

CAROLINA BEACH

Town Council Special Meeting Minutes
Wednesday, November 13, 2019 @ 6:00 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

A Special Meeting of the Town of Carolina Beach Town Council was held on Wednesday, November 13, 2019, at 6:00 PM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

ALSO PRESENT: Interim Town Manager Ed Parvin, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR BENSON CALLED THE MEETING TO ORDER

2. PRESENTATION BY TOWN MANAGER ED PARVIN

a. Freeman Park Presentation

Mr. Parvin presented results from the first Freeman Park Annual Permit Survey, which had a total of 2,614 respondents within a few weeks. He also gave an overview of Freeman Park rules for 2020. Recommendations include camping during the off-season (October 1-March 31) only due to environmental issues, daily passes during the off-season for \$20, daily passes in-season for \$30 on weekdays, and extending the time frame for an early bird annual pass to encompass December 9-January 31. Other recommendations include limiting hours of entry in-season and prohibiting consumption of alcoholic beverages to match rules for the Town's beach strand with enforcement based on the behavior and activity of the patron.

Mr. Parvin said he would like to see Council adopt some of the changes tonight with the opportunity to gather more data and adopt additional changes during a meeting on November 19.

3. PUBLIC HEARING - FREEMAN PARK 2020 SEASON

a. Mayor Benson made a motion to open the public hearing. Motion passed unanimously.

Rich Rosario of 418 Raleigh Avenue expressed concerns about erosion and asked if there were ways to bring in money to replenish the sand at Freeman Park. Mayor Pro Tem Bridges said the Town is not allowed to place any sand at Freeman Park because it is considered an inlet hazard area. Council Member Shuttleworth said traditionally sand is put on Freeman Park only through an Army Corps of Engineers project that the Town doesn't control. He said the Town would love to put sand out there but there is no permit and acquiring one would be very difficult.

Lawrie Evans of 101 Seahorse Lane said she thinks most of the recommendations are satisfactory for the sake of protecting the park except for the rule that states campfires can't be placed at the water's edge above the high tide mark. She said for the fishermen that go out to Freeman Park at night being able to have those fires makes it an amazing experience. She asked Council to please reconsider that point. She also asked about the idea of making a jetty. Mayor Benson said that is something the Coastal Area Management Act (CAMA) would have to undertake.

Mel Machovec of 309 Georgia Avenue said he thinks the locals should have the opportunity to go to Freeman Park before those with daily passes. He said expressed concerns about large truckloads of people coming in one vehicle and taking up extra space on the beach. Ms. Fox said people can walk on Freeman Park for free. Admission is for the vehicle, not the occupants.

Ricky Niec of 702 Clarendon Boulevard said he was concerned that the budgeted number of \$1.9 million in revenue for Freeman Park was too high. Mayor Benson said the adoption of the budget was just four days before the erosion issue at Freeman Park became apparent, resulting in limited access.

Emilie Clark of 1810 Canal Drive asked if Council would consider posting a sign two blocks before Freeman Park informing people that access is for 4-wheel-drive vehicles. She said this would help with traffic control and reduce backups from cars turning around, especially during busy summer months. Council Member Pierce said this is a good suggestion and asked Mr. Parvin to make a note of it.

Tom, a Wilmington resident, said he has been coming to Carolina Beach for 50 years and has seen lots of changes. He said instead of limiting access, people driving on Freeman Park need to be more mindful of the tides and when is the best time to navigate the sand. He suggested enforcing existing laws and imposing hefty fines on those who drive too close to the water. He also said Freeman Park has gotten ugly from all the posting, ropes, and signs and thinks those things should be removed.

Bobby McConville of 709 Elton Avenue said he thinks Freeman Park is a disaster that has been destroyed and mismanaged. He called it a complete failure of the Town over the course of several years to allow it to get to its current condition. He said he thinks radical changes are necessary. Council Member Shuttleworth asked him to give one or two examples of radical measures he would suggest. He said he had recommended doing a different staging process in an area separate from Freeman Park to ensure that each car has a first aid kit, flares, and an air compressor. He said this would also give an opportunity to check the vehicle's 4-wheel-drive status. He also suggested requiring an inspection at the time of buying the permit to ensure 4-wheel-drive status. He said it is time to make some changes and get serious about doing something.

Brett Besterfeldt of 214 Raleigh Avenue said he can digest most of the recommended changes but objects to the camping rule. He would like to see the months of April, May, and September included for camping on Freeman Park.

Darlene Schwarz of 1717 Carolina Beach Avenue North said the new hours being proposed

would cut out a lot of the tidal fishing at night. She asked if it was really necessary for the end of Freeman Park to be closed off now.

Someone in the audience questioned why there couldn't be a pass for locals only for such uses. Mayor Benson said that is not possible because Freeman Park is considered public trust, which is why there is no reduced rate for locals. Bobby McConville asked what exactly that means. Council Member Shuttleworth said it means it has to be open to everyone and that prices to drive across the Town's land to access Freeman Park have to be fixed for everyone.

Rich Rosario of 418 Raleigh Avenue asked if there was a way to charge boaters for beaching on the land. Council members said no.

A woman who did not identify herself asked if it was possible to have separate passes for summer and off-season. She said she usually buys the annual pass but does not use it in June, July, and August.

Tom, a Wilmington resident, suggested coming up with a pamphlet to educate people about driving on Freeman Park.

Alex Torres, chairman of the Town's Freeman Park Committee, said he likes the idea of no camping during the summertime but thought it might be better to make it for fewer months than what is now being recommended. He also suggested keeping Freeman Park open 24 hours all year. He also said he thinks the rules regarding alcohol should be left as is because he is not aware of any major issues. He mentioned removal of the blue barrels as a good move and said the emphasis on taking your trash out with you had been well-received.

Mayor Benson made a motion to close the public hearing. Motion passed unanimously.

Council Member Steve Shuttleworth said he would support extension of the camping season to encompass the period from Labor Day to the beginning of Memorial Day weekend. Council Member Pierce and Mayor Benson said they would also support this. Mayor Pro Tem Bridges suggested changing the camping dates to September 15-May 15 because it's easier to remember.

Mayor Benson asked if a motion was necessary. Ms. Fox said Town staff is just looking for consensus among Council at this time to revise and polish a final version of 2020 rules that will come back before Council next week. Mayor Benson said he recommended changing the rules to allow camping from the day after Labor Day to the day before Memorial Day weekend. All others were in agreement.

Mayor Benson said he was in favor of extending the early bird season for purchasing passes because the new period includes Christmas. Mr. Parvin said the Town needs a decision on that portion of the rule changes tonight. Council Member Shuttleworth said he supports the early bird period with a price of \$120 but wants to keep the price for an annual pass outside of this time frame at \$200 instead of the proposed \$240. Council Member Pierce said she agreed with these figures. Council Member Garza said he wants to keep the annual pass prices as they are now: \$100 for the early bird period and \$200 for after January 31. Mayor Benson asked for a show of hands of those who support leaving the prices as they are now. He, Mayor Pro Tem

Bridges, and Council Member Garza raised their hands. Council Member Pierce said she was not used to raising her hand to vote but that she supported the recommendation of the Freeman Park Committee to leave the annual pass prices as they are now. Mr. Parvin said Town staff will move forward with annual pass prices of \$100 for early bird and \$200 after January 31.

Council Member Pierce asked if Freeman Park passes would continue to be sold at the hardware store. Mr. Parvin said that would be up to Council. He said the owner of the store keeps \$5 per pass sold. Council Member Shuttleworth said due to the volume of people expected to buy passes he thinks it would be beneficial to keep the hardware store as a location in addition to Town Hall and the new parking office. Council Member Shuttleworth said he would like to see people encouraged to buy passes online, even if it means offering a \$5 discount. Council Member Pierce suggested charging \$5 more at the hardware store to absorb the cost of offering the passes there.

Council Member Pierce said she is not in favor of limiting the hours at Freeman Park. She said the fishing community wants to fish all night and this was the original purpose of Freeman Park. Council Member Shuttleworth said he would like to see the period of limited hours reduced to encompass the same period during which camping is prohibited. Council Member Pierce questioned how this would be enforced. Police Chief Chris Spivey said officers have never had to tell people who are fishing all night to leave because current rules allow this activity; they just do not allow overnight camping during certain times. Ms. Fox said you can't tell a fisherman to leave Freeman Park but you can tell a fisherman with a vehicle on the strand to leave Freeman Park.

Mayor Benson asked for Council's thoughts on the recommended hours for Freeman Park. Council Member Garza said he supports keeping Freeman Park open 24/7 year-round. Council Member Pierce said she agreed with this. Council Member Shuttleworth and Mayor Pro Tem Bridges said they did not agree. Mayor Benson said he agreed with 24/7 year-round access. With three in favor of 24/7 year-round access, Mayor Benson instructed Town staff to proceed with adding this to the 2020 rules.

Chief Spivey said there are not many alcohol problems on the town strand or Freeman Park. Mayor Benson and Council Member Pierce said they are in favor of continuing to allow alcohol at Freeman Park. Mayor Pro Tem Bridges said he wanted to see alcohol prohibited at Freeman Park to be consistent with the rules of the rest of the beach strand. Mayor Benson said being able to drink alcohol at Freeman Park is attraction that distinguishes the area from the south end of the island. Council Member Shuttleworth said he was in favor of leaving rules as they are. Chief Spivey added that liquor is currently prohibited at Freeman Park, but beer and wine not in glass are allowed. Mayor Benson asked staff to clarify this in the proposed rules.

Mr. Parvin said Town staff would move forward with getting permits ready to be sold and modifying the ordinance as instructed for official adoption on November 19.

Council Member Shuttleworth asked about putting up a sign at Freeman Park that warns drivers to proceed with caution at their own risk due to tidal influences. He also inquired about flexibility for allowing campfires.

Council Member Pierce asked about how the selling of day passes would be regulated. Mr.

Parvin said if there is a continued issue with the pinch point the process would be similar to what was done this year to monitor the amount of cars on the beach. Council Member Pierce said she understood day passes were restricted on some weekends this past summer to allow access for annual pass holders while there were erosion issues but that allowing day passes during the week should not have been an issue. She cited decreased revenues for day passes during July compared to the previous July. Council Member Shuttleworth asked Town staff for this summer to continue to sell day passes and then make the on-site decision as to when closing due to overcrowding is necessary.

4. ADJOURNMENT

a. Mayor Benson made a motion to adjourn at 7:30 p.m. Motion passed unanimously.

Approved 1/14/2020

Kimberlee Ward, Town Clerk