

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 Burriss 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. Burriss 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.