

CAROLINA BEACH

Town Council Workshop Meeting

Tuesday, February 23, 2021 - 9:00 AM

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



MINUTES

CALL TO ORDER

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

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

DISCUSSION ITEMS

1. Employee Recognition

Public Utilities Director Mark Meyer recognized Mark Fowler for 20 years of service in the Water Department.

Mayor Pierce presented Mr. Oakley with a certificate for one year of service.

2. Presentation by Lisa Overby-Dosier on a Community Fridge Proposal

Lisa Overby-Dosier spoke during the public comment portion of the January 12 Council meeting to present the idea of having a community refrigerator for residents in need. Council asked that she make a formal presentation at a future Council meeting to give them time to review the proposal.

Ms. Overby-Dosier presented the following specifics to Council for discussion:

Community Fridge Planning

Contact: Lisa Overby-Dosier

910-508-4475 | lisaislocal@gmail.com

Location

Off the beaten path – away from tourist areas to serve the local community.

1. Near the police station ideal (Carolina Beach Presbyterian Church)
2. Near the fire station ideal (Seaside Chapel)

Power

Church will be asked to cover the power costs and supply power to the Community Fridge.

Structure

Wood structure placed in the shade ideally.

Cost to be sourced out to a contractor and/or the community

Possible local contractor to volunteer time to build

Fundraiser held at Good Hops for money for materials (if not donated)

Weatherproofing needed

Colorful and inviting

Logistics

Use at your own risk verbiage posted on structure and refrigerator

Fruits, veggies, and similar allowed only; no meat or dairy

Signage

Donated by Island Printer (banners only; others a fee)

Signs in English and Spanish

“Please take only what you need”

“This blessing was designed to help many, not just one so please take only what you need”

Purchase other yard signs and fridge magnets (using donated funds)

Upkeep

Volunteers to clean out/throw out every other day

Volunteer schedule via Facebook group

Maintenance

When a cost arises to service the refrigerator, these are the steps to be taken:

1. Ask community for donated time/professional services
2. Hold fundraiser if needed for repair costs/hiring a professional

Mayor Pierce asked if the refrigerator would be unlocked for anyone to drop off and pick up donations at any time. Ms. Overby-Dosier said yes and that it would be largely unsupervised and unmanned other than the occasional oversight by volunteers. Mayor Pierce said she had concerns about this. Ms. Overby-Dosier emphasized that there would be signs that people would be using the refrigerator at their own risk.

Council Member Garza suggested that Ms. Overby-Dosier set up virtual meetings with people from other places that have been successful in implementing a similar project.

Mayor Pierce said it would be tough to get anyone to take liability for the project, but she thinks it is a great idea that is in need.

Council Member Garza suggested inside the Senior Center as a possible location for the refrigerator.

Ms. Overby-Dosier said she will use Facebook to generate additional ideas about the project.

Mayor Pierce told Ms. Overby-Dosier to let Council know how the Town can help her make it work.

3. Summer Programs by Eric Jelinski

Parks & Recreation Director Eric Jelinski discussed potential summer programs for 2021.

Summer Programs 2021

2021 Summer Events

- Summer events meeting was held on Tuesday, February 16
 - Town staff and Mayor Pierce
 - PI Chamber of Commerce
 - PIRA

- Parks & Recreation Department is now coordinating the fireworks and movies at the lake

- Obstacles
 - When can we start the programs?
 - Planning starts now for summer programs
 - Secure vendors, organize volunteers, execute contracts

Potential Timeline for Summer Programs

Program	Start Date	End Date	Notes
Fireworks	Friday, July 2	Thursday, September 30	Labor Day – Fireworks on Friday, September 3
Music at the Boardwalk	Thursday, July 8	Thursday, September 30	Coordination through PIRA or Town – still working through this. Labor Day – Music on Friday, September 3
Movies at the Lake	Sunday, July 11	Saturday, October 2	Starting on September 11 potentially move movies to Saturday evening

Family Night at the Boardwalk	Tuesday, July 6	Tuesday, August 31	Is it worthwhile to extend into September?
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Concerns

- Must be flexible
 - Unknown regarding COVID-19 and what would be allowed in July or earlier.
 - Contract notice of 30 days for vendors. Dates may be changed or canceled.
 - Is it worth extending the programs through September?

- Planning
 - Need to have consensus on dates to schedule vendors and organize volunteers.

Budget Impacts

Program	Amount	Total
Fireworks	July 2 - \$10,000 13 dates at \$2,750 per show	\$45,750
Music at the Boardwalk	Sound - \$700 to \$1,400 Bands - \$600 to \$1,000 12 dates	\$15,600 to \$28,800
Movies at the Lake	12 dates - \$1,500 per movie	\$18,000
Family Night	9 dates - \$1,000 per night	\$9,000

Note: Does not include additional overtime for Fire Department for fireworks and additional part-time Parks & Recreation employees.

Council Member Barbee said having fireworks should not be a problem because people don't need to congregate in a single small area to see them. He suggested possibly closing Cape Fear Boulevard so people can spread out even more. Mayor Pierce said that idea had come up. Mr. Jelinski said it was a good suggestion.

Mayor Pierce said having music could be a challenge because that's in a very condensed area.

Council Member Shuttleworth said he is in favor of moving forward with plans for fireworks. He said he doesn't think music will be possible until the State relaxes COVID-19 guidelines about gatherings. He said it will be easier to budget and prepare now for fireworks and then cancel if necessary rather than try to pull everything together two weeks in advance.

Mayor Pro Tem Healy said he would like to start planning for music. He asked about the contract and whether the Town would be responsible for paying the performers if cancellations were necessary. Mr. Jelinski said typically those types of contracts require a 30-day notice.

Council Member Garza suggested not putting out chairs around the stage during music events so people would be able to maintain a safe distance from each other.

Mr. Jelinski suggested possibly trying to schedule smaller acts with smaller programs in July and then moving to bigger acts in August if guidelines permit.

Council Member Barbee said the Town may need to consider committing to some level of risk for music events, such as a cancellation fee for the performers.

Council Member Shuttleworth encouraged Town staff to move forward to plans for fireworks, small and local musicians, and movies with flexibility for dates.

Mayor Pierce said there has been discussion about Parks & Recreation taking over the music and doing a transitional year with Pleasure Island Revitalization Association (PIRA) to learn the process and take full responsibility next year.

The consensus of Council was to move forward with plans for the summer activities.

Mr. Jelinski said while there would be an increase in the Parks & Recreation budget, room occupancy tax funds would cover much of it.

Mayor Pro Tem Healy asked if Parks & Recreation would be using the same volunteers as previous years. Mr. Jelinski said yes and then some. He said the events would be staffed by a mix of paid staff and volunteers and that he does not envision needing another staff position to handle the responsibilities.

Council Member Shuttleworth asked why they are waiting until July to start the fireworks. Mayor Pierce said other communities are delaying their activities until then and that the hope is a large percentage of the population will be vaccinated for COVID-19 by then. Mr. Jelinski said the Town could pencil in dates starting at the end of May and then make a decision by May 1 as to whether cancellations are necessary. He said any cancelled activities can shift to go on past Labor Day through the end of September. Council Member Shuttleworth and Council Member Barbee said they liked that approach. Mayor Pierce said she was concerned about being the first municipality to start holding large gatherings in May and that she'd rather err on the side of caution. Mayor Pro Tem Healy said he liked the idea of the activities going on through the end of September, and Mayor Pierce agreed. Mr. Jelinski said Town staff would move forward with summer plans and keep Council updated.

4. Manager's Update

Mr. Oakley updated Council on current and future projects.

He said the recent County tax revaluation showed the Town's estimated real property tax base increasing 34 percent to \$2.8 billion. However, Mr. Oakley said the Town is waiting for more information because the two figures do not add up; he said the \$2.8 billion total is actually closer to a 50 percent increase.

- Project Updates
 - Hamlet: The bathroom project keeps coming in over budget, so Town staff has been exploring options to reduce costs. The Town hopes to put it back out for bid this spring.
 - Lake Dredge: The Town issued a request for information for engineering and disposal of spoils, but this did not generate a lot of interest, although Town staff is following up on a couple of leads.

- Legislative Update
 - MOTSU: Former Congressman Mike McIntyre has been in constant contact with Military Ocean Terminal Sunny Point (MOTSU), and the Town is optimistic about future use of the property. More information is expected in March.
 - Beach Nourishment: Federal funding is not included in this year's appropriations bill, but State Rep. Deb Butler has asked Gov. Roy Cooper to include this in the State's budget. There are also plans for a stimulus bill to get funding for this, as well as talks of bringing back legislative earmarks. Council may need to discuss amending the agreement with Ward and Smith on doing the Town's legislative advocacy. Mr. Oakley will talk to Council about this further at a later time.

Council Member Barbee asked if there are any plans for the shell shop lot for the summer if all goes well and the amusement rides move in around that space. Mr. Oakley said the Town will look into having picnic tables and photo props there.

5. A Briefing on Conditional Zoning
 Applicant: Town of Carolina Beach

Town staff is currently updating many aspects of the zoning ordinance related to the required 160D update in the State statutes. Part of this involves a change of Conditional Use Permits to conditional zoning. One of the big focuses of this update is to drastically reduce the need for quasi-judicial procedures while still providing sufficient review and control over potentially some uses. Town staff's direction from Ms. Fox is to move forward with conditional zoning as it is a legislative process, rather than quasi-judicial, and it is supported in the 160D updates for North Carolina.

Senior Planner Miles Murphy presented details.

Background

- State statute changes from 153/160A to 160D for zoning
- Many changes required in local ordinances
- Conditional Use Permits are no longer permitted
- Transitioning to conditional zoning
- Reviewing Table of Permissible Uses at a future date, based on Council direction, to reassess which uses require additional scrutiny and which uses should be permitted by right

CUP to SUP

- All references and procedures related to Conditional Use Permits are changed to Special Use Permits
- Procedures remain largely unchanged
- Quasi-judicial procedures are still used
- No uses are required to be handled by Special Use Permits

Mr. Murphy reviewed key differences between legislative vs. quasi-judicial procedures. Among the most noteworthy are that the legislative process permits ex parte communication and offers less recourse for a lawsuit from applicants. In addition, a legislative decision is based on citizen input instead of substantial, competent, and material evidence and citizens with standing, as with a quasi-judicial decision. The result is that Council will have more control over the decision-making process.

Mr. Murphy said Town staff will bring back conditional zoning in March for approval, with 160D coming in April. He said the Planning and Zoning Commission has already approved conditional zoning and that the sign ordinance is coming soon as well.

6. Discuss permitting & regulations for sidewalk cafes for the upcoming season

Mayor Pierce said this item came out because some Boardwalk business owners contacted her about the requirement to bring in sidewalk tables and chairs every night. Some would like the option to leave them outside.

Last year the Town waived permits and fees and did not monitor outdoor cafes for compliance. Sidewalk cafes are areas that eating establishments use for seating that is located in the Town right-of-way within the Central Business District. This year while we are still under a state of emergency, Town staff is seeking direction on the following:

- Permits - Does the Town want to issue permits for outdoor cafes? In 2019, seven eating establishments were permitted.
- Permit Fee - Annual permit = \$200.00
- Regulations
 - Location of seating - Sidewalk cafes can only encroach a certain amount into the Town's right-of-way to provide adequate pedestrian access.
 - Remove encroachments - At midnight, all tables, chairs, barricades, stanchions, and platforms used in the operation of the sidewalk cafe shall be removed.
 - Congregating of patrons - In or around encroachment areas shall be prohibited. Alcohol consumption outside of the premises or while standing shall be a violation of section 18-2, drinking in public.
 - No alcohol shall be served after 11:30 PM, and all sidewalk cafes shall be closed by midnight. Any person consuming alcoholic beverages in a sidewalk cafe after such hours shall be subject to section 18-2, drinking in public.

Planning Director Jeremy Hardison said Town staff is trying to seek direction with a lot of unknowns still out there.

Mayor Pro Tem Healy asked what the purpose is of bringing in the furniture nightly. Mr. Hardison said this is so sidewalk cleaning and maintenance can be performed without obstructions.

Mayor Pierce said those who asked about the ability to leave the furniture out overnight were concerned about wear and tear on the items from frequent moving. She suggested requiring business owners to clean their area of the sidewalk right-of-way and ticketing them if they don't.

Council Member Shuttleworth said leaving the furniture out overnight could be an invitation for vagrants to congregate while the businesses are closed, but he's OK with giving it a test run if the business owners want that flexibility.

Mayor Pierce said most business owners will want to keep their sidewalk areas clean for their patrons, so she is in favor of giving the option to leave furniture out overnight as long as cleanliness is maintained by the business owners, not the Town.

Council Member Shuttleworth brought up the possibility of a longer-term discussion about a special improvement district because business owners don't have the ability to make beautification improvements right now. He also mentioned waiving or reducing the \$200 permit fee. Mayor Pierce said she was OK with waiving it. Council Member Barbee said rather than charge a fee, he was in favor of the Town ticketing business owners for failure to maintain their areas. He suggested that Town staff figure out what it costs to actually process each permit and pass on that cost, if any, to the business owner.

7. Direction on Regulating Rooming Houses

Currently in the zoning ordinance, the Town does not have any regulations or definitions for a rooming or boarding house. There have been recent discussions regarding at what point a homeowner is operating as a single-family home or a rooming house. Town staff would like to seek direction from Council about reviewing regulatory options for moving forward at a future meeting.

Mr. Hardison presented details.

Mayor Pierce said she is OK with people having roommates but only up to a certain quantity. She suggested wording limiting the amount of unrelated people living together to three but questioned the legality of this.

Council Member Barbee said he liked the idea of coming up with a definition and thinks some clarification is necessary before additional situations result.

Mayor Pro Tem Healy said he thinks it all falls back on the nuisance piece of the ordinance.

Mr. Parvin said Town staff is looking in the direction of defining a rooming house based on whether it is owner-occupied; if you don't live in your home and rent out rooms to others, then that would be considered a rooming house.

Council Member Shuttleworth said the Town needs to proceed carefully and not make changes that could cause new problems to surface.

Council Member Barbee said Council needs legal education as to what measures are enforceable and can actually help solve the issue.

Mayor Pierce said the nuisance component could be subjective because what's a nuisance to one might not be a nuisance to another.

Council Member Barbee said he would like Town staff to bring back additional information to continue the discussion.

NON-AGENDA ITEMS

Council Member Garza said he wants Council to go back to receiving a weekly recap from Mr. Oakley. He thanked Mr. Oakley for a year of support and doing a great job.

Council Member Barbee said the Town has made improvements with customer service but needs to continue looking for ways to do better.

Mayor Pro Tem Healy said the Beautification Committee would like to start a project to get landscape companies to spruce up beach accesses. He said Harbor Landscapes did this at Atlanta Avenue. He said this would be pro bono work at no cost to the Town; the landscaping companies would install a small sign with their company name. Council Member Garza said the decision would be up to Mr. Oakley. Council Member Barbee agreed. Council Member Shuttleworth said he loved the idea and asked what kind of beautification would be done. Mayor Pro Tem Healy said plantings, bushes, shrubbery, and other natural plants that would not have to be irrigated. Council Member Barbee said each company should provide a plan to the Town for approval because there are lots of regulations in that zone.

Mayor Pro Tem Healy asked about the tsunami camera. Mr. Oakley said Police Chief Vic Ward is working on getting one.

Council Member Shuttleworth encouraged Council to send State Rep. Deb Butler a thank-you letter for work she's done at the State level to help the Town. He also asked Council to reach out to other State officials so they can work with her to come up with funding solutions for storm damage reduction/beach nourishment. He said following talks with other municipalities, the Town should take a position sooner rather than later on room occupancy tax dollars. He also encouraged Council to think about the annual budget and what to do with the tax rate in light of the revaluation figures. Mayor Pierce said other municipalities have indicated they are not in favor of a room occupancy tax increase. Council Member Barbee said he thought the issue was how the money is distributed/divided rather than the amount. Council Member Shuttleworth said he was opposed to raising the room occupancy tax. Council Member Garza said he thought everyone was in agreement with that. Council Member Shuttleworth said he would like to see an annual cap on the amount of room occupancy tax funds spent on advertising so there could be more discretion with those dollars for sand reserves. He said Council would have to go to State legislators for this change and would need consent from County

Commissioners and the four municipalities. Mayor Pierce said it might be time to contact State Rep. Charlie Miller and invite him to the Town to talk about issues of importance.

CLOSED SESSION

- 8. Closed Session to Discuss a Personnel Matter

ACTION: Motion to go into closed session to discuss a personnel matter in accordance with NCGS 143-318.11(a)(6)

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.

ADJOURNMENT

ACTION: Motion to adjourn

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

The meeting adjourned at 12:00 PM.