

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, August 13, 2024 - 6:00 PM

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



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## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by Mayor Pro Tem LeCompte and Pledge of Allegiance.

### PRESENT

Mayor Lynn Barbee  
Mayor Pro Tem Deb LeCompte  
Council Member Jay Healy  
Council Member Joe Benson  
Council Member Mike Hoffer

### ALSO PRESENT

Town Manager Bruce Oakley  
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 Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

### CONSENT AGENDA

1. Year-End Budget Transfers Wages and Benefits
2. Amend the Marina Bulkhead Project Ordinance
3. Amend Capital Project Fund for Lake Dredging SERDRF Grant
4. Budget Amendments for Carryovers
5. Budget Amendments/Transfers FY25
6. Year-End Budget Transfers FY24
7. Approve Resolution 24-2311 Setting a Public Hearing for September 10, 2024, for Financing Terms for the 1500 Block of Spot Lane Paving Assessment
8. Set a Public Hearing for September 10, 2024 – Conditional Zoning to Consider an Addition to a Bar at 3 Cape Fear Boulevard  
Applicant: Ant Bates Motel, LLC

9. Approve Resolution Naming New Hanover County as the Direct Payor for Storm Damage Reduction Maintenance Projects
10. Emergency Compensation Policy Amendment
11. Approval of Council Meeting Minutes

**ACTION:** Motion to adopt the consent agenda

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

**SPECIAL PRESENTATIONS**

12. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, shared a text from Kevin Murphy of Ocean Cure, who wanted to thank Council, Mayor Barbee, Town staff, and volunteers for their support with the Life Rolls On event.

Mr. Murphy reviewed upcoming events:

- Surf Dog Experience – August 24 at Carolina Beach Pier
- Dragon Boat Regatta – September 21 at the Boat Basin (kickoff party September 20 at SeaWitch)
- Bring Your Own Pool Party – September 21 at Kindred
- Police Department Bike Rodeo – September 29 at Rec Center
- Movies at the Lake – continues every Sunday through September 1 at Lake Park
- Family Night – continues every Tuesday through August 20 at Lake Park
- Boardwalk Bingo – continues every Wednesday through August 28 at the Gazebo
- Fireworks/Music – continues every Thursday through the season with the exception of the Labor Day (Friday, August 30) show
- Carolina Beach Market – continues every Saturday through September 28 at Lake Park

Council Member Healy asked what will happen to the fireworks from the canceled show last week. Mr. Murphy said the Town will work with the vendor to add the unused fireworks to the three remaining nights.

13. Resident Recognition – Rob Darden, USA BMX Olympics Coach

Council recognized USA Olympics BMX Coach Rob Darden for his team's performance at the 2024 Paris Olympics, where they won a silver medal. Mr. Darden is a resident of Carolina Beach and a BMX pro rider.

14. Recognize Carolina Beach Ocean Rescue for Taking 2nd Place at the 2024 USLA National Lifeguard Competition in South Padre Island, Texas

Council recognized Ocean Rescue for placing 2nd at the 2024 United States Lifesaving Association National Lifeguard Championships in South Padre Island, Texas. Lifeguards attended the meeting with their awards, which were Texas-shaped trophy belt buckles.

Fire Chief Alan Griffin thanked Council for the Town's support in the past but reported that the lifeguards were able to raise most of the funds they needed to attend the competition the past few years. Mayor Pro Tem LeCompte said the last music/fireworks night of the season will feature a 50/50 raffle that benefits Ocean Rescue.

15. BikeWalk NC Presentation by Mo Linquist

Mo Linquist of BikeWalk NC gave a presentation about the organization and its upcoming annual transportation summit, a multi-day event planned for September in Chapel Hill. She asked Council to consider sending a representative from the Town.

Council Member Hoffer said he already reached out to Mr. Oakley about attending, and Mr. Oakley approved this and suggested that someone from the Town's Bike/Ped Committee also go.

16. Manager's Update

Mr. Oakley gave an update on various projects:

- The new Boardwalk bathroom facility should start construction in January and will likely go into the following summer season. The Town plans to bring in a temporary trailer-type facility while the project is ongoing.
- The contractor for the Ocean Boulevard sidewalk is ready to go. N.C. Department of Transportation (DOT) approved the plans, and the Town is now waiting for the supplier to approve the revision.
- The Town is looking to conduct a facility study, and Cape Fear Council of Governments will assist. It will assess all the property the Town owns and what may or may not be needed in the future.
- Mr. Oakley praised the Stormwater team as well as Public Works, Public Utilities, Police, and Fire for going above and beyond preparing for and responding to Tropical Storm Debby and the violent rain event (defined as over 2 inches of rain within an hour) that followed on Friday. He said staff worked tirelessly all week keeping the storm drains clear and responding to resident calls. Mr. Oakley also recognized the Administrative staff for their professionalism in handling the influx of phone calls and work orders that came in during this time.
- Mr. Oakley showed a video that explains how urban stormwater systems work and what happens when there is rainfall. He said the recent precipitation helped the Town identify where weak spots are.

Mayor Barbee said the purpose of the street sweeper is to get debris off the street before it gets in the storm drains. He said he also received complaints about people driving at a high rate of speed down flooded streets, which creates a wake and exacerbates the problem.

Public Works Director Brian Stanberry gave a stormwater situational report on the effects of Tropical Storm Debby and Friday's rain event. He said the rainfall total for Monday through Friday of the previous week was 11.7 inches, including 3 inches that fell within 1 hour on Friday. Mr. Stanberry said any stormwater system struggles with rainfall of over 2 inches per hour. His presentation included information about lake level management, problems, and stormwater management measures. He echoed Mr. Oakley's comments about the amazing performance of Town staff, especially Stormwater. Mr. Stanberry said his staff put in about 404 hours preparing for and responding to the rainfall, and this was in addition to all the other Public Works staff performing their regular duties.

Mayor Barbee said he heard some complaints about water flowing from the Marina to the Lake, but Mr. Stanberry said the flow only goes from the Lake to the Marina. He said that valve is only a year old, and it is much more effective than what was there before. Mr. Stanberry said any flow into the Lake was from nearby roads, not the Marina. He added that there are no maintenance issues with Henniker's ditch, and problems resulted from heavy, fast flow that pushed debris and uprooted vegetative matter.

Council Member Benson asked about activating emergency pumps on Carolina Beach Avenue South as a last-ditch effort to get water out of the Lake fast. Mr. Stanberry said they were prepared to do that and had rented pumps, but the Town must get permission from the State and the situation must be deemed an emergency with Lake Park Boulevard impassable. Mr. Oakley said there is some leeway if a State of Emergency is declared, but there was not one in place at that time.

Council Member Hoffer asked when the Lake reached its highest point on Friday. Mr. Stanberry said this happened at about 9:00 PM. Council Member Hoffer noted that this was long after it stopped raining. He asked if it would have made a difference if the Lake had been dredged deeper. Mr. Stanberry said he doesn't think so, and the ability to get water away from there is what matters. He said although the Town is better prepared than many other small municipalities, the problematic nature here is due to cost and topography, as there is very little elevation to work with to move water.

Council Member Healy said the good news is there is a 25-year plan in place, and the solutions necessary for stormwater management are why the Town had to raise utility rates.

Council Member Hoffer asked about the stormwater system requirements for new homes. Mr. Stanberry said the current ordinance does not require treatment of all properties being built. He said if there is infrastructure on hand that can be contributed to, that is typically the route the Town takes, adding that there is no enforceability to maintain a system on private property. Mr. Stanberry said there must be a drainage plan that shows where drainage will go, and the Town must determine if additional infrastructure is needed to get it from the property to the Town system.

Ms. Fox said private property owners always have rights when someone is discharging water on their property, so the cause of action would be filed against the neighbor and not the municipality.

Mayor Barbee said he got many calls about storm drains being clogged, but he explained that the issue was not due to clogs but the fact that there was nowhere for the water to go. He added that stormwater management is complicated.

Mayor Pro Tem LeCompte said older neighborhoods have no stormwater design, so the Town is fighting history and although there have been steps forward with the new Unified Development Ordinance (UDO), going back to rewrite history is not possible.

Mayor Barbee asked for a review of major changes in the UDO. Mr. Stanberry said it established a maximum fill height, but the biggest accomplishment was the 65% lot coverage maximum, which means a property must contain at least 35% green space.

Council Member Hoffer asked about the timeline for the Ocean Boulevard sidewalk once construction starts. Mr. Oakley said he will try to get more information, and he added that notification to nearby properties will go out before any mobilization happens.

### **PUBLIC COMMENT**

J.R. Bullock of 1200 Amesbury Court in Wilmington spoke about his towing company Towriffin Towing. He said after speaking last month, he had not received any correspondence from anyone with the Town other than Lt. Sonny Russell with the Police Department. Mr. Bullock said the Police Department has used Tow 2 Tow for the last 14 vehicle accidents, adding that the ordinances are inconsistent and the current tow company does not meet the requirements listed in the ordinance. He said he would like clarification of the inconsistencies.

Robert Noldin of 1411 Searay Lane asked why manual pumps are not on a sensor. He praised Stormwater System Manager Daniel Keating for his responsiveness and availability to residents and said once Mr. Keating started the manual pump, the water went down almost immediately. Mr. Noldin also said the two storm drains for the new duplex next to him are not hooked up to anything. His final concern was that the pitch on his street causes the water to funnel onto 3 properties, and he asked if staff could evaluate the pitch of the road.

Kristen Dunn of 907 Ocean Boulevard said she received a response from State Rep. Charlie Miller about House Bill 435 (Bulkhead Authority). She said he told her it was unconstitutional to require residents to install bulkheads on private property. Ms. Dunn asked if the Town was taking over Ocean Boulevard from the State, stating that it could possibly make a difference where the sidewalk is placed. She also mentioned that Mike Chappell Park flooded during the storm and the drains on Dow Road were not flowing due to vegetative overgrowth. Ms. Dunn's final comment was about new construction causing existing properties to become retention ponds. She questioned if stormwater plans were being enforced and said if so, the water is not making it into the Town stormwater system.

Jared Holmes of 1201 Saint Joseph Street said contractors are cutting down trees on Summer Salt Lane and leaving the debris, which is preventing drainage. He suggested that they be required to clean it up.

Amy Craig Bagnell of 1601 Swordfish Lane asked why the Town is reactive to start pumps instead of proactive. She said she feels the Town does not respond until they start receiving phone calls and asked if the pumps can be turned on remotely. Mayor Barbee said staff will get back to her.

Jordan Glaser of 1413 Searay Lane said on the east side of Searay – the south side of Ocean Boulevard between Ocean and South Carolina Avenue – the water is not flowing in the direction of the storm drains. He said he thinks it could be an issue with the pitch of the road and asked if it would benefit the Town for residents to give information about where they think a potential blockage may be. Mayor Barbee encouraged residents to email information they feel may be helpful so it can be evaluated. He said people should not hesitate to reach out to Council in situations such as their house flooding because the elected officials’ job is to act as a liaison between the public and Town staff.

## **ITEMS OF BUSINESS**

### **17. Amend the Marina Rates and Fees Schedule**

The Town recently filled the remaining boat slips at the Town Marina. The last slip filled was in the far northeast corner of the marina. This slip has been unused for many years due to a significant amount of sediment filling it. Dredging this area has been on hold due to concerns with potential impacts to the adjacent property. Initially the Town tried to work with the adjacent property owner to dredge the area and allow that property owner first rights to the slip, but an agreement was never able to be reached and the adjacent property owner has never applied for the slip.

A license agreement is currently in place for Brandon Woodard to utilize the slip. However, due to limits on use of the slip, Mr. Woodard is requesting a reduced cost from \$550 to \$400 per month. Staff agrees that:

1. Usage of the slip is significantly limited in comparison to all other slips at the Town Marina.
2. Any reduction in cost would need to be done through an amendment to the Town’s rates and fees schedule.

Staff recommends adoption of Ordinance 24-1232 to amend the rates and fees schedule to reduce the slip rate for the slip in the northeastern corner at the Town Marina. Mr. Hardison presented the details.

Mayor Barbee said he thinks this sounds like a reasonable request.

Council Member Healy said there is a lot of demand for space in the Marina, so his business side wonders whether the Town should reduce the rate by \$150.

Mr. Woodard, who owns Big Kahuna Tiki Charters, said he has only been in the slip for a couple of weeks and has discovered that at dead low tide the front left corner of his 24-foot boat sits on an oyster bed, so he must plan his charters around not being able to get in or out around low tide. He said because of this, he is experiencing about a 30% loss of charters and is asking for a corresponding reduction in the slip fee. He said a 30% discount on \$550 would result in a fee of \$385, but he thought \$400 would be a fair, round number.

Council Member Healy said Mr. Woodard’s explanation sold him on the justification for the fee reduction.

**ACTION:** Motion to adopt Ordinance 24-1232 amending the rates and fees schedule to reduce the slip rate for the slip in the northeastern corner at the Town Marina to \$400

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

## 18. Enhancing Harbor Stays and Safety

In the 1990s and early 2000s, the Town was not considered a good place for boaters to stop as they cruised up and down the Intracoastal Waterway, but that has slowly changed over the past few decades. Council adopted a Harbor Management Plan in 2007 that promoted moorings in the harbor area. Since that time, Council and staff have worked to re-establish and define the pierhead line, develop and implement anchorage and mooring ball areas, build and maintain multiple dinghy and dayboater access points, and enhance golf cart, vehicle, and bike parking as well as pedestrian facilities around the harbor area.

The work done by Council and staff has taken the Town from a place boaters wanted to avoid to one of the most popular destinations for boaters on the East Coast, but with all the positives there are also many challenges. Over the years, the Town has continued to request additional enabling authority from the N.C. General Assembly to manage issues such as dangerous, derelict, and abandoned vessels in the harbor area.

The harbor area is set up as an environment where boaters can come in and enjoy the community. However, many are leaving their boats for extended periods, resulting in harm to other boaters, adjacent property owners, and the environment. To help resolve this issue, staff is recommending amending the Town's current harbor ordinance to allow boaters to continue to enjoy the Town but put limits on boating activities that lead to negative impacts.

The goals of the proposed text amendment are to:

1. Promote turnover of slips, anchorages, and moorings, allowing for an increase in users served.
2. Clarify the enforcement process and ensure the Town has the means to hold all violators accountable for threatening or causing harm to citizens, private and public property, and/or the environment.
3. Align and streamline regulations for boaters to promote a better understanding of how the harbor areas are managed.
4. Increase boaters' options to patronize the Town and encourage return visits while giving the Town's Harbor Masters better oversight.
5. Enhance access of the community's businesses and natural resources for harbor users.

Town Harbor Masters Jarrett Anderson and Larry Denning presented the proposed updates to Chapter 10. They reviewed their duties, code modification goals, issues with protecting the Town's harbor, and what neighboring local government bodies are doing.

Council Member Healy asked who pays to remove an abandoned boat. Mr. Anderson said State grants are often available, but without these or other possible funding sources, it would be the Town's responsibility. Council Member Healy asked why the Town doesn't bill the owner of a boat. Mr. Anderson said many of them disappear and are hard to find.

**ACTION:** Motion to approve Ordinance 24-1231 amending the mooring, anchorage, and docking regulations as defined in Chapter 10 Harbor and Marina Regulations

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

### **COUNCIL COMMENTS**

Council Member Hoffer reminded everyone to be safe while walking and biking.

Council Member Benson thanked those who joined the question-and-answer session with him and Council Member Hoffer on August 5. He said there are plans for another in 5-6 weeks. Council Member Benson also asked staff to make sure Henniker's Ditch is being properly maintained.

Mayor Pro Tem LeCompte said she and Mayor Barbee are now tour guides for the Federal Point History Center Boardwalk Tour, and the next tour is Tuesday at 8:45 AM starting at Hampton Inn. She said the cost is \$10, and the money goes to support Federal Point History Center. Mayor Pro Tem LeCompte also reminded everyone about the blood drive on September 17, and she praised the CB Trash Walkers group for continued dedication to keeping the area clean and invited everyone to participate. She also requested an update at the workshop on residential parking restrictions for Florida Avenue, Georgia Avenue, and adjoining residential streets.

Council Member Healy commended Stormwater staff for their efforts, and he also suggested that the Town increase fines for people driving through floodwater.

Mayor Barbee said residents were using their cars to block flooded streets and reminded everyone that while he understands why they did this, it is still illegal. He thanked residents for sharing comments about flooding issues and said they will be used to implement continuous improvements.

### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 8:06 PM.