

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 11, 2022 - 6:00 PM

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



MINUTES

CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by former Town Council Member Tom Bridges and Pledge of Allegiance.

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

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 Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

Motion passed unanimously

CONSENT AGENDA

1. Budget Amendments/Transfers
Applicant: WB Coastal Development, LLC
2. Set a Public Hearing for November 9, 2022, to Consider a Conditional Zoning Application for a Bar Located at 604 North Lake Park Boulevard in the Highway Business District
Applicant: Shagri-La, LLC
3. Primary Response Route
4. Approval of Council Meeting Minutes from September 13, 19, and 27

Council Member Benson thanked Mr. Parvin for the previous presentation about the Primary Response Route item. He said this provides a starting point for traffic safety concerns.

ACTION: Motion to adopt the consent agenda

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

SPECIAL PRESENTATIONS

5. Presentation of Annual Financial Audit

Victor Blackburn of Bernard Robinson & Company presented a summary of the annual financial audit. It included the following:

- The Town received an unmodified opinion on the audited financial statements, which is the cleanest opinion an organization can receive and has remained the same over the past several years.
- Due to the amount of Federal and State funding received by the Town, the Town was not required to have a single audit but was required to have extra audit procedures performed under Government Audit Standards.
- No findings or internal control issues were noted, and the Town received an unmodified opinion related to Government Auditing Standards.

Mr. Blackburn also presented slides for the general fund balance – which was 31 percent in 2022 – governmental activities net position, business type activities net position, and debt service coverage ratio.

Council Member Benson asked how the addition of \$4 million in grant funding would affect the fund balance. Finance Director Debbie Hall said this would increase the fund balance some because the Town will be using that money to pay off debt service for Freeman Park, and the remainder will go into the storm reduction fund.

Mayor Barbee thanked Mr. Blackburn and Ms. Hall and said the numbers are good. He said he is proud of where the Town's financials have been, and this didn't happen by accident.

6. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, reviewed upcoming special events:

- Pleasure Island Surf Fishing Challenge – October 14-16 at various locations
- Beachin' Car Show – October 15 at Lake Park
- Ghostbusters Movie – October 21 at Lake Park
- Golf Cart Extravaganza – October 23 beginning at Publix
- Halloween Carnival – October 28 at Mike Chappell Park
- Oktoberfest – October 29-30 at the Boardwalk
- Neon Bike Brigade – November 12 beginning at Lake Park
- Police Department Bike Rodeo – November 13 at the Recreation Center

Mr. Murphy also presented some preliminary information about Christmas by the Sea activities and said details will be coming next month.

Mayor Barbee expressed appreciation to Mr. Murphy and said he thinks residents can see all the hard work that goes into the events.

Mayor Pro Tem Healy said the Parks & Recreation Department purchased a train due to getting a deal from the Wilmington Railroad Museum. Mr. Murphy said the Town will be using the train for some programming at the Boardwalk.

7. Committee Presentation – Beautification Committee

Beautification Committee Chairman Cindy Dunn and Vice Chairman Karen Graybush presented a request for Town funding of a project on the north side of Snow's Cut Bridge.

Mayor Pro Tem Healy said he is behind this project, but Council needs more answers.

Council Member LeCompte said she would like to see itemization of the proposed charges.

Mr. Oakley said if Council wants to move forward with this, staff should work with contractors to get pricing and analyze labor costs. He said funding would need to come from a budget amendment or transfer.

Council Member Hoffer said he supports this project and wants to see what the Town can do before February instead of kicking it down the road. He said the Town may need to get creative about funding.

Mayor Barbee said the next steps would be for Mr. Oakley to try to nail down actual costs and figure out where to get the money.

8. Manager's Update

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

Hurricane Ian

Because storm surge and high tide occurred at same time, water was 3 feet over road elevation in some areas. Winds of 77 mph were recorded at Federal Point and 62 mph at Myrtle Grove. There was no significant damage to Town property, and crews got out right away for cleanup efforts. The Town is getting a quote for restacking the rocks on the North End and filling in sand behind them following Coastal Area Management Act (CAMA) approval. Mayor Barbee said it was good to see how prepared staff was for the storm.

Brandy Myers Memorial Playground/Lake Park Improvements

Surveying is complete, and design discussions to create a plan start tomorrow. Lake improvements are on schedule; the Town is awaiting final approval from the U.S. Army Corps of Engineers to move forward with bid and design.

Florida Avenue and Paving Projects

Stormwater improvements on Florida Avenue should happen before the end of next week, depending on tidal influence. Paving bids will go out next week for Paving Condition Index (PCI) projects, but this will not include Florida Avenue and Carolina Beach Avenue North because those streets will need a different method of paving.

Marina Project

The south phase is getting closer to completion every day. Floating docks have arrived, but some still need to be installed. All of the necessary materials are there to finish, and the project will move directly into the east phase as soon as the south phase is done.

Beach Patrol

During this past season, there were 1,700 public education moments with officers regarding violations such as dogs on the beach, digging holes, glass bottles, and alcohol. The Beach Patrol wrote 76 citations, and 19 of those were warnings; six were dismissed after further discussion.

The Town is discussing transitioning the Beach Patrol to the Police Department. The idea is that the presence of an officer alone will get more compliance. This would still be a seasonal position that could also help on the Boardwalk.

Mayor Barbee asked if staff has looked into complaints about canopies hampering visibility for Ocean Rescue. Mr. Oakley said staff will revisit this and other beach-related matters and bring back ideas at a future Council workshop.

Bike/Ped Projects

The Saint Joseph Street path is entering the engineering design phase. The engineer is working on revised plans for the Ocean Boulevard sidewalk project.

Mayor Barbee brought up the Clarendon Avenue multi-use path project discussed at the last Council workshop. He said after further research, he agrees with Council Member Hoffer that the Town needs to kill the project and release grant funding. He asked if there was any concern about this, and no one expressed any objection. Mr. Parvin said stopping this project could be done through a resolution for adoption on the consent agenda at the next meeting.

Boardwalk Bathroom

The Town's application to CAMA to construct a two-story, handicap-accessible restroom on the Boardwalk where the existing facility is was formally rejected, as expected, so the Town is working on a variance for the project, which will require a rendering. This will put off any action from the Coastal Resources Commission (CRC) until February, when the group will meet in Ocean Isle Beach. The Town feels good about its chances for obtaining a variance.

Council Member Hoffer asked about the new restroom facility at Mike Chappell Park. Mr. Oakley said it is up and running. Council Member Hoffer said this happened quietly, so he wanted to emphasize this bit of progress.

Council Member Benson said there is a private property owner who is willing to have an earthen-mound DredgeSOX placed on her property to mitigate tidal overwash onto the Town's right-of-way on Canal Drive, which could require a CAMA permit. He asked what the expectations are to proceed. Mr. Hardison said a minor permit would be necessary, which would entail a typical review time frame of two weeks and a \$100 fee.

PUBLIC COMMENT

Patrick Boykin of 712 Glenn Avenue said he has reported health and safety concerns about the property next door to him at least three times since the beginning of the year, but he has not seen any progress other than a violation letter sent to the property owner on April 20. He said there is an accumulation of trash and debris as well as a tree that has been down since Hurricane Isaias, which could be a nesting place for nuisance wildlife. Mr. Boykin said he also opened a Town service request regarding the issue on September 1, but the trash problem persists. He said he is now looking for help at the County and State level to see what can be done to rectify the situation. Mr. Boykin said he also submitted a Town service request for repair of a pothole on the street in front of his property, but nothing has been done about that either. He said as a taxpayer, he feels he should reasonably expect these issues to be addressed in a timely manner. Mr. Boykin thanked the Town for putting up speed limit signs in Ocean Heights, although he said it did take a long time after residents petitioned for them.

Paul Levy of 1606 Mackerel Lane thanked Mayor Barbee and Town staff for working on parking reciprocity with Kure Beach. He said he hopes both Councils will ratify the proposals because this will go a long way toward strengthening relationships on the island. Mr. Levy said he would also like Council to consider the following: allowing non-resident property owners to obtain more than one parking tag or a transferrable tag, reducing \$100 parking fines to \$50 unless the violation involves blocking traffic or a fire hydrant, and allowing parking passes for non-residents who live on the other side of the bridge. Mr. Levy said residents need to get former Mayor LeAnn Pierce elected to the County board, and the best way to help do this is by solving the over-the-bridge parking pass problem, ideally tonight.

ITEMS OF BUSINESS

9. Ad Hoc Parking Committee/Town Staff Recommendations

Council appointed an ad hoc Parking Committee in June to review several aspects of the parking program and bring back recommendations about the following topics:

- Current parking rules, regulations, rates, and fees
- How to improve communication and guest experience
- Parking zones
- Residential zones
- Handicap parking
- Private lots

The committee completed the review and presented recommendations at the August 23 Council workshop. Staff utilized the Technical Review Committee (TRC) and expertise from Pivot Parking, the

Town's parking contractor, to put proposed ordinances together consistent with committee recommendations.

The Town will need to renegotiate a contract with Pivot Parking consistent with the current vision and ordinances. To complete this task, staff requested Council feedback at the September 27 workshop so a final ordinance can be adopted tonight. Once this has occurred, staff will need to:

- Finalize a contract with Pivot Parking
- Finalize brochures to educate the public on parking requirements
- Work through the logistics of putting the new plans in place (purchasing and installing signage, redesigning the Town website and associated software, etc.)

Mr. Parvin presented the details.

Parking code: undesignated right-of-way

- Defined "undesignated parking" as unimproved right-of-way (grass). In these shoulder areas, parking is allowed if the vehicle is off the drive aisle.

Vehicles shall not be:

- Within 25 feet of any intersection
- Within 25 feet of flashing beacon, stop sign, or traffic-control signal located at the side of a street or road
- Parked facing toward traffic
- Within the median of a divided roadway
- Within 15 feet of a fire hydrant
- In front of or within 5 feet of a driveway
- Within 10 feet of a crosswalk

Undesignated right-of-way

- Undesignated right-of-way west of Lake Park Boulevard and 3rd Street from Alabama Avenue to Goldsboro Avenue is treated differently because you can only park in these areas if you have a residential pass.

Pleasure Island parking pass

- Users are included in Carolina Beach and Kure Beach Sewer Authority
- Pleasure Island shares in holding events, such as New Year's Eve
- Passes to all those needing re-entry after bridge closure due to emergency events
- Pleasure Island works together on coastal storm damage reduction

Currently there is two-hour parking west of Lake Park Boulevard on:

- Raleigh Avenue
- Cape Fear Boulevard
- Charlotte Avenue

Mr. Parvin said the proposal is for these areas to have standard parking without a two-hour limit.

Parking tickets

- 50% reduced cost if paid within 24 hours
- 25% reduced cost if paid within 48 hours
- 15- and 30-day increases vs. five and 10 days
- \$25 in areas where parking has been paid but one of the designated parking space violations exists and does not cause any loss of access to surrounding public facilities such as parking spaces, sidewalks, bike lanes, etc.

Parking rates

- March-October 9:00 AM-8:00 PM (\$5 per hour/\$25 per day)
- November-December 9:00 AM-5:00 PM (\$2 per hour/\$10 per day)
- January-February no charge

Freeman Park

- Remove time limit for annual pass sales to specific months
- Require in-person purchase of early bird passes for Freeman Park from Town Hall or Parking Office
- For Freeman Park passes and re-entry decals, the Town needs an eight-week lead time to design/produce/deliver

Council Member Hoffer said this is a grand improvement from last year.

Mayor Barbee said he likes the segmentation of violations. He said in the past only non-payment of parking was considered, but there are parking errors that can be made even though parking is paid. He said it's a matter of a mistake vs. flagrant intent.

Council Member Benson asked if Kure Beach is still doing passes for people who live off the island. Mr. Parvin said yes.

ACTION: Motion to approve Ordinance No. 22-1185 as presented with the condition that Kure Beach also passes a similar ordinance to reciprocate parking with the Town

Motion made by Mayor Barbee

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

Voting Nay: Council Member Hoffer

Motion passed 4-1

Council Member Hoffer said things were running so fast that he wasn't sure what he was voting on. Mayor Barbee recapped what Mr. Parvin had presented.

Ms. Fox said the question had already been called with a majority vote, so if any votes changed as a result of what Council Member Hoffer is asking then Council would have to undo the action already taken. Mayor Barbee said regarding the current motion, Council Member Hoffer can vote yes or no or not vote, which is considered a yes vote. Council Member Hoffer said his vote is no.

Council Member LeCompte said earlier this year she was in favor of year-round passes for those who don't live on the island, a measure that failed. She said since then, the Town has sold 7,200 resident passes with less than 800 Town-owned parking spaces, and this doesn't even account for the additional population growth expected in the next five to 10 years. Council Member LeCompte said although she thinks there is not space for non-resident passes in the high season, she wants to take a look at offering non-resident passes in the off-season as a way to look after businesses that contribute to the tax base. Her proposal is offering non-resident passes September 15-May 15 at \$300 each. Council Member LeCompte said this is a compromise that is guaranteed unencumbered income for the Town. She said she'd also like to consider selling parking hang tags at \$150 each for Town business owners outside of the Central Business District (CBD), such as real estate agents and investment bankers, who want to take clients to lunch. Council Member LeCompte said it will be important to get public input on these proposals to make sure Council gets it right this time. She said she doesn't want to debate this tonight but wants to ask Mr. Oakley and other staff to explore these possibilities and come up with future recommendations.

Council Member Hoffer said Council hasn't yet seen third-quarter parking data, which represents three of the Town's busiest months. He said there is not enough information for him to make a decision about non-resident passes, including for Kure Beach, which is why he voted no earlier.

Mayor Barbee asked Mr. Oakley to come back during a future meeting with more information about Council Member LeCompte's proposals.

10. Discussion on Removing Aerial Cables Along Cape Fear and Canal Drive

Council Member Benson requested a discussion on burying the aerial cables along Cape Fear Boulevard and Canal Drive that are owned by AT&T. He said in the past there was a quote of about \$71,000 for this, but he thinks the Town should get another quote and look at indirect costs that may be incurred. Council Member Benson said his main objective for tonight was to gauge Council interest. Council Members indicated they would like to see this done.

Mayor Pro Tem Healy said this project would be nice to have, but he wants to know how much it will cost and where the Town will get the money.

Mayor Barbee said he would like a presentation of the history and other details at an upcoming workshop, and then Council can give direction forward.

11. Committee Appointments

Council made the following committee appointments:

- Bike/Ped: John Dismukes
- Police Advisory: Bill Skinner

Mayor Barbee congratulated the new committee members. He said there were many qualified applicants for only two openings, so he encouraged those not selected to participate now by going to meetings and giving input.

COUNCIL COMMENTS

Mayor Pro Tem Healy brought up the previously unsuccessful effort to implement a Municipal Service District (MSD) tax and said although the timing and rollout were bad, if that had passed there would be enough money right now to do the cable project discussed tonight.

Council Member Benson said the Operations Advisory Committee is planning to present an update to Council in November.

Mayor Barbee thanked Parking Committee members for their work toward finding common-sense solutions.

CLOSED SESSION

12. Closed Session – Real Estate Parcel ID R08814-001-007-000

ACTION: Motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(5); the parcel being discussed is Parcel ID R08814-001-007-000

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

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

ADJOURNMENT

Mayor Barbee adjourned the meeting at 8:15 PM.