**CAROLINA BEACH**

Regular Town Council Minutes

Tuesday, April 14, 2020 @ 6:30 PM

Council Chambers

1121 N. Lake Park Boulevard

Carolina Beach, NC 28428

**ASSEMBLY**

The Town of Carolina Beach Regular Town Council meeting was held on Tuesday, April 14, 2020, at 6:30 PM at Council Chambers.

PRESENT: Mayor LeAnn Pierce, Mayor Pro Tem Jay Healy, Council Member Lynn Barbee, Council Member Steve Shuttleworth, Council Member JoDan Garza

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ALSO PRESENT: Town Manager Bruce Oakley, Town Clerk Kim Ward, and Town Attorney Noel Fox

**1. MAYOR PIERCE CALLED THE MEETING TO ORDER WITH INVOCATION BY MAYOR PIERCE FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

**2. ADOPT THE AGENDA**

**ACTION**: Motion to adopt the agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

**3. CONSENT AGENDA**

The following items were included on the consent agenda:

a. Budget Amendments & Transfers

Mayor Pro Tem Healy said Island Women donated $4,984 to the Town to purchase two additional beach wheelchairs, and he expressed thanks.

Mayor Pro Tem Healy asked why the Town had approved $6,000 for showers at the new Hamlet facility when $3,000 appears to be sufficient. Assistant Town Manager Ed Parvin said the $6,000 figure is for upfitting the site with all temporary facilities, including showers and toilets, as well as taking everything down in the fall and prepping the site for construction. He said the Town might not spend the full amount but would likely need most of it.

b. Review the Revised Family and Medical Leave Act Policy

c. Consider Approving the Electronic Meeting Policy as Drafted by the Town Attorney

Mayor Pro Tem Healy asked for clarity on the definition of a quorum regarding electronic meetings. Ms. Fox said if the majority of Council is present either in person or electronically, then that constitutes a quorum. She said all regular open meetings laws and rules apply to electronic/virtual meetings.

d. Approval of Meeting Minutes from February 25, March 10, 16, 17, 20, 23 and 24, 2020.

**ACTION**: Motion to approve the consent agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

**4. SPECIAL PRESENTATIONS**

a. Manager’s Update

Before Mr. Oakley’s update, Mayor Pierce recognized Carolina Beach Elementary School second-grader Blaen Welborn for being chosen as the New Hanover County Schools’ Student of the Week in the StarNews. Mayor Pierce read a letter of congratulations from Council to the student.

Mr. Oakley gave an update on COVID-19 along with other general topics. He said the past several weeks have been very trying for everyone and that Town staff has been working behind the scenes to not only slow the spread but also to keep things moving forward in preparation for the summer season and identify ways to assist with economic recovery. He said he has been in contact with County, State, and Federal officials for updates and to express concerns. Mr. Oakley said there are reasons to be optimistic, including some restrictions from the County stay-at-home order being lifted. He said Town staff is working toward a soft opening of Carolina Beach and the surrounding areas, including possibly opening the beach strand for exercise and outdoor activity.

Mr. Oakley emphasized the economic and financial impacts of COVID-19 to the Town and its residents. He said Town staff is working on an upcoming budget that will account for lost revenue from sales tax and room occupancy tax funds. Plans include only spending on essential things during the current fiscal year and working with department heads to reduce next year’s proposed budget, which will begin on July 1. The Town continues to look for ways to save money, including taking advantage of low interest rates to refinance loans.

Mr. Oakley said Town Project Manager Jerry Haire has been designated as the point person for trying to obtain grants and Federal relief funds for the Town as well as small business owners. Mr. Haire is working with Greg Reynolds of the Pleasure Island Chamber of Commerce to track and research opportunities to help with recovery. They have discussed the possibility of creating a task force to help small business owners find and apply for options available to them. They will share information and resources on the Town website.

The Town has looked into utility billing relief for small businesses that have shut down due to COVID-19, but Mr. Oakley said this is more complicated than he initially thought. He said he is still working on ways to help and is getting guidance from State and Federal government on ways to get funding for this. He emphasized that service would not be disconnected for nonpayment.

Mr. Oakley said the Town continues to cautiously prepare for the summer season as if the pandemic is going away soon. He reviewed what department heads are doing, including cleaning and aesthetic improvements on the Boardwalk.

Council Member Garza asked whether the Town had come up with a solution to help business owners with utility bills. Mr. Oakley said if the Town opted to waive fees, it would have to be done for everybody, so that’s why other options are being explored. Garza asked for an update at the April 28 workshop.

Mayor Pierce asked about the logistics of a soft opening of the beach strand. Mr. Oakley said it would be for outdoor recreation only while keeping social distancing guidelines in place. Options would include only opening certain accesses and keeping parking closed to reduce the number of people.

Mayor Pierce reminded everyone that restrictions to bars, restaurants, salons, and barbershops are done at the State level and not under the Town’s control. She also emphasized that a soft opening was necessary because the beach is an attraction and opening it up without any restrictions would draw people from all over, something that the Town wants to avoid while still trying to mitigate the spread of COVID-19. She asked residents to be patient with the plan that was being developed and said a soft opening by next week was a possibility.

Fire Chief Alan Griffin was not at the meeting due to celebrating his birthday, so Mr. Oakley gave an update on the Fire Department. He said volunteer training was being done virtually with Zoom and that lifeguard tryouts were delayed to May 2 and May 9 at the Hamlet beach access. Training and orientation must be done by May 11 to meet United States Lifesaving Association standards. Returning lifeguards don’t have to undergo the initial tryouts but must pass all tests.

Mr. Parvin gave an update on various other departments. He said Parks & Recreation was making improvements to programs and facilities during this time. For Planning & Development, construction continues with some reduction from this time last year but a lot of permits are still coming in. Code Enforcement has been busy with management of the short-term rental ban as well as continuing to address typical nuisance violations. Planning staff is also working on implementing a short-term rental registration requirement.

Mayor Pierce asked how soon the requirement for short-term rental registration could take effect. Mr. Parvin said he hoped to have it in place by the next fiscal year so it could be rolled out on July 1.

Mr. Parvin said Public Works has taken this opportunity to make the Town look great in preparation for the summer season. He mentioned Boardwalk, parking, and beach access improvements as well as the addition of golf cart parking and bicycle racks. There were also efforts to help keep sand off the beach accesses and pump down the lake to a lower level.

Council Member Barbee asked Town staff to take a look at a gazebo at the lake that appears to be weathered and have a rickety ramp. He said he had safety concerns about it.

Mayor Pierce asked if the Town finished installing valves on Canal Drive. Public Works Director Brian Stanberry said there was one valve not fitting properly that needed to be tweaked, but otherwise that is complete.

Mayor Pierce pointed out that while much of senior management has been focused on COVID-19, other Town staff members have been working hard on projects so the Town will be ready for summer.

Mayor Pro Tem Healy asked whether the Town was following up on complaints about short-term rentals continuing to operate. Planning Director Jeremy Hardison said there had been follow-up phone calls after the complaint-driven letters went out. Mayor Pro Tem Healy said he thought it was important for someone to actually go by the properties in question to see if they have come into compliance with the ban. Police Chief Chris Spivey said the Police Department had a process to seek charges against anyone who refused to comply with the short-term rental ban.

Chief Spivey reported that call service is about normal or maybe just slightly above average. He said people were mostly complying with the beach strand closure and that there had been no citations for this in over a week. He said he was happy with the direction things were going.

**5. PUBLIC COMMENT**

a. Mayor Pierce Will Read Public Comments Submitted Online

**Letter 1**:

Maureen Lewis 1407 Croaker

1) I wanted to share that we are excited to have launched the Carolina Beach Mural Project website. https://carolinabeachmurals.org/

It has received a ton of positive response from the community. The organization is under the umbrella of the Island Arts & Culture Alliance which allows us to work as a 501(c)(3) and apply for grants, etc. We are working on a community fundraiser- TBD b/s of COVID-19 and hope that we can get started soon on commissioning some murals in the downtown business district and the Lake Park business corridor.

2) I was curious about the town's debt. I couldn't find anything on the website so I wanted to ask- are we working with a bank(s) to refinance all our loans? Money is almost free and it would be a shame if the town isn't taking every opportunity to whittle down the debt and interest rate on outstanding loans. Where can the public find that information?

3) I know access to the beach is something many are missing- mentally, physically & spiritually. What is proving successful in Foley Beach and Waikiki (and possibly other beaches) is limited access to the beach - people must be moving. No towels, chairs, sitting in the sand. Anyone who isn't walking on the beach or towards the water is ticketed up to $5000. In Hawaii, beach is accessible sunrise to sundown. No one allowed on the beach after. Tickets have been written and my sister reports that everyone is following this decree.

Given that we may be looking at a few more weeks of "safer at home", perhaps this could be implemented. Since there is no public parking currently open & available, this would keep visitors storming over the bridge to spend the day at the beach. Just a thought.

4) Cell Tower- we noticed a brand new cell tower erected on Ocean less than 100 feet from our homes on the 1400 block of Croaker. Are there restrictions that limit how close the cell towers are to residential homes? Or at least a requirement for notification to anyone living less than 500 feet from a new cell Tower? The tower may be on Federal land rather than Town land so not sure if you even were aware that a more powerful cell tower replaced the old one.

5) Would you consider allowing committees/ boards resume meeting utilizing Zoom? It would certainly help bring back some structure and for some committees- we have work to do!

**Council Response**:

Regarding item 2, Mayor Pierce said Mr. Oakley had already addressed some cost-saving measures the Town was taking as a result of refinancing with lower interest rates.

Mayor Pierce said item 3 about opening the beach strand had also been addressed.

Regarding item 4, Council was not familiar with the cell tower and asked Town staff to look into this.

Regarding item 5, Council Member Barbee said he hopes in-person meetings can resume next month. He said ensuring the public knows how to connect and participate electronically could take some time but was something that could be explored.

Regarding item 1, Mayor Pro Tem Healy said Town staff is working to get the North Carolina Department of Transportation involved so there could be a “Welcome to Carolina Beach” postcard mural for people to see when they come over the bridge.

**Letter 2**:

Mark Bentley

Regarding the "free parking for boats" in the CB boat basin. Something needs to be done about this. There are mooring buoys in place for safe harbor and short term anchoring(fee), but there are 5-6 sailboats currently anchored in the basin that have been there for months, some over a year. These boats do not move, and they have people living on them full time. That means they are dumping their tanks in the basin. They are vagrants, who are not paying to park. Why are they allowed to stay out there and why are they not being ticketed for illegal dumping of raw sewage? Why is the Harbor Master not kicking these people out? During storms they pull anchor and either end up hitting other people’s property or running a ground, which then requires assistance to be removed. Why are they allowed to sit there free of charge and why is nobody doing anything about this?

**Council Response**:

Mr. Parvin said the Town has been working on this matter for a long time but continues to run into issues with what the Town can enforce. He said there is not a lot of enabling authority for municipalities to manage issues on State waters but that the Town continues to work with the State for ways it can move forward.

Mayor Pro Tem Healy asked if this could be enforced by another entity. Mr. Parvin said the Town needs the North Carolina General Assembly to give the State the power to grant authority to municipalities to enforce the regulations.

Council Member Shuttleworth mentioned the environmental problem of sewage pumpout and said one possible way to make progress is to require the boat owners to prove they have gone to a local facility to pump out their sewage and therefore show they are following safe practices for disposal. Mr. Parvin said he would look into this.

**Letter 3**:

My name is Tim Mikuta and I live at 313 Birmingham Ave Unit #2 in CB with my Wife Amy. I would like to ask if there has been any thought to opening our beaches for "exercise only". This would allow the opening up of more space for the residents of CB to get outside and exercise. Similar measures are in place up and down the Atlantic Coast including beaches in NJ and Virginia Beach. Georgia has already opened their beaches.

Our Police Department is already patrolling the beaches so they can make sure that people on the beach are adhering to CDC COVID social distancing guidelines. You can even use our lifeguards to assist from their lifeguard stands. As long as the Town continues the No Rental Under 90-day policy and keeps the Town lots closed there should not be an influx of nonresidents/owners on the beach because of the lack of public parking.

We pay taxes to the county, we buy parking permits in the town and we support local business in the town, we should have the right to walk and fish on our beaches. We would love to see this addressed and hopefully get a positive response. Given fact that the cases in New Hanover County are low and the state is approaching or has passed peak outbreak this should be considered a reasonable step to the loosening of COVID restrictions.

I have attached a picture of a sign on VA Beach and a link to their guidelines for your information.

**Council Response**:

Mayor Pierce referred to the previous discussion about a possible soft opening of the beach strand for exercise purposes and asked everyone to give Council a little time to iron out the details.

**6. ITEMS OF BUSINESS**

a. Approval of Financing Terms for Refinancing Wilmington Beach Paving & CBP3

Mr. Oakley said this opportunity to refinance existing loans with reduced rates would result in the Town saving a little over $60,000 over the life of the terms.

**ACTION**: Motion to give staff approval to refinance the terms of the Wilmington Beach paving and CBP3 loans for reduction in interest rates for savings for the Town of Carolina Beach

Motion: Mayor Pierce

Vote: UNANIMOUS

**7. NON-AGENDA ITEMS**

Mayor Pro Tem Healy stressed the importance of Town residents participating in the U.S. Census. He said participation had been low so far compared to numbers across the County and State and emphasized how necessary an accurate count is for receiving Federal funding. He encouraged residents to talk to their neighbors about completing the survey online.

Mayor Pro Tem Healy also wished former Mayor Pro Tem Tom Bridges well following his open-heart surgery a month ago.

Council Member Barbee asked when the ban on short-term rentals would expire. Mayor Pierce said as of now the date is April 29, but she said this could be extended depending on County and State direction. Council Member Barbee said it was important for those in this industry to have as much forward notice as possible about when the ban would be lifted so they can resume bookings.

Mayor Pierce reiterated the importance of U.S. Census participation and said every household needs to complete the survey so we can get as much Federal funding as possible.

Mayor Pierce also thanked Town residents for their cooperation during the changing nature of the COVID-19 pandemic. She encouraged everyone to be patient, follow the rules, and respect each other and said balancing public health and safety, the number one concern, with other issues has been a challenge.

**8. ADJOURNMENT**

Mayor Pierce made a motion to adjourn at 7:30 PM. Motion passed unanimously.