

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, March 09, 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 GAYLE TABOR, FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Gayle Tabor 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

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*

### **CONSENT AGENDA**

1. Set a Public Hearing Date for April 13th to Consider a Text Amendment to Chapter 40, Article 8, Sign Regulations Applicant: Town of Carolina Beach
2. Approve Contract with Ward and Smith
3. Easement Termination and Relocation – 601 Rocky Mount Avenue
4. Approval of Meeting Minutes from 2/9/2021
5. Budget Transfer

**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**

### 6. Employee Recognition

Police Chief Vic Ward introduced new officers Koven Hensley and Chris Wilkenson.

Council Member Steve Shuttleworth recognized Greg Reynolds and presented him with a commemorative Boardwalk fish for his years of service to the Town and the Pleasure Island Chamber of Commerce. Mr. Reynolds, who has been a resident of the Town since 2005, served on the Planning and Zoning Commission for six years, including time as Chairman, was on various Town committees, volunteered his services as an architect, and was involved with the Chamber in various roles over the past 16 years. He recently retired from the position of Chamber President, which he held since 2017.

### 7. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator for the Town, reviewed special events for March/April:

- Steve Haydu Lo Tide Run – March 13
- Spring Scavenger Hunt (in lieu of annual Easter egg hunt) – March 26 4:00 PM-April 3 4:00 PM (clues will be posted on the Town’s Parks & Recreation Facebook page beginning March 26)
- Eastern Surfing Association Contest – April 10-11 at North End Pier

### Filming Update

Starz P-Town Productions (“Hightown”)

- March 4 Town Hall
- March 16-17 Town Hall/Rec Center (with proposed closure of Dow Road between Spartanburg Avenue and 7th Avenue March 17 6:00 AM-8:00 PM)

Netflix

- April TBD

Tony Wallace, Location Manager for Starz, gave a quick rundown of what to expect with the road closure. Mayor Pierce asked if property owners in that area had been notified. Mr. Murphy said not yet but that there were plans to do so. Council Member Barbee asked if the Town of Kure Beach had been notified. Mr. Wallace said yes but that a permit from that jurisdiction was not necessary because the production is not using their equipment and personnel.

### 8. New Event Request - Downtown Sundown Concert Series by David Grace

This item was removed from the agenda.

### 9. Manager’s Update

Mr. Oakley updated Council on current and future projects.

### Pack It In, Pack It Out

- Starting Easter weekend
- Less unsightly trash cans on beach strand
- Reduce trash on beach and in ocean
- Improve efficiency
- Reduce vehicular traffic on beach

### GFL Trash Receptacles on Street Side of All Beach Accesses (96-gallon receptacles donated by GFL)

- Trash and recycling receptacles next year (Mr. Parvin is applying for a grant for newer and nicer trash and recycling receptacles.)

### Marketing and Education

- Billboard
- Social media
- Press release
- Surfrider Foundation

### Seasonal Preparation

#### Boardwalk

- Surfaces: pressured washed and stained
- Shell Lot
- Supplemental signage
- Landscaping and lighting

#### Marina

- Docks: pressure washed and stained

#### Beach Accesses

- Beautification Committee

### COVID-19

#### Amended Stay-at-Home Order

- Indoor gatherings (allowed to have 25 people now; Town committees can resume meeting in person if they choose)

#### Vaccinations

- Phase 3 (includes frontline essential workers, including elected officials)

#### American Rescue Act of 2021

- COVID-19 related expenses
- Revenue loss related to COVID-19
- Water, sewer, or broadband infrastructure investments

Mr. Oakley said the Town will monitor this act closely to see what type of assistance can be obtained.

#### Hurricane Isaias

Mr. Parvin said he and Finance Director Debbie Hall met with the Federal Emergency Management Agency (FEMA) to have a closeout meeting.

Total damages: \$565,900.44 (just over \$400,000 received)

#### Breakdown of Costs

FEMA covered: \$413,684.27

State covered: \$129,229.66

Insurance covered: \$22,986.51

Costs from highest to lowest: vegetative debris, emergency protection, beach accessways, utilities, admin/management

Council Member Barbee asked how often trash will be picked up from the receptacles on the street side. Mr. Oakley said every day.

#### **PUBLIC COMMENT**

None

#### **PUBLIC HEARINGS**

10. Consider a Zoning Map Amendment request to rezone a portion of 300 Goldsboro Ave from Highway Business (HB) to Residential (R-1) Applicant: Troy Slaughter

**ACTION:** Motion to open the public hearing to rezone a portion of 300 Goldsboro Avenue

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*

Senior Planner Miles Murphy presented the background and details.

Troy Slaughter has requested a portion of his property, currently zoned HB, to be rezoned to R-1 to allow for single-family residences. He is in the process of constructing multiple single-family homes along Goldsboro Avenue and plans to continue in the same manner on this property once single-family development is permitted.

This portion of 300 Goldsboro Avenue features 3 different zoning districts: Highway Business (commercial), Mixed Use (mixed commercial/residential), and Residential 1 (residential). Downzonings, moving from a more dense/intense district to a less dense/intense one, may only be applied for by the owner of the property(s) in question.

This portion of the R-1 Zoning District falls under the Medium Density category of the current Land Use Plan. Medium Density is described as follows: “Mostly medium-sized lots (min. 5,000 sq ft) with primarily single-family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low-to-medium-traffic streets with pedestrian facilities.”

The Technical Review Committee (TRC) recommends approval of the Zoning Map Amendment. The Planning and Zoning Commission approved the rezoning 7-0.

Mayor Pierce asked if anyone from the public wanted to speak.

Mr. Slaughter said the intent of his request is to change an awkward zoning line that was put in place years ago when his property was incorporated into the Town. He said the plan is to build two more houses where the trailer park once stood.

Mayor Pierce asked what the price point of the homes is. Mr. Slaughter said one is under contract now for \$649,000, and those planned for construction will be \$749,000. He said the lots are 50x150 with homes between 2,100 and 2,500 square feet. Plans are to build 16 more homes.

No one else requested to speak.

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

Motion made by Mayor Pierce

*No vote taken*

Council Member Garza and Mayor Pro Tem Healy said they were fine with the request.

**ACTION:** Motion to rezone a section of 300 Goldsboro Avenue as presented from Highway Business to R-1

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*

Ms. Fox asked if Council would consider also adopting a statement of approval.

**ACTION:** Motion that the Town of Carolina Beach, whereas in accordance with the provisions of NCGS 160A-383, does hereby find and determine that the adoption of the Zoning Map Amendment for 300 Goldsboro in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

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*

11. Consider a Text Amendment to Chapter 40, Article 3 and Article 17, Conditional Zoning  
 Applicant: Town of Carolina Beach

**ACTION:** Motion to open the public hearing to consider a Text Amendment to Chapter 40, Article 3 and Article 17, Conditional Zoning

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. Murphy presented the background and details.

Background

- State statute changes from 153/160A to 160D for zoning
- Conditional Use Permits are no longer permitted; changing to Special Use Permits or Conditional Zoning
- Transitioning all CUP uses to Conditional Zoning (CZ)
- Reviewing Table of Permissible Uses at a future date, based on Council direction, to reassess which uses required additional scrutiny and which uses should be permitted by right

Legislative (Conditional Zoning vs. QJ (CUP/SUP))

	Legislative	Quasi-judicial
Notice of hearings	Both newspaper notice and mailed notice to owners and neighbors are required. Additional Public Scoping Meeting	Only notice to parties to the matter is required unless ordinance mandates otherwise
Speakers at hearings	No limit based on standing; reasonable time limits and limit related to repetition	Witnesses presenting testimony can be limited to relevant evidence that is not repetitious
Evidence	None is required	Substantial, competent, material evidence must be put in the record; witnesses are under oath, subject to cross-examination
Findings	None are required	Written findings of fact are required
Records	Regular minutes are satisfactory	Detailed record of testimony is required; clerk should retain all exhibits during period of potential appeal

Public Meeting

(optional but recommended by staff)

- Opportunity for project to be announced to community prior to officially applying to the Town and staff going through standard notification processes for Planning and Zoning and Council

- Chance for discussion without requirements of public hearing regulations or Town staff
  - Dialogue between citizens and applicant about the specific project
  - May be attended by board members if they choose (no QJ limitations)
- Details of meeting are a required part of the submission to staff
  - Meeting announcement
  - Adjacent owners contacted
  - Attendance log
  - Basic minutes
  - Changes to project from meeting discussions noted
- Allows for dialogue, transparency, and compromise
- Wilmington, Pender, Greensboro, and many other communities require the meeting between applicant and public

Staff Recommendation

- Staff recommends approval of the Text Amendment
- Planning and Zoning voted 7-0 in favor of the Text Amendment – including the public meeting

Mayor Pierce asked if anyone from the public wanted to speak. No one replied. Mayor Pierce closed the public hearing.

**ACTION:** Motion to amend Chapter 40, Article III, Sec. 40-71, 72, Article XVII, Sec. 40-527 and the statement of approval that Council, whereas in accordance with the provisions of NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment to amend Chapter 40 Zoning, Article III, Sec. 40-71, 72, Article XVII, Sec. 40-527 to adopt conditional zoning, in the Town of Carolina Beach, it is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Garza

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

*Motion passed unanimously*

12. Public Hearing to Review Requests from Non-Profit Organizations for General Fund Contributions

**ACTION:** Motion to open the public hearing to review requests from non-profit organizations for General Fund contributions

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 read a list of non-profits and the amounts they are requesting.

Non-profit	Amount requested 2021/2022	Amount awarded 2020/2021	Project

CB Inlet Association	\$7,500	\$3,750	Education
Federal Point Historic Society	\$9,000	\$4,000	History Center
Friends of Felines	\$2,000	\$1,000	Spay/Neuter
Friends of Fort Fisher	\$5,000	\$2,500	Staffing
Island of Lights	\$5,000	\$1,000	Activities
Katie B. Hines Senior Center	\$12,000	\$12,000	Operations
Pleasure Island Sea Turtles	\$6,000	\$7,700	Monitoring

Mayor Pierce asked if anyone from the public wanted to speak.

JoE. Needham and Denise Anderson of Friends of Felines spoke about the organization’s trap, neuter, and return program for feral cats in communities within the Town. She said the efforts are 100% staffed by volunteers with all money from donations, grants, and awards going toward the animals. They said the purpose is to help control the cat population in the Town.

Council Member Shuttleworth asked how many cats were part of the program last year. Ms. Needham said about 100 to 120, although there have been years when the figure was 200 to 300. She said the cost is about \$35 per cat.

No one else requested to speak.

Mayor Pierce said the non-profit requests would be up for discussion at Council’s upcoming budget workshop.

**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*

**ITEMS OF BUSINESS**

13. Discussion on Town Committees

Council Member Barbee requested that Council have a discussion on Town committee structure. He said he wanted to make some recommendations.

Regarding the Business and Economic Development Committee, Council Member Barbee said with the Pleasure Island Chamber of Commerce refocusing on business and economic development, he doesn’t think it’s necessary to have two groups doing the same thing. He said he would like Council to consider shutting down the committee and give members the option to be involved with the Chamber. Council Member Barbee is currently serving as an ex-officio member of the Chamber board.



Council Members expressed approval for the recommendation. Council Member Shuttleworth said he thinks it's also a good idea to have some points of contact at the Town to help attract new business and industry.

Mayor Pierce said she would like to challenge the Chamber and Council Member Barbee to develop a walkthrough process for businesses coming to Town Hall with requests to help assist them through the process of getting permits and other planning-related matters.

**ACTION:** Motion to disband the Business and Economic Development Committee

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*

Council Member Barbee said one of the items the Business and Economic Development Committee had been discussing was initial planning for the Town's centennial in 2025. He said he doesn't think that is within the scope of what the Chamber will be doing, so he would like to create an ad hoc Centennial Committee with 11 members that will handle planning for the celebration and disband when it is over. He said two members of the former committee would like to be part of the newly proposed group.

Mayor Pierce asked how often the committee would meet. Council Member said it would be monthly and mostly for brainstorming. He said the intent is to have a celebration that is inclusive of the whole island.

Mayor Pierce told Council Member Barbee that it's an unspoken rule among Council that if you propose a committee you have to serve as the Council liaison to it. Council Member Barbee said he was OK with this.

**ACTION:** Motion to create a Centennial Committee consisting of 11 members as noted to be ad hoc with a definite beginning and end

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*

Council Member Barbee said he looked at the history of the Police Advisory Committee and had spoken with Chief Ward and Mr. Oakley about options for its future. He said the committee has a strong history of assisting with community outreach efforts, and the recommendation was to allow the committee to continue to operate but revisit the purpose. He said he would like to get input from Chief Ward about what he expects from this group to get it focused.

Mayor Pierce, who is a past liaison to the Police Advisory Committee, said there has not always been clear direction on what's needed and that Chief Ward needs to provide that. She said past programs that have been successful, such as Coffee with a Cop and the Citizens Academy, should be revisited.

She said it's important to get the public to interact with officers and see them as real and caring people. She said anytime you educate citizens on a process they become advocates.

Mayor Pro Tem Healy said he would like to see the Beautification Committee, which is now considered ad hoc with no set end date, become a standard committee. He reviewed some of the ongoing projects the group is working on, such as getting landscapers to maintain and sponsor every beach access as well as a wildflower program. He said the group meets on a regular basis and has a vision along with members who are very passionate about it. He said it should be a standard committee because there are long-term goals and for peace of mind of the members.

Council Member Barbee asked about the legal ramifications of an ad hoc vs. standing committee. Ms. Fox said a proposed ordinance would need to come back to Council for consideration at a future meeting.

Council Member Shuttleworth said one of his main concerns about committee is that they need direction from Council. He said Council needs to do a better job communicating with committees.

Council Member Garza suggested that committee chairmen meet with Town staff yearly to reiterate each committee's purpose and how they operate. He said this would be a good refresher, especially because committees are constantly changing.

Council Member Barbee said he agreed that Council needs to take time to revisit the purpose of each committee and make sure clear direction is being given.

Mayor Pierce said she agreed with that and asked Ms. Ward to send an email to committees to let them know they can begin meeting again. She said the Bike/Pedestrian Committee no longer has a staff liaison and asked Mr. Oakley for recommendations. Mr. Oakley said he will talk to staff and get back to her.

Mayor Pierce asked if the Town has a grant writer yet. Mr. Oakley said interviews were scheduled for next week.

#### **NON-AGENDA ITEMS**

Council Member Garza asked if Council would start talking about the upcoming budget during the March 23 workshop. Mr. Oakley said the budget process is just getting started but that more information will be given at the workshop.

Council Member Garza said the upcoming weekend is usually a great indicator of how spring will go in the Town. He said he expects the island to be busy.

Mayor Pro Tem Healy said the Skatepark has been very busy lately with a mix of a wide range of ages. He requested more police presence in the area.

Mayor Pro Tem Healy said he was looking over financial information and realized that the Town spends a lot of money on labor, such as staining of the Boardwalk. He asked about the possibility of hiring an

individual to take care of these tasks rather than contracting them out. He said this position would basically be a Town handyman. Public Works Director Brian Stanberry said there is a general maintenance worker position in the Environmental Department that is currently vacant and being advertised. He said that position does some of these tasks but can't handle them all.

Mayor Pierce noted that Easter is early this year and asked where the Town is with getting the Boardwalk area prepared for tourist season. Mr. Stanberry said things are in good shape and that several staff members had worked on the area last week. Council Member Barbee thanked Mr. Stanberry and his staff for their hard work but said there are some maintenance items that are not being addressed. He said he would like to have a discussion during the budget process about what would be needed to catch up on these items and where gaps are. Mayor Pierce suggested having earlier shifts for some Operations Department employees, such as 6:00 AM-3:00 PM. Mr. Stanberry said there had been discussion of this.

Council Member Garza said he wanted to remind Town staff to use social media to share videos and posts about important matters such as crime, smoke detectors, and hurricane preparation.

Mayor Pierce asked Mr. Oakley if budget meetings would be during workshops already scheduled or at separate times. Mr. Oakley said there are some budget-focused workshops scheduled. She asked him to announce the dates as soon as possible so Council members can put them on their schedules.

Mayor Pierce said she recently attended a meeting with state legislators and asked for their thoughts on beach renourishment. She said Sen. Michael Lee said he feels good about the possibility of finding a funding source on the state level and is working on it. She said Council may hear something in the next couple of months and that she was encouraged by this news.

Council Member Barbee praised Fire Chief Alan Griffin for the public awareness material he produced and distributed right after the recent golf cart fire in Carolina Sands.

#### **CLOSED SESSION**

##### 14. Closed Session to Discuss an Attorney/Client and Personnel Matter

**ACTION:** Motion to go into closed session to discuss an attorney/client and personnel matter in accordance with NCGS 143-318.11(a)(3) and (6). Matters being discussed are:

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

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

18 CVS 3153 Town of Carolina Beach vs. DRDK LLC

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

18 CVS 3155 Town of Carolina Beach vs. Winnie Futch Heirs

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.

**ACTION:** Motion to award the Town Manager a 6% merit increase, the Finance Director a 4% merit increase, and the Town Clerk a 4% merit increase

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*

#### **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 8:35 p.m.