

CAROLINA BEACH

Town Council Workshop

Tuesday, March 26, 2024 - 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 Deb LeCompte

Council Member Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Mayor Barbee said the item regarding the Parks, Recreation, and Open Space Master Plan will move to the end of the agenda because the presenter is running late. He also said after the conclusion of the first item, he has some questions for Mr. Oakley on the public records request process.

DISCUSSION ITEMS

1. Proclamation Recognizing Benjamin Anderson for Eagle Scout Achievement

Benjamin Anderson, son of Town Harbor Master Jarrett Anderson, received his Eagle Scout achievement in January 2024. Council recognized him for his accomplishments and service to the Town, which included building 15 lifejacket stands. Mayor Barbee read and presented Proclamation No. 24-2302, which declared March 26, 2024, Benjamin Anderson Day.

Mayor Barbee asked Mr. Oakley to explain how the public records request process works. Mr. Oakley said the Town must keep, maintain, and provide public records when they are requested. He said a few things are exempt from the law, such as attorney/client privilege and personnel matters. Mr. Oakley said public records requests usually come from journalists and attorneys, but anyone can make a request. He said the request must be specific, and the process can take some time and municipalities can recoup reasonable costs such as charging for copies but typically cannot pass along the cost of staff time. Mr. Oakley added that Town Hall has a terminal where anyone can read his emails as well as those of department heads and Council Members. He said the terminal does not cover text messages

and personal email accounts, but any communications via those means regarding Town business is public record.

Mayor Barbee said his inquiry is in response to a public records request that he considers broad, so he is trying to figure out the scope. He said the request came from citizen Kristen Dunn, who is seeking all written, email, or text messages between all Town staff, Council Members, and private associates regarding the SeaWitch redevelopment project and land swap. He said he isn't sure how to scope the time period of the request and wants guidance because the Town has been trying to redevelop this property since long before he was in office.

Mr. Oakley said it doesn't hurt to err on the side of providing more, and he and Town Attorney Noel Fox will review everything to pare down any items that don't comply with the request. He said there have been multiple meetings about different projects on that site for several years, but Mayor Barbee said some of those projects didn't include SeaWitch. Mr. Oakley said they can put SeaWitch in the search engine as well as the names of the specific private associates she included in her request. He said oral communications are not covered, unless notes are taken during the exchange.

2. Centennial Committee Update

Centennial Committee Chair Maureen Lewis gave an update. She said there are 345 days until the official kickoff of the Centennial Celebration, which will be held on March 6, 2025, at Town Hall. Ms. Lewis said plans have been in the works for the Centennial Celebration for 4 years, and the mission is to honor the history and culture of the Town and celebrate the future. She reviewed planned programs, Town projects, a privately funded project, a bar and restaurant program, and logo merchandise.

Mayor Barbee said he assumes any items that are to be funded by the Town will come forth as recommendations to be voted on with the new budget in June. Mr. Oakley said this is correct.

3. Volleyball Court on Cape Fear Boulevard

Pleasure Island Volleyball is a group of locals who have historically played volleyball at Lazy Pirate. The owners of Lazy Pirate have reworked their business plan and no longer provide volleyball. In search of a new beach volleyball venue, members of the group have been to multiple Council meetings requesting that the Town build a volleyball court. They have also expressed interest in helping to finance the venture.

After discussions with Council and Parks & Recreation staff as well as review by the Technical Review Committee (TRC), it has been determined that the 300 block of Cape Fear Boulevard would be a viable location for a beach volleyball court. After review, the following has been determined:

PARKING

Based on zoning, the court without designated viewing areas would require 4 parking spaces and 1 designated handicap space. If viewing areas/bleachers are proposed, then additional parking will be required. There are 3 parking spaces and 1 handicap space on-site. An additional parking space could

potentially be used from the adjacent parking lot that supports the Community Building and Help Center.

BATHROOMS

N.C. Building Code would require the addition of this use to have bathroom facilities. To meet this requirement, it has been recommended that the Community Building be unlocked during hours when the volleyball court is open.

LIGHTING

The group is interested in having lights for nighttime play. It is recommended that these lights be shielded and oriented to limit any impacts on surrounding residential uses.

HOURS OF OPERATION

The finalized hours of operation are still under discussion, but 8:00 AM to 9:00 PM was one consideration.

FENCING

The Town recommends contracting the installation of a fence designed to mitigate loss of sand due to wind and provide adequate height to prevent balls from leaving the court (possible netting on top of fencing similar to the ballfields at Mike Chappell Park).

SITE PLAN

Group members have developed an initial site plan. The Town recommends working with a contractor to develop a final design of the court location that maximizes the setback from Cape Fear Boulevard.

ACTION REQUESTED

If Council would like to move forward, staff recommends the following actions:

1. Contract to have a site plan completed.
2. Schedule a community meeting at the site to get input from adjacent property owners and Town residents.
3. Make any changes based on comments received and finalize site plans.
4. Get final quotes and allocate a budget from the General Fund. Receive any donations from the group and/or others interested in donating.

Mr. Parvin presented the details.

Council Member Healy asked if anyone has reached out to the Senior Center about this proposal. Mr. Parvin said Parks & Recreation staff has talked to them, but nothing formal has been done.

Mayor Barbee said the community meeting will be important for getting feedback. Mayor Pro Tem LeCompte said the meeting should be at the Senior Center or Community Building.

Mayor Barbee asked if the Town is punting anything out of the way to put the court on the proposed site. Mr. Parvin said no and added that years ago the Central Business District Master Development Plan proposed redevelopment of that site, but there is currently no solid plan for that area.

Mayor Barbee asked if there are any updated cost estimates for this project. Parks & Recreation Director Eric Jelinski said one quote including everything but lights came in at \$25,000, but they have reached out to other contractors and are awaiting additional quotes.

Mayor Barbee wanted to clarify that a motion today would not be approving an expenditure. Mr. Oakley said staff will come back with either a budget transfer or amendment to fund the project.

Council Member Hoffer said there was a mention in the packet about possibly hiring a site planner, but he doesn't think it's necessary to bring another paid consultant into this project. Mr. Oakley said he thinks they can do it in-house.

Council Member Hoffer said he hopes the Town can find ways to keep mature trees on the site intact. He said as far as financing, he is not comfortable with agreeing to a 50/50 match because the Town has already contributed staff time, in-kind donations, and assistance with moving sand. Council Member Hoffer said he wants the group to make a specific request instead of a blanket 50/50 approach.

ACTION: Motion to recommend staff move forward with the requested actions with no changes, which includes the community meeting

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

4. Discussion on Island Greenway and Bike/Pedestrian Items

Council Member Hoffer led a discussion about upcoming items regarding the Island Greenway and other bike/pedestrian issues. He asked Council to consider adding cameras to the Greenway and said the University of North Carolina Wilmington (UNCW) Recreation Department requested to take on the project of providing the cameras and monitoring them. Council gave consensus to move forward with the project, assuming Mr. Oakley and Ms. Fox give it the green light.

Council Member Hoffer brought up the subject of e-bikes and said the Bike/Ped Committee has been discussing this topic for a while. He feels the committee is not going to recommend creating a new ordinance regulating e-bikes because there are already laws for most of the issues, there is not a lot of data showing problems, and it would be difficult for the Police Department to enforce.

Council Member Hoffer reminded staff there is some money in the budget to enhance intersections in Town that are potentially dangerous, and a recommendation may be made on these in April after paving is complete.

Mayor Pro Tem LeCompte said Sgt. Derrick McNeil of the Police Department is now certified in e-bikes, which is a helpful deterrent.

5. Council to Consider Waiving a Citation

Mr. Oakley asked Council to consider waiving a civil citation. He said the violation was from an ice machine business on the Boardwalk, which has complied but incurred a penalty of \$750. Mr. Oakley said the property owner is requesting that the Town consider waiving that fee, which accrued at a rate of \$50 per day but stopped once work toward compliance began. He said in the past Council has voted to reduce citations, and the goal is compliance and not to be punitive.

Mayor Barbee asked for specifics about the violation. Planning Director Jeremy Hardison said it was a violation of the flood ordinance, which states that ice machines must be elevated. He said the violation was pointed out by another business, and staff sent a letter, gave the business 15 days to comply, and never got a response until sending a second letter with notice of the penalty. Mr. Hardison said staff met with the property owner on-site to look at options, and the ice machine has since been moved. He said the goal is compliance, but the Town uses the fining process to gain compliance.

Mayor Barbee said \$750 sounds like a lot of money, but he doesn't like the idea of reducing it to no penalty at all.

Council Member Benson asked if the property owner has been non-compliant with any other activities in the past. Mr. Hardison said on that property, it was a first for the property owner.

Council Member Healy suggested cutting the citation in half.

Council Member Hoffer suggested making the fine \$50 per day for the 14 days that communication from the Town was ignored, for a total of \$700.

ACTION: Motion to reduce the citation into half, which would be \$375

Motion made by Council Member Healy

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

Motion passed unanimously

6. Budget Amendment/Transfer

Ms. Hall presented the following budget amendment and/or transfer request:

- Appropriations: Appropriate \$170,000 from Powell Bill Reserves to account 10-561-019 Powell Bill M&O (Maintenance and Operations) Streets for paving street sections identified on the Pavement Condition Index (PCI) map.
- Transfers: Transfer \$55,000 from account 10-561-033 Powell Bill Supplies to account 10-561-19 Powell Bill M&O Streets for paving street sections identified on the PCI map.

The appropriation will decrease Powell Bill Reserves.

ACTION: Motion to approve the budget transfer as presented

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

7. Presentation of the Parks, Recreation, and Open Space Master Plan by Dr. James H. Hertisne

Mr. Jelinski said the Parks, Recreation, and Open Space Master Plan is a working document, but it will allow the Town to continue to pursue grant opportunities. He said the last plan helped secure points on Land and Water Conservation Fund (LWCF) applications for both Freeman Park and the new playground, and the ultimate goal is to turn this plan into future dollars.

Mr. Jelinski introduced Dr. James Herstine, who presented an overview of the Parks, Recreation, and Open Space Master Plan. Dr. Herstine is a retired UNCW Professor of Parks, Recreation, and Tourism Management who also served as the Parks and Recreation Director of the Town of Chapel Hill for 10 years. He said he has done 21 master plans and went over the reasons and purposes for updating the Town's plan. He said this is not a budget document, and it has no dollar amounts in it. Dr. Herstine said the intent is to provide a living document that gives an idea of where open space should occur and serves as a viable blueprint and plan of action to guide future orderly growth and development.

Dr. Herstine reviewed the needs assessment process and survey highlights. He said the survey determined that citizens want the following:

1. A safe and comprehensive system of dedicated pedestrian, bike, and non-motorized vehicular movement to include an expanded Island Greenway system
2. Construction, operation, and maintenance of a new and comprehensive multi-purpose Recreation Center and Fitness Complex with an indoor swimming pool
3. Dedicated pickleball and sand/beach volleyball courts
4. Additional public restroom facilities
5. Improved public parking at Parks & Recreation facilities, areas, and parks, particularly at the Boardwalk area, Lake Park, and Mike Chappell Park

Mayor Barbee said he would like to see these slides included in the plan as an executive summary. He emphasized that approving the plan is not committing to anything or even saying Council individually supports everything in it and said Council will deal with that during the prioritization and budget process.

Council Member Healy said the overall theme of the plan is safety.

ACTION: Motion to approve the plan as presented with two things: include slides in the plan under executive summary and note that this is for planning purposes only and Council is not approving any financial allocation to any of it at this moment

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

Mayor Pro Tem LeCompte said Council needs to look again at a multi-modal transportation plan. She said she and other Council Members are going to work with several committees and other groups to rehab the azalea garden behind Town Hall.

Council Member Healy said he would like to see more citations with significantly increased fines issued for destruction of public property.

Council Member Benson said the next King Tide is April 1-3. He said he will be monitoring Starfish Lane, as he expects it will work better since the stormwater improvements have been made. Council Member Benson also mentioned that Little Pink Houses of Hope will host 15 families this year, for a total of 45 visitors.

Council Member Hoffer said the skate event Saturday was great. He also thanked everyone who came out to help with the NC Arbor Day tree planting last Friday. Council Member Hoffer asked staff to draft an Arbor Day Proclamation for April 26, which is required every year as part of the Tree City USA initiative. He mentioned that bike/pedestrian improvements are always at the top of the community wish list and are the least expensive to implement, so he recommended that staff start putting these projects in every budget. Council Member Hoffer also asked staff to budget for sidewalks running from the Lake.

Mayor Barbee asked if the carnival group had requested an encroachment agreement. Mr. Oakley said he is supposed to hear from the operator soon. Mayor Barbee mentioned that this might be a good spot for the Pleasure Island Chamber of Commerce to have a Visitors Center, so he asked Mr. Oakley to check to see if this would work and possibly bring it back to Council. Mayor Barbee asked about the sidewalk south of the Lake. Mr. Oakley said staff is waiting on the N.C. Department of Transportation (DOT) to come back with a better option than the one previously presented. Council Members said they would take whatever DOT is willing to give to get it done. Mayor Barbee said he was approached by a local business to see if they could paint a mural on the electrical panel at the marina. Mr. Oakley said he will look into this to see what can be done.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 10:50 AM.