

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, January 12, 2021 – 6:30 PM

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



AGENDA

CALL TO ORDER

ADOPT THE AGENDA

CONSENT AGENDA

- [1.](#) Budget Amendments/Transfers
- [2.](#) Approval of Emergency Sick Leave Policy
- [3.](#) Set Public Hearing for February 9, 2021 to Receive Requests from Non-Profit Organizations for Room Occupancy Tax Funds
- [4.](#) Approval of Meeting Minutes

SPECIAL PRESENTATIONS

- [5.](#) Presentation – Scooter Rental Company (Bird)
- [6.](#) 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.

NON-AGENDA ITEMS

- [7.](#) Budget Amendment
- [8.](#) NCLM 2021 Legislative Goals

CLOSED SESSION

- [9.](#) Closed Session to Discuss an Attorney/Client Matter

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 1/12/2021

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 \$600 from account 10-580-014 Environmental Travel to account 10-420-011 Executive Communications to add two new communication lines to allow staff access to Cityworks.

Transfer \$44,177 from the General Fund departmental 004 COLA Pay line items to the 002 Wage line items to implement the budgeted 1.8% increase effective in January.

Transfer \$13,536 from the Utility Fund departmental 004 COLA Pay line items to the 002 Wage line items to implement the budgeted 1.8% increase effective in January.

ACTION REQUESTED:

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

Debbie Hall

From: Alisa Perry
Sent: Thursday, December 10, 2020 9:27 AM
To: Debbie Hall
Cc: Brian Stanberry
Subject: Budget Transfer Request

Good morning Debbie,

Please make the following budget transfer.

DATE: December 10, 2020

DEPARTMENT: Public Works

DEPARTMENT CODE TRANSFERRED FROM: 10-580-014

DEPARTMENT CODE TRANSFERRED TO: 10-420-011

AMOUNT OF TRANSFER: \$ 600.00

JUSTIFICATION: Adding two new communication lines to Environmental Department positions for better access to Cityworks: 1.) Debris Pickup and 2.) Freeman Park/ Can Machine

Alisa D. Perry

Administrative Assistant, Operations



(910)-458-0786

alisa.perry@carolinabeach.org

Fund Or Attrib	Type	Dept Desc	Disp Acct	Budget
Fund Or Attrib: 10 General Fund				
Type: Expenses				
10 General Fund	Expenses	Executive	10-420-004 C.O.L.A./Merit Pay	\$3,777.00
10 General Fund	Expenses	Clerk	10-430-004 C.O.L.A./Merit Pay	\$725.00
10 General Fund	Expenses	Finance	10-440-004 C.O.L.A./Merit Pay	\$1,828.00
10 General Fund	Expenses	HUMAN RESOURCES	10-450-004 C.O.L.A./Merit Pay	\$1,320.00
10 General Fund	Expenses	Planning & Development	10-491-004 C.O.L.A./Merit Pay	\$3,802.00
10 General Fund	Expenses	Public Works Administr.	10-493-004 C.O.L.A./Merit Pay	\$394.00
10 General Fund	Expenses	Police	10-510-004 C.O.L.A./Merit Pay	\$15,020.00
10 General Fund	Expenses	Lifeguards	10-520-004 C.O.L.A./Merit Pay	\$473.00
10 General Fund	Expenses	Fire	10-530-004 C.O.L.A./Merit Pay	\$7,243.00
10 General Fund	Expenses	Marina	10-550-004 C.O.L.A./Merit Pay	\$416.00
10 General Fund	Expenses	G/F Fleet Maintenance	10-565-004 C.O.L.A./Merit Pay	\$0.00
10 General Fund	Expenses	ENVIRONMENTAL	10-580-004 C.O.L.A./Merit Pay	\$4,252.00
10 General Fund	Expenses	Parks & Recreation	10-620-004 C.O.L.A./Merit Pay	\$3,260.00
10 General Fund	Expenses	Beach Maintenance	10-630-004 C.O.L.A./Merit Pay	\$1,667.00
				\$44,177.00
				\$44,177.00
Fund Or Attrib: 30 Utilities Fund				
Type: Expenses				
30 Utilities Fund	Expenses	W&S Administrative	30-800-004 C.O.L.A./Merit	\$2,718.00
30 Utilities Fund	Expenses	Wastewater Treatment	30-810-004 C.O.L.A./ Merit	\$2,398.00
30 Utilities Fund	Expenses	Wastewater Collection	30-811-004 C.O.L.A./Merit	\$4,434.00
30 Utilities Fund	Expenses	Water	30-812-004 C.O.L.A./Merit	\$796.00
30 Utilities Fund	Expenses	W&S FLEET MAINT	30-813-004 C.O.L.A./Merit	\$0.00
30 Utilities Fund	Expenses	Stormwater Drainage	30-900-004 C.O.L.A./Merit	\$3,190.00
				\$13,536.00
				\$13,536.00

BUDGET AMENDMENTS/TRANSFERS					Item 1.
Date	DESCRIPTION	GL #	DEBIT	CREDIT	
1/12/2021	Transfer budgeted COLA monies to wage	10-420-002	3,777.00		
	line items.	10-420-004		3,777.00	
		10-430-002	725.00		
		10-430-004		725.00	
		10-440-002	1,828.00		
		10-440-004		1,828.00	
		10-450-002	1,320.00		
		10-450-004		1,320.00	
		10-491-002	3,802.00		
		10-491-004		3,802.00	
		10-493-002	394.00		
		10-493-004		394.00	
		10-510-002	15,020.00		
		10-510-004		15,020.00	
		10-520-002	473.00		
		10-520-004		473.00	
		10-530-002	7,243.00		
		10-530-004		7,243.00	
		10-550-002	416.00		
		10-550-004		416.00	
		10-580-002	4,252.00		
		10-580-004		4,252.00	
		10-620-002	3,260.00		
		10-620-004		3,260.00	
		10-630-002	1,667.00		
		10-630-004		1,667.00	
	General Fund Totals		44,177.00	44,177.00	
		30-800-002	2,718.00		
		30-800-004		2,718.00	
		30-810-002	2,398.00		
		30-810-004		2,398.00	
		30-811-002	4,434.00		
		30-811-004		4,434.00	
		30-812-002	796.00		
		30-812-004		796.00	
		30-900-002	3,190.00		
		30-900-004		3,190.00	
	Utility Fund Totals		13,536.00	13,536.00	
	Total Transfers		57,713.00	57,713.00	



AGENDA ITEM COVERSHEET

PREPARED BY: Holly Brooks

DEPARTMENT: HR

MEETING: Town Council – 1/12/2021

SUBJECT: Approval of Emergency Sick Leave Policy

BACKGROUND:

As we are all aware, COVID cases are still on the rise, and we continue to have employees and family members sick and quarantining at home. Since the Federal paid leave program that was in effect expired on December 31st, the Town has created our own Emergency Paid Sick Leave policy to cover employees who are out due to COVID related situations.

ACTION REQUESTED:

Consider approving the Emergency Paid Sick Leave Policy.

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: All Eligible Employees
FROM: Bruce Oakley/Town Manager
RE: Carolina Beach Emergency Paid Sick Leave
DATE: January 4, 2021

The Town of Carolina Beach is taking proactive steps to protect our employees in the event the United States Congress fails to extend the Families First Coronavirus Response Act (FFCRA) which is set to expire on December 31, 2020. It is the Town's goal to continue to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

The Town of Carolina Beach is committed to provide accurate information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

The Town of Carolina Beach will provide eligible employees with temporary emergency paid sick leave under certain conditions. This policy will become null and void should Congress extend or adopt an Emergency Paid Sick Leave Act prior to the expiration date of this policy.

The Town of Carolina Beach Emergency Paid Sick Leave

The Town of Carolina Beach Emergency Paid Sick Leave (CBEPSL) is separate from and independent of Family and Medical Leave (FMLA) and is independent of any existing sick leave policies that the Town grants employees in the normal course of business.

The CBEPSL allows an eligible employee to qualify for emergency paid sick leave as follows:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19.
3. The employee is showing symptoms of COVID-19 and is actively seeking but has not yet received a medical diagnosis;
4. The employee is caring for an individual subject to a federal, state, or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons;

5. The employee is caring for his or her son or daughter because the child's school or childcare facility has been closed or the childcare provider is no longer available because of COVID-19 related reasons; or
6. The employee is experiencing substantially similar conditions as specified by the Federal Secretary of Health or Human Services, in consultation with the Federal Secretaries of Labor and Treasury.

Eligibility

All employees who have been employed with the Town for at least 30 days (full-time, or part-time) are eligible for CBEPSL in the event the employee is unable to work or telecommute because the employee meets one or more of the conditions stated above.

Duration/Compensation

Employees are eligible for, on a one-time basis, the following:

- **Full-Time employees:** 80 hours of pay at their regular hourly rate of pay. However, when caring for a family member, for reasons 4, 5 and 6 above, CBEPSL is paid at two-thirds the employee's regular hourly rate of pay.
- **Part-Time employees:** The number of hours the employee worked, on average, over the most immediate prior full pay period. However, when caring for a family member, for reasons 4, 5 and 6 above, CBEPSL is paid at two-thirds the employee's regular hourly rate or pay.

Paid leave under this policy is limited to \$511 per day (or \$5,110 in total) where leave is taken for reasons 1,2, and 3 described above (generally, an employee's own illness or quarantine); and \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 (generally care for others or school closures).

General CBEPSL Rules

- Employees may elect to use CBEPSL prior to utilizing any accrued paid sick leave under the Town's sick leave policy.
- No leave provided by the Town under any governmental act prior to January 1, 2021, may be credited against the CBEPSL eligibility.
- Employees are responsible for immediately notifying Human Resources of their intent to utilize this policy, so that the appropriate application paperwork may be given to the employee in a timely manner.
- Employees must successfully complete the necessary application paperwork and return it to Human Resources in a timely manner in order to receive compensation under this policy. Failure to return application paperwork and required supporting documentation in a timely manner may result in a delay in receiving compensation under this policy.
- Employees seeking compensation under this policy found solely to be taking this leave to defraud the Town will be subject to disciplinary action up to and including termination of employment.
- The Town will not retaliate against any employee who requests to take CBEPSL in accordance with this policy.
- This policy expires on June 30, 2021.

Definitions

Child Care Provider Defined for the Purposes of CBEPSL

For the purpose of this policy, the term “child care provider” is defined as one who provides child care services on a regular basis and receives compensation for those services, including an ‘eligible child care provider’ as defined in Section 658P of the Child Care & Development Block Grant Act of 1990 (42 USC 9858n).

School Defined for Purposes of CBEPSL

The term “school” means an ‘elementary school’ or ‘secondary school’ as such terms are defined in Section 8101 of the Elementary & Secondary Education Act of 1965 (20 USC 7801).



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Town Clerk

MEETING: Town Council – 1/12/2021

SUBJECT: Set Public Hearing for February 9, 2021 to Receive Requests from Non-Profit Organizations for Room Occupancy Tax Funds

BACKGROUND:

Each year, Council receives funding requests from local non-profits. Council will receive requests for Room Occupancy Tax funds at the February meeting and General Fund requests at the March meeting.

ACTION REQUESTED:

Consider approving the request to hold a public hearing at the February 9, 2021 Council meeting.

RECOMMENDED MOTION:

Request will be granted under an approved consent agenda motion.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council – 1/12/2021

SUBJECT: Approval of Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from 12/8/2020 and 12/18/2020.

ACTION REQUESTED:

Review and approve under the consent agenda.

CAROLINA BEACH**Town Council Regular Meeting****Tuesday, December 08, 2020 - 6:30 PM****Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC****MINUTES****CALL TO ORDER WITH INVOCATION BY GABRIEL WATERS WITH FIRST BAPTIST CHURCH, FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation 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 Manager Ed Parvin
 Finance Director Debbie Hall
 Town Clerk Kim Ward
 Town Attorney Noel Fox

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Pierce

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

Motion passed unanimously

CONSENT AGENDA

1. Set Public Hearing Date for January 12th to Consider a Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties (PIN - 3130-54-2980, 3130-54-4836, 3130-55-4065, 3130-55-5014, 3130-54-5992, 3130-54-5877, 3130-54-5778, 3130-54-5870, and 3130-54-6839)
 Applicant: Carolina Beach Land Holdings LLC
2. Budget Amendments/Transfers
3. Committee Appointment – Appointing Linda Bottoms to the Beautification Committee
4. Approval of Meeting Minutes from November 10th and 17th

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

SPECIAL PRESENTATIONS

5. Introduction of Police Chief Vic Ward

Town Manager Bruce Oakley introduced new Police Chief Vic Ward, who was hired from a pool of 70 applicants to replace retired Police Chief Chris Spivey. Police Chief Ward, who is from Whiteville and is a graduate of the University of North Carolina Wilmington, is a retired State Highway Patrol Officer. Police Chief Ward said he was looking forward to getting to know everyone. Mayor Pierce said Council was excited to welcome him.

6. Manager's Update

Council thanked Mr. Oakley for a year of service and presented him with a gift. Each Council Member individually praised Mr. Oakley's accomplishments as Town Manager.

Mr. Oakley gave a brief update on the latest state regulations regarding COVID-19, including the modified stay-at-home order that calls for a curfew from 10:00 PM to 5:00 AM and alcohol sales to stop at 9:00 PM.

Mr. Oakley also mentioned topics for the January 26 Council workshop, including an update from Ken Richardson of the Coastal Resources Commission about oceanfront setback rule changes and a Zoom presentation from Bird scooters about possibly doing a test market here. He said the 2021 budget retreat will immediately follow the workshop. Council Member Garza said he doesn't see the scooters fitting in well with the traffic here and doesn't think it will be beneficial.

Mr. Oakley announced that the Town received an extra \$215,000 in ABC revenue.

Assistant Town Manager Ed Parvin gave updates regarding Military Ocean Terminal Sunny Point (MOTSU), including a new approval process (January/August) and quarterly testing. Council Member Barbee thanked Mr. Parvin and all others involved.

Mr. Parvin also presented the following information:

Resolution: Designation of Applicant's Agent

- N.C. Division of Emergency Management requires adoption of this resolution in order to be considered for funds to raze structures in Carolina Beach that have faced repetitive losses.
- This has been an ongoing program with great benefits for the community.
- Change for this year: The Town will not be floating the costs. We will still administer the grant. However, all funds will be paid directly from the state to the contractor.

ACTION: Motion to approve the resolution designation of applicant's agent

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

7. Events Update

Mr. Oakley highlighted the following upcoming events:

- Holiday-themed sandcastle building contest - December 12
- Saturday Santa sleigh rides - December 12 and 19
- Holiday-decorated coves, parking meters on parade, letters to Santa - ongoing
- Carolina Beach Trail Half Marathon - January 2

Mayor Pro Tem Healy said Parks & Recreation did a fantastic job thinking outside of the box and hoped to see some of the events continue in the future. Council Member Barbee and Mayor Pierce thanked Parks & Recreation for creating alternatives to the regular events that had to be canceled due to COVID-19.

PUBLIC COMMENT

None

PUBLIC HEARINGS

8. Consider a Conditional Use Permit for a 5-Unit Residential Planned Unit Development to be located at 216 Spartanburg Avenue (PIN - 3130-32-7671)
Applicant: Laurel Companies LLC

ACTION: Motion to open 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 to open the evidentiary 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

Ms. Fox gave an overview of the proceedings and rules for Council in a quasi-judicial hearing. She asked if any member of Council had conflict partiality or recusal to offer or any ex parte communications to disclose. There were none.

Senior Planner Miles Murphy gave a presentation of the details, including an aerial image of the R-1 district and the background and history of the property.

Laurel Companies proposes to construct a Planned Unit Development (PUD) of five units, two 2-unit townhomes and one 1-unit townhouse, with an HOA. Each unit will be 3 stories with parking underneath. Stormwater will be directed toward Spartanburg Avenue and/or Third Street. The lot can contain a maximum of 5 units by R-1 zoning standards.

The property requires 40% lot coverage, standard parking, 25% open space, standard stormwater design, and a 5-foot landscaping buffer. All of these have been met/provided in the proposed layout.

The Town in 2005 approved a Conditional Use Permit (CUP) for three triplex units and one 2-unit structure on the property. Two of the triplex units were built but the project was abandoned, leaving the right-side parcel incomplete. In 2015, Council approved another CUP for five units with a reduced side setback of 10 feet.

Mr. Murphy listed the adjacent properties on Third Street and Spartanburg Avenue. He said it is a mix of triplex, single-family, duplex, and a couple of undeveloped lots. He said the lot is currently set up as one large parcel, and the applicant is asking for permission to set it up as three.

Design details

- All units will meet 2-hour minimum firewall separation requirements
- Meets minimum building separations for fire
- 5-foot landscape buffer required
- Open space 25% (51%)
- Lot coverage 40% (37%)

Mr. Murphy said the project meets the 7 specific standards and 4 general conditions. Staff recommends approval of the CUP with the inclusion of 4-foot-wide sidewalks parallel to Spartanburg Avenue and South Third Street. The Planning and Zoning Commission voted 6-1 in favor of approving the CUP.

Ned Barnes of 814 Carolina Beach Avenue North, attorney for the applicant, reiterated that the 7 specific standards and 4 general conditions have been met. He said the CUP was approved in 2015 but has lapsed, so that's why it's back before Council now. Mr. Barnes said the Town's Technical Review Committee (TRC) has no issues with the project. He said everything is in harmony with the adjacent properties.

Shepherd Rosenblum of 811 South Third Street passed out materials to Council and went through ordinances, contending that they do not conform with proposed development. He said there was not ample opportunity for public participation in the process because notifications had gone to the wrong address for him and others received nothing. Mr. Rosenblum said a sign posted on the property was flat on the ground and not visible. He voiced concerns about flooding and noise and said the project will deteriorate local value. He asked Council to consider approving 4 units instead of 5. Mr. Rosenblum said it was the duty of Council to preserve the fundamental nature of the beach community rather than allow greater density.

Joe Waters of 809 South Third Street said he was concerned about putting too many properties on one lot. He said it does not look good for the Town and is not a great idea. Council Member Shuttleworth said the density of Mr. Waters' building is actually higher than this project. Mr. Waters asked what that has to do with anything because it was years ago.

Argie Poulos Brown of 206-212 Spartanburg Avenue said her family has had property in the area since the 1960s. She said the backyards now stay wet, and residents walk in ankle-deep mud frequently. She asked who will help prevent flooding on her family's land if development continues to cause issues.

Thomas Marr of 214 Spartanburg Avenue passed out a presentation to Council. He said his concerns are as follows: public health and safety, meeting all conditions and specifications, making sure there is no injury to value of abutting properties, and making sure development is in harmony with the area. He said the changes reflected in the revised drawings reduce but do not eliminate concerns. Mr. Marr mentioned a real estate expert's testimony regarding value at the Planning and Zoning Commission meeting. Council Member Barbee and Mayor Pierce asked if the expert was present to give that testimony at this time. Mr. Marr said he can provide that part of the Planning and Zoning Commission meeting presentation to them. Mayor Pierce said it must be presented now. Ms. Fox said Council can't consider evidence that isn't competent. Mr. Marr shifted his focus to stormwater flooding concerns. He said his credentials are as follows: he's a licensed hydrogeologist with 35 years of experience, a licensed N.C. geologist, and a licensed remediation site manager for the registered environmental consultant program. Mr. Marr said he is concerned with the use of fill dirt to raise the property and drain floodwater from it. He said his expert opinion is that this will cause detrimental flooding to surrounding properties. Council Member Garza pointed out that Mr. Marr had been taking more time than other residents who spoke. Mayor Pierce said Ms. Fox had asked that Council not limit speakers to three minutes but requested that they keep to relevant facts. Mr. Marr requested that the project capture rainwater with downspouts and put it in pipes to direct into storm drains. Mayor Pierce said Council will ask the applicant to address the stormwater issue. Mr. Marr said he is also concerned about future stormwater management plans for the area. Mayor Pierce asked about his ownership of his property. Mr. Marr said he has owned it for two years and does not live there full-time. Council Member Shuttleworth said Mr. Marr's lot is 150 feet deep and asked how wide it is. Mr. Marr said 50 feet.

Mr. Barnes spoke again and said this project has undergone lots of review and approval before coming before Council. He said all standards and conditions have been met without question, and some have been exceeded.

Mason Manhertz, who represents the applicant on behalf of Cape Fear Engineering, said the applicant is required to provide stormwater control measures that are adequate to draining the property toward the road. He said it's a small property and therefore does not need a state stormwater permit. Mr. Manhertz said the drainage issues mentioned are more of a Town problem than being the responsibility of his client to address. He said the project meets all Town rules and regulations.

Council Member Barbee asked about the notice requirements for the CUP. Mr. Parvin said staff used the New Hanover County tax records addresses on file for notifications and that the matter was posted in the newspaper. Mr. Murphy said a sign was placed on the property 10-14 days before the meeting.

Mayor Pro Tem Healy asked how long the previous CUP was valid. Mr. Murphy said three years.

Mayor Pierce asked if the applicant meets all stormwater and drainage requirements. Mr. Murphy said the project was approved by Stormwater staff as well as the TRC. Mayor Pierce said as the project develops, it will be overseen by different regulating authorities.

Council Member Garza asked how often there are flooding issues and if they are on file. Mr. Murphy said as a zoning official he can't comment on flooding. Council Member Garza also asked some design questions about the elimination of trees that Mr. Murphy said he could not answer. Council Member Garza asked about the difference between swales and runoff, and Mr. Murphy said he was not privy to the review.

Council Member Shuttleworth asked whether a duplex is allowed by right in the R-1 zone. Mr. Murphy said yes. Council Member Shuttleworth asked if staff was enabled to approve certain uses whether this project would still have come before Council. Mr. Murphy said yes because it exceeds staff's proposal due to the amount of units, but in the future this may be different.

Mayor Pierce asked Ms. Fox to address the task at hand. Ms. Fox said Council must determine based on the evidence presented whether the applicant meets the general and specific standards. She said Council Members must base their decisions on competent, material, and substantial evidence.

Council Member Garza said he's not sure if that's a zone that floods a lot, but he is fine with the rest of the proposal. He asked if the project is going to create flooding issues and an overall negative impact on the vicinity.

Mayor Pro Tem Healy said Council passed the CUP in two previous years, and this version meets the specific standards, general conditions, and everything Council is seeking.

Council Member Barbee said he thinks nearby residents have genuine concerns, but he thinks they are stormwater concerns and should serve as a warning to Town staff. He said the applicant is doing his job of getting water off the property into the street, so then it becomes a stormwater issue for the Town.

Council Member Shuttleworth said he thinks stormwater is the key issue. He said putting sidewalks is going to compound the problem. He said there is no connecting sidewalk and no long-term plan to add sidewalks, and the Town doesn't maintain the ones already there.

Council Member Garza said instead of sidewalks maybe the applicant can consider native plants that absorb water.

Mayor Pierce said she shares concerns about stormwater and asked the staff to help mitigate that as much as possible, but she emphasized that Council must make the decision based on zoning code issues based on 7 specific standards and 4 general conditions.

ACTION: Motion to approve the CUP for a 5-unit residential Planned Unit Development that is in accordance with the draft grant order and that it otherwise meets the 7 specific standards and the 4 general conditions if developed in accordance with the plan as submitted and approved

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

Mayor Pierce asked if Council wants to leave in the option of the sidewalks and leave it up to the applicant. Council Member Shuttleworth said he took out the sidewalks verbiage and did not include it in his motion, so the applicant will not be required to add the sidewalks.

Council Member Garza said anytime a CUP comes up in a vicinity where residents mention flooding, the Town should make a note of it so there is a track record.

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

9. Consider a Text Amendment to Chapter 40, Sec. 40-72 Table of Permissible Uses - Residential PUDs and Multifamily Developments
Applicant: Town of Carolina Beach

ACTION: Motion to open 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

Staff is currently updating many aspects of the zoning ordinance related to the required 160D update in the state statutes. As a prequel to other updates, staff has been directed to review all uses and determine whether they should remain a conditional zoning use or if they are not intensive enough a use to merit the conditional zoning process.

Staff was specifically directed to examine the way small multifamily and residential PUDs were organized. Staff adjusted the table so that small-scale PUD and multifamily no longer require the intensive conditional process/review of the Planning and Zoning Commission and Council. These projects would still have to follow the zoning standards related to the district where they are located and meet all other requirements for a building permit issuance. With these goals in mind, staff decided to divide the requirements for PUDs and multifamily into two categories. PUDs and multifamily consisting of 4 units or less will no longer require a conditional process. PUDs and multifamily greater than 4 units will require a conditional review process.

Mr. Murphy gave a presentation of details.

Background

- State statute changes from 153/160A to 160D for zoning
- Many, many changes required in local ordinances
- Reviewing table of permissible uses
- Previous directions – Small PUDs and multifamily developments “should not require CUP”

What is changing?

Changing

- Unit density that triggers requirement for additional scrutiny
- Procedural changes for smaller-scale, less intensive developments

Not Changing

- Use location/zone is not changing
- Standards for building/fire/flood/zoning review prior to permit issuance are not changing

No one requested to speak about the matter.

ACTION: Motion to amend Chapter 40 Article VIII Sec. 40-72 – PUDs and Multifamily Developments in the Town of Carolina Beach; it is consistent with the goals and objectives of the adopted Land Use Plan and long-range plans

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 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

ITEMS OF BUSINESS

10. Harbor Master Hours

Mr. Parvin presented information about a proposed budget amendment to expand the hours for Harbor Master Larry Denning, who started the role as a contractor but was hired as a Town employee at 30 hours per week in July 2020. Town staff is recommending approval of a \$15,163 budget amendment to bring Mr. Denning to 40 hours per week due to the need for increased oversight in the harbor area.

Mr. Parvin said Mr. Denning has done a great job establishing relationships with marinas and boat captains and has been an integral part of the effort to get abandoned vessels removed. Mr. Denning is

also in charge of the nightly rentals of transient slips at the Town marina. Mr. Parvin said Mr. Denning is already working up to 40 hours per week during certain times.

Council Member Shuttleworth said he doesn't typically like to add staff but thinks Mr. Denning is a great asset.

Mayor Pierce asked what Mr. Denning uses for transportation while on duty. Mr. Parvin said he uses a 17-foot skiff.

ACTION: Motion to approve the budget amendment on the Myrtle Grove Sound staff recommendation that staff 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

NON-AGENDA ITEMS

Council Member Garza asked about doing annual reviews for staff members that report to Council. Mayor Pierce asked Ms. Ward or Mr. Oakley to be sure Council gets this done. Council Member Garza also praised efforts with the MOTSU relationship and said he hoped this would offer good opportunities for Wastewater and Parks & Recreation. He also said he would like to trim the time spent on the workshop portion of January 26 and spend more time on the budget retreat to allow for time to hear creative ideas. Council Member Garza said he heard positive feedback about the decorated parking meters and would like to see the opportunity for people and businesses to sponsor parking meters throughout the off-season to generate revenue for the Town. He also said he would like to know how much of the County budget is coming back to the Town regarding help with the pandemic, and he mentioned the idea of allowing open-container beverages in the Boardwalk area to help businesses. In addition, Council Member Garza reiterated that he'd like to explore the concept of native plants helping with stormwater, said he wants to revisit the tree ordinance, and hopes to see the Fire Department sign used for positive messaging and information.

Council Member Barbee brought up the lake dredge issue and asked if anything came out of the meeting with the engineering firm. Mr. Oakley said the engineering firm recommended that the Town put the matter out for a design build RFP. He said the cost for the firm to create the RFP was high, so the Town was trying to do this in-house. Council Member Barbee also said at the recent Police Advisory Committee meeting there was good discussion about the 45-mph speed limit on Dow Road. He praised the Police Department for the signage and said he thinks the transition is going well.

Mayor Pro Tem Healy said he would like to recommend next month that the Beautification Committee be changed from ad hoc to standing because this will enable it to better accomplish long-range plans. He said similar committees for other cities are standing. Council Member Barbee asked Mayor Pro Tem Healy to explain the difference between the two. Mayor Pro Tem Healy said ad hoc is typically viewed as a short-term solution to fix a situation, while standing is ongoing for years and is more conducive to formulating and achieving a plan. Mr. Parvin said ad hoc is temporary, while standing is defined in code and must adhere to bylaws and operating procedures. Council Member Garza said the efficiency study

recommended that the Town condense committees, so he would like to see some of them join forces. Mayor Pierce said this was her thought as well, but she would like to hear ideas from Mr. Oakley at the retreat in January. Council Member Barbee said he would like to hear priorities from the efficiency study. Council Member Shuttleworth said his concern about committees was the drain on staff, and he would like to see a close look at the structure of each one to see if streamlining is possible. He also said he would like to see a more defined scope and purpose for each committee so they stay on track toward their missions without so much staff involvement. He recommended realigning committees rather than shutting them down to keep public participation high.

Mayor Pierce said the efficiency study and committees were on her list of non-agenda items. She said she would like to hear about quick vs. long-term implementations from the study. Mayor Pierce asked if committees are still meeting under the current COVID-19 guidelines. Mr. Oakley said some are meeting in-person if they can keep the group to under 10 people, while others are using Zoom. Mayor Pierce said to make sure there is always a virtual option.

Council Member Garza asked everyone to remember to support local businesses.

Mayor Pierce asked Mr. Oakley to look at the extra money received from ABC revenue to make sure it doesn't get absorbed somewhere. She said she would like to hear suggestions for options on how it can best be used. Mayor Pierce also welcomed Police Chief Ward again. She said she wishes everyone a wonderful holiday season and hopes people can find a way to be with family and neighbors, even if it is via phone or virtually.

ADJOURNMENT

ACTION: Motion to adjourn at 8:25 PM

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

CAROLINA BEACH

Special Meeting

Friday, December 18, 2020 9:00 a.m.

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



MINUTES

PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member JoDan Garza

Council Member Steve Shuttleworth

ABSENT

Council Member Lynn Barbee (Excused – Sick)

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

CALL TO ORDER

Mayor Pierce called the special meeting to order at 9:00 a.m.

CLOSED SESSION TO DISCUSS AN ATTORNEY/CLIENT MATTER

Mayor Pierce made a motion to go into closed session to discuss an attorney/client matter in accordance to NCGS 143-318.11(a)(3). The matter being discussed is Carolina Beach Yacht Club versus the Town of Carolina Beach 20-CVS-1444.

Motion passed unanimously.

Mayor Pierce called the meeting back into open session at 9:10 a.m.

Mayor Pierce made a motion to accept the settlement in the case of Carolina Beach Yacht Club versus Town of Carolina Beach 20-CVS-1444. Motion passed 4-0.

ADJOURNMENT

Mayor Pierce made a motion to adjourn at 9:10 a.m.

Motion passed unanimously.



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning Director

DEPARTMENT: Planning

MEETING: Town Council – 1/12/2021

SUBJECT: Presentation – Scooter Rental Company (Bird)

BACKGROUND:

Bird is a micromobility company that operates shared electric scooters. Bird operates with the user installing the Bird app, on which it displays all the scooters available (tracked by GPS) nearby. Before starting a trip, the user supplies payment information. The user then scans the QR code on the scooter, beginning the trip. Chris Stockwell with Bird would like to request to make a presentation to Town Council on how Bird could operate in Carolina Beach.

ACTION REQUESTED:

Provide feedback on if shared electric scooters is suitable for Carolina Beach

RECOMMENDED MOTION:

Give direction on if Town Council would like to see shared electric scooters operate within the town limits by directing staff to enter into either a 1) Memorandum of Understanding to operate or 2) operate under a limited trail run or 3) not to operate at all.

Attachments

1. Proposed Memorandum of Understanding by Bird
2. What is Bird
3. Bird Local Communities
4. Options for operating in Carolina Beach

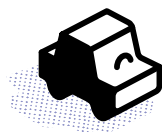
What is Bird?

Bird is a last-mile electric vehicle sharing company dedicated to bringing affordable, environmentally-friendly transportation solutions to communities everywhere. Today Bird serves over 100 cities worldwide.

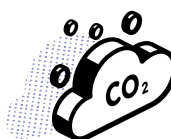
Our mission is to get people out of cars and:



Solve the last-mile problem and connect more residents to transit options



Reduce congestion and over-reliance on cars



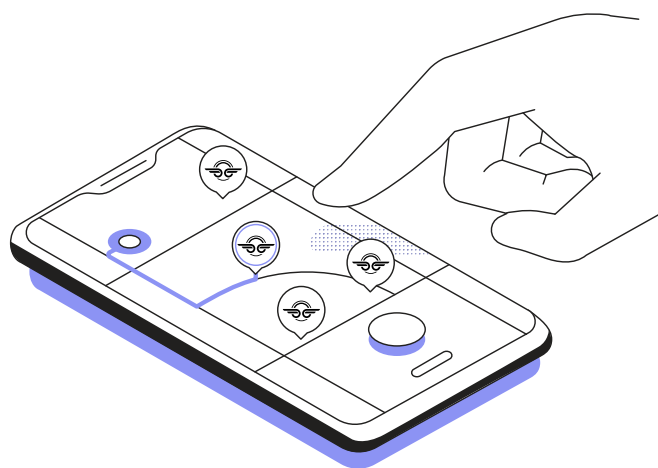
Improve air quality and reduce GHG emissions



Improve the overall quality of life in cities

How it works.

Through the Bird smartphone app, riders can see the closest Bird scooter on a map, unlock it, complete the safety tutorial and ride directly to their desired destination. It costs \$1 to start, then a per minute fee.



1

FIND BIRDS ON THE MAP

2

SCAN QR TO BEGIN RIDE

3

WATCH SAFETY TUTORIAL

4

ENJOY THE RIDE!

Bird's impact on the communities we serve

Prioritizing safety, first.

Bird partners with cities across the globe to develop programs that maximize the positive impact of micro-mobility.

Starting with less cars on the road

By replacing car trips with convenient options, like Bird, we can remove the biggest safety hazards from the road and make our cities safer today.



Bird leads the industry in safety.

Safety is deeply embedded across all components of our business- from our policy and operations; to our community education and engagement; to our industry leading vehicle design.

One sustainable ride at a time.

Bird's custom vehicles are the most durable micro-mobility options on the road today. **Each Bird One and Bird Two on the road today represents:**



18+ months

OF SUSTAINABLE RIDES



1,500 pounds

OF CO2 AVOIDED

Bolstering the local economy.



58%

of Bird rides ending at local businesses helping connect shops and restaurants with riders in their community.



9X

increase in the reach of transit stations expanding the mobility and job opportunities of more residents.



2.5M

in annual take-home pay for every 1,000 Birds in a city

Leading the way on innovative solutions for cities

Bird is committed to working with cities to manage and maximize the positive impact of our partnerships. That's why we've developed industry-leading technology to measure, innovate, and improve both our fleet and our reporting. Here's just a small sample of our offering for cities:

CUSTOM IN-APP EDUCATION

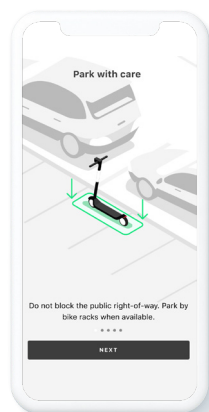
Bird riders are each shown a comprehensive education program that can be customized to address your city's chief concerns.

COMMUNITY-BASED REPORTING

Every member of your community can access community mode in the Bird app to submit complaints directly to our team for fast resolution.

LOCALIZED POLICY ZONES

Bird's geo-fencing technology allows us to implement no-ride zones, no-parking zones, and reduced-speed zones with custom messaging to increase safe riding.



PARKING MANAGEMENT

Bird offers a comprehensive suite of parking tools that bridges the gap between technology and infrastructure by both directing and incentivizing riders to park in city-designated areas.

INCENTIVES FOR HELMET USAGE

The Bird app encourages—and incentivizes—responsible riding. We even give out rewards to riders who take a #BirdHelmetSelfie, showing us that they wore a helmet on their ride.



INDUSTRY-LEADING VEHICLES

Bird's best-in-class teams create innovative new vehicles from the ground-up. From self-reporting damage sensors and tip detection to an industrial-grade anti-tipping kickstand, Bird offers the most advanced shared e-scooter on the road today.

PROGRAMS FOR EQUITABLE ACCESS

Our city dashboards provide customized information about how our partnership is helping to complement the city's mobility menu. In-depth data APIs provide cities with detailed and historical information on Bird operations and rider movement within their city.

CUSTOMIZED DASHBOARDS AND ROBUST APIS

Bird provides cities with easy-to-read dashboards and in-depth APIs to help cities understand how riders move about the city and how Bird is complementing their mobility menu.

Want to learn more about if Bird would be a good partner to meet your city's goals?

Just reach out to your Bird Government Partnerships Representative.



Hello, Carolina Beach

2020

Item 5.



27

What is Bird?

Bird is a last-mile, stand-up electric vehicle sharing company dedicated to bringing affordable, environmentally-friendly transportation solutions to communities everywhere.

Our mission is to get people out of cars and:



Solve the last-mile challenge by connecting more residents to transit options.



Reduce congestion and over-reliance on single occupancy car trips



Improve air quality and reduce Greenhouse Gas emissions



Improve the overall quality of life in cities

How it works

Using the Bird smartphone app, riders find the closest Bird scooter on a map, unlock it and complete the safety tutorial to start their ride. It costs \$1 to start, then a per minute fee.



1

**FIND BIRDS
ON THE MAP**

2

**SCAN QR TO
BEGIN RIDE**

3

**WATCH SAFETY
TUTORIAL**

4

**ENJOY THE
RIDE!**

Item 5.

-

Our Approach

Item 5.

We partner closely with cities to design solutions that work for your community.

YOUR TEAM



Chris Stockwell
Account Partner



Adam Blau
Account Manager

Get to know each other:

Understand where Bird fits into the local transportation ecosystem.

Operating Plan:

Decision to move forward and local operational partner outreach started.

Ongoing:

Your dedicated Account Manager will provide ongoing support and serve as your main point of contact for all city requests.

Setting Expectations:

Align on how Bird can best serve your city based on city input and Bird data.

Launch Day:

Introduce a new transportation option to town.

Localized Operations

We work with a local entrepreneur from the community to manage the fleet on the ground, and in exchange they earn money on each ride.

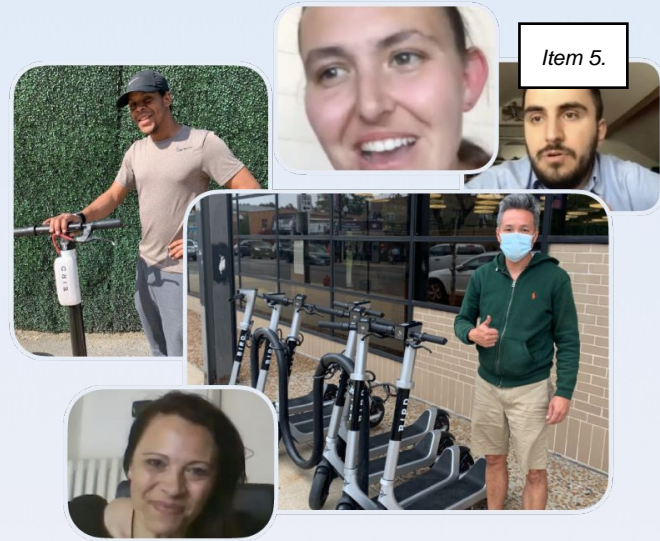
How cities benefit:

Local Touch:

- ✓ Deep community ties, local pride, and fast issue resolution
- ✓ Nuanced knowledge of where to deploy
- ✓ Economic Opportunity

Backed by the Industry Leader:

- ✓ World-class technology & compliance tools
- ✓ Operational know-how
- ✓ Industry's Safest Vehicles



“

I like being my own boss, the flexibility of setting my own schedule and being able to hire my nephew because he also needed a job. I also like being part of the growing micromobility industry. It's in line with my values regarding city transportation solutions.

- Mark, Azbri Productions, Nashville

”

The Local Impact



56%

of rides connected to a local businesses



\$70K+

average take-home earnings from local entrepreneurs partnering with Bird.



16%

more jobs accessible



Item 5.

Local Partnerships

BIRD WORKS CLOSELY WITH SMALL BUSINESSES

From co-promotions to safety campaigns, we partner closely with local businesses to promote their services to our riders; and proactively address any concerns. Item 5.



Small Businesses West Sacramento

Just in time for the holidays, Birds are now available in [@cityofwestsac!](#) to the city for striving to get more people out of cars and onto safe, sustainable micro-Evs. While you're riding, support a local business in town:

- 🍔 [@drakesthebarn](#)
- 🍦 [@dmcicecream](#)
- 🌿 3 Sisters Garden



11:04 AM · Dec 7, 2020 · Twitter Web App



Messenger Coffee Co Kansas City, MO



Hyatt Place Fort Lauderdale, FL

Hyatt Place Fort Lauderdale 17th Street is now a [@BirdRide](#) nest! You can now grab a Bird scooter right from our parking lot to get around Fort Lauderdale. Use code "HPFTL" to get your first 15 minute ride free!



Leading the way on innovative solutions for cities

Item 5.

Warm Up Mode

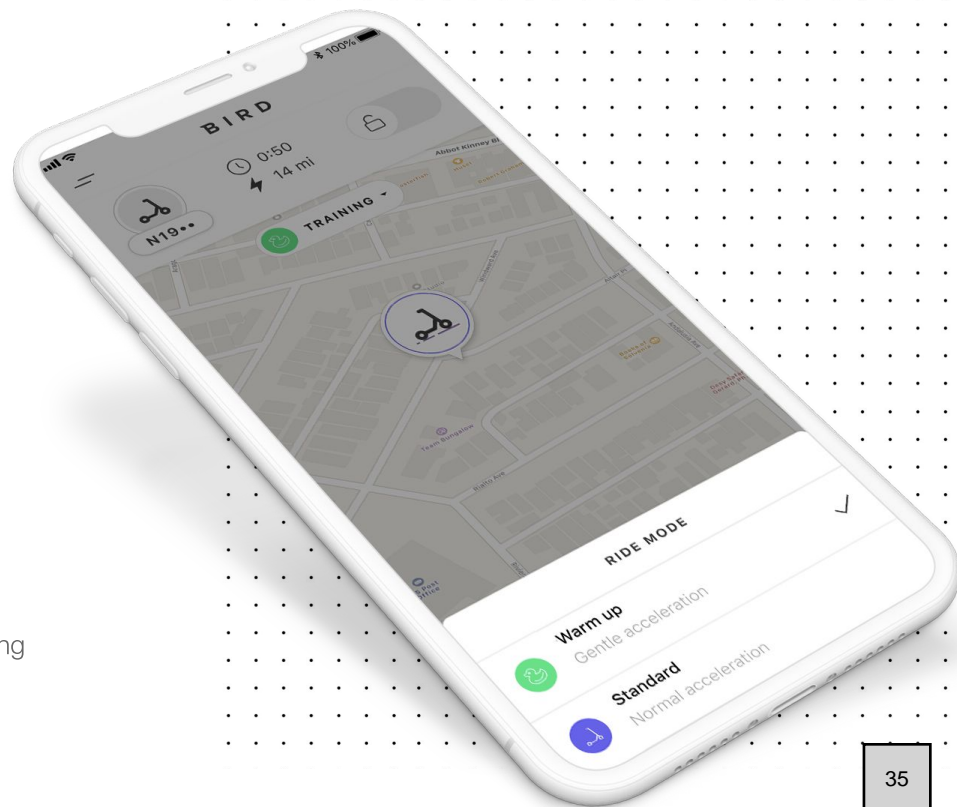
This feature offers a gentle acceleration profile that helps users learn to ride safely and confidently.

Quick Start

An industry-first feature that automatically detects when a Bird is within range and offers riders the opportunity to unlock it with the tap of a button.

Parking Management

Bird offers a comprehensive suite of parking tools that bridges the gap between technology and infrastructure by both directing and incentivizing riders to park in city-designated areas.



See what communities are saying:

Item 5.

REDDING, CA

“ I’m a nurse and having access to Bird in Redding has given me a safe and convenient way to commute during COVID ”



Fleet size: 200*

Pop. 92K

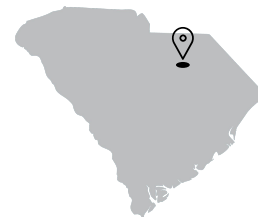
Launch date: November 2019

About: The city sees 8K rides/ month, averaging ~30 minutes.

City is excited about: Close collaboration that has led to high usage and tight operations.

HARTSVILLE, SC

“ We will bend over backwards to help you and welcome you. - Mayor Pennington ”



Fleet size: 50

Pop. 7.7K

Launch date: January 2021

About: Bird will connect residents to central business district and provide transportation to the Sonoco Campus.

City is excited about: Being a role model for the power of city + tech partnerships in small cities.

Thank you

Chris Stockwell
City Partnerships
cstockwell@bird.co






How Bird Partners with Local Communities


Bird works closely with local government agencies to bring convenient, sustainable transit to communities with stand-up electric scooters, which can be rented for short trips using the Bird Mobile App. Our mission is to get people out of cars, reduce traffic and bring communities together by providing an affordable, environmentally-friendly transit alternative.




Cities who partner with Bird benefit from our Industry-leading approach:




Clean, equitable, transportation options




Safest vehicles with advanced detection



Smart technologies to eliminate concerns



Opportunities for local entrepreneurs

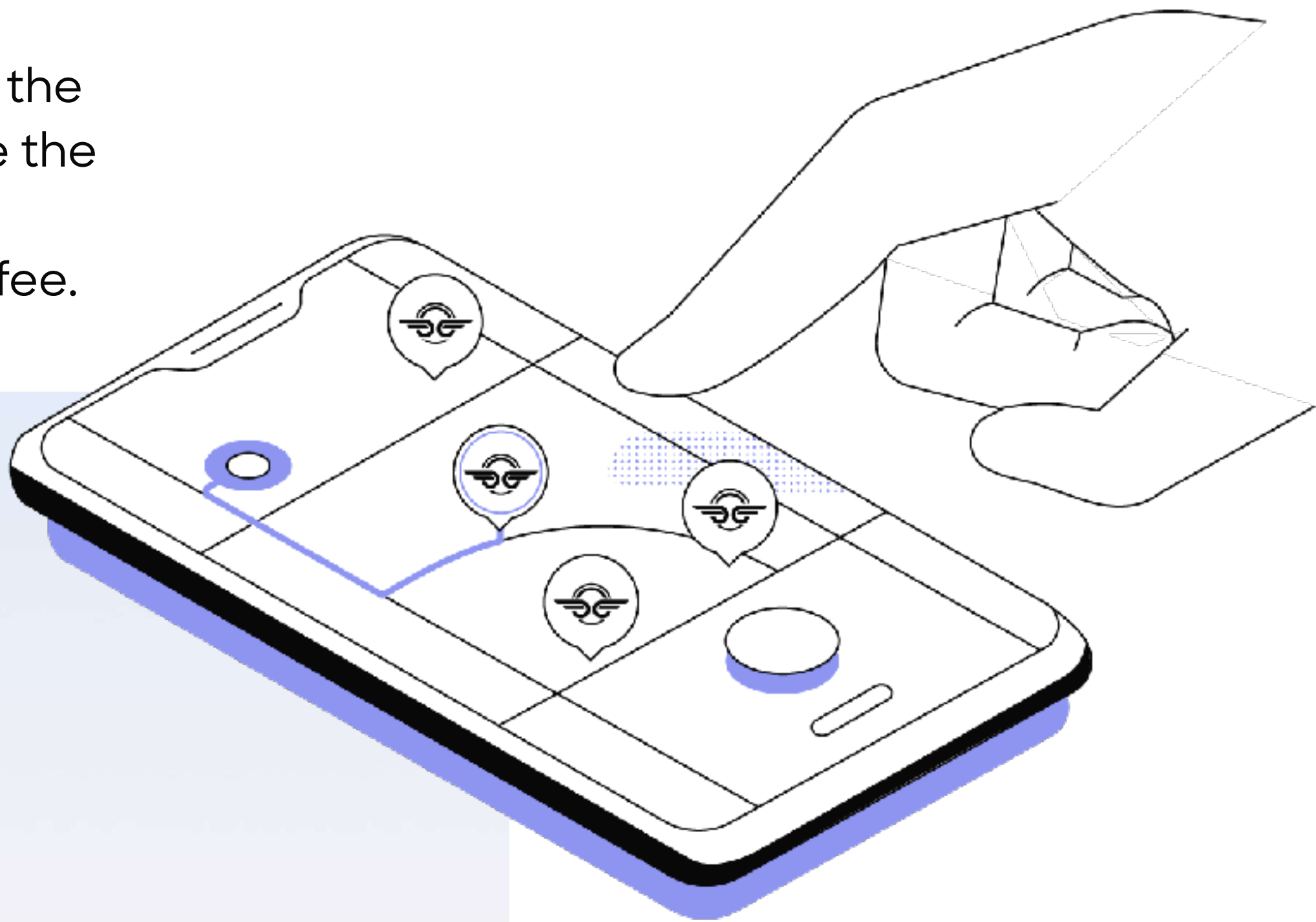


Hyperlocal operations

How it works

Through the Bird smartphone app, riders can see the closest Bird scooter on a map, unlock it, complete the safety tutorial and ride directly to their desired destination. It costs \$1 to start, then a per minute fee.

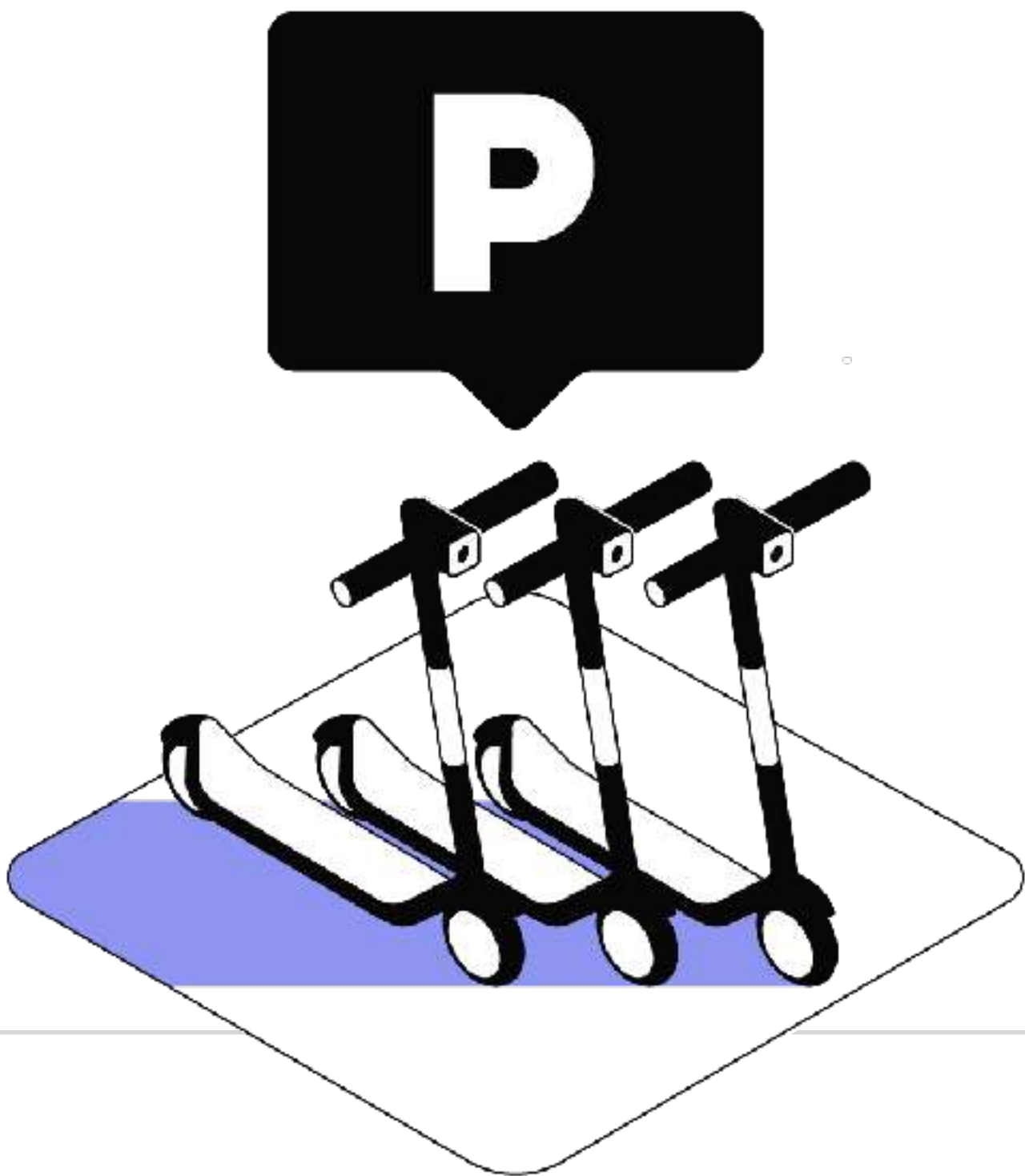
- 1 Find Birds on the map
- 2 Scan QR to begin ride
- 3 Watch safety tutorial
- 4 Enjoy the ride



THE BIRD LOCAL ADVANTAGE:

By Locals, For Locals

When Bird comes to town, we work with a local entrepreneur from the community to manage the fleet on the ground. They make money on every ride taken on the scooters that they manage. We provide the tools, operational experience and technology to help them be successful; and they provide the local pride, knowledge and expertise to cater the program to the community.



What Cities Are Saying

“We’re a relationship-based city and Bird works with us to understand our unique needs and challenges. With any new technology, we anticipate a steep learning curve. Bird stands out by being responsive, responsible and respectful of our community.”

Virginia Korte
Council Member, Scottsdale



“The Rider Incentives and your fleet managers on the ground seem to be doing a good job managing the devices, fleet rebalancing, and overall user parking performance. Keep up the great work and thank you for the partnership!”

Alyssa Muto
Deputy Director of Environment & Mobility Planning, San Diego

Memorandum of Understanding

Carolina Beach, NC will permit Bird Rides, Inc. to provide services under the following terms and limitations. This agreement shall remain in effect until date unless terminated as set forth below.

AGREEMENT

- 1) **Scope:** This Agreement and its terms apply to any proposed deployment of Stand-up electric scooter sharing systems within the jurisdictional boundaries of Carolina Beach.
- 2) **Stand-up electric scooters** shall be governed by the rules applying to bicycles and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up electric scooters shall be 18 or older. Users of Stand-up electric scooters who violate these provisions may be fined by Carolina Beach consistent with fines for cyclists.
- 3) **Bird Rides, Inc.** shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.
- 4) **Hours of operation:** Stand-up electric scooters will be made available to rent from 4 a.m. to midnight (local time)
- 5) **Bird Rides, Inc.** shall provide a minimum of 50 / 100 vehicles at launch.
- 6) **Safety Education:** Bird Rides will provide materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 7) **Data sharing:** Bird Rides, Inc. will provide data to the Carolina Beach as necessary to assist with monitoring program usage.
- 8) **Indemnification:** Bird Rides, Inc. agrees to indemnify, defend and hold harmless Carolina Beach (and the employees, agents and affiliates of Carolina Beach) from and against all actions, damages or claims brought against Carolina Beach arising out of Bird Rides, Inc.'s negligence or willful misconduct, except that Bird Rides, Inc.'s indemnification obligation shall not extend to claims of Carolina Beach's (or Carolina Beach's employees', agents' or affiliates') negligence or willful misconduct. Carolina Beach expressly acknowledges that in no event shall Bird Rides, Inc. be liable for any special, indirect, consequential or punitive damages. Bird Rides, Inc.'s indemnification obligations shall survive for a period of one (1) year after expiration of this Agreement. Bird Rides, Inc. shall be released from its indemnification obligations under this section if the loss or damage was caused by Carolina Beach's negligent construction or maintenance of public infrastructure. Carolina Beach's right to indemnification shall be contingent on Carolina Beach notifying Bird Rides, Inc. promptly following receipt or notice of any claim; Bird Ride, Inc. shall have sole control of any defense; Carolina Beach shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird Ride, Inc.
- 9) **Insurance:** Bird Rides, Inc. shall provide Carolina Beach with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability

insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Bird Rides, Inc. employs persons within the City / County, Workers' Compensation coverage of no less than the statutory requirement.

10) Notices: All notices and communications to the Carolina Beach from Bird Rides, Inc. shall be made in writing (includes electronic communications) and sent to the address below.

11) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice.

12) In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.

13) This agreement shall be governed by and construed in accordance with the laws of the state.

Carolina Beach, NC

Bird Rides, Inc.

Signed By:

Signature: _____

Print Name: _____

Title: _____

Signature: _____

Print Name: _____

Title: _____



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council – January 12, 2020

SUBJECT: Manager's Update

BACKGROUND:

Town Manager Bruce Oakley will update Council on current and future projects.



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 1/12/2021

SUBJECT: Budget Amendment

BACKGROUND:

I have received a budget amendment request. As you know, transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendment.

Appropriations:

Appropriate \$61,906 from the General Fund fund balance to account 10-570-74 Parking Capital Over \$10,000 for the purchase of 10 Parkeon Paystations and 3 vehicle immobilizations boots.

ACTION REQUESTED:

Approve the budget amendments as presented.

Attachments

#1 Paystation quote

#2 Tire immobilization device (boot) quote

#3 PPT overview of the requested amendment



December 9, 2020

Sales Quote Carolina Beach			
Contact : Shawna Vineyard			
Lanier Parking / REEF			
StradaPal Cashless + Bills Pay by Plate			
(Accepts credit cards and debit cards)			
Includes:			
Integrated Solar Power Operation w/Autonomous Battery			
7" Color Screen			
antenna kit			
Standard Color: Titanium			
Credit/Debit Card Reader			
4G modem			
backlit keypad			
Thermal Graphic Printer w/Self Sharpening Receipt Cutting Blade			
1 Roll of Paper			
Personalized Software Including Programming and Testing			
Instructional Graphics and Personalized Rate Plate			
Multi Lingual Button			
Increment and Max Buttons for Credit Card Payments			
Credit Card Software and Parkfolio License Fees			
Limited Two Year Parts Warranty			
	QUANTITY	PRICE	TOTAL
StradaPal Cashless Pay by Plate	9	\$5,250	\$47,250
StradaPal Card and Bill Pay by Plate	1	\$7,394	\$7,394
Shipping included	0	\$0	\$0
One-Time Credit Card Account Set-Up Fee	0	\$385	\$0
TOTAL	10		\$54,644
Recommended Options			
	QUANTITY	PRICE	TOTAL
extra ticket rolls	9	\$37	\$333
Bill Stacker	1	\$223	\$223
TOTAL Recommended Options			\$556
TOTAL Including Options			\$55,200

Note: Site preparation is not included in this quote.

Installation and Taxes not included

Extended warranty year 3 on \$400 a machine

mobile app included

pay citation at meter (MCS) add \$1.00 per month charge per meter



BOS Management Fees

myParkfolio Back-Office Software Management System

Pay by Plate

Zip Codes

Total monthly charges

Monthly Fees

Monthly Total

9	\$52	\$468
9	\$5	\$45
		\$969

Includes:

2 way wireless connectivity

Wireless airtime fees

On-line access to hosted secure server

Processing and storage of all transactions, maintenance, alarms,
& statistic.

Database space

PCI Level 1 Certified real-time credit card authorization account set-
up and management

Secure user rights management

Please send questions to:

Natalie Snow

Business Development Manager

Parkeon

40 Twosome Drive, suite 7, Moorestown, NJ 08057

Phone: 864-501-836

Email natlle.snow@flowbird.group

Signature and Date

Please send back to me once signed and send also to salesadmin-
us@parkeon.com



13309 Beach Ave.
Marina del Rey, CA 90292
Phone # 800-928-7763
Fax # 310-306-9343
E-mail info@wctproducts.com

Serving the Utility Industry Since 1980

QUOTATION

Item 7.

DATE	QUOTE #	PREPARED BY
1/7/2021	Q4949	Jimmy

Quoted prices are good for 90 days unless otherwise stated.

NAME / ADDRESS
Lanier Parking Solutions Shawna Vineyard 1204 N Lake Park Blvd. Unit D Carolina Beach, NC 28428
Phone: 910-523-4724 Fax:

DROPSHIP NAME / ADDRESS
Lanier Parking Solutions Shawna Vineyard 1204 N Lake Park Blvd. Unit D Carolina Beach, NC 28428

LEAD TIME		PAYMENT TERMS		SHIP VIA		FOB		
Ships 1-2 Days ARO		to be determined		UPS Ground		Vermont		
ITEM #	DESCRIPTION			QTY	UNIT COST	TOTAL		
H-12	MITI Rhino H-12 Hook-Loc Immobilizer - 12" Domed Wheel Cover			3	530.00	1,590.00		
Shipping - Freight	UPS Ground Shipping			1	115.30	115.30		

To Order Phone or Fax
Phone: (310) 822-5212 / (800) 928-7763
Fax: (310) 306-9343

BUDGET AMMENDMENTS FOR PARKING

Item 7.

- **Purchase of new Parkeon paystations - \$55,200**
- **Cost for installation of new paystations - \$5,000**
- **Wheel locks for vehicle immobilization - \$1,705.30**
- **Total cost: \$61,905.30**

NEW PARKING PAYSTATION LOCATIONS

1. FREEMAN PARK – CASH AND CARD OPTIONS
2. NORTH PIER LOT – CARD ONLY (SAME AS IT HAS BEEN FOR 2 YEARS)
3. CANAL LOT – CARD ONLY



- 4. WEEKS LOT – CARD ONLY
- 5. SURFSIDE EAST LOT – SECOND CARD ONLY MACHINE (ALREADY HAS 1 CARD ONLY MACHINE)
- 6. PALMS LOT – SECOND CARD ONLY MACHINE (ALREADY HAS 1 CARD ONLY MACHINE)
- 7. MACKS LOT – CARD ONLY
- 8. HARPER LOT – CARD ONLY



**9. TENNESSEE LOT – CARD ONLY
(SAME AS IT HAS BEEN THE
PAST 2 YEARS)**

10. OCEAN LOT –CARD ONLY

CONTINUING ISSUES WITH THE OLD PAYSTATIONS

- **Dying Batteries** – We would have to go and change batteries on a couple of paystations every other day.
- **Failing Printers** – A few machines, including Freeman Park, had printers that would stop working and need to be switched out.
- **Not Communicating with Reporting System** – There were software issues as well as issues with the controller in one machine that were keeping us from being able to report properly until they were fixed.
- **Card Reader Issues** – Maintenance was consistently having to clean and work on card readers.

BENEFITS OF NEW MACHINES

- **Low maintenance** – Other than a paper jam every now and then and regular paper changing and cleaning, the new machines we got last year required much less attention.
- **Fewer collections** – With the machine at Freeman Park being the only one that will accept cash, the amount of time spent collecting and counting money will decrease.
- **Compatible with LPR system software** – Enforcing is more efficient when the LPR can scan license plates and tell the ambassador if the person paid with the new paystations.
- **Easier reporting** – Last year with the purchase of the first 10 Parkeon machines, it became more difficult as office staff had to run 2 different reports for paystation collections.



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council – 1/12/2021

SUBJECT: NCLM 2021 Legislative Goals

BACKGROUND:

ACTION REQUESTED:

Please review and consider casting a vote to support the North Carolina League of Municipalities 2021 Legislative goals.

LEGISLATIVE GOAL STATEMENTS

RECOMMENDED BY THE NCLM BOARD OF DIRECTORS

The following goal statements are NOT listed in any particular order.

- **Grant local governments the authority to build broadband infrastructure in order to partner with private providers, and provide additional funding to help close the digital divide.**
 - The COVID-19 pandemic has demonstrated the need for additional steps to improve broadband access.
 - Slow and unreliable internet service threatens educational and professional opportunities, and the economic future of entire communities.
 - Failure to utilize local government assistance and assets will continue to create digital gaps that have real-world consequences for North Carolinians.
- **Secure federal and state aid directly to municipalities to offset all lost revenues due to the Covid-19 pandemic.**
 - Municipalities saw large drops in sales and occupancy taxes and utility revenues last spring; the current surge in the virus is likely to produce more economic disruption and further erosion in revenues.
 - Earlier federal assistance to state and local governments was neither direct nor flexible, preventing revenue holes from being filled.
 - NC municipalities received only a fraction of the federal CARES Act state and local dollars allocated to North Carolina in March.
- **Expand incentives and funding for local economic development.**
 - Funding is simply inadequate in many cities and towns to encourage job growth.
 - A lack of state funding is seen in grants or incentives for major job creation projects as well as programs to boost small business growth.
 - Among the needs are restoring cuts or additional funding for film tax credits, major industrial site development, downtown development and renewable energy tax credits.



- Refine economic tier designation system to more accurately reflect conditions at sub-county level.
 - The existing criteria does not seem to reflect the status of many communities.
 - The current tier designations fail to take into account the disparate levels of wealth within individual counties.
 - The county-focused system means that municipalities can lose out on state grants and other types of funding when they fail to adequately reflect community's wealth.
- **Revitalize vacant and abandoned properties with enhanced legal tools and funding.**
 - Many towns and cities do not have the funding to address abandoned properties.
 - These properties affect surrounding home and business property values, economic development opportunities and crime rates.
 - With funding and additional legal tools, such as those allowing for properties to be more easily condemned and to address multiple heirs, these properties could serve to addressing local housing needs.
- Increase state and federal funding for affordable housing.
 - Ongoing revenue sources to meet affordable housing needs is extremely limited; the two primary state programs to meet those needs – the N.C. Housing Trust Fund and the Workforce Housing Loan Program – have received less than \$30 million annually in recent years.
 - More than one-in-four North Carolina households are considered “cost-burdened” when it comes to paying for housing, meaning they pay at least 30 percent of their income in housing costs.
 - Affordable housing is not an issue only in larger cities; a growing number of smaller cities and towns have recognized a lack of affordable housing as major problem facing residents and an impediment to workforce recruitment.

- **Create a permanent and adequate funding stream for local infrastructure needs.**
 - Infrastructure – including roads, water, sewer, stormwater, parks and beaches – are critical to economic development and job creation.
 - Many cities in the state are growing, creating a constant need for investment to keep pace with population growth; many cities and towns also have aging infrastructure that must be replaced.
 - Creating a more permanent funding stream for local infrastructure, such as a dedicated tax source, would allow for better planning to meet needs.
- **Provide funding to keep aging water and sewer systems financially solvent today and viable for the future.**
 - According to a state study, North Carolina will need at least \$17 billion to meet water and wastewater infrastructure needs over the next two decades.
 - Several dozen towns in the state have financially distressed water or sewer operations, threatening the towns' overall financial viability.
 - These stresses to water and sewer operations have coincided with population and job losses in rural areas, leading to an erosion of taxpayer and ratepayer bases.
- **Ensure state funding for any new, state-mandated benefits for municipal employees.**
 - In recent years, legislators have considered additional post-retirement benefits for certain classes of municipal employees.
 - Often, proposed legislation would act as an unfunded mandate on municipalities, as it fails to include a state-funding source.
 - Proposals, many focused on firefighter benefits, fail to consider that municipalities already enjoy the authority to provide these benefits individually without legislative action.
- **Improve state-wide funding and support for LEO training focused on use of force, mental health and de-escalation skills.**
 - Highly-publicized incidents of police use of force in 2020 have underscored the need for enhanced and expanded law enforcement training.
 - Improved training is needed to build trust and legitimacy in the community while serving the public in a professional and equitable manner.
 - Numerous studies show that additional and effective training focused on conflict de-escalation can significantly reduce police use of force.

- Permit all cities to establish a police department citizen review board.
 - Current state law requires cities to seek local legislation approved by the General Assembly to establish a police citizen review board.
 - A statewide law providing cities and towns the option of establishing such boards would allow more flexibility to meet local needs.
 - Establishing these review boards, when sought by and supported by local residents, can create another avenue to build trust with the community.
- **Allow a short grace period for online posting of local emergency declarations while allowing them to take effect immediately.**
 - Current state law requires immediate online posting of local emergency declarations in order to take effect.
 - Recent disasters and emergencies have demonstrated the difficulties meeting the requirement.
 - Weather issues and power outages are among the problems that can hamper compliance.
- **Increase public safety grant funding and expand allowable uses.**
 - Improving policing will require additional public safety grant funding and more flexibility in its uses.
 - More effective and equitable policing can be achieved by additional funding of community policing programs, as well as putting more dollars toward alternative programs that seek to address mental health calls and other issues through non-uniformed personnel.
 - Additional funding is also needed to meet public safety communication needs.
- Extend notification timeline for any changes to sales tax revenue disbursement.
 - Under current law, counties are able to shift the method of local sales tax disbursement in April, providing notice to municipalities just two months ahead of the new fiscal year.
 - These shifts, from per-capita to ad valorem distribution methods, or vice versa, can mean significant losses of sales tax revenue for municipalities, with little time to consider the budget implications.
 - County governments enjoy this power even though a majority of sales tax revenues are generated within municipal borders.



- Reduce pressure on property tax payers by expanding locally-controlled options for revenue generation.
 - Property taxes remain the primary revenue stream over which municipal governments exercise control.
 - Cities have little or no authority to raise significant revenue in other ways.
 - A lack of diverse, local tax options can affect economic growth, as well as cause large swings in revenue based on economic changes.
 - Increase in state funding to support public transportation development and operations.
 - Growing areas require public transportation options to effectively allow people to work, live and play.
 - When quality of life suffers due to traffic congestion, areas lose their attractiveness as places to live and work; that can affect the larger economic growth of the entire state.
 - The state needs to be a full partner in public transit solutions.
 - Improve processes and payments for moving utility lines located in the right-of-way during transportation projects.
 - NCDOT charges to cities to move utility lines for road projects can be costly.
 - Due to uncertain construction timelines, these charge often come with little notice or ability to budget.
 - Increased transparency and communication would allow cities to better plan for these projects.
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AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Council Workshop 1/12/2021

SUBJECT: Closed Session to Discuss an Attorney/Client Matter

RECOMMENDED MOTION:

Motion to go into closed session to discuss an attorney/client matter in accordance to NCGS 143-318.11(a)(3).