

# CAROLINA BEACH

Regular Town Council Minutes  
Tuesday, June 11, 2019 @ 6:30 PM  
Council Chambers  
1121 N. Lake Park Boulevard  
Carolina Beach, NC 28428

## ASSEMBLY

The Town of Carolina Beach Regular Town Council was held on Tuesday, June 11, 2019 at 6:30 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, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

### 1. MAYOR BENSON CALLED THE MEETING TO ORDER AT 6:30 PM. INVOCATION WAS GIVEN BY PASTOR DAN KECK WITH KURE LUTHERAN MEMORIAL FOLLOWED BY THE PLEDGE OF ALLEGIANCE

### 2. ADOPT THE AGENDA

- a. Adopt the Agenda

Mayor Benson asked the Town Clerk if she had added a closed session to the agenda to discuss a personnel matter. She confirmed that she did.

Council Member Shuttleworth said that he would like to add a discussion of hiring an outside organization to do an organizational analysis of the police department which would also include hiring process and criteria used to evaluate candidates and the organizational structure.

**ACTION:** Motion to adopt the agenda with the exception of removing 7-f (Annual Committee Appointments). That item will be moved to the July 9, 2019 Council meeting and adding the discussion of the police department analysis.

Motion: Joe Benson

Vote: UNANIMOUS

### 3. CONSENT AGENDA

- a. Consent Agenda Items

The following items were approved under the consent agenda:

Resolution 19-2204 authorizing the write-off of uncollected utility accounts for a total of \$23,281.08.

Sewer rates for Kure Beach and Fort Fisher Aquarium retroactive to July 1, 2018:

- \$14,352.78 Fixed Rate
- \$5,097.74 Capital Recovery Rate
- 1.1247 Variable Rate
- \$626.42 Fixed Rate for the Aquarium

Budget amendments and transfers as presented by the Finance Director.

Set a public hearing for July 9, 2019 for a conditional use permit that consist of a 6 unit town home located at 409, 411, and 413 Carolina Beach Avenue North Applicant ERS Investments LLC.

Meeting minutes from May 14, 2019.

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

Motion: Joe Benson

Vote: UNANIMOUS

#### **4. SPECIAL PRESENTATIONS**

a. June & July Special Events

Brenda Butler briefed the June and July events.

b. Manager's Update

Mr. Parvin gave an update on the following topics:

Upcoming Land Use Plan meetings  
1710 Carolina Beach Avenue North  
Clarendon Avenue Multi-use Path  
Crosswalks and pedestrian safety  
Town Marina  
Phase C and Northend Projects  
Future Projects

c. Discussion on the Organization of the Police Department

Council Member Shuttleworth said that he brought this up due to all of the social media comments that are being made about the police department. He feels it is time to get some outside help. It's not getting done internally. We need an outside consultant to find out what the issues are and what's going on. They need to look at why we are losing our officers.

Council Member Shuttleworth asked Ms. Fox what the process would be to get this started.

Ms. Fox said that based on previous discussions, she reached out to a firm in Chapel Hill that does this type of work. They are willing to come in and do an organizational analysis. The scope would be defined by the Town and they would add to it if necessary.

Council Member Shuttleworth said that they have discussed all the reasons that they have heard why officers are leaving the force. Those reviews are not getting addressed by the Manager or

anyone internally so there needs to be someone from the outside that can come in and do it. He asked Mr. Parvin if he would get a price quote for this service. This is a pretty big issue. There are a lot of people that showed up to the meeting tonight to hear this topic.

Ms. Fox asked if Council wanted to move forward, she would reach out to the firm in Chapel Hill and get a quote.

Mayor Benson asked her to move forward.

Council Member Pierce said she wanted the public to know that Council has heard them and they do care about the police department.

**ACTION:** Motion to instruct Attorney Noel Fox to contact the outside agency that she is already in contact with to define the parameters of the study and the cost and bring it back to Council for a vote. Motion carried unanimously.

Motion: LeAnn Pierce

Vote: UNANIMOUS

## 5. PUBLIC COMMENT

Brenda Armes 616 Sumter Avenue spoke against the decision to limit the hours of the billing window. There was no notice sent to the residents and they need this service.

Council Member Pierce replied that most of Council agrees with her. She asked Mr. Parvin to speak to whether or not staff has been directed to fill the customer service position.

Mr. Parvin said that there were three employees in billing and they lost two. They are trying to fill one of the positions so there will be two employees at the window. The new person will be starting on Monday. They will not be able to open back up full time until they fill the third position.

Council Member Garza responded to the public that staff is trying to fix the problem. Council is also considering changing the hours to accommodate residents who work 8-5 off the Island. He apologized for the inconvenience.

Mayor Benson said that Council was encouraging automation but this was a bit of a surprise to all of them.

Deb LeCompte 307 Charlotte Avenue said she was not speaking on behalf of the Police Advisory Committee, she was speaking as a resident. She was also accompanied by Jeff Hogan, Wayne Rouse, and Melanie Boswell. She stated that the letter the Police Advisory Committee sent to Council was not politically driven nor was it personal. It is a matter of public and officer safety. This started back in February when four officers resigned on the same day. Then they discovered that 14 officers have resigned over the last year. The Police Advisory Committee notified Council at that time expressing their concerns. They also left a message for the Town Manager and have yet to receive a return phone call. The response they received from Council was that it was a personnel matter and out of their hands. The Police Advisory Committee was appointed to be the voice of the community. They have been told to stay in their lane which they did for months but they felt it was time to step out because they are hitting

road blocks.

Council Member Pierce said that she is the liaison for the Police Advisory Committee and she thanked the four members for their comments and for coming to the meeting. It's always the committee's job to do the right thing and speak up and it's Council's job to act on the information that they have been given. A lot of this is personnel matters that they cannot discuss.

Council Member Garza reminded the residents that each Council Member is one of five. He said that he has spoken up about this issue in past meetings. Some of it is personnel related but he has been very vocal over the past year with both the Police Advisory Committee and Council on how he feels about this situation. When you lose 30% of your staff, something is wrong and it's time for something to happen.

Council Member Shuttleworth said it only takes three. (Referring to three Council Members to pass a vote). We've talked about making a motion and doing something about this but we don't have three that are willing to do it. When others decide they are ready to do it, speak up.

Council Member Garza reiterated that he has been very vocal.

Mrs. LeCompte thanked Council for taking the step in the right direction to correct this issue.

Council Member Garza said that Council cares about the police and they care about the residents.

Mayor Benson asked everyone to stick around for the budget session and it would be very clear that they care about the police because they are taking steps to better compensate the police officers to be comparable to other local agencies.

Council Member Garza said that it's not just about compensation it is about employee morale.

Council Member Pierce said that the retention issue is a problem across the country. It's hard to be a police officer right now in this country and that's why they want an outside agency to come in and do an assessment.

Mayor Benson thanked the Police Advisory Committee for their work.

Lynn Conto 807 North Carolina Avenue stated that she is a fan of the greenway but the greenway has consequences. Just this week a \$30,000 boat was stolen that would not have been visible had it not been for the greenway. She also mentioned that cyclists are going too fast on the trail. She suggested putting speed limit signs out. A neighbor asked her to mention putting sponsored benches along the greenway.

Mr. Parvin said that he requested permission to put benches along the greenway but it was denied by MOTSU.

Mayor Benson asked staff to request approval for security cameras.

Council Member Pierce suggested adding a landscape buffer.

Mrs. Conto reported that 3 roads in SeaGrove that intersect with North Carolina Avenue do not have stop signs. They are Croaker, Sea Ray and Spot.

Mr. Parvin said that they reviewed this area with a traffic engineer and they didn't recommend additional stop signs but they can look at it again.

Mrs. Conto mentioned that cyclists are not using the push buttons. Traffic is so bad that pedestrians cannot cross at Good Hops.

Mrs. Jeannie Mintz 205 Georgia Avenue said that she came out to say something nice but commented that the Town sure does hire some doozies for Town Manager's (audience applauded). She commended Joe Hutcherson for a job well done. She said the neighbors notified him of an issue and it was taken care of immediately. She also asked staff to develop an ordinance that states you can not clean out your garage and put your trash out by the road before a storm.

Dorrene Stanley 1201 St Joseph Street reminded Council that the first statement in the US Constitution says that the government will serve and protect. She said that public safety needs to take priority over greenways. She loves the greenways but they have added extra territory for the first responders. Lavish features are being put ahead of the safety of the Island. She mentioned that she is concerned about why the Town is reaching out to an independent company to do a police study. There has already been a free study. That study was with the 14 police officers that left this Town. They have communicated the problems that exist and why they chose to leave. They did exit interviews. Why would you need to pay someone for information that you already have? These folks work nights, holidays, and weekends while others are home in their beds or on the beach surfing. The trend is going to continue with the police department and the fire department because you are not taking care of your people. They should be who you are listening to, not some outside company who doesn't know anything about this Town. We already paid for the study when the 14 officers left.

Mayor Benson said that he was going to have to cut Ms. Stanley off and that he didn't appreciate being scolded by the suggestion that they are just surfing and sleeping. He added that he personally has missed 5 Christmas holidays and an untold amount of Thanksgivings. He said that he gets it and they are going to fix it but it may not happen as fast as everyone wants.

Council Member Pierce mentioned that they did not say they were hiring an outside agency, they just asked for a price but sometimes it's nice to have some fresh eyes on something they have been looking at for a long time. She thanked Ms. Stanley for her comments.

Kevin Fitzinger 1319 Canal Drive said that he has not received any answers on the sail boat in the bay. It is now 100% in the marsh. It is no longer in the water, it is on land. Can the Town do something now that it is on land? Some people tried to move it and destroyed the marsh. It has now moved over to where the shrimp boats are.

Mr. Parvin said there are 5 boats out there. The Town is very limited on what they can do due to state and federal law. He said that he has been emailing Council updates on this. He will be meeting with Attorney Fox tomorrow to put more teeth in the Code.

Council Member Pierce suggested getting in touch with representative Ted Davis.

Dennis Chisum 300, 304, 236, and 324 Carolina Beach Avenue North, Carolina Beach Hospitality LLC (Surfside Motel) asked the Town if they could help with demolition and remediation of the hotel. He also commended Joe Hutcherson. Can the Town do a tax moratorium? Insurance is not covering the cost. Demolition is about \$160,000. It is a hazard.

MPT Bridges stated that the residents would not be happy if the Town used tax dollars to assist a private business.

Council Member Shuttleworth mentioned that one thing he could suggest is expediting a re-evaluation on vacant lots then the tax value would go down. Another option when the building is demolished is maybe a cost share for a parking lot.

Ms. Fox reminded Council that assisting with the cost would not be a public purpose.

Amy Hooker-Kidd 618 Clarendon Blvd thanked the Police Advisory Committee for shedding light on an issue that needs further discovery. She looks forward to seeing a positive resolution. She spoke about budget line item 10-630-085. It is a transfer into the capital project fund in the amount of \$136,613 for the Clarendon Avenue multi-use path. It is \$1 million for a 5 block path. She urged Council to put the Town's needs before the wants. She asked them to eliminate the funding for the Clarendon Avenue multi-use path. This one project would cover 1/3 of the tax increase that the Town Manager is requesting. She requested Council eliminate the Clarendon Avenue project.

Olin Furr 440 Oceana Way said he was a new resident. He wanted to address the No Wake Zone and clarify that this was brought to staff as a safety matter and not a property damage matter. He said that getting fuel at Joyner Marina is like riding a roller coaster. NCGS-75A gives the Wildlife Commission the right to come in and take over the project at their expense. There should not be an ongoing cost for the Town. He thanked Council for considering the No Wake Zone extension.

Ricky Niec 702 Clarendon also spoke about budget line item 10-630-085. The Clarendon Avenue project was not listed on the budget that was presented last week. This item will be coming to the bike/ped committee next week to present a proposal for an alternate plan. He is concerned about the flooding that this will cause in addition to what they already deal with in this area. He also discussed the safety issues with the design flow of the path. He asked Council to strike the Clarendon MUP project.

Mayor Benson apologized to Dorrene Stanley for jumping on her and being unprofessional. He said that was not his style and he let his emotions take over and lashed out. Ms. Stanley came to the dais and shook the Mayor's hand.

LaDonna Luckman 210-B Harper Avenue said that she wants to be more involved. She appreciates the Town and the work they do. She stated that she has an environmental geography degree.

Council Member Garza suggested that she apply for a committee or volunteer with Parks and Rec.

Brian Connors 213 Carolina Sands Drive asked if the Town could collect money from property owners

that rent out their property.

Council Member Pierce explained the room occupancy tax and that short term rentals are required to pay that tax. It is a 13% tax - 7% is State tax and 6% is the room occupancy tax. The first 3% of the 6% goes directly to the County sand fund and the second 3% comes back to the Town.

Mr. Connors asked about the infrastructure and why the Town is allowing every little spot to be built on. They are building on wet lands. The infrastructure cannot handle what is out there now and they keep building.

Council Member Garza responded that you can't stop private property owners from building.

Mr. Connors said someone on the Town Board built 3 houses on wetlands. They had to fill the property three times. He feels that it is a conflict of interest.

Mr. Hardison said that you must get a permit from the Army Corps of Engineers to build on wetlands. The Town does not have anything more restrictive than the ACOE but they must meet the Town's stormwater and development regulations. They have a right to bring in fill and develop the property.

Council Member Shuttleworth said you have to think about when you want to draw the line. It's a hard question. Change is difficult but the community needs to have that conversation.

Council Member Pierce said that she and Council Member Garza are on the Land Use Committee and she would love for everyone to come to some of those meetings.

Kim Munley, Kure Beach said that she was born and raised in Carolina Beach. She said that she was in law enforcement for 15 years and in the military for 4. She said that she does not represent the Policy Advisory Committee (PAC) but stated that what they revealed was embarrassing. The Police Advisory Committee should not have had to come out with this. It has been an issue for 16 months. She applauds the fact that Council is looking into an independent initiative but that can take up to 18 months. That is a long term solution but there needs to be a short term solution as well. Being in law enforcement today is not an easy job and she applauds those who do it. She did not want to come speak tonight but Mayor Benson and several citizens asked her to. She stated that the response the Town Manager gave to the Police Advisory Committee was demeaning to the citizens and the committee members. (audience applauded) The Manager contradicted the allegations that the PAC made, which shows the transparency is not there. Perception is a big issue here. Most citizens don't understand how the law enforcement hiring process works but 99% of law enforcement agencies follow the same practice. There is a process that includes automatic disqualifiers, a background investigation, and an interview panel. You get a cumulative score but the chief has the ultimate decision to hire or not hire. The Town Manager said that it is ultimately his decision to make. He does provide oversight to all departments but in the case of the particular candidate that the PAC referenced, there are obviously some discrepancies. How does the Town Manager score an applicant that he has never met or spoke to? Why would that supersede an interview board? Why even have an interview board? (audience applauded) She said that she is very passionate about this Town and the police department and she appreciates Council taking the time to hear this matter.

Fred Fisher said that he didn't want to be here tonight but because fear is a big motivator, he is here

tonight because he is afraid of what is happening in this Town and the Country. It has turned into a society of permission. We have to get permission from everybody today. Someone once said that the power to tax is the power to destroy. It started with the professional planners. He is not a fan of professional planners. They have to justify their existence to make a living. There are always projects. He is 75 and on a fixed budget and raising taxes will drive him off the Island. The Town is not on a fixed budget.

## 6. PUBLIC HEARINGS

- a. Conditional Use Permit - Consider a Conditional Use Permit for Superior Automotive to add three automotive bays located at 107 & 109 Sumter Ave and 105 Second St. Applicant: Maltba, Inc

The Town Clerk sworn in the following: Joel Macon, Jeremy Hardison, Ned Barnes, Mike Maltba, and Greg Reynolds.

Mayor Benson: At this time, I open the evidentiary hearing. I would like the Town Attorney to give a brief review of the quasi-judicial hearings.

Ms. Fox: Mayor, Council and Members of the Town that are in attendance, this is a quasi-judicial matter which means that this hearing is an evidentiary hearing much like a court hearing. Council must follow specific procedures that are required by State law in making its decision tonight. Specifically, Council's discretion is limited and must base its decision based on competent, relevant, and substantial evidence in the record. If you are a witness, you need to focus on the facts and standards, not personal preference or opinion. If you intend to testify please do not offer unsupported opinions or speculation. The Council cannot consider that testimony. Please limit your testimony to relevant, competent, substantial and material evidence. Before we begin, does any member of Council have any partiality to disclose or recusal to offer?

All Council Members: No

Ms. Fox: Does any Board Member have an exparte' or communications to disclose?

All Council Members: No

Ms. Fox: OK

Mayor Benson: Staff's presentation, Jeremy.

Jeremy Hardison: This is a conditional use permit to consider a request for expansion at Superior Auto to add three bays. It's located on three lots (107, 109 Sumter and 105 2nd Street). The existing automobile structure that was built in 1988 had four bays and an office consisting of 1,860 square feet. The uses that surround the adjacent property - to the west is vacant property, to the north is a vacant lot and a single family home, to the south is a multi-family complex, and to the east is a restaurant (A&G BBQ) and a single family property so there are a variety of uses adjacent to the property. It was rezoned when it was originally built from highway business to neighborhood business in 2006. This was the area that was rezoned (on Lake Park Boulevard from the Lake to Carolina Sands). The reason it was rezoned was the majority of that area was residential and highway business did not allow for residential stand alone properties. However, the

neighborhood business did not allow automobile repair garages which made this use non-conforming so the ordinance was changed in 2017 to allow automobile repair garages with a conditional use permit because of the proximity to residential zoned properties. This neighborhood business district consists of single family, some office retail, a restaurant, a laundromat, and the automobile repair shop. This district will provide for service activities. Currently there are three zones that automobile businesses are allowed. One is the highway business district as well as the industrial and neighborhood business. There are some specific standards that the applicant must make provisions for; the expansion to accommodate the additional bays, they will be improving the existing ingress and egress to accommodate two way traffic. There will be two driveway cuts that will expand 24 feet. The off-street parking, they will be identifying the parking spaces. There will be a total of 30 spaces. They are providing a fenced area to separate from customer parking to cars that are waiting to be worked on that will be a secure area. There will be no change to the refuge or utilities. Screening and buffering - they will be landscaping trees along 2nd Street. They are asking for a landscape buffer because of the existing conditions of the automobile repair garage. There was a waiver granted for that. The fence is proposed to be a six foot chain link fence that will be secure within the 20 foot setback area. The ordinance requires the fence to be 4 feet in height, with the grant of the conditional use permit, they can extend it to 6 feet which they are asking for. No new signs are proposed. The building does meet the required setbacks and coverage for the district. Before you is the action for approval. It must be consistent with the findings of the zoning ordinance or denial must be directly related to one or more of the findings. Staff and the Planning and Zoning Committee approved the conditional use permit for the expansion. This area is in the mixed use 1 district of the Land Use Plan. It is consistent with the area which does include providing commercial services. The request for approval included the installation of a six foot fence, request into the 20 foot setback into the yard and a waiver on the adjacent landscape requirement. The conditions, because it is in a flood zone, the bay will be on the ground floor. To meet flood requirements, it will have to be flood proof. Also because the property is existing and is on three lots, it will be a recombination plat which would be required for a building permit.

Mayor Benson: P&Z was unanimous?

Mr. Hardison: Yes sir.

Mayor Benson: The applicant may now present legal evidence in support of the request.

Applicant' Attorney Ned Barnes 814 Carolina Beach Avenue North: The applicant Mr. Maltba, has been there for 14 years and his business has continued to expand since he has been there. He has an excellent reputation on the Island. Other than expanding the building, it meets all 7 criteria. There are plans to improve the landscaping but they are asking for one waiver on the buffer. As far as the fence is concerned, for the protection of the vehicles they have requested the fence to be 6 feet to keep folks out of the area and to protect the vehicles that are in there. There are no changes to the signage. They are more than willing to meet the conditions for floodproofing the property. The use will not endanger the public health or safety. The use meets all the required specifications for the automobile repair facility. The use will not injure the value of adjoining property. The location is in harmony with the area and in general conformity with the Town Land Use Plan and Policies. Mr. Reynolds is the architect and here to answer any questions you may have.

Council Member Pierce: What kind of fence are they putting up?

Mr. Barnes: Chainlink

**Mayor Benson: I make a motion to open the public hearing. Motion carried unanimously.**

*Mr. Fred Fisher approached to be sworn in by the Town Clerk.*

Fred Fisher: I would like to submit evidence of support of this gentleman's business. The Permission Society. This leads right into what I was talking about before. Why on God's green earth would he need to be brought in here, hire this man, come in and speak to him to build something on his own property is just beyond comprehension to me. Don't do it again. I'll leave this for you to read (referring to a the book "Permission Society").

Mayor Benson: Yes, because I have all kinds of time to read new books.

Fred Fisher: I put my name and address in there, I would like it back.

Mayor Benson: Anyone else from the public wishing to speak?

Mayor Benson: I make a motion to close the public hearing. Motion carried unanimously.

**Council Member Shuttleworth: I make a motion to approve the Conditional Use Permit consistent with the zoning ordinance and it meets all 7 required findings and all 4 general conditions as presented, granting the waiver as presented, the fence and the 20 foot setback, and the landscape.**

Council Member Pierce: I've done business with Mike for many years and they are very respected. I would like to ask you to consider a slatted fence. I've tried to get the Town of Carolina Beach to do that but I have not been able to accomplish that.

Mr. Maltba: I was actually thinking about doing the black iron fence.

Council Member Pierce: That's up to you but I've also been asking the Town to do the same thing. I'm sorry Ms. Attorney Fox but yes, I am in favor.

Council Member Shuttleworth: Call the question.

**Motion carried unanimously.**

b. Public Hearing on the 2019/2020 Budget

Mayor Benson recognized Finance Director Debbie Hall for going outside her job duties to help prepare the budget. He stated that the whole process has been frustrating and it has been difficult getting information. He thanked her for her patience.

Ed Parvin reviewed the slides Mr. Narain had put together for the last meeting that included a 2 cent tax increase and a 6.2% increase on marina docks taking it to \$400 per month.

Council Member Shuttleworth asked Mr. Parvin to slow down because they have seen so many different numbers and he asked if this presentation was based off the numbers that Mr. Narain presented at the May 28th meeting.

Mr. Parvin replied that they were and if Mr. Narain had spoken with any members of Council since then, then that conversation would be more current than these slides.

Council Member Shuttleworth said that there had been some changes and the numbers are not the same. He added that he has 6 different versions and is not sure which one they are supposed to be working off of.

Mrs. Hall said the revenues should all be the same but the expenses have gone down.

Council Member Shuttleworth asked if the expenses had gone down because of the 4 positions that were eliminate but not removed from the budget.

Mrs. Hall replied that was correct.

Council Member Pierce asked if the number Mrs. Hall emailed them was correct.

Mrs. Hall replied that since then, they had to add the \$136,000 that was missed for the Clarendon Avenue Project.

Council Member Pierce asked what the COLA, merit and retirement was.

Mrs. Hall said the numbers are 3% COLA, 1% merit, and a reduction down to 1% 401k.

Council Member Shuttleworth said that the Manager recommended reducing the 401k match down to 1% and that seems to have great consternation with the employees at Town Hall. Council asked Mrs. Hall to give them some numbers if they leave the 401k match where it is at 3%. It's roughly \$80,000 in the general fund and \$23,000 in the utility fund. We've been discussing employee retention so the 401k is still an issue. He suggested going to a 2% COLA, a 1% merit, and leaving the 401k where it is at 3. This is where Council makes sausage, so speak up.

MPT Bridges said that he feels that the employees would rather have the COLA. The Manager was going to use the COLA as a vehicle to get closer to the pay study results. If you move the whole pay scale up, you get closer.

Council Member Shuttleworth said that he met with the HR Director today and she said that to get everyone up to where the pay study recommends, it would be about \$700,000. It was explained that the police department pay study recommendation is entirely included in this proposed budget which is about \$130,000. HR said that there may be some increases that may not be appropriate for the organization and that she wanted to meet with department heads to review those. He also clarified that he understands that all of the vacant positions are included in the budget with the exception of the five positions that are being eliminated.

Council Member Pierce said they only discussed filling the water billing customer service position and the finance position. She asked what other positions were vacant.

Council Member Shuttleworth said that he recalled that they were going to leave those positions vacant and put that money into the reserve fund. Mayor Benson and Council Member Pierce said that is what they understood as well.

Council Member Shuttleworth said that is not what is being proposed in this budget and Council thought that savings was going to be used to fund the police pay study and the merit and COLA. This is what the Manager told Council last week.

Ms. Fox informed Council that she had just confirmed with the Finance Director that the presentation they are looking at was delivered to Council on May 28th and the Budget Message was delivered to Council on May 31st. She is not certain that what they are looking at is the most current proposal.

MPT Bridges added that there had been many discussions since May 28th.

Council Member Pierce said that she wants to see the real budget. They have met 1,000 times and she is sick of it.

Council Member Shuttleworth said that Ms. Hall has corrected some numbers since May 28th so there is no way this presentation is current.

Mayor Benson stated that he does not see the value in continuing with this presentation and asked Council their thoughts.

MPT Bridges said that message and the budget is online and he thinks they should give the public the opportunity to comment.

Council Member Shuttleworth stated that Mrs. Hall is not the budget officer, the budget officer is not here tonight and they are running out of time. There is an individual that could come in and help the Manager put the budget together.

MPT Bridges replied that he did not feel that would be necessary. Council knew that he would be absent for this meeting and that every budget that he has gone through has been like this.

Council Member Shuttleworth replied that this has been the worst budget processes that he has ever been through.

Mayor Benson apologized to the public for having to go through this.

Council Member Garza said that Council should allow residents more time to look over the budget.

Council Member Shuttleworth stated that it is Council's job to have a balanced budget by June

30th. They are trying to fine tune some of the line items.

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

Dorrene Stanley said that there are parking meters that are not working near the Crush and Grind. The Town is losing revenue. That is managed by Lanier Parking. The Town needs police officers and firefighters more than the lavish items. They need the parking meters to work. The contractor is not doing their job.

Council Member Pierce asked Mr. Parvin to contact Lanier Parking tomorrow.

Mayor Benson asked him to get an answer on the Freeman Park passes as well.

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

Mayor Benson asked Mr. Parvin if Mr. Narain reviewed the budget with him and discussed with him what to present.

Mr. Parvin replied that he had been away for Coast Guard duty but no, he had not received any input from Mr. Narain.

Council Member Pierce said that she was not opposed to hiring someone to come in and put the budget together. She is not getting the answers to the questions that she has been asking.

Council Member Shuttleworth said that it looks like right now, there is \$409,000 going back into the budget and he is filling all of the vacant positions. The Manager is saying those are all critical positions.

Council Member Pierce said that she does not agree with filling all of the positions. She wants to talk to someone to find out how critical these positions are. She is also not in favor of raising the utility rates 10%.

Council Member Shuttleworth said he wants to get through the general fund budget first.

Mayor Benson said he wants to see \$250-300k put back into fund balance and a consistent compensation package for employees. Please pay absolutely.

MPT Bridges mentioned that they did not want to raise utility rates but the Town must take care of the infrastructure because it has been neglected for a long time. He feels that they should finish out these projects. If you only raise the rates 5%, you will have to take out another loan.

Council Member Pierce asked Mr. Parvin to look at the unfilled employee positions and evaluate if they are critical.

Council Member Shuttleworth and MPT Bridges felt this was something that Council should not be looking into.

**Mayor Benson made a motion to re-open the public hearing. Motion carried unanimously.**

Lynn Conto 807 North Carolina Avenue said that there is a problem in this county where people cannot afford to retire. She highly encourages supporting the 401k for employees.

Ms. Brooks mentioned that 99% of employees contribute to their 401k plan.

Jerry Kennedy 1001 CBAN said that you need to listen to the employees. They are saying they want a retirement plan.

Amy Hooker-Kidd Clarendon Avenue spoke against the Clarendon Avenue Multi-use Project. That is \$136,000 that can go back to the general fund if you cut the project.

Patrick Boykin 702-2 Elton Avenue said there is still work to be done to convince the residents that you are making the right decision on raising taxes.

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

Council Member Garza mentioned that the budget objective for the past 5 years has stated employee retention but we are losing more and more employees every year. Employees want something that is set. They want consistency. COLA and merit is hit and miss every year. Employees need to be happy. They are taking pay cuts just to find happiness. He added that he is satisfied that they are putting money back into the general fund and not taking money out. He is very disappointed in the budget process this year. The person that should be here isn't here, he is on vacation. Council is frustrated, not with each other but with what's been going on the last 60 days. He is fine only putting \$200,000 in the general fund and not raising taxes. He would like to use some of that money to take care of the employees.

Council Member Shuttleworth said that he is not in favor of a 10% utility increase. You may have to postpone some infrastructure projects. It's hard to tell the public that we are expecting a \$1.2 million surplus this year but we still need to raise the rates.

MPT Bridges stated that the Town hasn't raised taxes in a long time. Costs are going up. He questioned if it was fair to the citizens to stop the infrastructure project.

Mayor Benson said he is glad the police study is in the budget. That is a must. Compensating the employees to keep good talent makes sense. The fund balance is on a positive trajectory.

Council Member Shuttleworth stated that this budget has been a debacle. The Manager did not know what he was buying into with budgeting in North Carolina and he needs some assistance. You cannot expect the Finance Director to create a budget. Department heads are saying they have no idea what their budget is. We have a problem. We've got to get someone in here that knows how to put a budget together in less than a week. Council is supposed to get a 30,000 foot view and the departments are supposed to manage the details.

MPT Bridges said that he feels they have a budget. It just needs to be tweaked a bit. You hired someone to put this budget together, he needs to be allowed to complete it.

Council Member Pierce said that if there is someone available to help, she would like to ask for their help.

Ms. Fox said that you have until July 1 so you can have as many public hearings as you need.

Council Member Pierce said this is the most difficult budget she has ever gone through.

Mayor Benson said that the presentations are what frustrates Council.

Council Member Shuttleworth added that there has been 7 budget meetings and to be where they are tonight is embarrassing. He asked if there was a consensus to have someone come in and help with the budget.

Council Member Pierce said yes.

Council Member Garza said yes.

Mayor Benson said yes.

MPT Bridges said no.

Mayor Benson asked if Council Member Shuttleworth wanted to make a motion.

Council Member Shuttleworth said no, he is giving the Assistant Town Manager direction to find someone to come in and help put the budget together.

## 7. ITEMS OF BUSINESS

### a. Presentation of Debris Removal Contract

Brian Stanberry presented the debris management contract. This year, the Town is entering a 5 year contract to prevent the multi-step process that was being done annually. He reviewed the bid tabulation from the four companies that placed a bid. Staff recommends offering the primary contract to Custom Tree Car and D&J Enterprises will be secondary.

**ACTION:** Motion to award Custom Tree the primary debris removal contract and D&J Enterprises the secondary.

Motion: Joe Benson

Vote: UNANIMOUS

### b. Consider STPBG Grant Applications for Bicycle & Pedestrian Facilities

Jerry Haire presented STBG Grant Opportunities. The projects are an 80/20 match.

**Council Member Shuttleworth made a motion to approve Resolution 19-2202 authorizing the Town to submit an application to the Wilmington MPO in the amount of \$457,777 for Surface Transportation Block Grant (STBG) program funds for the St. Joseph Street and Lewis Drive bike**

**lane project. Motion carried unanimously.**

**Mayor Benson made a motion to approve Resolution 19-2203 authorizing the Town to submit an application to the Wilmington MPO in the amount of \$176,800 for Surface Transportation Block Grant (STBG) program funds for the Lake Park Boulevard and Hamlett Avenue traffic signal project. Motion carried unanimously.**

- c. Presentation on the CB Bicycle Pedestrian Route Map and Route Signing

Jerry Haire presented a bicycle/pedestrian map proposal and a route to acknowledge and sign. The Bike/Ped Committee has reviewed this and feels it is ready for Council's review.

Council Member Garza asked if this project can go through TDA.

Council Member Pierce said that she feels this would be a good request as it relates to tourism. She thanked the Mike Hoffer and the Bike/Ped Committee for all of their hard work.

- d. Presentation on the Asset Inventory & Assessment (AIA) Final Report

Jerry Haire introduced the AIA Water and Wastewater. They received and reviewed the final report.

Gigi Baggarley gave an overview of the Citiworks program. The Town uses this program for asset management and work order management. It is also used for permitting and business registration. In the future they hope to use it for inspections and code enforcement. Operations has been using this program for 2 years. Mr. Stanberry was able to create a report to analyze the cost of operating Freeman Park last year. It will eventually have a public portal where residents can go online to make service requests and check the status of a work order. The annual support contract is \$23,000 per year. That does not include what has been invested in the implementation of the program.

Council Member Pierce asked Mrs. Baggarley if she had to enter all of the data or if Town staff could enter it.

Mrs. Baggarley replied that anyone at Town Hall should be able to enter the data.

Mayor Benson asked to have a tutorial on the website to educate residents how to use this.

Mrs. Baggarley reviewed Asset Inventory and Assessment (AIA). Funding is provided through the State for inventory of assets, criticality analysis, and condition assessment. This meets the criteria for State funding for a required asset management plan.

MPT Bridges asked how much the Town would be reimbursed.

Jerry Haire replied that the total project, water and sewer was \$360,000. \$300,000 was in grants and \$60,000 was the Town match.

- e. Expand the Town's No Wake Zone

Ed Parvin proposed expanding the no wake zone in the area of Joyner Marina. The Town cannot extend into the Army Corps buffer for the channel. That has to remain open. Town staff will put out additional buoys and a few piles. This will be about an 8 month process. The Town will maintain the no wake signs.

**ACTION:** Motion to adopt Resolution 19-2205 requesting rulemaking for a no wake zone located in the Town of Carolina Beach adjacent to Snow's Cut and the northeastern part of Myrtle Grove Sound.

Motion: Tom Bridges

Vote: UNANIMOUS

f. Annual Committee Appointment

**ACTION:** Motion to postpone committee appointments until the July 9, 2019 Council meeting.

Motion: Joe Benson

Vote: UNANIMOUS

**8. NON-AGENDA ITEMS**

- a. Council Member Pierce mentioned that in the letter written by the Police Advisory Committee, it states that there will not be a bike rodeo or National Night Out this year. She asked Chief Spivey to comment on that.

Chief Spivey said that the funding is collected by the Blue Liner's Association. He said that it is a lot of work to host the bicycle rodeo and he doesn't believe they have the man power to host it this year.

Council Member Pierce feels that it is not fair to the children to cancel this event. She said that she reached out to Parks and Rec and asked if they would take it over and work in conjunction with the Police Department. They said that they would and she checked with Council Member Garza and he gave the head nod to move forward. She suggested scaling it down and possibly moving it to the Lake or Mike Chappell Park.

Chief Spivey said that he welcomes the partnership. The Police Advisory Committee is well versed in the planning process of this event.

Deb LeCompte added that she met with the police department today and they are going to try to do National Night Out.

Council Member Pierce replied that the Parks and Rec department said that they could take on both events.

Chief Spivey said that the police department can handle National Night Out.

Council Member Garza mentioned that he was disappointed in the Mayor Pro Tem's performance and felt he was not involved as much as a Mayor Pro Tem should be.

Council Member Garza made a motion to remove Tom Bridges as Mayor Pro Tem. Motion failed 1 to 4.

**9. CLOSED SESSION**

- a. Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

Mayor Benson made a motion to return to open session. Motion carried unanimously.

Mayor Benson made a motion to terminate the contract with Town Manager Lucky Narain. Motion passed 4 to 1 with MPT Bridges voting no.

Council Member Shuttleworth made a motion to appoint Assistant Town Manager Ed Parvin as Interim Town Manager and have him reach out to the League for some assistance and also reach out to a third party for assistance in completing the budget. Motion carried unanimously.

Adopted at a regular meeting on July 9, 2019.

Recorded by Kimberlee Ward Town Clerk