

Tuesday, June 15, 2021 - 6:30 PM

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



## MINUTES

### CALL TO ORDER

Mayor Pierce called the recessed June 8, 2021 Council meeting back to order at 6:30 PM.

### 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

### DISCUSSION ITEMS

#### 1. Budget Presentation

Mr. Oakley said after receiving direction from Council at the last meeting, Town staff worked hard trying to find things to trim from the proposed budget without cutting services to citizens or eliminating necessary projects.

#### Budget Message

FY 21/22

- General Fund: \$16,554,184\* (reduced by \$73,070)
- Utilities: \$9,328,375\*\*
- Total Budget: \$25,955,629

\*Includes proposed tax decrease – 21.5 cents per \$100

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

#### Budget Reductions

Operating Budget Reduced by \$73,070

- Environmental - \$9,000
  - Chemicals, Professional Services, Electrical
- Beach Maintenance - \$45,215
  - Truck, Dumpsters

- Parks & Recreation - \$12,000
  - Office Renovations
- Boardwalk - \$10,183
  - Security Cameras, Capital Project Fund

Mr. Oakley said the Town will look into grants for the Boardwalk security cameras. Mayor Pierce asked if the Town already has cameras on the Boardwalk. Mr. Oakley said there are some, but the Town was going to add more to provide better coverage. Mayor Pierce said she encouraged Mr. Oakley to put additional cameras on the Boardwalk if he can find funds elsewhere. Mr. Oakley said he feels good about the possibility of coming up with that money.

Council Member Barbee mentioned needs vs. wants and said he thinks almost everything in the proposed budget falls into the “needs” category, with the exception of the Saint Joseph Street Bike Path. He said everything else was basically maintenance or refurbishment. He mentioned the addition of a maintenance worker and the possibility of this saving the Town money on contract costs for having to outsource work. Mr. Oakley said this was accurate and that the Town hopes to not only break even or save money but also improve response time to maintenance requests and needs.

**ACTION:** Motion to approve the fiscal year 21/22 budget as presented by the Town Manager

Motion made by Council Member Barbee

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

*Motion passed unanimously*

## **NON-AGENDA ITEMS**

Mr. Oakley said the Town will have an Emergency Operations Center exercise next Tuesday after the Council workshop, and Council is invited to attend the exercise. He said Council Members are not required to be there but may find it useful to learn more about out how the Town is preparing for the current hurricane season.

Mr. Oakley said the Town will have an employee appreciation luncheon with food trucks for staff, and Council is invited to that as well.

Council Member Garza recommended a review of the Emergency Operations Center plan that outlines Council’s role during hurricanes. He said this will be especially important when new Council Members start and cautioned that this may be a big year in terms of storm activity.

## **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 6:35 PM.

# CAROLINA BEACH

Town Council Workshop

Tuesday, June 22, 2021 - 9:00 AM

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



## MINUTES

### CALL TO ORDER

Mayor Pierce called the meeting to order at 9:00 AM.

### PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

### ABSENT

Council Member Steve Shuttleworth

### ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

### DISCUSSION ITEMS

1. Employee Recognition

Public Works Director Brian Stanberry introduced new Stormwater Manager Brandon Wise.

Mr. Parvin introduced new Project Manager Paula Kempton.

2. Presentation by the Canal Drive Committee

Dale Walters, Chairman of the Canal Drive Flooding Advisory Committee, gave a presentation about steps to move forward with the resolution of tidal flooding on the North End. He discussed administrative constraints the committee has faced and mentioned two areas where further studies are needed: financing options and the depth and scope of interagency coordination in terms of Coastal Area Management Act (CAMA) compliance.

Mr. Walters said the committee is recommending that preliminary engineering and construction costs be generated for a minimum of 9 critical locations identified as major offenders for tidal water entry along Canal Drive and Florida Avenue. He said there has been zero flexibility in terms of finding a physical fix to the problem. Mr. Walters said that nuisance abatement options are the most direct path

forward for short-term remediation, but this path is not well-defined. He said the committee is recommending that legal options be explored and nailed down.

Mayor Pro Tem Healy asked about the estimated cost of \$100,000 for the assessment study. Mr. Walters said the committee will help develop a request for proposals (RFP) so the Town can get a better handle on estimates and come back with an authorized project.

Mayor Pro Tem Healy asked if federal funding is available for a study. Mr. Oakley said it may be possible to add this to American Rescue Plan funding and that the Town would also be looking for grants.

Mayor Pro Tem Healy said timing is an issue because the Town just approved a budget. He said he wishes this would have been presented a couple months ago. Mr. Walters said the committee has tried to pursue financing options outside of the Town, but the problem is that the committee has no official standing and is just a group of ordinary citizens, so this did not generate anything. He said it is important to find and tack down what financing options are available. He said among the criteria for getting American Rescue Plan funding is that the Town must be shovel-ready, whether it's a study or a physical project.

Mayor Pro Tem Healy asked if the Town owns any of the 9 critical locations. Mr. Walters said part of the issue is that 7 of those are private property.

Mayor Pierce asked why an additional study is necessary if the troubled areas have already been identified. Mr. Walters said so far there has only been a preliminary study that does not include any quantification of what improvements would cost and the ramifications on adjoining properties.

Mayor Pierce asked if legal remedies against property owners were possible. Mr. Walters said the committee could explore that for the Town. Mayor Pierce asked if the idea was that these 7 properties are impacting 100 or more properties and that they are a nuisance. Mr. Walters said this is correct and that this is the option the committee has proposed. Mayor Pierce asked if this means those properties would be forced to build a bulkhead. Mr. Walters said bulkheads are about \$1,000 per foot, an average of \$50,000, but there is no impetus for this because of issues with CAMA.

Mayor Pierce asked if there is any scientific information that a proper bulkhead on these properties would stop flooding issues on Canal Drive. Mr. Walters said yes but with a caveat that this would be under general conditions.

Mayor Pro Tem Healy asked how it would fix the issue if one property builds a bulkhead but neighbors do not. Mr. Walters said this would not fix the issue, and that is what the problem is.

Council Member Garza asked if the committee had gotten a Town staff member or Council liaison to speak with CAMA. Mr. Walters said the committee could do that but so far had just met with CAMA as a committee.

Council Member Barbee said it is not the job of the committee to represent the Town in meetings with State agencies. He said the committee's role is to make recommendations to Council, who in turn would make recommendations to staff. Mr. Walters said a study would help to define this.

Council Member Barbee asked if this was the committee's final report since it was established as ad hoc. Mr. Walters said the committee is willing to assist with the RFP and otherwise continue involvement as necessary. Council Member Barbee said he thinks the committee has done its work and commended members for a great job. He said Council needs to consider where to go from here. He asked what the mechanism is for allowing the committee to continue participating. Mr. Oakley said he's not sure if there is a written policy, but the committee could meet quarterly or annually instead of monthly.

Mayor Pierce said the purpose of the workshop is to give Mr. Oakley and other staff direction of where to go for the next regular meeting. She said the committee has done a great job tackling the necessary legwork.

Mayor Pierce asked if the Town has an ordinance that requires a bulkhead to be built along a newly constructed home bordering a body of water. Mr. Oakley said no. Mayor Pierce asked if this is done in other places. Mr. Parvin said yes, but the Town would need to do legal research to fully understand the nuances.

Mr. Walters said the committee developed a bulkhead ordinance, which is included in the legislative pack as an example, but it was not well-defined. He said there were issues with what can be done within the legal framework available.

Mayor Pierce said she would like the Town to explore what other communities surrounded by water do. She said she is concerned about the possibility of nuisance abatement because this would impose government restrictions on existing properties, leading to devaluation and large liens. She said she doesn't like the thought that the Town would sue its citizens and would rather approach the issue from the angle of reaching out to residents and exploring grants to help them install bulkheads.

Council Member Barbee said he would like for Town Attorney Noel Fox to do a legal review and update for Council. He said Mr. Oakley should take the committee's recommendations and come back to Council with options for what can be done. He said when you start taking action directly against property owners, it ends up in a long legal fight that costs the Town. He said he would prefer solutions that promote coming together.

Mayor Pierce asked what the Town can do to mitigate issues with its 2 offending properties. Mr. Oakley said there are a couple of street ends where there is no bulkhead or a low bulkhead with water coming over, so the Town could mitigate this, but it runs the risk of affecting other properties. Mayor Pierce said the Town needs to be a team player.

Mayor Pro Tem Healy asked if the 7 other properties are permanent residents. Mr. Walters said he knows that 2 are, but the vulnerability study should answer that question about the others.



Mayor Pierce asked if there are houses on those properties. Mr. Walters said no. Mayor Pierce said if the Town had an ordinance and those properties were sold, then the new owners would have to make a bulkhead before building and that would probably be the best solution. Mr. Oakley said it's questionable that anything could be built on 1 or 2 of the properties. Mr. Walters said it's only questionable from a CAMA environmental standpoint and not in terms of engineering. Mayor Pierce asked if any of the properties are for sale. Mr. Walters said environmental flagging is happening on one. He suggested that the proposed bulkhead ordinance be revisited. Mayor Pierce said if any of the properties are for sale or go on the market, the Town should reach out to ensure the property owners know what is being discussed.

Mayor Pierce asked Mr. Oakley to bring back information about the proposed bulkhead ordinance. Mr. Oakley said he will review all options and get together with Ms. Fox for a report to Council. Mayor Pierce said the Town should contact the property owners to inform them of the possibilities and find out their thoughts. Mr. Oakley said he will try to have something back at the next workshop.

Mayor Pierce said Canal Drive has been a problem for 30 years, and she hopes there is some way to mitigate it.

### 3. Parking Presentation

Mr. Parvin said the COVID-19 pandemic prompted staff to look at ways to limit interactions while conducting Town business. He mentioned the online bill pay system as an example. Mr. Parvin said staff began looking at ways innovation would help with other efforts, such as selling Freeman Park passes. He said RoverPass is a third party that has impressed the Town and parking company REEF, so representatives are making a presentation.

The RoverPass ticketing and reservation management system is being proposed as a solution for Freeman Park annual passes and overnight camping reservations. Blake Burris of RoverPass gave a summary of the company, which is based in Austin, Texas, and has processed over 200,000 reservations.

#### Key features

- Day passes and annual passes
- Promo codes – early bird rates
- Robust reporting and tracking sales
- Mobile app ticket scanner
- Email marketing
- Support multiple pass sales at one time
- Allow for access packages comp/packages/overrides
- Passes for events or activities

Mr. Burris discussed how the system looks and works and reviewed pricing options, which he said would save the Town thousands of dollars. He also gave a system demo.

Council Member Garza asked if the Town is looking at RoverPass because there are issues with the current system or because of interest in data and analysis. Mr. Parvin said the Town is looking to increase efficiency, expand reporting, bring in more revenue, and improve the user experience. He said this would normally be a management-level decision, but he thought it would be helpful for Council to see options that make things easier for customers.

Council Member Barbee asked how daily passes would work with RoverPass. Miguel Sanchez of RoverPass said the system has the ability to set capacity restrictions based on demand.

Mayor Pierce asked if RoverPass is a subscription service or paid by user fees. Mr. Sanchez said it is paid entirely by the platform fee, which can be passed to the customer. He said the proposed fee is 3 percent, and sales tax can be built into the system. He said RoverPass is a subscription cloud-based platform with no setup fees.

Council Member Barbee said the proposed system makes sense to him and seems to offer a better user experience. He said his main concern is the constantly changing dynamic environment at Freeman Park that may pose issues for day passes. Mr. Sanchez said there are ways for the system to drill down into that so day passes can be sold at limited capacity. Council Member Barbee said it will be important for someone from the Town to have access in real time to change capacity.

Mr. Oakley said allowing day passes to make reservations would be difficult because there is no way to know how many season pass holders will be showing up. Mr. Parvin said on days with capacity problems, the system can target people geographically so those who are traveling from outside the area can't buy day passes and then show up to a full beach. Mr. Sanchez said day passes pose a unique challenge and could be handled through a variety of restrictions. Mayor Pierce said the Town could keep day pass bookings closed until 3 days in advance. Mr. Sanchez said the system could open up availability at 6:00 AM on the same day. Council Member Garza asked if the Town will be able to control all of the system restrictions. Mr. Sanchez said yes, this can be done from a phone, tablet, or PC.

Council Member Barbee pointed to the N.C. Aquarium at Fort Fisher as an example of how reservations could be handled. He said even those with a season pass must go online to register when they plan to visit; they just won't have to pay for the visit because it is included in their prepaid membership. He said requiring everyone to have a reservation gives tighter control. Mayor Pierce said this type of system wouldn't be necessary during the week but could be useful on weekends. Mr. Burris said the Town would have control of the system to turn dates on and off, including if a storm was coming. He said the system would also be helpful for communicating the nuances of getting on the beach, rules, and acknowledgments.

Mayor Pro Tem Healy asked if any surrounding towns are using the system right now. Mr. Sanchez said there are some private parks in the Outer Banks and Myrtle Beach that are using the system, which primarily handles camping. He said RoverPass works with communities around the country and can provide references to the Town. Council Member Garza asked how many places use RoverPass for parking reservations. Mr. Sanchez said he did not currently have a specific number to share but

mentioned a parking lot client where RoverPass processes over 1,700 reservations per month for overnight parking. He said he thinks RoverPass would be a successful endeavor for the Town.

Mayor Pro Tem Healy asked if RoverPass has any beach clients. Mr. Sanchez said there are some primarily on the Gulf Coast and one in the Outer Banks.

Mayor Pierce asked if the system is an app. Mr. Sanchez said users don't have to physically download an app; they can access the system through a mobile browser. He said there would be a widget on the Town website that takes users into the booking experience.

Mayor Pierce said she thinks it could become an issue if people with annual passes are booking reservations but not showing up. She said this could take up spots that could have been used for day passes. She said a possibility would be to tell those with annual passes who make reservations that they must show up by a certain time.

Mr. Sanchez said he and his coworkers all have hotel experience and wanted to bring that type of booking platform to camping technology. He said the Town would receive a dedicated account manager who can help with issues and complexities.

Council Member Garza asked if there is an annual commitment. Mr. Sanchez said it would be a month-to-month agreement with the option for the Town to terminate with 30 days of notice. Council Member Garza asked if RoverPass would have access to customers' email addresses. Mr. Sanchez said this data would belong to the Town and RoverPass does have access to it but does not use it for marketing. He said there would be no payment information harvested from the system.

Council Member Barbee said he thinks the ability of RoverPass to integrate with parking company REEF will be important. He said the Town needs to understand how REEF's processes are going to work around this system and how they are going to mesh together.

Mayor Pro Tem Healy mentioned that timing and transitioning will need to be considered.

Mayor Pierce said Council will think about the options RoverPass has presented and chat with staff about them.

Council Member Barbee said he assumed the Town is looking ahead for next year. Mr. Oakley said the Town is not looking to implement anything right away.

Council Member Garza said it would be a good idea to kick off something like this on December 1, starting with conversations in late September at a workshop.

#### 4. Committee Ordinance and Policy Review

Mr. Parvin presented details of the proposed committee ordinance and policy. He said the proposal removes individual committees from the code and puts in place a more generic ordinance with updated policies and details on administrative procedures.

### Benefits of Committees

- Tap into the expertise of citizens
- Engaging citizens as our partners
- Gathering information for governing decision making
- Enhancing transparency
- Improving communication with elected officials and the public
- Expanding knowledge on how local government work.

Mr. Parvin said there are currently more than 30 groups working with Council, and this is a lot of information to manage. He said the proper communication flow is for the Town Manager, Council liaison, and committee members to report to Council.

### Ad Hoc vs. Standing

- Ad hoc: created for a particular purpose (i.e., to develop a plan); once mission is complete, the committee dissolves
- Standing: codified in ordinance; permanent committee that meets regularly and has ongoing mission/vision/goals
- Standing mandated by N.C. General Statutes (Planning and Zoning Commission and Board of Adjustment)
- Both ad hoc and standing committees should be working toward goals established by Town Council
- Election every two years means committees should be checking in to make sure they are working in line with the current Council's desires soon after an election

### Forming New Committees – Majority Vote by Town Council

Questions Council must answer when forming a new committee:

- Was this Citizen Advisory Committee (CAC) developed solely by the Town and not required by state or federal law?
- What are the mission, vision, and goals? Have or could these be resolved by staff or reallocated to another responsible party?
- How many members should be on the CAC?
- Will there be a staff liaison and/or Council liaison?
- Will the CAC be ad hoc or standing?
- How many members will be on the CAC?

### CAC Procedures

- The CAC shall submit all recommendations to Council for consideration prior to taking any action
- Should any concern remain unresolved after a response has been received from the CAC, Council may request that the matter be referred to the Town Manager
- All CACs shall be subject to policies as adopted by Council

### Limitation of Power

Neither the CAC, nor members thereof, shall:

- Incur Town expense or obligate the Town in any manner
- Release any written or oral report of any CAC activity to any individual or body other than to Council or Town Manager
- Independently investigate citizen complaints against Council or Town staff
- Conduct any activity that might constitute or be construed as establishment of an official government review of a department or employee actions
- Conduct any activity that might constitute or be construed as establishment of department policy
- Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation

Approval of plans, reports, policies, and/or ordinances shall be reviewed by the following prior to presentation to Council:

- Technical Review Committee
- Any other state- or local-mandated process for adoption (i.e., zoning changes would be required to go through the Planning and Zoning Commission)
- Town's legal counsel

Removed from ordinance

- Purpose
- Membership
- Roles
- Goals
- Meeting schedules

Policy

- Mission/vision/goals (updated annually)
- Appointments (process for getting on a CAC)
- Attendance (minimum requirements for staying on a CAC)
- Resignation and vacancies (when a person can be deemed "resigned" and how to fill this spot)
- Membership (permanent resident 18 years old)
- Position duties (Chairman, Vice Chairman, and Secretary)
- Conflict of interest (financial, personal, employment)
- Meetings (public meeting laws)
- Voting (quorum)
- Ground rules (etiquette)

MPT Healy asked if committee members could be suspended if they did not follow the committee policies.

Council Member Barbee asked the Clerk to research social media policies that included committee members.

Council Member Garza mentioned that there are committee members that have been serving more than the maximum number of terms. He suggested making these members honorary members.

Mayor Pierce mentioned that the efficiency study recommended reducing the number of committees by consolidating and dissolving those that have completed their mission. She asked that staff bring this back to the July meeting.

## **NON-AGENDA ITEMS**

### Council Member Garza:

Suggested the budget be more transparent for the public

Requested a recap of successes and failures over the past year and present it at the July meeting

He recommended that staff conduct an employee satisfaction survey.

He suggested setting a consistent COLA and the option for a merit each year, so employees know what to expect.

Appointed staff tends to get skipped over during employee evaluation time. He asked staff to schedule a closed session at every September Council workshop to discuss the performance of appointed staff.

He supports HB781 which would allow for open containers in the Central Business District.

Asked staff to start talking to business owners in November about the municipal service district.

He would like staff to put together a Council Member 101 binder for new council members.

Praised Ocean Cure and the work they and other volunteers put into keeping the beach accessible.

### MPT Healy:

Pack It In, Pack It Out is working great. What is the plan moving forward?

He clarified that he voted against the municipal service district, but he supports the idea. He would like to see the next map exclude all residential properties, without the owners having to formally appeal.

The CB Mural Project is doing a great job.

### Council Member Barbee:

Asked about the temporary parking lots.

Mayor Pierce:

Supports the idea of conducting an employee satisfaction survey.

**ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Mayor Pierce

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

*Motion passed 4-0*

The meeting adjourned at 11:00 AM.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Tim Murphy

**DEPARTMENT:** Parks and Rec

**MEETING:** Town Council Meeting 7/13/2021

**SUBJECT:** Events Update by Tim Murphy

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**BACKGROUND:**

Tim Murphy will give an update on the upcoming events.

**ACTION REQUESTED:**

No action needed.





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley, Town Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council Meeting 7/13/2021

**SUBJECT:** Manager's Update

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**BACKGROUND:**

Town Manager Bruce Oakley will cover the following topics during his update:

- Highlights from previous fiscal year and upcoming projects
- Lake Dredge
- Coastal Storm Mitigation update
- Tree Preservation – Jeremy Hardison
- St. Joseph Street Bike Path – Ed Parvin



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Ed H. Parvin

**DEPARTMENT:** Executive

**MEETING:** Town Council – 13JUL2021

**SUBJECT:** Restructuring of Citizen Advisory Committees

### **BACKGROUND:**

There have been challenges with keeping citizen advisory committees (CACs) focused on tasks that marry up with Town Council's vision for the community. Issues associated with this challenge varies but is typically associated with:

1. The CAC has already accomplished its original purpose.
2. No reports or updates are coming from the CACs to Town Council on how goals are being met or may need to change based on accomplishments or findings.

Many municipalities benefit from the development of CACs and Carolina Beach is no exception. Tapping into expertise and diverse backgrounds of community members has helped us resolve many problems in a way that enhances transparency and trust. Once the CAC accomplishes their goals they can be disbanded, or new goals can be assigned by Town Council. Staff has prepared recommendations with the goal of:

1. Improving productivity and transparency of CACs by laying out clear expectations and reporting requirements and
2. Enhance Town Council ability to manage the CACs by streamlining ordinance and policies for creating and modifying CACs.

### **ACTION REQUESTED:**

1. **REPORTING REQUIREMENTS:** Under the new process laid out by code and policy, the Chair for all committees should be providing updates to Town Council on their goals. Staff proposes these updates occur at Town Council workshops in February (early in the budget process) and August (just after the budget is implemented). Additional updates and recommendations could occur at other times throughout the year as needed to ensure committees are in line with Town Council's goals.
2. **STREAMLINING COMMITTEES TO INCREASE PRODUCTIVITY:** After reviewing our list of committees with the efficiency study, Town Council, staff, and committee members the following restructuring is being proposed for consideration.

- a. Centennial Committee: This is a new CAC that is working to establish their mission, vision, and goals for the Town's centennial year celebration. They will be coming back to Town Council for confirmation. No changes are recommended at this time.
- b. Beautification Committee. CAC's with this role are often a staple in communities and can provide significant benefits using member resources to accomplish improvements around the community. No changes are recommended at this time.
- c. Canal Drive Committee: After completing significant research and facilitating several engineering reports this CAC is at a point where staff should begin taking action on the foundation developed from the work products created. With their main mission/vision/goals being resolved it is recommended that this committee be dissolved.
- d. Harbor Commission. This group was formed shortly after the Harbor Management Plan was adopted. Their mission was to implement the main ideas in the plan which included adopting regulations for a mooring field and adopting a new harbor ordinance. All goals have been accomplished and the members has been inactive for some time. Based on these accomplishments this group can be dissolved.
- e. Freeman Park Committee. This group was formed when the Town took over the management of the Freeman Park. They have worked tirelessly over the years to help establish rules and regulation for the park. While there are always some tweaks being made to operations at the park, the functions of the CAC have been completed. This committee can be dissolved.
- f. The Marketing and Advertising Committee has a crucial function for the Town. The spending of ROT dollars needs to be looked at closely. It is recommended that this CAC remain, and a staff liaison be appointed by the Town Manager.
- g. Operations Advisory Committee. This group continues to have passion to get things done in the community, but they have struggled in identifying their mission/vision/goals. These conversations will be occurring at their August meeting and their Chair will bring back recommendations for the future of the CAC.
- h. Bike/Ped Committee: This CAC was formed after the adoption of the Town's Bike and Pedestrian plans. They have proactively done many projects throughout town to improve safety and access for bikers and pedestrians. Many of their ideas involve resources in the Public Works Department (street and ROW improvements). This CAC can be merged with the Operations Advisory Committee.
- i. Police Advisory Committee has been morphing into helping with Blueliner activities. They could be structured to be an auxiliary/volunteer group to help with special events (i.e. National Night Out, Bike Rodeo, etc.).
- j. Parks and Recreation Committee. This committee often utilizes its members to organize and conduct reoccurring events throughout the community. They could be organized into an auxiliary/volunteer group that helps with activities (i.e. Recreation Center Dances, Fishing Event, Halloween, etc.), and/or members of this CAC can be reallocated to the proposed nonprofit, "Friends of the Parks"

**RECOMMENDED MOTIONS:**

- A. Motion to adopt ordinance number 21-1152
- B. Motion to adopt the updated policies for managing Citizen Advisory Committees.
- C. Motion to dissolve the:
  - 1. Canal Drive Committee
  - 2. Harbor Commission
  - 3. Freeman Park Committee
- D. Motion to combine Bike/Ped and Operations Advisory.
- E. Motion to have the Town Manager appoint a liaison to the MAC.
- F. Consider restructuring the Police Advisory Committee and create an auxiliary/volunteer group to augment Blueliners and help with planned activities.
- G. Consider restructuring Parks and Recreation and create an auxiliary/volunteer group to augment Friends of the Parks.

LeAnn Pierce  
Mayor

Steve Shuttleworth  
Council Member

Lynn Barbee  
Council Member



Jay Henry  
Mayor Pro Tem

JoDan Garza  
Council Member

Bruce Oakley  
Town Manager

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## **POLICY AND PROCEDURES FOR APPOINTMENTS AND THE ADMINISTRATION OF THE TOWN'S VOLUNTEER CITIZEN ADVISORY COMMITTEES**

### **SECTION 1. PURPOSE**

- A. To establish policy and procedure by which the Town of Carolina Beach Town Council will make appointments to volunteer boards, commissions, committees or authorities (hereinafter referred to as "citizen advisory committees" or CAC). These rules of procedure do not apply to the Planning Board or Board of Adjustment.
- B. To establish administrative procedures by which all CAC's shall operate that correspond and further illustrate the Town Code.

### **SECTION 2. APPOINTMENTS**

- A. All members of CAC serve at the pleasure of Town Council and may be removed at any time by a majority vote of Town Council.
- B. Appointments to CACs will be initiated with a public application process, and recommendations from staff, and/or nominations by the community or professional organizations.
- C. All appointments will be made according to the appointment statute, ordinance, or Town Council vote that created that CAC.

- D. No person may serve in more than two appointed positions of Carolina Beach government, unless exempted by nature of the position he or she may hold in governmental service.
- E. Unless otherwise stated by statute or charter, all terms of office shall be three years. No appointees may serve more than three consecutive terms which shall expire on June 30. However, members of boards and committees may serve until their successors have been appointed. This policy may be waived by the Town Council.

#### SECTION 4. MEETING ATTENDANCE:

- A. The Town Council has an expectation that appointees will be conscious of their attendance of scheduled meetings. Appointees shall attend at least 75% of scheduled meetings on an annual basis from the date of their appointment.
- B. If the appointee does not comply with such attendance or ~~fails to attend~~ has three consecutive unexcused absences, said appointee's failure to attend shall be reported by the presiding officer of the respective ~~board, committee, commission or authority~~ CAC to the Town Council. Such unexcused absences on the part of any appointee may, at the election of the Town Council, be deemed to constitute resignation on the part of the appointee, from such ~~CAC board, committee, commission, or authority.~~
- C. Excused absences are defined as absences caused by events beyond one's control and are subject to approval by the board on which the appointee is serving. Minutes containing meeting attendance ~~Meeting attendance rosters~~ will be submitted to the Town Clerk after each-meeting of said committee.

#### SECTION 5. RESIGNATION

- A. Resignation occurs when a member fails to meet the attendance policy or when a member submits their written resignation to the Town Clerk and carbon copy the Chairman and/or vice chairman.
- B. Upon such resignation and acceptance, the Town Council shall select a replacement from the applications of persons who applied for the last vacancy on such ~~CAC board, committee, commission or authority~~, without further notice, advertisement or action by the Town Council. The appointee will fill the vacancy for the period of the unexpired term. This is considered a partial term and the individual will be eligible for three additional full-terms on the committee.

#### SECTION 6. PROCEDURES FOR FILLING VACANCIES FOR APPOINTED POSITIONS:

- A. Notification of Available Appointments
  - 1. The ~~secretary of the affected board, commission, committee or authority~~ Town Clerk shall prepare an advertisement to be published on the website, on social media, and/or in the local newspaper. All advertisements must be submitted to the Town Clerk prior to publication.
  - 2. Sixty (60) days prior to the terms expiring, the secretary of the ~~board, commission, committee or authority~~ CAC CAC will email a notice to each person who is eligible for reappointment, requesting information on his or her interest in continuing to serve. If an individual is not eligible for reappointment, he or she will be notified and given reason for being ineligible.
  - 3. If, because of policy or otherwise, an individual is not reappointed, he or she will receive a letter from the Mayor thanking them for their service.
- B. Selection Process
  - 1. All applications for a particular position will be returned to the Clerk of the Town Council.
  - 2. All applications will be forwarded to the Town Council with those who are ineligible noted and the reasons for ineligibility given.

3. The Town Clerk shall place on the agenda the “Appointments” for action at the next meeting Town Council.
4. CAC members may review applications for their respective Committees and render a recommendation to Town Council for consideration. Town Council will consider such recommendation along with other considerations, but no assurances should be offered that Town Council will follow the Committee recommendation. Under no circumstances should any CAC or CAC Member offer an applicant any assurances of appointment.
- C. Notification of Appointment: The Town Clerk shall notify the appointee and copy the affected CAC notifying each of the appointment.
- D. Applications
  1. All applications received shall be retained for 12 months. Applications shall be kept on file for all active appointees. All of the above data shall be maintained by the Town Clerk.
  2. Applications for committees are considered public record and are available for public inspection.

## **SECTION 7 ADMINISTRATION**

- A. The Town Clerk shall have a binder containing a list of all town appointments with the following data provided:
  1. Name of the CAC.
  2. Brief on the functions of each CAC.
  3. Ordinance of cause creating CAC.
  4. Number of members and terms of office.
  5. Current members, addresses, telephone numbers, terms of office, numbers of terms served, and expiration dates.
  6. Regular meeting day, time, and location.

## **SECTION 8 MEMBERSHIP**

In order to qualify for an appointment to the CAC a person shall:

- A. Meet the qualifications for the specific CAC or the statutory requirements for an appointed position.
- B. Uphold Town policies pertaining to the CAC he/she serves.
- C. Be a minimum of 18 years old unless applying under a youth designated position.
- D. Be a permanent resident unless Town Council determines the membership would benefit from outside expertise. Applicants shall have a good reputation for integrity and community service. Ex-officio members may be appointed by the Town Council for the purpose of meeting subject matter expert needs. Ex-officio members are nonvoting members of the CAC.
- E. Not be employed or have immediate family employed by the Town. An appointee will not be considered for any employment vacancy in for the Town, until said appointee resigns his/her seat on the CAC.
- F. Be prepared and committed to participating in CAC work in a manner that enhances relationships between the Town and the community.
- G. Serve the Town Council. As such their role includes their commitment to implementation of Town Council’s vision through full participation in committee meetings and activities.

## **SECTION 9 CHAIR, VICE CHAIR, AND SECRETARY (OFFICER) SELECTION AND RESPONSIBILITIES**

- A. The Chair of the CAC is nominated by the CAC.
- B. The Chair and Vice Chair shall serve no more than 3 consecutive one year terms.

- C. The officers shall assume their role on July 1 of each year. At the first meeting with new officers the CAC Chair shall present members with a copy of the CAC charge, scope, and membership.
- D. The CAC Chair shall
  - i. plan and run meetings in accordance to the Town's mission.
  - ii. ensure matters are dealt with in an orderly, efficient manner.
  - iii. bring impartiality and objectivity to meetings and decision-making.
  - iv. be a liaison to the staff and Council representative.
  - v. co-ordinate the committee and ensure the purpose of the committee is met.
  - vi. Assist in development of meeting agendas
  - vii. serve as the primary spokesperson for the CAC.
  - viii. effectively communicate the vision and purpose of the committee.
  - ix. advocate for and represent the committee at Town meetings and events as requested.
  - x. be aware of current issues that might affect the Town.
- E. The CAC Vice Chair shall meet the same standards as the Chairman
- F. The CAC Secretary shall
  - i. prepare agendas in consultation with the Chair.
  - ii. circulate agendas and any supporting documents in a timely manner.  
receive agenda items from other committee members.
  - iii. check that a quorum is present.
  - iv. take meeting minutes and circulate the draft minutes to all committee members.
  - v. send approved minutes and agendas to the Town Clerk.
  - vi. report any membership changes and excessive absences to the Town Clerk.

## **SECTION 10 CONFLICT OF INTEREST**

- A. In the event an issue comes before a CAC and a member of that CAC has a financial, personal or employment related interest in the outcome of the issue, that member should notify his fellow members that he/she has a potential conflict of interest and request that he/she be excused from voting.
- B. A CAC member that has been recused due to a conflict of interest shall not participate in the discussion or vote on the matter.

## **SECTION 11 MEETINGS**

- A. All meetings shall be open to the public as required by North Carolina General Statutes § 143-318.10
- B. Unless otherwise specified, public meetings will follow the standard rules of procedure defined by the Town Council. The CAC may adopt other operating procedures as needed. In coordination with the staff and Town Council the CAC shall determine the date, time, and place for each meeting.
- C. Special Meetings: A majority of the CAC may call special meetings at any time in accordance with NCGS § 143-318.12 for specific business.
- D. Virtual Meetings or Teleconferences are allowed as long as the CAC can provide access to the live meeting audio.
- E. Cancellation of Meetings: Whenever there is no business for the CAC, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.
- F. Agenda: The agenda shall provide a description of each item of business so that interested members of the public will be capable of understanding the nature of each agenda item.



- G. As a general rule, only those items appearing on the agenda will be discussed or voted on. However, if an item is raised by a member of the public, the CAC may discuss so long as no action is taken until a subsequent meeting where the item is placed on the agenda.
- H. Agendas shall be available for members and public at least two (2) days before the meeting.
- I. Minutes: Minutes shall be kept of all CAC meetings and be submitted to the Town Clerk within 45 days of the last meeting.
- J. All recommendations, reports, and motions shall be conveyed on the minutes.

## **SECTION 12 VOTING AND QUORUM**

- A. A quorum for a CAC meeting shall consist of a simple majority of the members unless otherwise specified by state or local laws.
- B. No business may be conducted if a simple majority is not present.
- C. Decisions are reached based on a simple majority vote of those members present unless otherwise required by NC Law.
- D. Only appointed members may vote. Appointed members shall not delegate their vote to others. Voting by proxy is not allowed.
- E. Ex officio members shall not vote.
- F. In the absence of the chairman and vice-chairman where a quorum still exists the CAC may by simple majority vote appoint a member of the CAC to serve as the presiding officer of the meeting.

## **SECTION 13 GROUND RULES FOR ATTENDEES**

The CAC shall ensure attendees maintain meeting etiquette to maintain effectiveness. Attendees shall not:

- a. Display signs or any similar type of written communication or device that may obstruct the view of citizens, cause injury, or affect the overall presentation of the item at hand.
- b. Talk to other members of the audience.
- c. Approach the podium unless invited to do so by the Chair.
- d. Engage in any behavior that is not in keeping with proper and courteous conduct.
- e. Cheer, jeer, applaud, or express approval or disapproval of comments made by any speakers or any actions taken by the CAC.
- f. Make personal, impertinent, or slanderous remarks, nor otherwise disturb the order of any CAC meeting.



## Ordinance 21-1152

### AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, DIVISION I

#### ARTICLE IV. - BOARDS, COMMISSIONS AND AGENCIES

##### DIVISION 1. - GENERALLY

Secs. 2-114—2-139. - Reserved.

##### DIVISION 2. CITIZEN ADVISORY COMMITTEES (CAC)

**Sec. 2-140 Development of Citizen Advisory Committees.** Town Council may develop a citizen advisory committee to:

1. Tap into the expertise of citizens,
2. Engaging citizens as our partners,
3. Gathering information for governing decision making,
4. Enhancing transparency,
5. Improving communication with elected officials and the public, and
6. Expanding knowledge on how local government works.

##### **Sec. 2-141 Types of Citizen Advisory Committees**

1. Ad hoc Committees. Town Council may create ad hoc committees to accomplish specific tasks, often on a short-term basis not easily provided for elsewhere in the committee system. Each ad hoc committee has a particular goal to achieve or product to provide. When its task is complete the committee is disbanded.
2. Standing Committee. Town Council may create standing committees when there is an ongoing mission/vision that needs continued oversight to ensure the continued success of the Town Council's goal.

##### **Sec. 2-142 Forming, Modifying and Dissolving Citizen Advisory Committees:**

1. All CAC's shall be formed and dissolved by majority vote of Town Council. The Town Council shall consider the following when forming, modifying, or dissolving any CAC:
  - A. Was this CAC developed solely by the Town and not required by state or federal law?
  - B. What is the mission, vision, and goals? Have or could these be resolved by staff or reallocated to another responsible party?
  - C. How many members should be on the CAC?
  - D. Will there be a staff liaison and/or Town Council liaison?
  - E. Will the CAC be ad hoc or standing?
  - F. How many members will be on the CAC?
2. TERMS:
  - A. No person may serve in more than two appointed positions of Carolina Beach government, unless exempted by Town Council due to the nature of the position he or she may hold.

- B. Members whose terms are set to expire shall notify the Town Clerk of their interest in reappointment a minimum of sixty (60) days prior to the end of the term.
- C. Terms shall be staggered and shall be designed around the fiscal year.
- 3. Filling positions on a CAC.
  - A. The Town Clerk shall advertise the position on the Town's website.
  - B. All applications shall be returned to the Clerk of the Town Council.
  - C. All received applications shall be retained for twelve (12) months.
  - D. Each CAC shall have leadership positions that are voted on by the CAC (i.e. chairman, vice chairman, secretary).

### **Sec. 2-143 CAC Procedures**

- 1. The CAC shall submit all recommendations to the Town Council for their consideration prior to taking any action.
- 2. Should any concern remain unresolved after a response has been received from the CAC, the Town Council may request that the matter be referred to the Town Manager.
- 3. All CAC's shall be subject to policies as adopted by Town Council.

### **Sec 2-144 Limitation of Power**

- A. Neither the CAC, nor members thereof, shall:
  - 1. Incur Town expense or obligate the Town in any manner.
  - 2. Release any written or oral report of any CAC activity to any individual or body other than to the Town Council or office of the Town Manager.
  - 3. Independently investigate citizen complaints against the Town Council or employees of the Town.
  - 4. Conduct any activity that might constitute or be construed as establishment of an official government review of a department or employee actions.
  - 5. Conduct any activity that might constitute or be construed as establishment of department policy.
  - 6. Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.
- B. Matters pertaining to discipline shall not be discussed or considered by the CAC. The activities of the CAC shall be conducted in accordance with federal, state, and local laws.
- C. Approval of plans, reports, policies, and/or ordinances shall be reviewed by the following prior to presentation to Town Council:
  - a. Technical Review Committee
  - b. Any other state or local mandated process for adoption (i.e. zoning changes would be required to go through the Planning and Zoning Commission)
  - c. Town's legal counsel

## **~~DIVISION 2. – HARBOR COMMISSION~~**

### **~~Sec. 2-140. – Purpose.~~**

~~The purpose of this commission shall be to:~~

- ~~(1) Create regulations to manage the shoreline areas of the town by establishing laws that balance the diverse uses and minimize user conflicts;~~
- ~~(2) Protect and improve water quality in the shoreline area;~~
- ~~(3) Increase public access opportunities in the shoreline area; and~~
- ~~(4) Remain consistent with the goals and regulations of the town, county, state, and federal government.~~

~~(Code 1986, § 6-2(a); Ord. No. 12-883, 2-14-2012)~~

~~Sec. 2-141. Establishment.~~

- ~~(a) There is hereby created and established the harbor commission of the town, comprised of seven members and the Harbor Master or representative from the town to serve at the direction of the Town Manager or his designee.~~
- ~~(b) The commission shall be composed of seven members at large, for staggered terms for a period of three years. A vacancy is created upon the death or resignation in writing to the chairperson. Members of the commission shall serve without pay and at the discretion of the town council.~~

~~(Code 1986, § 6-2(b); Ord. No. 12-883, 2-14-2012)~~

~~Sec. 2-142. Organization of the harbor commission.~~

- ~~(a) The commission, within 30 days of its appointment, shall meet and elect a chairperson, vice-chairperson and secretary.~~
- ~~(b) The chairperson and vice chairperson shall serve a one-year term. The vice chairperson shall become chairperson upon the death or resignation of the chairperson or upon the office of the chairperson otherwise becoming vacant. The vice chairperson shall discharge the powers of the office of chairperson at any meeting at which the chairperson is absent.~~
- ~~(c) The Harbor Master is not a voting member and shall serve in an advisory capacity to the commission.~~
- ~~(d) The secretary of the commission is that person elected by a majority of active members to serve a one-year term. In the absence of the secretary at any meeting, the chairperson shall appoint an interim secretary from the active membership present. The secretary shall maintain a record of its members' attendance, its actions, findings and recommendations, which shall be open to the public. The secretary must provide the minutes of the meeting to be distributed to the commission and Town Clerk. Minutes must be filed immediately following any regular or special meeting in the office of the Town Clerk.~~
- ~~(e) A quorum of four members shall be necessary to take any official action authorized or required by this division. An issue shall carry a majority of those voting.~~

~~(f) Any expired terms and/or vacancies shall be properly advertised. The commission may review all applications and make a recommendation to the town council in order to fill its membership. The town council shall make all appointments to fill expired terms and/or vacancies. The town council may revoke any member for misconduct or nonperformance of duty.~~

~~(g) The commission may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provision of this division.~~

~~{Code 1986, § 6-2(c); Ord. No. 12-883, 2-14-2012}~~

#### ~~Sec. 2-143. Meetings.~~

~~(a) Regular meetings of the commission shall be held quarterly at the Carolina Beach Municipal Administration Building.~~

~~(b) Special meetings of the commission may be called at any time by the chairperson. At least 24 hours notice of the time and place of special meetings shall be given, by the secretary or chairperson, to each member of the commission.~~

~~{Code 1986, § 6-2(d); Ord. No. 12-883, 2-14-2012}~~

~~Secs. 2-144—2-169. Reserved.~~

### ~~DIVISION 3. FREEMAN PARK COMMITTEE~~

#### ~~Sec. 2-170. Establishment.~~

~~There is hereby created and established the Freeman Park committee of the town, comprised of seven members and one official or representative from the town to serve, which will be the Police Chief or his designee, who shall serve in accordance with the directive of the town council. The Freeman Park committee is established under the authority of the town council, adopted August 12, 2008.~~

~~{Code 1986, § 11-83; Ord. No. 08-752, 8-12-2008}~~

#### ~~Sec. 2-171. Purpose.~~

~~(a) The purpose of the committee is to provide an organized forum for two-way communication between the town. Where appropriate, the committee may recommend to the town council and police department on substantive issues, with the goal of improved services. The committee shall make full and complete reports annually to the town council at such times as may be requested and at such other times as the council may deem appropriate.~~

~~(b) For the purpose of this division, the term "substantive issues" will be defined as a matter of major practical importance to all concerned. It shall not include personnel issues involving individual employees or daily operation procedure.~~

~~(Code 1986, § 11-84; Ord. No. 08-752, 8-12-2008)~~

~~Sec. 2-172. Membership; composition; term.~~

- ~~(a) The committee shall be composed of seven members at large, and one official or representative from the town to serve at the direction of the Town Manager or his designee. Initially appointments shall be two members for one-year term, two members for two-year terms, and three members for three-year terms. A vacancy is created upon the death or resignation in writing to the chairperson.~~
- ~~(b) Members of the committee shall serve without pay and at the discretion of the town council.~~

~~(Code 1986, § 11-85; Ord. No. 08-752, 8-12-2008; Amend. of 3-13-2018)~~

~~Sec. 2-173. Organization of the Freeman Park advisory committee.~~

- ~~(a) The committee, within 30 days of its appointment, shall meet and elect a chairperson, vice-chairperson and secretary.~~
- ~~(b) The chairperson shall serve a one-year term but cannot serve more than two consecutive terms as chairperson and/or two years. The chairperson shall be counted to determine a quorum and shall have one vote as other members.~~
- ~~(c) The vice chairperson shall serve a one-year term but cannot serve more than two consecutive terms as vice chairperson and/or two years. The vice chairperson shall become chairperson upon the death or resignation of the chairperson or upon the office of the chairperson otherwise becoming vacant. The vice chairperson shall discharge the powers of the office of chairperson at any meeting at which the chairperson is absent. The interim vacancy in the office of vice chairperson may be filled at any regular meeting at which such election has been placed on the notice of the agenda to active members. The vice chairperson shall be counted to determine a quorum, and shall have one vote as other members.~~
- ~~(d) The Police Chief or his designee is not a voting member and shall serve in an advisory capacity to the committee.~~
- ~~(e) The secretary of the committee is that person elected by a majority of active members to serve a one-year term but cannot serve more than two consecutive terms as secretary. Upon the death or resignation of the secretary or upon the office of the secretary otherwise becoming vacant, the office of the secretary may be filled at any regular meeting at which such election has been placed on the notice of agenda to send to all active members. In the absence of the secretary at any meeting, the chairperson shall appoint an interim secretary from the active membership present. The secretary shall maintain a record of its members' attendance, its actions, findings and recommendations, which shall be open to the public. The secretary must provide the minutes of the meeting to be distributed to the committee and Town Clerk. Minutes must be filed immediately following any regular or special meeting in the office of the Town Clerk.~~

- ~~(f) A quorum of four members shall be necessary to take any official action authorized or required by this division. An issue shall carry a majority of those voting.~~
- ~~(g) Any expired terms and/or vacancies shall be properly advertised. The committee may review all applications and make a recommendation to the town council in order to fill its membership. The town council shall make all appointments to fill expired terms and/or vacancies. The town council may revoke any member for misconduct or nonperformances of duty.~~
- ~~(h) The committee may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provision of this division.~~

~~{Code 1986, § 11-86; Ord. No. 08-752, 8-12-2008}~~

#### ~~Sec. 2-174. Meetings.~~

- ~~(a) Meetings of the committee shall be held on dates and at times established pursuant to state law requirements, at the Carolina Beach Municipal Administration Building. Prior notice of any change in meeting date (including special meetings of the committee), time and place shall be provided to all members, the Town Clerk and administrative staff one week in advance of said meeting.~~
- ~~(b) All regular scheduled meetings will have an agenda prepared by the Town Manager or his designee. The agenda will be distributed to all active members and to the Town Clerk five days in advance, prior to scheduled meeting.~~

~~{Code 1986, § 11-87; Ord. No. 08-752, 8-12-2008}~~

#### ~~Secs. 2-175—2-201. Reserved.~~

### ~~DIVISION 4. CAROLINA BEACH MARKETING ADVISORY COMMITTEE~~

#### ~~Sec. 2-202. Creation and purpose.~~

~~Pursuant to state law, G.S. 160A-146, the marketing advisory committee of the town is hereby created as a standing committee. The purpose of the marketing advisory committee shall be to consult with and provide input to the town council and the New Hanover County Tourism Development Authority related to the tourism industry in the town.~~

~~{Code 1986, § 11-88; Ord. No. 08-752, 8-12-2008; Ord. No. 10-845, 8-24-2010; Ord. No. 14-954, 9-9-2014}~~

#### ~~Sec. 2-203. Composition and appointment of members.~~

~~The marketing advisory committee shall consist of seven voting members and one alternative that only votes in place of an absent member. The Town Manager or his designee shall serve as staff liaison to the committee. All voting members shall be appointed by the town council and shall be citizens of the town or representatives from the town's business~~

~~community, including, but not limited to, small business, real estate, and the resort/lodging industry within the town. All members shall be appointed for two-year terms or until a successor is appointed. Terms shall run from July 1 to June 30. Appointments shall be on staggered terms. No member of the marketing committee shall serve more than three consecutive terms. Vacancies occurring for reasons other than expiration of term shall be filled as they occur by the town council for the period of the unexpired term.~~

~~{Code 1986, § 11-89; Ord. No. 10-845, 8-24-2010; Ord. No. 11-872, 6-14-2011; Ord. No. 12-892, 5-8-2012; Ord. No. 14-954, 9-9-2014}~~

~~Sec. 2-204. — Organization; meetings; records.~~

- ~~(a) — There shall be a chairperson, vice chairperson, and secretary elected annually by the marketing advisory committee members at a regular meeting in July. The committee shall adopt rules of procedure for the conduct of its business that shall be effective following approval by the town council. Subsequent changes to the rules of procedure shall also be subject to approval by the town council. The committee shall keep minutes of the meetings and records of the members' attendance, discussions, and recommendations. All minutes and records shall be furnished to the town council. The records shall be considered a public record.~~
- ~~(b) — The marketing advisory committee chairperson shall preside at all meetings and sign all documents relative to action taken by the committee. When the chairperson is absent, the vice chairperson shall perform the duties of the chairperson. When both the chairperson and vice chairperson are absent, a temporary chairperson shall be selected by those members who are present.~~
- ~~(c) — The marketing advisory committee shall hold at least one meeting each month. The chairperson or, in his absence, the vice chairperson may call a special meeting of the marketing committee at any time. A quorum of the marketing committee shall be in attendance before action of an official nature can be taken. Notice of regular and special meetings shall be given in accordance with G.S. 143-318.9 et seq. All meetings shall be open to the public and subject to the provisions of G.S. ch. 143, art. 33C (G.S. 143-318.9 et seq.), regarding open meetings.~~
- ~~(d) — Routine business shall include issues pertinent to the successful marketing of the community in relation to tourism, as well as, a review of applications being submitted from the town council for funding projects, programs, or equipment supporting the community's efforts to attract and support the tourism industry.~~
- ~~(e) — The town council shall have the authority to remove any member who misses three consecutive regular meetings or more than four total meetings in a one-year period. It shall be the responsibility of the chairperson of the committee to advise the town council of any member who misses three consecutive regular meetings or more than a total of four meetings in a one-year period. Absences due to sickness, death, or other emergencies of a like nature shall be regarded as approved absences and shall not affect the member's status on the committee. However, in the event of a long illness, or other such cause for prolonged~~



~~absences, the chairperson of the marketing advisory committee shall advise the town council of the situation, and the town council may remove the member. In the event the town council removes a member because of his failure to comply with the attendance requirements set forth herein, the town council shall notify the chairperson of the committee, in writing, that the member has been removed. Each member shall notify the chairperson, vice chairperson, or secretary at least 48 hours before a regular meeting when an absence is anticipated.~~

~~(Code 1986, § 11-90; Ord. No. 10-845, 8-24-2010; Ord. No. 14-954, 9-9-2014)~~

~~Sec. 2-205. Responsibility, powers, and duties.~~

- ~~(a) The marketing advisory committee shall work with the town council, the New Hanover County Tourism Development Authority, and the Cape Fear Coast Convention and Visitors Bureau to develop programs and initiatives to promote the tourism industry in the town.~~
- ~~(b) Upon approval by the town council, the marketing advisory committee shall provide annual marketing recommendations to the Cape Fear Coast Convention and Visitors Bureau for inclusion in the annual countywide marketing plan.~~
- ~~(c) The marketing advisory committee shall function in an advisory capacity to the town council and shall meet from time to time with the town council to discuss issues relative to marketing and tourism.~~
- ~~(d) The marketing advisory committee shall coordinate on applications for TDA funding that have been prepared and approved by the town council prior to submission to the TDA for approval.~~
- ~~(e) The marketing advisory committee shall work closely with local nongovernmental organizations and the private sector to promote tourism that will benefit the community.~~

~~(Code 1986, § 11-91; Ord. No. 10-845, 8-24-2010; Ord. No. 14-954, 9-9-2014)~~

~~Sec. 2-206. Compensation.~~

~~Marketing advisory committee members shall serve without monetary compensation.~~

~~(Code 1986, § 11-92; Ord. No. 10-845, 8-24-2010; Ord. No. 14-954, 9-9-2014)~~

~~Secs. 2-207—2-235. Reserved.~~

~~DIVISION 5. RESERVED<sup>(4)</sup>~~

**Footnotes:**

~~—(4)—~~

~~**Editor's note**— An ordinance passed on March 14, 2017 repealed Div. 5, §§ 2-236—2-240, which pertained to an arts and activities committee and derived from Code 1986, §§ 11-93—11-97; Ord. No. 12-885, adopted March 13, 2012; Ord. No. 13-919, adopted Aug. 13, 2013; and Ord. No. 14-934, adopted June 10, 2014.~~

~~Secs. 2-236—2-258.— Reserved.~~

#### ~~DIVISION 6.— PARKS AND RECREATION ADVISORY COMMITTEE<sup>[5]</sup>~~

#### ~~Footnotes:~~

~~—(5)—~~

~~**State Law reference**— Administration of parks and recreation programs, G.S. 160A-354.~~

~~Sec. 2-259.— Created.~~

~~There is hereby created a committee to be known as the parks and recreation advisory committee of the town.~~

~~(Code 1977, § 2-7001; Code 1986, § 11-16)~~

~~Sec. 2-260.— Composition; term.~~

~~The parks and recreation advisory committee shall be composed of seven members at large for staggered terms for a period of three years to be appointed by the town council. All members shall be citizens and reside within the corporate limits of the town.~~

~~(Code 1977, § 2-7002; Code 1986, § 11-17; Ord. No. 90-264, 4-10-1990; Ord. No. 08-747, 7-7-2008)~~

~~Sec. 2-261.— Organization.~~

~~The committee shall appoint from its membership a chairperson and such other officers as it may deem necessary for the orderly procedure of its business and may adopt bylaws, rules, and regulations covering its procedure not inconsistent with the provisions of state laws. The committee shall hold regular meetings at such times and places as it may designate.~~

~~(Code 1977, § 2-7003; Code 1986, § 11-18)~~

~~Sec. 2-262.— Function.~~

~~The committee shall from time to time recommend to the council such rules and regulations as may be feasible for providing, maintaining, operating, and supervising the public parks and playgrounds, athletic fields, and recreation centers and recreational facilities owned or controlled by the town. The committee shall help parks and recreation employees with the~~

~~organization or activities provided and conducted on or in connection with the parks, playgrounds, athletic fields, and recreation centers provided.~~

~~{Code 1977, § 2-7004; Code 1986, § 11-19}~~

~~Sec. 2-263. — Duties refunds.~~

~~(a) — Grants, gifts, etc. The committee may accept any grant, gift, bequest, or donation of any personal property offered or made for recreational purposes and, with the approval of the town council, may accept any grant, gift, or device of real estate. Any gift, bequest of money or other personal property, grant, or device of real estate shall be held, used, and finally disposed of in accordance with the terms or conditions under which such grant, gift, or device is made and accepted.~~

~~(b) — Incurring debt. The committee shall have no authority to enter into any contract or incur any obligation binding upon the town other than current obligations or contracts to be fully executed within the then current fiscal year, and all within the budget appropriations made by the town council.~~

~~{Code 1977, § 2-7005; Code 1986, § 11-20}~~

~~Sec. 2-264. — Reports to council.~~

~~The committee shall make full and complete reports to the town council at such times as may be requested and at such other times as the council may deem proper. The fiscal year of the committee shall conform to that of the town.~~

~~{Code 1977, § 2-7008; Code 1986, § 11-21}~~

~~Secs. 2-265 — 2-291. — Reserved.~~

#### ~~DIVISION 7. — CAROLINA BEACH OPERATIONS DEPARTMENT ADVISORY COMMITTEE~~

~~Sec. 2-292. — Composition; term.~~

~~The Carolina Beach Operations Department Advisory Committee shall be composed of seven members at large and two alternative members for staggered terms for a period of three years to be appointed by the town council. All members shall be citizens and reside within the corporate limits of the town.~~

~~{Code 1986, § 16-232; Ord. No. 08-747, 7-7-2008; Ord. No. 11-878, 9-13-2011; Ord. No. 19-1129, 11-26-2019}~~

~~Sec. 2-293. — Purpose.~~

~~(a) — The purpose of the committee is to provide an organized forum for two way communication between the operations department and the community. Where~~

~~appropriate, the committee may recommend to the town council and operations department on substantive issues, with the goal of improved operations services. The committee will form a team effort towards solving enforcement and community issues such as ordinances, user fees, and all other issues relating to the operations department. The committee shall make full and complete reports annually to the town council at such times as may be requested and at such other times as the council may deem proper.~~

- ~~(b) For the purpose of this division, the term "substantive issues" will be defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual employees or daily operational procedure.~~

~~{Code 1986, § 16-233; Ord. No. 04-553, 5-11-2004}~~

#### ~~Sec. 2-294. Membership.~~

- ~~(a) Membership shall be appointed for three year terms. All appointments, except to fill a vacancy, shall be for three year terms. A vacancy is created upon the death or resignation in writing to the chairperson.~~
- ~~(b) Members of the committee shall serve without pay and at the discretion of the town council. The Carolina Beach Operations Director, or his designee, shall serve as the administrator advisor in assisting this board.~~

~~{Code 1986, § 16-234; Ord. No. 04-553, 5-11-2004}~~

#### ~~Sec. 2-295. Organization.~~

- ~~(a) The committee, within 30 days of its appointment, shall meet and elect a chairperson, vice-chairperson, and secretary.~~
- ~~(b) The chairperson shall serve a one-year term but cannot serve more than two consecutive terms as chairperson and/or two years. The chairperson shall be counted to determine a quorum, and shall have one vote as other members.~~
- ~~(c) The vice chairperson shall serve a one-year term but cannot serve more than two consecutive terms as vice chairperson and/or two years. The vice chairperson shall become chairperson upon the death or resignation of the chairperson or upon the office of the chairperson otherwise becoming vacant. The vice chairperson shall discharge the powers of the office of chairperson at any meeting at which the chairperson is absent. The interim vacancy in the office of vice chairperson may be filled at any regular meeting at which such election has been placed on the notice of agenda to active members. The vice chairperson shall be counted to determine a quorum, and shall have one vote as other members.~~
- ~~(d) The Director of Operations is not a voting member and shall serve in an advisory capacity to the committee.~~
- ~~(e) The secretary of the committee is that person elected by a majority of active members to serve a one-year term but cannot serve more than two consecutive terms as secretary. Upon~~

~~the death or resignation of the secretary or upon the office of the secretary otherwise becoming vacant, the office of the secretary may be filled at any regular meeting at which such election has been placed on the notice of agenda to send to all active members. In the absence of the secretary at any meeting, the chairperson shall appoint an interim secretary from the active membership present. The secretary shall maintain a record of its members' attendance, its actions, findings and recommendations, which record shall be open to the public. The secretary must provide to the Director of Operations minutes of the meeting to be distributed to the committee and Town Clerk. Minutes must be filed on a monthly basis or immediately following any special meeting in the office of the Town Clerk.~~

- ~~(f) A quorum of three members shall be necessary to take any official action authorized or required by this division. An issue shall carry by a majority of those voting.~~
- ~~(g) Any expired terms and/or vacancies shall be properly advertised. The committee may review all applications and make a recommendation to the town council in order to fill its membership. The town council shall make all appointments to fill expired terms and/or vacancies. The town council may revoke any member for misconduct or nonperformance of duty.~~
- ~~(h) The committee may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provision of this division.~~

~~{Code 1986, § 16-235; Ord. No. 04-553, 5-11-2004}~~

#### ~~Sec. 2-296. Meetings.~~

- ~~(a) Meetings of the operations advisory committee shall be held monthly at the Carolina Beach Municipal Administration Building. Prior notice of any change in meeting date, time and place shall be provided to all members and administrative staff one week in advance of said meeting.~~
- ~~(b) All regular scheduled meetings will have an agenda prepared by the Director of Operations or his designee. The agenda will be distributed to all active members five days in advance, prior to scheduled meeting.~~

~~{Code 1986, § 16-236; Ord. No. 04-553, 5-11-2004; Ord. No. 04-562, 8-10-2004; Ord. No. 05-577, 2-8-2005; Ord. No. 12-890, 5-8-2012}~~

#### ~~Secs. 2-297 – 2-325. Reserved.~~

### ~~DIVISION 8. CAROLINA BEACH POLICE ADVISORY COMMITTEE~~

#### ~~Sec. 2-326. Establishment.~~

~~There is hereby created and established the police advisory committee of the town, comprised of nine members and one official or member of the town police department to serve as an ex officio member, and one alternate member, to serve in the absence of a regular member, shall be appointed by the town council, who shall serve in accordance with the~~

~~directive of the town council. All members shall be citizens and reside within the corporate limits of the town, with the exception of the ex-officio member or any person needed to fulfill local, state and federal requirements. There shall be representation from a cross-section of all town citizenry. The police advisory committee is established under the authority of town council, adopted November 13, 2001.~~

~~(Code 1986, § 13-62; Ord. No. 09-787, 5-12-2009; Ord. No. 10-854, 12-14-2010)~~

#### ~~Sec. 2-327. Purpose.~~

~~The purpose of the committee is to provide and organized forum for two-way communication between the police department and the community. This shall include:~~

- ~~(1) Where appropriate, make recommendations to the town council and police department on substantive policy issues, with the goal of improved police services. For the purpose of this division, "substantive issues" will be defined as matters of major or practical important to all concerned. It shall not include personnel issues involving individual officers or daily police operational enforcement and implementation.~~
- ~~(2) Assist in identifying potential police; community partnerships to address public safety related issues within the community.~~
- ~~(3) Identify community resources and support for public safety activities (such as parking, lifeguards and marina); and give input to the town council and the police department regarding perceived effectiveness.~~
- ~~(4) Receive information and comments from citizens at the committee's open and public meeting forum regarding public safety issues.~~
- ~~(5) Make reports to the town council at such times as may be requested by the council or deemed necessary.~~

~~(Code 1986, § 13-63; Ord. No. 09-787, 5-12-2009)~~

#### ~~Sec. 2-328. Membership.~~

~~Membership shall be appointed for three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or resignation, in writing, to the committee chairperson. Members of the committee shall serve without pay and at the discretion of the town council. The Police Chief, or his designee, shall serve as the administrator advisor and ex-officio member in assisting this committee.~~

~~(Code 1986, § 13-64; Ord. No. 09-787, 5-12-2009)~~

#### ~~Sec. 2-329. Organization.~~

- ~~(a) The committee will meet and elect a chairperson and a vice chairperson. The chairperson shall serve a two-year term. The chairperson shall be counted to determine a quorum (five members) and shall have one vote, as other members.~~
- ~~(b) The vice chairperson shall serve a two-year term. The vice chairperson shall be chairperson upon the death or resignation of the chairperson or upon the office of the chairperson becoming vacant. The vice chairperson shall discharge the powers of the office of the chairperson at any meeting at which the chairperson is absent. The vice chairperson shall be counted to determine a quorum and shall have one vote as other members.~~
- ~~(c) The ex officio member of the committee is a non-voting member and shall serve in an advisory capacity to the committee.~~
- ~~(d) The duties of a secretary response for recording meeting minutes shall be rotated sequentially amongst the committee's membership for each monthly meeting. The chairperson shall be excluded from this responsibility. A roster for monthly secretarial duties shall be established by the committee.~~
- ~~(e) A quorum of five members shall be necessary to take any official action authorized or required by this division. An issue shall carry by a majority of those voting.~~
- ~~(f) Any expired terms and/or vacancies shall be properly advertised. The committee may review all applications and make a recommendation to the town council in order to fill its membership. The town council shall make all appointments to fill expired terms and/or vacancies. The town council may revoke any member for misconduct or nonperformance of duty.~~
- ~~(g) The committee may adopted and amend from time to time rules to govern the conduct of its administrative business, consistent with the provision of this division.~~

~~{Code 1986, § 13-65; Ord. No. 09-787, 5-12-2009; Ord. No. 10-854, 12-14-2010}~~

#### ~~Sec. 2-330. Meetings.~~

- ~~(a) Meetings of the police advisory committee shall be held at the police department or as otherwise properly noticed and arranged. Prior notice of any change in meeting date, time and place shall be provided to all members and the administrative staff one week in advance of said meeting.~~
- ~~(b) All regularly scheduled meetings will have an agenda approved by the chairperson.~~

~~{Code 1986, § 13-66; Ord. No. 09-787, 5-12-2009}~~

# Ordinance 21-1152

Town of Carolina Beach  
Town Council

~~Secs. 2-331—2-348. Reserved.~~

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LeAnn Pierce, Mayor

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Attest: Kimberlee Ward, Town Clerk





# Citizen Advisory Committees

13 JULY 2021

## Committees of the Carolina Beach Town Council

Committee	Type of Committee	Number of Members	Meeting Times
Bicycle/Pedestrian	Standing	7	Monthly
Board of Adjustment	Standing	7	Meet as needed
Beautification	Ad-hoc	11	Monthly
Business & Economic Development	Ad-hoc	7	Monthly
Canal Drive Flooding	Ad-hoc	9	Monthly
Freeman Park	Standing	7	Monthly
Marketing	Standing	8	Monthly
Operations Advisory	Standing	9	Monthly
Planning and Zoning	Standing	7	Monthly
Parks and Recreation	Standing	7	Monthly
Policy Advisory	Standing	10	Monthly
Harbor Commission*	N/A		N/A

How to keep 30+ groups informed and working toward Town Council's goals with information flowing correctly?

## Other key groups and CB Liaison

FEMA/EMERGENCY MNGMT

LGC

Parking

MOTSU/ACOE

Boat Captains

NC League of Municipalities

Landscaping

Electrical

GFL

Various contractors

Community/Events

Media

CBP3

Executive/Finance Item 8.

Executive/Finance

Executive/Finance

Executive

Executive

Town Clerk

Public Works

Public Works

Public Works

All

All/P&R

All

TC / Executive /

Finance / Attorney

### Committee

### Council Representative

Cape Fear Council of Governments

Pierce (Oversight by Town Manager)

Carolina/Kure Beach Regional Sewer Authority

Garza/Barbee (Oversight by Finance Director / WWT plant superintendent)

NC Beach, Inlet and Waterway Association

Shuttleworth/Pierce (Oversight by Fire Chief)

New Hanover County Tourism Development Authority

Pierce (Oversight by Executive Assistant to Town Manager)

New Hanover County Transportation Advisory

Pierce (Oversight by project manager/deputy manager)

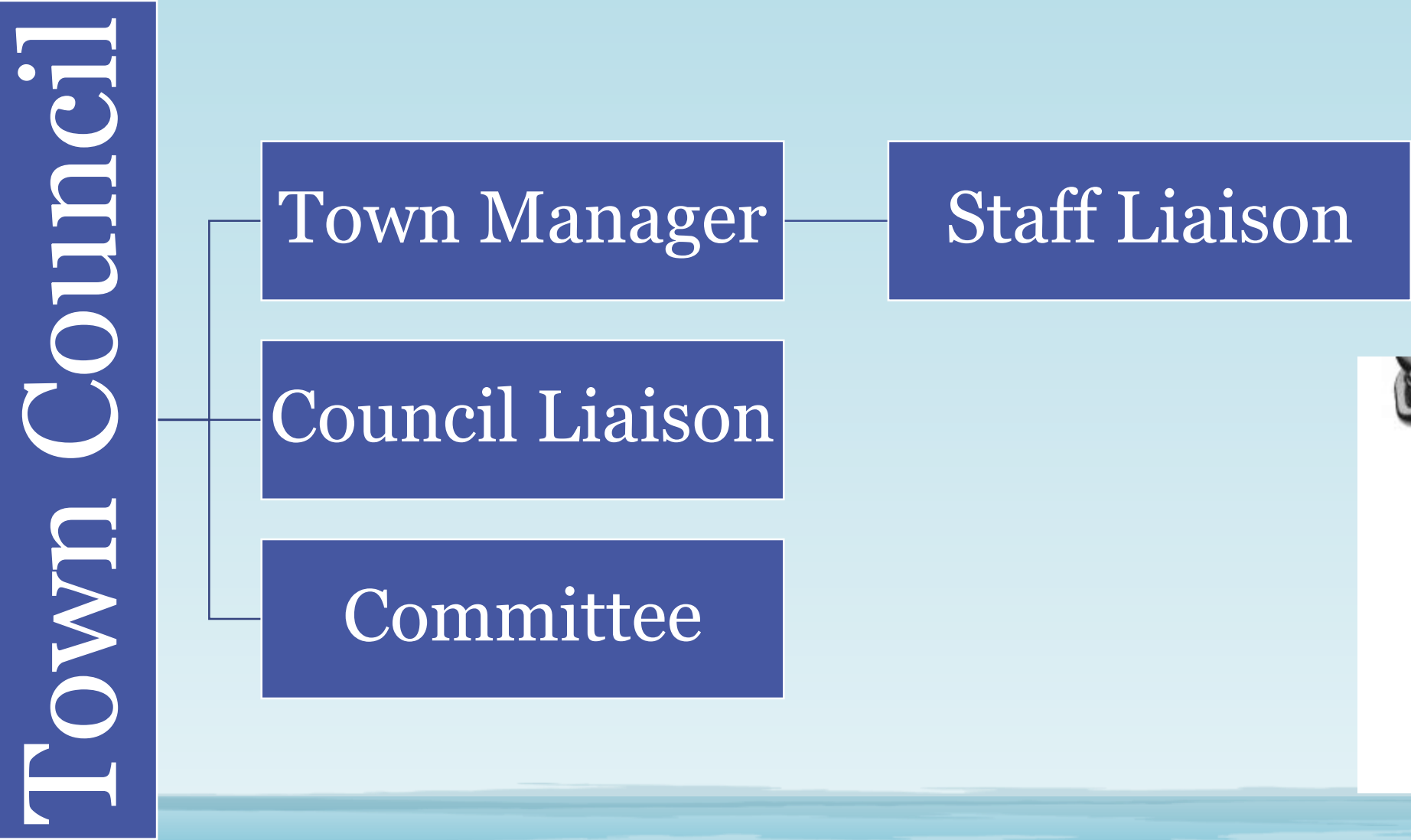
Port, Waterway and Beach Commission

Shuttleworths (oversight by Manager and Deputy Manager)

WMPO

Pierce (oversight by Manager/deputy Manager)

# Communication Flow



# Forming new Committees - Majority Vote by Town Council.

## QUESTION TOWN COUNCIL MUST ANSWER WHEN FORMING A NEW COMMITTEE:

1. Was this CAC developed solely by the Town and not required by state or federal law?
2. What is the mission, vision, and goals? Have or could these be resolved by staff or reallocated to another responsible party?
3. How many members should be on the CAC?
4. Will there be a staff liaison and/or Town Council liaison?
5. Will the CAC be ad hoc or standing?
6. How many members will be on the CAC?

# Goals of new policy and ordinance

1. Improving productivity and transparency of CACs by laying out clear expectations and reporting requirements
2. Enhance Town Council ability to manage the CACs by streamlining ordinance and policies for creating and modifying CACs

# MOTIONS FOR CONSIDERATION

Item 8.

- Motion to Adopt ordinance number 21-1152
- Motion to Adopt the proposed policy for committees
- Motion to Dissolve:
  1. Canal Drive Committee
  2. Harbor Commission
  3. Freeman Park Committee
- Motion to Combine the Bike/Ped and Operations Advisory Committees
- Motion to have the Town Manager appoint a staff liaison to the MAC

Possible Considerations to restructure the following:

1. Police Advisory Committee: Create an auxiliary/volunteer group to augment Blueliners and help with planned activities.
2. Parks and Recreation: Create an auxiliary/volunteer group to augment Friends of the Parks.