

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, December 11, 2018 @ 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, December 11, 2018 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: 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 WITH THE INVOCATION GIVEN BY DORRENE STANLEY FOLLOWED BY THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda with the exception of Item 6(a) the conditional use permit for Carolina Beach Marina and Yacht Club to operate an eating and drinking establishment on a floating barge. This item has been tabled and may come back to the January 8, 2019 meeting.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

a. The following items were listed on the consent agenda:

Set public hearing for January 8, 2019 to consider amending Chapter 40 Article VI Landscaping to Encourage Tree Preservation

Set a public hearing for January 8, 2019 to consider a text amendment to Chapter 40, Article III Sec 40-73 Dimensional Standards for the various zoning districts to amend yard requirements for structures exceeding maximum height regulations and amend the 2007 CAMA Land Use Plan Policies. Applicant: Charles Poindexter

Budget amendments and transfers as presented by the Finance Director.

Reimbursement request/application to the New Hanover TDA Board in the amount of \$306,618.82.

Awarding contract bid for the FEMA Flood Mitigation Assistance Grant FY16. The town has received the grant agreement to reconstruct one home and elevate two structures above the flood regulatory elevation. The grant is for a 100% federal share for \$483,535.92.

Approve the engineering and survey work for stormwater priorities 1 - 5 as listed on the engineering proposal.

Approval of the meeting minutes from November 13 and 27, 2018.

ACTION: Motion to approve the consent agenda with the exception of the Police Policy Manual item. Council would like to discuss this during Items of Business.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

- a. Special Presentation by Small Business Administration Representative Arlene Diaz-Carrero

Small Business Administration Representative Arlene Diaz-Carrero gave an update on the SBA loan program. The deadline to apply for FEMA assistance is this Thursday. They are located in Independence Mall and the Wilmington Chamber of Commerce.

- b. Presentation by the Pleasure Island Chamber of Commerce

Greg Reynolds presented awards to the Carolina Beach Police Department, Fire Department and Town Hall for all of their assistance throughout the year.

- c. Special Events for December and January

Jeremy Hardison presented the events for December and January.

- d. Manager's Update

Ed Parvin gave an update on the following items:

Hurricane Florence Recovery

*Stormwater

*Budget Schedule for 2019

*General Fund Projects:

Island Greenway

Cape Fear Multi-use path

Fire Station

Public Parking Lot

Parking Meters

Town Marina

Town Hall and Fire Truck Debt is falling off this year.

*The new process for checking on service requests online

*Waste Water Treatment Plant

*Manager Interviews next Tuesday and Wednesday

Council Member Shuttleworth asked Council to consider setting up an ad-hoc committee for burying power lines in town. Council was in agreement and asked that the committee be appointed at the January Council meeting.

Council Member Pierce asked the Clerk to advertise the positions and bring the applications to the January 8, 2019 meeting.

5. PUBLIC COMMENT

- a. Lisa Lowerly 314B Fort Fisher Blvd South owns a distillery in Asheville and is in favor of the distillery. She asked that Council consider expanding the zoning districts and not just exclusively to Highway Business.

6. PUBLIC HEARINGS

- a. Text Amendment: To amend Chapter 40 Article III Sec. 40-72, Article IX Sec. 40-361, and Article XVIII Sec. 40-548 to allow for the operation of a distillery in the Highway Business (HB) Zoning District (Commercial 1 – 2007 LUP) of the Town of Carolina Beach - Applicant Max Sussman and Chris Stellaccio

Miles Murphy presented the request to allow the operation of a commercial distillery in the Highway Business District.

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

Max Sussman 608 South Lake Park Boulevard is the applicant and asked for support of this text amendment. He added that he met with Mr. Murphy and they only selected the Highway Business district because most of the others districts wouldn't be allowed due to churches and residential areas.

Council Member Pierce asked how many square feet is needed for this business.

Mr. Sussman stated that it is highly regulated by local, state and federal law.

Mr. Patel Chapel Hill and owner Sea Lights Peddle Pub in Carolina Beach wanted to make sure there would not be a cap on the number of distilleries.

Mr. Murphy replied that there is no cap on the number of distilleries and they are not recommending one.

Lynn Conto 807 North Carolina Avenue said she is in support of the distillery because she knows

Max and April but she does not want to see a load of distilleries.

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

Council Member Pierce asked why the Town only suggested Highway Business in the text amendment.

Mr. Murphy said there is a little amount of space in other zoning districts.

Council Member Shuttleworth said he is not opposed to expanding the districts.

Ms. Fox said that you would have to re-notice this text amendment to include those districts or approve this amendment and hold a separate text amendment at a later date.

Mayor Benson asked staff to submit another text amendment to expand the districts.

ACTION: Motion to amend Chapter 40 Article III Sec. 40-72, Article IX Sec. 40-361, and Article XVIII Sec. 40-548 to allow for the operation of a distillery in the Highway Business (HB) Zoning District (Commercial 1 – 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: Steve Shuttleworth

Vote: UNANIMOUS

- b. Text Amendment: To amend the Chapter 14 Article VI Sec. 14-202, Sec. 14-269, and to allow for the operation of a golf carts and low speed vehicles as taxis and remove the requirement that taxis utilize a meter in the Town of Carolina Beach. Applicant: Town of Carolina Beach

Miles Murphy presented the request to amend Chapter 14 Article VI Sec. 14-202 Taxis, Sec. 14-269, and to allow for the operation of golf carts and low speed vehicles as taxis and remove the requirement that taxis utilize a meter in the Town of Carolina Beach. Staff also asked to strike the language for setting the rates. Town Council no longer sets the rates for taxis.

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

No one spoke.

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

Council Member Shuttleworth asked how this text amendment benefits the public and how do you keep the taxi drivers from adjusting their rates.

Mr. Murphy replied that the ordinance states you must post the rates inside the cab.

Council Member Pierce asked if all taxis can come into Carolina Beach.

Mr. Murphy said that they must have a Carolina Beach permit.

ACTION: Motion to amend the Chapter 14 Article VI Sec. 14-202, Sec. 14-269, and to allow for the operation of golf carts and low speed vehicles as taxis and remove the requirement that taxis utilize a meter in the Town of Carolina Beach.

Motion to amend 14-275, 276 removing the requirement for Council to set rates. Motion carried unanimously.

Motion: Joe Benson

Vote: UNANIMOUS

7. ITEMS OF BUSINESS

a. Council Liaison Committee Updates

Council Member Pierce said she will be meeting with DOT to take a tour around town with the bike/ped committee to show them some problems they are having with some of the DOT regulated streets.

Council Member Pierce added that she will be meeting with the TDA and requesting Room Occupancy Tax dollars to help get some additional bike racks around town and other items that will make the town more bike/ped friendly.

Council Member Shuttleworth MAC Committee met and the ROT dollars are up substantially since Hurricane Florence.

At the Beach, Ports and Waterways meeting they announced that there is 3.4 million federal dollars for beach nourishment. Neither the State or local communities had to contribute to this. The total is about \$17 million. Carolina Beach will receive 964,000 cubic yards on Carolina Beach and 634,000 on Kure Beach. The contract was awarded to Weeks Marine. This will take approximately 4 months. They will run the pipe through the Inlet to the pier, and then from the pier all the way through town. There were some additional dollars from the Corps to do an additional dredge of the Inlet. The Currituck removed 7,800 cubic yards from the Inlet. They have been going out quarterly. Council is going to need to address re-stacking the rocks. There has been some over wash since the last nor'easter. That just proves that there needs to be a renourishment every 3 years and not 4. This nourishment will have a much wider area out into the water. That will change the way the sand transports up and down the beach. There will be a full transect on the surveys.

Mayor Benson reported that the Canal Drive Flood Committee will be presenting at the January workshop. They will be introducing two ordinances.

The Harbor Committee met with Captain Dave today. They have a couple of asks. One is to move forward with a 2,000 gallon capacity fuel tank at the marina that would have a volunteer to be the attendant. The other is some questions about the slips but that has some nuances that will need to be discussed.

b. Budget Amendment for the Northend Stormwater Project

Jerry Haire requested a budget amendment for the Northend Stormwater Project in the amount of Ordinance 18-1100

ACTION: Motion to adopt Ordinance No. 18-1100 for a budget amendment for the Northend Stormwater Project

Motion: Tom Bridges

Vote: UNANIMOUS

c. Amend Chapter 24, Section 24-23 (Police Manual)

Council Member Garza asked that this item be taken off of consent and discussed.

Mr. Parvin explained that this is a living document that is constantly changing. The police department is the only department that is required to have their policies approved by Council.

Council Member Shuttleworth said that he would like to be notified of significant changes.

Ms. Fox said she met with Chief Spivey today and she feels it is clearly procedure changes and doesn't feel it would require Council's action.

Council Member Pierce asked if Ms. Fox if she reviews the policy.

Ms. Fox said that she has and can in the future.

Chief Spivey reviewed some of the changes that have been updated since last May. He added that he has a quasi-judicial committee within the PD that reviews these changes.

Mr. Fox said that they could add the language to include chief, manager and attorney approve.

ACTION: Strike the following two statements from the Carolina Beach Code of Ordinances:

Sec. 24-23. - Police manual.

(a) The Chief of Police shall prepare a manual prescribing rules and regulations for the proper administration of the police department, and shall submit the manual to the Town Manager for review. ~~The Town Manager will submit the policy manual to the town council.~~

(b) After the police manual has been approved, a copy shall be made available to each town police officer. From time to time thereafter, ~~and with council approval~~

the Chief of Police shall make such amendments in the police manual as he thinks necessary.

(Code 1972, § 3-1006; Code 1986, § 13-21)

****Add language to be reviewed by Chief, Manager and Attorney**

Motion: Tom Bridges

Vote: UNANIMOUS

8. NON-AGENDA ITEMS

- a. Council did not discuss non-agenda items. This item was missed by mistake.

9. CLOSED SESSION

- a. Closed Session to Discuss a Personnel Matter in Accordance to NCGS 143-318.11(a)(6)

ACTION: Motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6)

Motion: Joe Benson

Vote: UNANIMOUS

10. ADJOURNMENT

ACTION: Motion to adjourn at 8:30 p.m.

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on January 8, 2019.

Recorded by Kimberlee Ward, Town Clerk