

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, February 12, 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, February 12, 2019 at 6:30 PM at Council Chambers.

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

ABSENT: Council Member Steve Shuttleworth

ALSO PRESENT: Assistant 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 6:03 PM FOLLOWED BY THE INVOCATION AND PLEDGE OF ALLEGIANCE

- a. Council Member Shuttleworth is in Raleigh on behalf of the Town.

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

- a. Items on the Consent Agenda include:
 - Budget amendments and transfers as presented by the Finance Director.
 - Approve contract for auditing services with Bernard Robinson and Company for 2019.
 - ROT reimbursement requests for the March, 2019 TDA Board meeting.
 - Approval of Council meeting minutes from December 18, 19, 22, 27, 2018 January 2, 8, 22, 22, and 23, 2019.

Mayor Benson asked about the money that was budgeted for merit that was not spent (\$47,000). He suggested that could be allocated toward a school resource officer.

Council Member Garza asked about the \$2,000 transfer for future supply purchases. He followed up by asking if there was a supply manager.

Mr. Parvin replied that each department has their own and Debbie audits all departments.

Council Member Garza asked about the wage transfer item.

Mrs. Hall said that it was the merit increases that were moved from the merit line item and into the wages line item.

Council Member Garza asked about the \$25,000 for temp workers and how much has been spent on temp workers in 2018?

Mrs. Hall estimated around \$70,000.

Council Member Garza mentioned that he would like for staff to look at opening a position versus hiring temps for long term.

Council Member Pierce asked for a cost analysis on temporary vs full time employees.

Mr. Parvin said that the Town has been using more temporary employees because Council has directed staff not to hire until the new manager comes on board.

Mayor Benson asked about the permit fees that could not be collected after Hurricane Florence that was around \$55,000. He said that he is going to bring that up in Raleigh and ask about reimbursement and possibly using that toward a school resource officer.

ACTION: Motion to approve the Consent Agenda

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

a. Employee Recognition

Mark Meyer recognized Sonja Beatty as the new Billing Customer Service Representative.

Darrel Johnson introduced Joe Hutcherson as the new Code Enforcement Officer.

b. Storm Damage Reduction Project Update by Jim Medlock with the Army Corps of Engineers

Jim Medlock with the Army Corps of Engineers gave an update on the beach nourishment project. The start date is February 16, 2019 with a completion date in Mid-March. The entire contract with Kure Beach and Carolina Beach must be completed by April 30, 2019. There will be 1.1 million cubic yards of sand put on the beach. The website will show the location the contractor is working and their completion date.

John Moore from Sea Colony said that they have not been a part of the Carolina Beach nourishment project during the past several projects and according to the map being shown, they will be left off again.

Mr. Medlock explained that they have not put the Kure Beach details on the map yet. It may be a couple of weeks before that information is available.

Council Member Pierce asked Mr. Parvin to get in the loop with this concern.

c. March Special Events

Brenda Butler presented the special events scheduled for March.

d. Manager's Update

Ed Parvin gave an update on the following items:

Hurricane Florence

Grants

Stormwater

Henniker's Ditch

MOTSU

Marina

Bathrooms

Coastal Storm Damage Reduction

He mention that they would be closing Freeman Park Friday evening and possibly into Saturday until it is safe to open due to the mobilization of dredge equipment.

Council Member Pierce asked if staff would host a reception for Lucky at 5:30 pm on March 12, 2019.

Mayor Benson asked if there were any potential evictions in the marina for failure to meet minimum trips.

Mr. Parvin replied yes, possibly.

Council Member Garza asked about getting stop lights for the Greenway at Spartanburg and Ocean.

Mr. Parvin said the bike/ped and Ops Committee were looking into that.

Council Member Pierce said that Brian Stanberry was working on it also. He thinks it would be a good idea for motion triggered cross walks.

5. PUBLIC COMMENT

- a. Deb LeCompte read a letter of request to keep Officer Stewart Henderson at Carolina Beach Elementary School.

Kevin Fritzing 1319 Canal Drive is concerned about the abandoned boats in the harbor. There are two that are laying on their sides in the marsh area in the bay.

Kevin Murphy with Ocean Cure is concerned about the ATV's that are going up and down the beach. He asked for some guidelines on how they are used to help reduce the amount of traffic.

Scott Britt 201 and 203 Florida Avenue presented a request to rent out water bikes and would like the Town to suggest a place for him to operate this business.

Mr. Parvin stated that it would need to be in commercial zone.

Council Member Pierce asked if it could go in the Town marina.

Mr. Parvin said Council could look at allowing pedal bikes in a marina slip. Mr. Britt's residence is not located in the commercial district.

Melanie Boswell, 107 Island Palms Drive along with the children of Carolina Beach Elementary School asked Council to do everything they can to keep Officer Henderson at Carolina Beach Elementary School.

Glenna Stevens - Sea Colony asked where the Town will be putting the Lake dredge spoils. She suggested putting grass carp in the lake to eat the algae.

Mayor Benson said that the location of the spoils will have to go back to Council for vote.

Fred Grady Cape Fear Boulevard asked if the area between Cape Fear and Charlotte were going to have cameras run through the pipes to find the blockage.

Kylie Hanyok 307 Sumter Avenue and student at CBES asked to keep Officer Henderson at her school.

Katie Scharf 5724 Highgrove Place and a student at CBES asked to keep Officer Henderson at her school.

6. PUBLIC HEARINGS

a. Public Hearing to Discuss Non-Profit Funding Requests from the Room Occupancy Tax Fund

Greg Reynolds presented the non-profit funding request on behalf of the Pleasure Island Chamber of Commerce. They are requesting \$96,550, a decrease of \$850 from the 2018 request. Below is the breakdown for the \$98,550 request:

\$12,000 for the Independence Day fireworks

\$43,100 for summer fireworks

\$21,950 for outdoor summer movies

\$17,500 supports events such as Beach Music Festival, Seafood Blues and Jazz, and Beach, Beer and Bacon Festival

\$4,000 for Pleasure Island Sharks Baseball Day

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

Lynn Conto 807 North Carolina Avenue congratulated Greg on a job well done.

Patricia Jones 612 Carolina Beach Avenue North thanked Greg for not saying the word free. These are not free events. The Town puts a lot of money into events.

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

Mr. Reynolds asked to use the beach strand for the Beach Music Festival and the lake for Beach, Bacon and Beer.

Mayor Benson motion to approve \$98,550 for the Pleasure Island Chamber of Commerce to come out of the 2nd 3% of Room Occupancy Tax. Motion carried unanimously.

- b. Text Amendment: To amend Chapter 40 Article VIII Sec. 40-228 to create an allowance for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach

Miles Murphy presented the request from Bryant Real Estate to amend Chapter 40 Article VIII Sec. 40-228 to create an allowance for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach.

The property that is being discussed is at 1230 North Lake Park Boulevard which is the Bryant Real Estate property. They came in for a sign approval and the Town had to deny the request based on the current ordinance.

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

Mark Bryant presented his request to allow for larger signs on corner lot property.

Patricia Jones said they had the same issue with the size of the sign on their property.

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

ACTION: Motion to approve Ordinance 19-1106 amending Chapter 40 Article VIII Sec. 40-228 to allow for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach and is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

Motion: Joe Benson

Vote: UNANIMOUS

- c. Text Amendment: To amend Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of breweries and distilleries in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk – 2007 LUP) and the Industrial (I-1) Zoning District (Industrial – 2007 LUP) of the Town of Carolina Beach

Miles Murphy presented the text amendment to include breweries in the Commercial Central Business District and the Industrial Zoning District.

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

Patricia Jones said that she is happy to hear the distillery will be added. She feels this is driven by tourism. These businesses also promote responsible drinking.

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

Council Member Pierce feels this is a great addition to Carolina Beach.

Mayor Benson asked if Max with Veggie Wagon sought out a property.

Miles replied that is not something he feels he can divulge to the public but feels that he has already identified a location.

ACTION: Motion to approve Ordinance 19-1108 amending Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of a distillery in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk – 2007 LUP) and the Industrial (I-1) Zoning District (Industrial – 2007 LUP) of the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

Motion: JoDan Garza

Vote: UNANIMOUS

- d. Amend Chapter 14 Vending Activities & Chapter 28. Watercraft, Beaches and Coastal Parks, and FY 18/19 Budget Fee Schedule

Ms. Fox reminded Council about the lawsuit from the food truck industry that peeled back the Code on brick and mortar requirements. That's coming back tonight for those revisions and other recommendations from staff. There are several court cases across the country regarding brick and mortar and protectionism of liberty interest. She recommended that Council remove the brick and mortar requirement. The other item is to remove the itinerant merchant. There is currently one itinerant merchant permit holder in Carolina Beach and this would not affect his business.

Jeremy Hardison presented the recommended changes. He recapped that this item is a result of the lawsuit from the food truck industry. Back in October, Council voted to remove the requirement that you have to have a brick and mortar business for a food truck.

Mr. Hardison reviewed the proposed changes that includes:

Eliminating the requirement that you have to have a business in the Town in order to vend on the beach.

Eliminating street end vending allowance (Sandpiper, Ocean, Alabama).

Eliminating Itinerant merchant allowance.

Removing the requirement to be at least 1,000 feet away from the pier.

Beach deliveries and pickups utilizing an ATV shall be limited from sunrise to sunset.
Increasing the permit fee from \$100 to \$200
Beach Services (Annual) \$100.00 to \$200.00
Itinerant Merchant (Annual) \$100.00
Freeman Park or Municipal Beach Strand (Annual) \$100.00 to \$200.00
Street End (Month) \$250.00
Ice Cream (Annual) \$100.00 to \$200.00
Sec 14-21 Food Truck (Annual) \$100.00 to \$200.00
Commercial Pedal Vehicle (includes parking pass) \$200.00

Mayor Benson asked why the fees are being raised.

Mr. Parvin replied that because they removed the requirement to have an investment in the Town, they decided to increase the fees since anyone can now apply.

Council Member Pierce asked staff to explain what makes ice-cream trucks different.

Mr. Hardison explained that they go into residential areas and do their business on the street. They are limited on where they can go and they are transient in nature. They have to get a permit and there is not a limit on the number of ice-cream truck permits. The Town has only issued one permit.

Council Member Pierce said she feels there needs to be a limit on ice-cream trucks.

Mr. Hardison said that food trucks are not limited.

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

Fred Grady asked why you can't have ice cream trucks on Cape Fear Boulevard.

Mr. Hardison explained that they are not allowed to conduct business on busy streets.

Deb LeCompte 307 Charlotte Avenue said she wanted to go back to the distillery item. She feels that Matt should be reimbursed for fees for text amendment. She also asked if anyone has applied for a food truck permit. She added that there are food trucks operating in Town.

Mr. Parvin replied that none of them have been permit.

Mrs. LeCompte also thanked Council for removing the ATV discussion. She said this comes up every year where one person is trying to be pushed out of business by other business owners. She feels that business owners should all just try to get along.

Patricia Jones elaborated on food trucks operating without permit. Good Hops will have food trucks if there is an event such as wedding. She added that breweries do not make money from food trucks. She requested that staff look for a location for food trucks that would be limited to that location. A place that does this is Southport. Tony with Joe loves Lobster uses their parking lot

but does not buy beer from Good Hops.

Noel said that she could look at Southport's policy.

Kevin Murphy sees a problem with rules not being enforced. As the Town creates new rules, they must enforce them.

Sean Cook said that he feels it is wrong to make the itinerant merchant disappear because one person no longer needs it. He is in favor of the brick and mortar requirement. He added that he would like to sit down with the Town and work out the issues on the ATV's on the beach.

Tony Silvagni 107 Charlotte Avenue said he had no objection to remove brick and mortar requirement. He doesn't want it to be difficult for others . Officer Henderson is a staple for Carolina Beach. He is very popular and is a role model for the community. Would love to see him stay at CBES.

Council Member Pierce said that she is fine with eliminating itinerant merchant. She is not crazy about allowing 6 carts, that's a lot of permits. She also feels there should be a limit on ice cream truck permits. She asked Noel to look at limiting the number of ice-cream trucks. She is OK with the Attorney's recommendation on brick and mortar. She feels that the Town should get all three beach service vendors together annually to revisit regulations.

Mayor Benson said he agrees that there are violations that are not being enforced.

MPT Bridges agrees with recommendation from Attorney and is in favor of enforcement.

Council Member Garza said he must go with the recommendation of the Town Attorney. He asked why there was a distance requirement from the pier.

Ms. Fox answered that they sell tackle at the pier.

Council Member Garza said that if you own a business on the island, you need to set an example to other businesses, residents, and visitors. Respect others and other businesses. He added that he also feels that there needs to be more enforcement of rules.

MPT Bridges said that the ice-cream trucks will resolve itself. More than one would not make any money.

Council Member Pierce said that she wants to address it on the front end. She would like to set a limit of 2 ice-cream truck permits.

Council Member Garza said he would be fine with limiting it to 3.

Mayor Benson said that the market would dictate it.

Council Member Pierce made a motion to amend ordinance 19-1109 with recommendation from

staff on the budget fees and adding to limit the ice-cream truck permits to 3. Motion fails 1 to 3.

Council Member Garza made a motion to approve Ordinance 19-1109 amending Chapter 14 Vending Activities & Chapter 28. Watercraft, Beaches and Coastal Parks, and the FY 18/19 Budget Fee Schedule. Motion carried unanimously.

7. ITEMS OF BUSINESS

a. Discussion on the Maintenance of Henniker's Ditch

Ed Parvin said there an area of blockage in Henniker's Ditch. Town Code requires that the any conveyance of stormwater must be maintained. If it is not maintained, the Town has the authority to clean out the ditch. Code enforcement will put the homeowner on a 15 day notice starting tomorrow. If no action is taken in 15 days, the Town will hire a contractor to remove the trees that have fallen in the ditch.

Council Member Garza asked staff to evaluate this ditch every six months and educate the residents.

Mr. Parvin replied that this ditch runs through private property and the Town does not need to be there.

Council Member Garza feels that the Town needs to be proactive on keeping Henniker's Ditch cleared.

Mr. Parvin agreed.

Mayor Benson said that enforcement is key. This impacts other people's property. He asked how the Town scopes the lines that are submerged.

Mr. Parvin said that most of it is visual but he would get with the stormwater crew for areas that may not be.

b. Discussion on Replacement of Lifeguard Stands

Chief Griffin presented the bids they received to construct the new lifeguard stands. He is recommending awarding the bid to Charlie Lamm at a cost of \$45,000 for the construction of 18 lifeguard stands. This will come out of the fund that the FEMA reimbursements are going into. There will be two additional nicer stands flanking the boardwalk that will be built later. He will be coming back to Council later for approval of those two stands.

ACTION: Motion to award the lifeguard construction contract to Charlie M. Lamm Inc. at a cost of \$45,000 for the construction of 18 stands.

Motion: Tom Bridges

Vote: UNANIMOUS

c. Presentation by Fire Chief Alan Griffin on Increasing Firefighter Staffing

Chief Griffin requested direction from Council for increasing staffing at the Fire Department. He presented three options for Council to consider:

- 1- Hire four part-time firefighters
- 2- Hire three full-time firefighters
- 3- Reapply for Assist and Firefighter Grant

Chief Griffin recommended:

Creating three full-time firefighter positions
Interview and job offers in late May
Transition to assigned shift in early June

Council Member Pierce asked what the salary is for three firefighters?

Chief Griffin said that base salary \$130,000 for three.

Council Member Garza asked how many openings they have now.

Chief Griffin replied none.

Council Member Pierce said that all other departments have been asked not to fill positions until Lucky comes on board. Why would this not come to the July budget?

MPT Bridges prefers not to make this decision until next month when Lucky gets here. He wants to make sure the fire department has the staff that they need but he wants to look at the whole budget.

Chief Griffin said the only thing that is time sensitive is applying for the grant.

MPT Bridges said pursue the grant but it may not solve the problem.

Council Member Garza said he agrees with everything being said but agrees that Lucky should be brought into this decision.

Griffin said he hears Council is comfortable with applying for the grant. It would be fall before you would hear back from the grant.

d. Re-Entry Permit-Ordinance Amendment

Ed Parvin reviewed the history of Town vehicle decals.

For over 20 years, Carolina Beach has had an ordinance requiring permanent Town residents to purchase annual Town identification decals to be used as re-entry permits (separate parking decals were included at no additional charge). The fee collected was considered a vehicle tax. Residents were charged a flat fee for the re-entry decal through April each year. Decals purchased after April were then charged a late fee. In 2017, the Town replaced re-entry decals with TICs, Town Identification Cards (parking decals were sold separately). TICs were available at no charge through

February 15th; afterwards, late fees were charged. The re-entry process after Hurricane Florence using TICs was found to be time-consuming and ineffective. After action meetings and discussions with Police, EOC, billing, and other staff directly involved led to the termination of the TIC program. Effective January 1, 2019, the Town discontinued using the TICs and transitioned back to using Town identification decals for re-entry purposes. We are currently selling this decal that serves as both re-entry and annual parking permit for \$20.00. Some property owners and residents do not want to purchase a parking decal, only a re-entry permit.

Staff Recommendations:

Allow the property owners and residents to purchase a decal used only for island re-entry for \$2.00 each.

If owner or resident wants to purchase a parking decal at a later date, they would be required to pay the full price.

Continue to sell combo parking/re-entry decals at \$20 each to property owners and residents that wish to purchase both.

Non-resident property managers and agents, care givers, and business employees want to be able to come back onto island after evacuation/emergency.

Staff Recommendations:

Allow property managers, agents, care takers and business employees to purchase a decal used only for island re-entry for \$2.00 each.

Limit the number of employee re-entry permits per business –for key personnel only.

Council Action Requested:

Revise current ordinance, discontinuing TICs and implementing a Town Identification Decal ordinance allowing qualified individuals the ability to obtain a Town identification decal used during times of natural disaster or other emergencies.

Charge a \$10.00 late penalty for decals purchased after June 1st each year.

Additional changes possible with upcoming budget discussions for FY 2019/2020.

Council Member Pierce said that she didn't like the look of the sticker. She also mentioned that citizens are complaining about not being able to get their passes. They applied three weeks ago and they still don't have their sticker.

Council Member Garza asked why did this start 20 years ago. What was the purpose?

Mr. Parvin replied that it was to prevent vandalism after a storm.

Council Member Garza asked if you could just use your ID.

Ms. Fox said that people's addresses change and it's easier to identify to get residents back on the island quickly.

Council Member Garza said it took a lot of time during the storm last year to issue passes before Hurricane Florence. He asked that staff come up with ideas to make this process more automated.

Ms. Fox added that some communities prohibit property owners from obtaining passes within so many days of storm. Education is a key component there.

Other council members would like to see a different design.

Council Member Garza asked that staff put this information on the front page of the website.

ACTION: Motion to adopt Ordinance 19-1105 implementing the changes to the re-entry process and adding a \$10 late penalty after June 1st.

Motion: Tom Bridges

Vote: UNANIMOUS

e. Budget Amendment - Northend Sewer Project

Ed Parvin presented the Northend Sewer Project Budget Ordinance.

ACTION: Motion to approve Budget Ordinance 19-1107.

Motion: Joe Benson

Vote: UNANIMOUS

8. NON-AGENDA ITEMS

a. Council Member Garza:

Please review minutes from retreat during the budget season. There was a lot of take-aways.

There were a lot of studies done last year. He asked if there are any new studies this year, he would like to know in advance.

Plastic trash bags are still in the recycling bin.

Please speak to Brian about the signs Spartanburg and Ocean??

NC State is looking at what grass will grow well on the greenway.

How frequently can we change that ad on the large billboard at Food Lion.

Mr. Parvin said that the Town gets one 8 second ad.

Council Member Pierce asked how much would it cost to get a second ad. She feels that the ROT could fund it.

MPT Bridges:

Mentioned that Saturday a bunch of street signs were down in Wilmington Beach.

Mr. Parvin said that he received a message that several signs were leaning around Alabama.

Council Member Pierce said she witnessed missing signs as well.

Council Member Garza:

A tree needs to be evaluated at 7th and Cape Fear. You can't see people on the multi-use path.

The cross walk light at Dow is swaying.

At Christmas, employees got a \$10 coupon for a turkey. Council should be a part of the decision for gifts if their name is on it. He suggested having a party at Town Hall and have food trucks.

Council Member Pierce:

Town needs to be recycling at Town Hall.

Council Member Garza:

There has been issues in the past with the live stream video equipment and sound. He suggested that if the Town has a dedicated IT person, they should be dealing with this and it should not be the Clerk's responsibility to manage.

Mayor Benson:

He will work with Ed on what Council plans to present at the Town and State Dinner in Raleigh on Wednesday.

He came up with the slogan, Slow Down You're Already Here.

Council Member Pierce:

She feels that you should divide and conquer at the State Dinner.

Ms. Fox:

Ed Parvin's birthday is Friday, February 15th!

9. CLOSED SESSION

- a. Closed Session to Discuss a Personnel Matter in Accordance to NCGS 143.318-11(a)(6)

Mayor Benson requested Council, Mr. Parvin, Ms. Fox, and Mrs. Ward be the only attendees of the closed session.

ACTION: Motion to go into closed session to discuss a personnel matter in Accordance to NCGS 143.318-11(a)(6)

Vote: UNANIMOUS

10. ADJOURNMENT

ACTION: Motion to adjourn at 11:45 p.m.

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on March 12, 2019.

Recorded by Kimberlee Ward, Town Clerk