

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, November 9, 2021 - 6:30 PM

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



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## MINUTES

### CALL TO ORDER WITH INVOCATION GIVEN BY PASTOR HAL HIATT OF FIRST BAPTIST CHURCH OF CAROLINA BEACH

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Pastor Hal Hiatt of First Baptist Church of Carolina Beach and Pledge of Allegiance.

#### PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

#### ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

#### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda with the removal of the two parking items

Motion made by Mayor Pierce

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

Council Member Shuttleworth

*Motion passed unanimously*

Mr. Oakley said the parking items will be on the agenda for the next workshop.

#### CONSENT AGENDA

1. Budget Transfer
2. ROT Reimbursement Request for \$604,506.26
3. Approval of Meeting Minutes from 10/12/2021

**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**

### **4. Events Update by Tim Murphy**

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, reviewed special events for November/December:

- Trash 2 Treasure – November 13 at Carolina Beach Lake Park
- Neon Bike Brigade – November 20 at Carolina Beach Lake Park
- Nollie’s Salsa-Shred – December 4 at Mike Chappell Park
- Christmas by the Sea – a variety of events starting in late November, including Letters to Santa, Parking Meters on Parade, Holiday Coves, Santa by the Sea, Holiday Market (December 4 at Carolina Beach Lake Park), and Movie at the Lake (December 10 at Carolina Beach Lake Park)

Mr. Murphy said the Netflix series “Florida Man” will filming at Town Hall on December 1.

Council Member Garza asked if Lake Park Boulevard will be blocked during the bike ride. Mr. Murphy said no because the route is mostly side streets behind the lake. He said there will be police presence where the bikes cross Lake Park Boulevard but no shutdowns.

Council Member Garza encouraged Mr. Murphy to let the public know about the time frame for the bike ride because there could be 300-500 participants.

Mayor Pro Tem Healy praised this event as well as the Bike Rodeo. He said a lot of work goes into them. Mr. Murphy said many volunteers make these events successful.

Council Member Garza asked why parade entries are only halfway to capacity. Mr. Murphy said people tend to wait until later in the process to sign up and that he has no doubt it will be a full parade.

### **5. Manager’s Update**

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

- Weekend flooding caused by the king tide and low-pressure weather system: The Town is removing sand from streets in the Carolina Beach Avenue North area and then will work on walkways. There will be limited debris pickup by staff in affected areas. The beach has been cleaned up, and Freeman Park should reopen soon.
- Communication tools: Residents should sign up for CodeRED alerts and use the website to report issues and submit work orders.

Mayor Pierce asked if the Town is posting road closures on the website. Mr. Oakley said he’s not sure if they are going up every time, but he said there is communication via press releases, social media, and the website with significant closures reported on CodeRED.

Council Member Garza encouraged residents to report issues such as potholes, yard problems, and street light outages by accessing the website on their mobile phones as they are out and about.

Mayor Pierce asked if the Town is moving forward with requesting room occupancy tax (ROT) funds for the debt service payment for the Hamlet Avenue restrooms. Mr. Oakley said yes, the Town is submitting that debt service for ROT reimbursement.

Council Member Garza asked if the Town has heard anything from the State about a possible turn lane into the State Park. Mr. Oakley said the request has been made to the State and it's in the Board of Transportation's hands now, which means the request is in good shape and the Town should get funding for this.

### **PUBLIC COMMENT**

Patrick Boykin of 712 Glenn Avenue said of the 5 petitions he presented to Council on August 12, he and his neighbors have only gotten a status update on 2 of those. He said he still had concerns about noise from nearby Town facilities because Public Works Director Brian Stanberry said as the end of the season nears the start times will become later. Mr. Boykin said start times should be the same all year long. Mayor Pierce asked Mr. Oakley to address this because she has heard similar complaints from others.

Mr. Boykin said another petition focused on through traffic in the Ocean Heights neighborhood. He said he would like to see signage installed. He said he has also not heard back about concerns regarding the SunFun Rentals expansion and landscaping. Mr. Oakley said there was a discussion about how to control through traffic from Town vehicles, but he's not sure what the Town can do about local traffic cutting through. He said staff will look into this. Planning Director Jeremy Hardison said SunFun Rentals' plans include current use of the bait and tackle shop until July, when they will be removing the building, developing the site, and installing landscaping. Mr. Boykin asked about the procedure for fencing. Mayor Pierce asked Mr. Oakley to contact him because these are legitimate issues that need to be examined.

Dan McNutt of UPP Global, a full-service parking management company operating locally as NC Parking Co., said his company participated in the RFP process in the spring and fall for parking management for the Town. He said he wanted to clarify some key points of the proposal. Mr. McNutt said based on analysis of historical performance of municipal parking when looking at data in the spring, his company proposed a base minimum guarantee of \$1.5 million and that anything above and beyond that would be revenue split and capped for the company at a certain number. He said in addition, his company proposed a \$100,000 check to the Town to reduce capital equipment expenses incurred in the past 12 months. Mr. McNutt said after revisiting the proposal in the fall, his company determined there has been a percentage increase in total operating revenue, so the response was to offer an adjustment to the base minimum. He said the Town would be bonded and guaranteed a base minimum of \$1,650,000. Mr. McNutt also gave an overview of the company's history and presence locally and nationally. Mayor Pierce said the parking discussing has been tabled until Council's next workshop.

No one else requested to speak.

### **PUBLIC HEARINGS**

6. Conditional Zoning to consider a Mixed-Use Commercial/Residential development located at 902, 910, 1000, and 1010 North Lake Park Boulevard. Applicant: Cape Fear Four LLC

**ACTION:** Motion to open the public hearing to consider Conditional Zoning for a Mixed-Use Commercial/Residential development located at 902, 910, 1000, and 1010 North Lake Park Boulevard

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Mr. Hardison presented the details. He said the application for this project is for 4 parcels, but one is the Jersey Mike's site, which will not be redeveloped but will have some site changes such as closing the 2 driveway cuts and reconfiguring parking. He said this will act as an outparcel for the project but will be individually owned.

Highway Business (HB) District

- Businesses in HB serve the entire community and beyond
- Located on major thoroughfares
- Conveniently reached by automobiles and can avoid sending heavy automobile traffic through smaller streets or residential areas

Mixed-Use Commercial/Residential (Conditional Zoning)

- Allowed in accordance with specific standards and conditions pertaining to an individual development project
- Ensures compatibility and enjoyment of neighboring properties
- Standards may include such things as landscaping, design guidelines, buffers, infrastructure improvements (i.e., water), and pedestrian, street, and right-of-way improvements

When evaluating, Council shall consider the following:

- Application's consistency to the general policies and objectives of the Town's Coastal Area Management Act (CAMA) Land Use Plan, any other officially adopted plan that is applicable, and the zoning ordinance
- Potential impacts and/or benefits on the surrounding area and adjoining properties
- Report of results from the public input meeting

Mr. Haridson reviewed the history of the land, including former uses and approvals such as Jubilee Park, Jubilee Village, and Harris Teeter. The latter two projects never came to fruition. He said the 5-acre property to the south has been a mini golf course, arcade, and batting cages, and it's now been cleared and used for parking for the Netflix production "Florida Man" as filming takes place in the area.

Mr. Hardison presented statistics for the proposed project, which will incorporate 7 buildings with 261 residential units and total commercial use of 44,111 square feet, or 57,711 when including outdoor areas such as dining tables, the pool, and other amenities.

The project has incorporated changes from public input, such as changing a 6-foot multi-use path on Lake Park Boulevard to 8 feet and considering a potential pedestrian connection to Winner Avenue.

#### Conditional Zoning Process

- The applicant held the required meeting on August 26, 2021
- The applicant has provided summary comments from the meeting
- Based on comments from the meetings, the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties
  - Council may include additional standards and can accept none, any, or all of the conditions forwarded from the review process

#### Conditions

1. Provide for an 8-foot multi-use path on Saint Joseph Street and North Lake Park Boulevard connecting each public right-of-way with an interior 8-foot multi-use path
2. All lighting should be aimed, located, designed, fitted, shielded, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property
3. Install all recommendations of the traffic impact analysis and add crosswalk and traffic signal at Winner Avenue with the approval of the N.C. Department of Transportation (DOT) up to \$300,000
4. Provide daily usage of water and sewer and make improvements as required by Public Utilities
5. Parking and access easement to be recorded for usage of the Jersey Mike's property
6. Keep existing live oaks as depicted on the site plan
7. Prohibit the residential units from being rented for a period of less than 90 days
8. Cooperate with the Town to reasonably assess the viability of pedestrian access to Winner Avenue
9. Memberships to the swimming pool shall be available to residents of Carolina Beach and Kure Beach

#### Land Use Plan

The 2020 Land Use Plan vision for this area is higher density with a mix of uses within the district and individual buildings. Residential uses are allowed only on upper stories, unless associated with Mixed-Use Commercial/Residential on a 10-acre or greater lot with a minimum 3,000 square feet of commercial space provided per acre.

- Lake Park Boulevard – Reducing driveways to improve safety and increasing pedestrian connectivity is desired
- Enhanced pedestrian and multi-use facilities along major corridors and between key destinations
- Lake Park Boulevard and Winner Avenue – Crosswalk and sidewalk improvements

Mr. Hardison said the Planning and Zoning Commission as well as staff recommend approval of the project.

Brian Eckel of 1051 Military Cutoff Road in Wilmington, a partner with applicant Cape Fear Four LLC,

introduced his team members. He said they are part of a local company that celebrated its 20<sup>th</sup> anniversary this year and employs 32 people who live in New Hanover County. He reviewed other projects they have developed, including Publix Commons at Federal Point. Mr. Eckel said he and his team members have solicited community input about this project via 25 community meetings plus a website and incorporated many of the suggestions into the plan. He said community meetings will continue because the group wants the public to be involved every step of the way. Mr. Eckel reviewed project milestones, which include construction beginning in September 2022 and a total build time of 16 to 20 months.

Mike Brown of 1922 Brookhaven Road in Wilmington, a partner with applicant Cape Fear Four LLC, spoke about the Town's 2020 CAMA Land Use Plan and said the project serves most of the 13 goals identified in it.

Attorney Sam Franck, who represents the applicant, discussed plan aspects influenced by community engagement and traffic impact.

Jonathan Guy of 115 Fairchild Street in Charleston, S.C., traffic engineer for the project, said he has family who lives on Pleasure Island. He said the proposed development is less intense than what has already been approved for that site. Mr. Guy said connecting land uses together will allow trips to be combined and residents to easily access the site on foot or via bicycle. He said a traffic study for the project includes analysis of a traffic signal at Winner Avenue and North Lake Park Boulevard. Mr. Guy said conditions do warrant the signal at this location and that he strongly believes this would be beneficial. He said the applicant is working with the DOT to discuss this and move it forward.

Council Member Garza asked about reference to a 13-hour traffic count collected on Tuesday, September 21. He said this is well after Labor Day on a weekday, so the island is dead during this time. Council Member Garza said he'd like to see a study done during peak times during the summer. He said this is not a true number without accounting for an influx of visitors. Mr. Guy said summer counts were used when the applicant looked at 2019. He said the intent of the approach is to consider summer peak as well as school peak times.

Council Member Garza said when Council approved Publix, that project did not want interconnectivity with the adjoining lots. He asked if this has been remedied. Mr. Eckel said as long as they don't put a Harris Teeter there, there will be interconnectivity.

Mayor Pierce asked if units would be up for individual sale or apartments to be managed on site. Mr. Franck said this will be a for-rent housing product to be managed on site. He said rentals will be for no less than 90 days but in practice will be annual.

Mayor Pierce opened the floor for public comment.

Don Pierce of 1606 Searay Lane said he was worried about the traffic impact to residents. He said while he likes some aspects of the project, including the fact that stormwater is addressed on site, he still has questions and concerns, including where all the extra well water will come from for the project. He questioned why Council is rushing through this at the end of the year when some Council Members will not be returning to their seats for 2022. He asked Council to wait for the incoming administration to get a fresh look at the project.

Melissa Herzog of 317 Lewis Drive said there has been no discussion about who will be barreling down Lewis Drive while trying to avoid a left turn from Lake Park Boulevard. She said she is not opposed to development but thinks this project is large and questioned the allowance of one parking space per apartment. Ms. Herzog said she is concerned that the project can't contain itself as well as getting the residents and the general public in there. She said Lewis Drive already has an abundance of large vehicles traveling well over the speed limit with no enforcement and that this will only get worse once the project is built. Ms. Herzog said she would like to see the vote tabled for the new Council so there would be time to get more studies done and have a clearer picture of the impact to the community.

Mark Miller of 702 Seafarer Drive said he shared the same concerns as the other speakers, including summertime traffic backing up with left turns from Lake Park Boulevard, water and sewer infrastructure capacity, and speeding on Lewis Drive.

Jan Bradish of 203 North 7th Street said the traffic impact worries her a lot because people already speed down her street. She said she is also concerned about not knowing enough about the impact of the development and that everyone needs to have a better idea going into it. She said she also wants Council to table this matter so the new administration can take a good, hard look at this.

Patrick Boykin of 712 Glenn Avenue said heavy traffic is a big concern for him regarding this project. He said under current conditions he can't turn left out of his Ocean Heights neighborhood on heavy weekends.

Mayor Pierce asked the applicant representatives if they wanted to address these concerns.

Mr. Franck said healthy development does not encourage violations of the law, such as speeding and littering. He said he has never been involved with a development project that has had this level of community involvement, which has helped tune the project and make it a better fit for the area.

Mayor Pierce asked about parking requirements. Mr. Hardison said the project would have to have 1 parking space per 1,000 square feet.

Mayor Pro Tem Healy asked for details about Building 7. Mr. Franck said this is an extension of the live-work spaces, and it includes garage space below and carriage houses above. Mr. Healy asked if it is correct that there would be no ingress and egress with Wings. Mr. Franck said yes, that is correct.

Council Member Garza said he has concerns about parking. Josh Mihaly, landscape architect and land planner for the project, said they believe in their parking ratios and that the financial success and viability of the project are tied to this, so he feels confident that it's adequate.

Mr. Pierce asked to return to the podium. He asked if this project is being financed by private investors or pre-sales and said he was concerned about half-built buildings if the project ran out of money. Mr. Eckel said the project is privately financed by his group, which uses equity partners and bank financing. He said because these are apartments and not condos, there is no way to do pre-sales.

Sarah Efird of 609 Rocky Mount Avenue said she has concerns about traffic and water and asked for this matter to be tabled so the new Council can take a good look at it.

Mayor Pierce said the project has been through several rounds of reviews. Mr. Oakley said it has been before the Technical Review Committee (TRC), Planning and Zoning Commission, and Council.

No one else requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Mayor Pro Tem Healy said while he appreciates opinions about tabling the matter, there are 3 Council Members with 26 years of experience leaving soon, and he values their input. He said he appreciates the applicant's communication and mentioned that the group has a reputation for doing good work. Mayor Pro Tem Healy said the applicant has gone above and beyond what is required in many areas and that he thinks this will be one of the highest generators of tax revenue that the Town has. He said he supports the project.

Council Member Shuttleworth said he is impressed with many aspects of the project, including taking the lot coverage down to 17 percent on buildings. He said there has been some give and take and outreach to 85 neighbors. Council Member Shuttleworth said he encourages staff to figure out a way to get a sidewalk on Winner Avenue because that could create some connectivity that the Town has been seeking for a long time.

Council Member Barbee said he attended many citizen meetings and that they all went well with thoughtful comments and ideas from residents. He said the applicant has accommodated many issues within the project conditions. Council Member Barbee said he thinks concerns about new traffic patterns and increased traffic on Lewis Drive and 7th Street are valid because whenever a place grows vehicles will find new ways to avoid congestion. He said the Police Department needs to work on an enforcement plan, and he encouraged staff to be proactive on this.

Council Member Garza said he likes the design of the project, but overall he is torn and on the fence due to his concerns about traffic and harmony. He said this will be a different community in 5 years, and traffic will be an issue.



Mayor Pierce said as a resident of Saint Joseph Street and the owner of a business on Lake Park Boulevard, she has many of the same concerns voiced by residents. She said she thinks the applicant has jumped through every hoop the Town has requested, and she believes the additional long-term rental units will be good for the community. Mayor Pierce said Council Members have a duty to vote when something comes before them, and she doesn't think they should kick the can down the road when it's their obligation to vote.

**ACTION:** Motion for approval and find that whereas in accordance with the provisions of NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for a Mixed-Use Commercial/Residential located at 902, 910, 1000, and 1010 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions

Motion made by Council Member Shuttleworth

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

Voting Nay: Council Member Garza

*Motion passed 4-1*

Mayor Pierce thanked the applicant for investing in the Town and said Council Members know the group will do a great project.

7. Text amendment: Consider amending Chapter 40 Article VI Section 40-175, Section 40-176, and Section 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots. Applicant: Town of Carolina Beach

**ACTION:** Motion to open the public hearing to hear the text amendment considering Chapter 40 Article VI Section 40-175, Section 40-176, and Section 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Council has requested that staff and the Planning and Zoning Commission look at options for tree protection and preservation. Past discussions of a tree preservation ordinance led to a discussion to protect native trees and focus on stormwater. The Commission recommended an ordinance that would require new construction and redevelopment to submit a list of trees within the setback area except for driveways before any land disturbance takes place. Trees to be kept would be marked on site, and any heritage trees removed must be replaced with a 2.5-inch caliper tree. Per guidance provided by Council at the September workshop, staff simplified the ordinance recommended by the Commission. Staff also received input from the Beautification Committee on the proposed ordinance. The proposed ordinance will require single-family and two-family lots to plant or preserve a minimum of 1 tree per 25 linear feet of frontage with both a minimum of 6 feet tall and a minimum of 2 inches in caliper. Required trees shall be planted before the Certificate of Occupancy is issued. The intent of the

ordinance is to encourage residents to protect and replace trees from the Town's information guide and plant selection list pre- and post-construction.

Senior Planner Gloria Abbotts presented the details.

Mayor Pierce opened the floor for public comment.

Paul Levy of 1606 Mackerel Lane said he would like to suggest that duplexes be exempted entirely from any tree-planting requirements. He said he lives in a duplex on a small lot and while he loves trees, he would not want a live oak or magnolia taking over entire driveways. He said if the Town doesn't leave things as they are on small lots, this could lead to conflict among neighbors.

Cindy Dunn, Chairman of the Beautification Committee, gave some details about the committee's work and clarified the definition of heritage trees. She said heritage trees are important due to size, longevity, form, location at the extreme of their growing range, or history and are not necessarily a specific type of tree.

Melanie Boswell of 107 Island Palms Drive said she has been fighting for a tree ordinance for many years, and while this is not as much as she wanted to see, it's something to get on the books. She said it's important to specify that the planted trees be native because otherwise they won't serve the intended purpose of the ordinance.

Mr. Levy reiterated that on a small lot the tree situation should be the homeowner's prerogative.

No one else requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Mayor Pro Tem Healy said he wishes the Town could've done more on the tree ordinance but that the main intent is to get trees planted.

Council Member Garza said he thought previous discussions included the idea that if new homeowners chose not to plant trees, then they could buy a tree for the Town to plant on its property. Mayor Pro Tem Healy said this is not in the proposed ordinance. Council Member Garza asked why. Mayor Pro Tem Healy said he thinks it would be impossible to manage. Mayor Pierce said the homeowners could give money for the trees and not actually purchase the trees.

Council Member Shuttleworth said he's OK with the way the proposed ordinance is written, but he thinks it doesn't read well and is confusing in some areas.

Council Member Barbee said this is a compromise and that he doesn't find it confusing to understand. He said he thinks it's a good start.

**ACTION:** Motion that whereas in accordance with the provisions of NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Article VI Section 40-175, Section 40-176, and Section 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Mayor Pro Tem Healy

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

*Motion passed unanimously*

Mayor Pierce agreed that this is a good start and said it reminds her of the sign ordinance that the Town changed several times. She said she is sure this will evolve as well.

Council Member Barbee praised all of those who worked on the effort, which was 4 years in the making.

Council Member Garza said he wanted to say hello to and welcome 2 Council Member-Elects at the meeting: Mike Hoffer and Joe Benson. Mayor Pierce recognized the men.

8. Text amendment: Consider amending Chapter 40, Article III and Article IX, to address private parking lots that charge for parking. Applicant: Town of Carolina Beach

This item was removed from the agenda.

#### **ITEMS OF BUSINESS**

9. Award Parking Contract – Pivot Parking

This item was removed from the agenda.

10. Update on Lake Dredge Project

Mr. Oakley reported on the lake dredge project bids, which were due on November 5. He said the lowest bid was \$6.4 million, which was more than what the Town was anticipating. Mr. Oakley said he was open to suggestions about how to trim costs, such as seeing if there is any way to reduce cubic yards.

Mayor Pierce asked why the cost is so high. Mr. Oakley said this is due to transportation costs to leave the island. He said it would be cheaper if there was a location on the island.

Council Member Shuttleworth said he was disappointed in that number. He said contractors indicated it was the most complicated bid package they had ever seen, mostly due to permitting requirements from the U.S. Army Corps of Engineers, which state it has to be a dry solution. Council Member

Shuttleworth said he believes this may be leading to misinterpretation among contractors. He also said a lot of items in the bid had nothing to do with hauling.

Mayor Pro Tem Healy said staff needs to take a good look at wording of the RFP and reducing cubic yards from 50,000 to 30,000. He said the Town also needs to have another discussion to see if Military Ocean Terminal Sunny Point (MOTSU) land can still work. Mayor Pro Tem Healy said this has been going on forever, and the Town needs to resolve it. He said this may require thinking out of the box for solutions, such as the Town doing the work.

Council Member Shuttleworth said Mr. Oakley is going to meet with the bidder and ask him to review the permit and conditions.

Council Member Barbee said all options should be on the table. He said the Town may need to be more creative and open-minded to do whatever it takes.

Mr. Oakley said he will invite the contractor and some Council Members to meet.

Mayor Pro Tem Healy suggested discussing the matter during the next workshop.

#### 11. American Rescue Plan Funds

The American Rescue Plan allows municipalities to pay employees who are essential to the operation of the organization and bore health risks during the COVID-19 pandemic. Every employee of the Town performed duties that at some point increased their risk of exposure to the public and fellow employees. If Council approves, this proposal will provide them with a one-time premium payment. The proposed payment from American Rescue Plan funds will pay those workers whose job duties put them at a higher level of risk, such as first responders, utility workers, and environmental workers, for a total of \$1,500 each. It will pay those employees who were required to be in the office every day a total of \$1,000 each and those who were able to work from home occasionally or had a reduced risk a total of \$500 each. The workers who occasionally worked from home or had a reduced risk were essential to the operation of the Town and were only allowed to work from home for a brief period during the State of Emergency. The proposed reduced pay for these employees is in keeping with the requirements of the American Rescue Plan, but out of fairness and for employee morale, Mr. Oakley is requesting to pay these employees an additional \$500 each out of the Town's General Fund. The proposed breakdown of the payments would be as follows: \$121,480 from the American Rescue Plan and \$5,500 from the General Fund.

Council Member Garza said this is a great morale booster, so he is in favor of it.

Council Member Barbee asked if surrounding municipalities are doing this. Mr. Oakley said yes and that the Town competes with these municipalities to keep employees.

Mayor Pro Tem Healy said he is for it.

Council Member Barbee said he also supports this. He said staff members didn't stop and kept doing their jobs during a very chaotic time when there was no vaccine.

**ACTION:** Motion to approve a resolution as presented by the Town Manager to allocate American Rescue Plan funds for premium pay for Town employees

Motion made by Council Member Barbee

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

*Motion passed unanimously*

## 12. Committee Appointments

Council made an appointment to the following committee:

- Planning and Zoning Commission – Bill Carew

## **NON-AGENDA ITEMS**

### Council Member Garza

- Asked how things are going with the new K9 Officer Demi and her handler. Mr. Oakley said this is going very well, and they were a big hit at the recent Pets in the Park event. Council Member Barbee said Police Chief Vic Ward reported at the Police Advisory Committee meeting that it was going well and they were even thinking about adding a second K9.
- Asked if there is any word on stoplights for Ace Hardware. Mr. Oakley said this would be included in the traffic study discussed earlier.
- Asked when the Town anticipates starting American Rescue Plan capital projects. Mr. Oakley said Florida Avenue is the first project, and work is starting tomorrow.
- Wants to see committees start giving updates at Council workshops again, a practice that was put on hold due to the COVID-19 pandemic. He said this helps with transparency and keeps everyone informed.
- Wants staff to take a look at issues with trash at the Spartanburg Avenue parking lot.
- Suggested the conversation needs to start now with Boardwalk business owners about establishing a Municipal Service District. He said the Town needs to be proactive about this.
- Suggested conducting an anonymous employee survey.
- Wants to use Powell Bill money to fix streets and thinks the Town should start moving forward with this now.
- House Bill 890 has passed, so the Town should start discussion about creating a district that allows for open containers of alcohol.
- Suggested having a December workshop this year so new Council Members can be better prepared.
- Asked Mr. Oakley to access the traffic study presented to Council 4 years ago regarding Lake Park Boulevard.
- Suggested that the Town look into a staff position that is a combination of Information Technology and Public Information Officer. He said this would help with transparency and camaraderie between the Town and the community and that now is the time to look into this as the Town moves into budget discussions.

### Council Member Barbee

- Agreed with Council Member Garza that there's a need for a Public Information Officer role.

### Mayor Pro Tem Healy

- Expressed appreciation for working with Mayor Pierce, Council Member Shuttleworth, and Council Member Garza during their last full meeting together.

### Council Member Shuttleworth

- Agreed with Council Member Garza that Powell Bill money should be used for projects on Carolina Beach Avenue North, Canal Drive, and Florida Avenue.
- Asked to hear from staff about where things are with the storm damage project to get sand on the beach this fall. Mr. Oakley said plans and specifications are in the works, and the Town hopes to have this out for bid immediately.
- Pointed out the ROT reimbursement request in the consent agenda and reminded the public that these funds, not taxpayers, fund lifeguards. He said these funds are significant and encouraged future Council Members to really put a shoulder behind reallocation of ROT funds to be allowed to spend the money the way the Town wants. He said the Town is sitting on \$1.4 million with its hands tied when there are things the community could use that would benefit visitors.

### Mayor Pierce

- Agreed with other Council Members to move this month's workshop to November 30.
- Reminded Council of the beach towns breakfast November 22, requested that Mr. Oakley reach out to invite someone from the U.S. Army Corps of Engineers, and asked Council Members to submit anything they want to see on the agenda to Ms. Ward.

### **CLOSED SESSION**

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

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

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

18 CVS 3153 Town of Carolina Beach vs. DRDK LLC

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

Motion made by Mayor Pierce

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

*Motion passed unanimously*

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

**MOTION TO ADJOURN AT 9:45 PM MOTION PASSED UNANIMOUSLY**