

CAROLINA BEACH

Town Council Workshop

Tuesday, November 28, 2023 - 9:00 AM

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



MINUTES

CALL TO ORDER

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

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

DISCUSSION ITEMS

1. Dune Infiltration System Presentation by Marc Horstman with WK Dickson

Council Member Benson requested to discuss options for a dune infiltration system similar to what was implemented in Oak Island and Caswell Beach. Marc Horstman, Senior Project Manager with WK Dickson, gave an overview of the technology and how other municipalities have used it to solve flooding issues. He referenced a dune infiltration system implemented in Kure Beach 10 years ago as part of a research project by N.C. State University.

Mr. Horstman said the first step for most communities seeking a dune infiltration system is a feasibility study. He reviewed potential funding sources, such as the Golden LEAF Foundation and N.C. Emergency Management grants, and said municipalities with studies that answer the following questions are more likely to receive assistance:

- How much water and we dealing with?
- What is the seasonal high water table and permeability at potential sites?
- What type of easement restrictions or property impacts are we looking at?
- Potential construction costs?
- Permitting issues?

Mr. Horstman said municipalities that demonstrate water quality improvement and public education may receive additional points in scoring for grants.

Mayor Pro Tem Healy asked about the approximate cost for other municipalities. Mr. Horstman said Surf City spent \$750,000-\$800,000 for the site that included a pump system and \$400,000 for the non-pump system. He said the construction cost for Oak Island was \$850,000.

Mayor Pro Tem Healy asked if the Town can do this at Freeman Park. Mr. Oakley said the Town had to list requested uses when applying for the grant, and this is not a permitted use that was requested for the easement. He said there would need to be conversations with the N.C. Land and Water Fund to pursue this.

Mr. Horstman said Oak Island did an infiltration system in the secondary dune system, and Surf City's system was done in parking lots on the other side of the road from the beach and not in the dunes.

Council Member LeCompte asked about the cost and duration of a feasibility study and whether grants would be available for getting one done. Mr. Horstman said a feasibility study would take 30-60 days and range from \$40,000 to \$48,000. He said he does not recommend pursuing grants for the feasibility study because this takes a lot of effort and may not be worth it.

Mayor Barbee encouraged everyone to read the study about Kure Beach's system, which was a water-quality project.

Mayor Barbee also said the Canal Drive area has lots of issues beyond tidal flooding, and the people who live there feel ignored and want action. He said there is a lot happening, although the perception is that nothing is being done. Mayor Barbee suggested that this needs to be added to the strategic plan to change the conversation.

2. Manager's Update

Mr. Oakley gave an update on various projects:

- Stormwater open house: December 5 4:00-7:00 PM in the Town Hall Multi-Purpose Room
- Ocean Boulevard sidewalk: The pre-bid meeting is today, and the bid opening is December 8.
- Brandy Myers Memorial Playground: Equipment has been delivered, and the contractor will start installing it and then pour the pads; activity should start to take shape soon.

Mayor Barbee asked about accessibility issues for the visually impaired that had been raised about the playground. Mr. Oakley said he will check on the status of this.

Council Member LeCompte asked about the progress on the lake dredging project. Mr. Oakley said it's moving forward, but the dredge can only operate during certain times of the day per the permit. He said the project is about 30 days behind based on weather and other issues, but he still feels good about the progress. Mr. Oakley said staff will review it in 30 days to see where things stand. Council Member LeCompte asked about getting the microfilament removed. Mr. Oakley said he needs to check to make sure this is not part of the erosion control permit.

Council Member LeCompte asked for an update on the marina. Mr. Oakley said this is moving forward on schedule.

Mayor Pro Tem Healy asked if there is any update on the lease of the Ferris wheel property. Mr. Oakley said Council will hear this in January.

3. Consider Adopting Resolution 23-2300 Retaining Rountree Losee, LLP, for Legal Services in the Matter of 23CV003744 Carolina Beach Land Holdings, LLC, vs. the Town of Carolina Beach

On November 8, the Town was served a civil summons by means of certified mail dated November 1. The plaintiff is listed as Carolina Beach Land Holdings, LLC. Mayor Barbee said the Town's legal counsel has suggested that the Town augment its legal services as a result of this action.

Council Member Hoffer asked what's reasonable to convey to the public about the summons. Mayor Barbee said without Town Attorney Noel Fox present to give guidance, he would suggest not saying much about it at this time.

ACTION: Motion to approve Resolution 23-2300 to retain Rountree Losee, LLP, for legal services in the matter of 23CV003744 Carolina Beach Land Holdings, LLC, vs. the Town of Carolina Beach

Motion made by Mayor Barbee

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

Motion passed unanimously

4. Discussion Regarding Free Parking in December

At the November 14 Council meeting, Council Member Hoffer asked to have a discussion item put on the November workshop about free parking in December. He said this follows the recommendations of the Parking Committee. Council Member Hoffer said there are other parts of the parking conversation that need to happen at the budget retreat next year, but today he plans to make a motion for free parking in December again.

Council Member Benson asked how much notice the Town would need to give Pivot Parking if the Town no longer wanted to use the company and looked at the cost of doing parking enforcement in-house. Mr. Oakley said he would need to look at the contract, but he thinks it would be 30-90 days.

Mayor Barbee said he has learned to not make motions and vote on important matters such as parking in a workshop. He said he has felt the wrath of quick Council decisions, but because Council Member Hoffer is making a motion he will be forced to vote.

Council Member LeCompte said she has seen Council vote to spend taxpayer money to get out of contracts, including \$39,000 for a previous parking contract. She said she is not in favor of knee-jerk decisions that cost residents money. Council Member LeCompte said she wants November and December free, but two years ago the parking program was changed with no public input and now

Council is on the brink of doing it again. She said she does not want to vote today to do anything that would affect leases and contracts and would rather see Council make a gesture and say a comprehensive parking discussion will be on the agenda in January. Council Member LeCompte said she would like to direct staff to offer free parking on Mondays, Tuesdays, and Wednesdays in December.

Mayor Barbee said some people think the fee for breaking a contract might be minimal, but thousands of dollars could be used for other projects.

Council Member Benson said Council should look at both sides of the ledger and, for example, only approve two positions when Mr. Oakley asks for five new employees. He said Council can find things in the budget to keep from fighting about \$25,000 in December.

Mayor Barbee said he does not support cutting firefighters to give free parking. Council Member Benson said both sides of the budget need to be examined, and perhaps something like new office furniture could wait.

Mayor Pro Tem Healy said offering free parking in December is not a good business decision for the Town due to the same reasons Council Member LeCompte stated. He said there is competition with private lots, and if the Town doesn't keep previous agreements all that revenue is going to be gone. Mayor Pro Tem Healy questioned why property owners would continue to lease to the Town if they can make more money elsewhere. He said it costs \$2.50 per hour to park in downtown Wilmington, so \$2 per hour here is a fair rate.

Mayor Pro Tem Healy asked where the Town would absorb the loss of \$237,197. Council Member Benson said the Town could sell 500 non-resident passes at \$200 each. Council Member LeCompte said non-resident passes are not on tonight's agenda.

Council Member Hoffer said he doesn't think this is a knee-jerk reaction and believes there has been lots of public input. Mayor Barbee said only one person has spoken about parking during Council meetings. He said he does not consider Facebook public input because it's an amplification for the minority. Council Member Hoffer said he considers personal conversations with residents to be public input. Mayor Barbee said he doesn't agree because that is input Council as a whole is not hearing. Council Member Hoffer said residents have the opportunity to speak to any Council Member in-person or via texts, phone calls, and emails, and to him that's part of public input. He said it's not just people at the podium during a meeting because some people are scared to speak publicly.

Mayor Barbee asked for a vote on Council Member Hoffer's motion.

ACTION: Motion to make parking in December free

Motion made by Council Member Hoffer

Voting Yea: Council Member Benson, Council Member Hoffer

Voting Nay: Mayor Barbee, Mayor Pro Tem Healy, Council Member LeCompte

Motion failed 2-3

Mayor Barbee said he agrees with Council Member LeCompte's suggestion about a good-faith effort similar to what was done for Thanksgiving and Black Friday. He said this doesn't change the rules or contracts. Mr. Oakley said if there is consensus of Council, he will discuss with Pivot Parking the possibility of not enforcing paid parking Mondays through Wednesdays in December.

Council Member Hoffer said if three of seven days per week is not considered a change in the contract, then perhaps four or five days also would not be considered a change. He said he would like to offer free parking every day in December, excluding leased lots. Mr. Oakley said at some point Pivot Parking is going to draw a line. Council Member LeCompte asked Mr. Oakley to get as many days as possible, but she wants to avoid the possibility of a lawsuit against the Town. Mayor Barbee said Mr. Oakley should ask for whatever can be done with minimal impact on revenue within existing contracts rather than opening up the entire parking program, which will be discussed in detail at next year's budget retreat.

Council Member Benson said contract lots seem to be an issue, so he wants to make a motion to address that. Council Member Hoffer said he would support this. Council Member LeCompte said this does not take into account the contract with Pivot Parking. Council Member Hoffer said Pivot Parking can still have the December management fee even if there is free parking in December.

Mayor Barbee said staff has had no opportunity to investigate the financial impact of some of the things being proposed tonight as well as the effect on contracts with Pivot Parking and leased lots. Council Member Benson said it's been on the agenda for over a week. Mayor Barbee said discussion is on the agenda, not action. Council Member LeCompte said she is against making a decision on the fly.

ACTION: Motion that December is a month of free parking in Town spaces except for those lots in which there is a contractual agreement with a private property owner

Motion made by Council Member Benson

Voting Yea: Council Member Benson, Council Member Hoffer

Voting Nay: Mayor Barbee, Mayor Pro Tem Healy, Council Member LeCompte

Motion failed 2-3

Mayor Barbee said three of five Council Members are OK with staff seeing if Pivot Parking is open to not enforcing paid parking Mondays through Wednesdays in December. Council Member Hoffer said at this point, he's OK with it also.

COUNCIL COMMENTS

Council Member LeCompte gave a rundown of upcoming events in the Town.

Mayor Pro Tem Healy said he had no comment.

Council Member Benson asked for details about the stormwater open house. Mr. Oakley said there will be information about various projects, and staff will be available to answer questions. Council Member Benson said it would be a good idea to display some information about the dune infiltration systems discussed tonight.

Council Member Hoffer said he is not bothered by contentious discussions about Town issues such as parking because the job of Council is to deliberate.

Mayor Barbee said if the five members of Council are not passionate about the Town, they should resign. He also mentioned the following:

- Staff should ask Pivot Parking to ease up on strict enforcement of the dedicated employee parking spaces at the Help Center when it's just past the organization's hours of operation.
- The Help Center is struggling to unload food into the building because there is now a parking space in what used to be a loading zone, so this should be restored.
- Staff should look into the Town providing Internet access for the Help Center and its clients who need to get online to apply for assistance, and if this is not possible explore the possibility of getting a non-profit organization to sponsor it.
- There is a line-of-sight issue at Clarendon Avenue and 6th Street, which was reported to SeeClickFix just before Thanksgiving.
- There is an issue with stop signs on the Cape Fear Boulevard multi-use path, which is frequented by e-bikes.
- Volleyball courts at Lazy Pirate may be going away, so the Parks & Recreation Committee should have a discussion about what would be needed for the Town to have volleyball courts, which is something that is in the master plan. Mayor Pro Tem Healy said the master plan has not yet been approved.
- The Bicycle/Pedestrian Committee should present a refresher of the group's priorities at Council's January or February workshop.
- Similar to something the Town of Leland offered recently, Council and the public may benefit from an economist speaking about issues such as the pressures of population growth caused by the high number of people moving to the coast.
- The Friends of CB Parks & Greenways group and the Town's Beautification Committee should have a discussion to see if there is a way to fund projects the committee is proposing.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 10:50 AM.