

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, November 13, 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, November 13, 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: Town Manager Michael Cramer, Assistant Town Manager Ed Parvin, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MEETING CALLED TO ORDER WITH INVOCATION BY DORRENE STANLEY FOLLOWED BY THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

- a. **Mayor Benson made a motion to approve the consent agenda. Motion carried unanimously.**

Items on the consent agenda include:

Set a Public Hearing for December 11, 2018 to consider a Conditional Use Permit at Carolina Beach Marina and Yacht Club to operate a floating bar located at 401 Marina St. Pin # 313115.64.8036.000
Applicant: Chad Cooke

Set public hearing for December 11, 2018 to consider a Text Amendment to Amend Chapter 40 Articles III, IX and XVIII to allow distillery as a permitted use. Applicant: Max Sussman

Setting a Public Hearing for December 11, 2018 to consider a Text Amendment to Amend Chapter 14 Article VI Taxicabs. Applicant: Town of Carolina Beach

Budget amendments and transfers as presented by the Finance Director.

Resolution to Designate FEMA Applicant's Agents.

Meeting minutes from September 25, 2018 Workshop, September 25, 2018 Regular Council Meeting, October 9th Regular Meeting, and October 30th Workshop.

4. SPECIAL PRESENTATIONS

a. Employee Recognition

Ed Parvin recognized HR Director Holly Brooks for 5 years of service.

b. Presentation of Annual Financial Audit

Victor Blackburn presented the annual financial audit.

c. Presentation by Captain Dave Tilley on behalf of the Harbor Commission

Captain Dave Tilley presented a request to have a fueling station at the Town Marina. He feels this would be a great incentive to bring boats to Carolina Beach. Collier Gas Company would provide the tank and the fuel. The fuel use would be managed by an app. They would like to start with a 2,000 double walled tank.

Captain Tilley said that he is not in favor of the WAVE bus stop at the marina. He stated that he has witnessed numerous bad events in that area and feels it is the people that are waiting on the bus.

Mr. Parvin said that the fuel request could go on the next TRC agenda within the next couple of weeks.

Mayor Benson asked about security at the marina.

Mr. Parvin said that it looks like it will cost around \$25,000. They are also looking into improving the lighting at the marina.

Council Member Garza asked for an update on this topic at the November 27th workshop.

d. Arts Festival

Skip Sprague stated that they would like to expand the Arts Festival and move it to the Lake. They expect 1,000 - 1,500 people on May 4, 2019 with a rain date of May 5, 2019.

Mayor Benson made a motion to move the Arts festival from Cape Fear Boulevard to the Lake on May 4, 2019. Motion carried unanimously.

e. November and December Special Events

Brenda Butler briefed the events for November and December, 2018.

f. Manager's Update

Ed Parvin stated that the Town is aware of the concerns of the residents that live around the Coast Guard Loran Station on River Road. The concern is that the Town is looking at depositing the spoils from the lake on the property that the Town owns in this area. He added that the Town has hired environmental engineers to test the material that is coming out of the lake and will not deposit them in this location if there is any concerns.

Mayor Benson added that this would have to be permitted by the Coast Guard real estate division as well.

Council Member Shuttleworth said that this has been in the investigative stage for 15 months and has gone through all of the testing processes.

Mr. Parvin said that the big piece that is missing is the soil testing from the actual site that used to be a landfill. The public can view the test results on the Town's website.

Mr. Parvin gave a brief on the stormwater situation. The Town is looking at re-routing some of the stormwater issues. Staff is working on a solution. They are also working with the engineer on other areas that are more complicated. He feels that this topic should come back to Council at the next workshop.

MPT Bridges asked if there was a possibility of getting FEMA assistance with some of these areas. They could provide money to improve it to mitigate future occurrences.

Mr. Parvin said that it could be.

Mr. Parvin gave an update on the public restroom project.

5. PUBLIC COMMENT

- a. Dr. Rob Nagy spoke against dumping spoils on the Town property off of River Road.

David Hough, resident of Cypress Island spoke against disposing the spoils on the Town property.

Kathy Godbey said that she applied for the Land Use Plan Steering Committee and just wanted to introduce herself.

Amy Craig 1901 Swordfish Lane said that her flood claim will be around \$150,000. She thanked Ed Parvin and staff for working to prevent this from happening again.

Matthew Gililan CB Jeep Go Topless group said he received an email denying the Jeep Go Topless Day event request and would like some clarification on why it was denied.

Council Member Pierce said that she was not aware of that email and was unsure why they would

be denied.

Ms. Fox stated that when the event organizer applied for 2018, the Town denied their request to cordon off the beach and to charge admission for that area. She stated that she has not seen the application for 2019 but would be glad to review it with the Manager and the applicant.

Mr. Parvin replied that staff supports the event but they could not allow them to cordon off the beach.

Ms. Fox added that the Town Ordinances prevent organized events at Freeman Park and prohibit the selling of tickets.

Council Member Shuttleworth suggested that Mr. Gillilan meet with Brenda Butler and Ms. Fox to work out the details.

Clay Meadows CB Jeep Go Topless Board Member spoke in favor of the Town allowing the Jeep Go Topless event to continue. He expressed concern about delaying the approval because participants come from all over the country and start planning their trips now.

Council asked the staff and the attorney to look into what the Jeep club is wanting to do and to work with them on allowing their event.

Dallas Brooks, Lewis Drive wanted to thank the Town for listening to the residents on Lewis Drive regarding flooding.

Carrie Violet resident of the Cape had questions about the lake dredge project and asked for clarification.

Mr. Parvin stated that all the results of the soil testing are on the Town website. He added that the Coast Guard has already completed all of their environmental reviews and are comfortable with the Town's plan if the access is moved toward the existing road. The Town will need to give all the permitting agencies a plan on where the material will be put on the site. The estimated time line for hearing back from all the permitting agencies is a couple of months.

Mr. Nagy returned to the podium stating that his questions were not answered and stated his questions again. - Why does the Town not want to dump the spoils in Town limits? Why would Carolina Beach consider it a viable option to dump the spoils in a R-15 flood prone community?

Mr. Parvin replied that the Town has been exploring options for years to find enough space in Town limits. It is 50,000 square feet of material that would require a lot of space. The material has been approved for commercial usage and some has been approved for residential.

Council Member Shuttleworth stated that they are not going to continue to discuss this topic in this manner. The Town has provided all of the documents and all of the test results for the public. The purpose of public comment is not to go back and forth.

Mayor Benson agreed and added that the Town would continue to be transparent.

6. ITEMS OF BUSINESS

a. Solid Waste Contract

Ed Parvin said they received two proposals for the solid waste contract. One from Pink Trash and the other from Waste Industries. The Town is recommending Waste Industries. They offered better rates.

Mayor Benson asked for public comment.

Matt Hamlet 1414 Snapper Lane asked why the Town doesn't combine solid waste services with Kure Beach.

Council Member Garza explained that Kure Beach handles their own solid waste and does not have the resources to handle Carolina Beach.

Council Member Pierce asked about the billing difference for a retail shop versus a restaurant and why they are the same price. She also asked about square footage of a business. They pay the same no matter what size the business is.

Mr. Parvin said that he would look into that.

Council Member Shuttleworth asked about the financial benefit of recycling and if there has been a reduction in tipping fees since the Town began the recycling program.

Mr. Parvin said he would discuss that with Waste Industries. Right now the Town pays an average of \$113,000 per month. The new proposal from Waste Industries states that it would go down to \$85,000 per month. Pink Trash quoted \$106,000.

Council questioned that \$30,000 decrease and if that included everything.

Brent Kershaw from Waste Industries spoke up and said that currently a homeowner pays \$12.31 for trash pick up and \$5.04 for recycle. That will drop to \$14.00 per month for both. The commercial pick up will also have a reduction as well. It is a \$30,000 decrease overall.

Council Member Garza did the math over several year and said he likes Pink but the cost is too significant.

MPT Bridges agreed and said he hoped for a good bid from Pink Trash but the numbers did not support a change.

Council Member Pierce said she likes both companies but their is a large difference in cost.

ACTION: Motion to approve the Waste Industries proposal for the Town of Carolina Beach beginning January 1, 2019 through December 31, 2024.

Motion: Joe Benson

Vote: UNANIMOUS

b. Parking Contract

Mr. Parvin gave a brief overview on the parking proposals and stated that the Town is recommending signing a 5 year contract with Lanier Parking.

Resident and business owner Miles Bielec asked Council to do their due diligence and review the proposals carefully before voting to make sure you are comparing apples to apples.

Scott Diggs with Lanier Parking thanked Council for considering their proposal. He introduced Bryant Sykes that would be the manager of the Carolina Beach operation. He added that Lanier will be providing \$92,000 worth of equipment and goods that they will not charge the Town for.

Jack Skelton with Republic Parking said he was confused because the agenda packet stated that they were the recommended vendor. He asked that Council consider the facts.

Mr. Parvin explained that staff went back and looked at the repair and maintenance costs and that affected the decision.

Ms. Fox explained that this is not a public hearing and Council is not required to hold one. She also stated that the Town put out specific requirements on the RFP.

Council Member Shuttleworth said he is comfortable with staff's recommendation.

Council Member Pierce agreed and said that she is comfortable with Lanier's reputation.

MPT Bridges said that he was not a parking expert and looks to staff for their recommendation.

Council Member Garza said his first thought was to bring parking back in house and is disappointed that staff has not brought those numbers back to Council. He also liked Republic but they are not local. He 100% supports Lanier. He asked that the manager look at bringing contracts back in house each time a contract is up for a renewal.

Mayor Benson mentioned that he likes that Lanier is local.

ACTION: Motion to approve a 5 year contract with Lanier Parking.

Motion: Joe Benson

Vote: UNANIMOUS

c. Discussion on the Oceana Water/Sewer Easement

Noel Fox stated that this item is in regards to a utility easement clean up that she has been working with Gil DuBois on for years. This particular matter is for the Oceana development. Back in 2016, Gil could not locate an easement for a repair that he had completed on a failed pipe. Research revealed that in 1997, the Town intended to accept the infrastructure out there however, nothing was ever recorded. With the assistance of the HOA, their attorney, and Town staff, she feels they

are close to being able to record a plat dedication and easement that will allow the Town to maintain and repair the water and sanitary sewer system.

ACTION: Motion to accept the water and sanitary sewer system and infrastructure at Oceana upon the receipt of the recording of a plat dedication and easement satisfactory to the Town Attorney.

Motion: Joe Benson

Vote: UNANIMOUS

d. Council Liaison Committee Updates

Council Member Garza gave an update on the Parks and Rec Committee and their upcoming events. He added that the Freeman Park Committee is still discussing the Pack it in, Pack it out program. They are considering creating an ad-hoc committee to implement that for the entire beach strand.

MPT Bridges gave an update on the Operations Committee. They are working on a flyer regarding the benefit of irrigation meters. They also volunteered to survey the street lights in town. They will be plotted on the GIS map.

Mayor Benson gave an update on the Canal Drive Flood Committee. They are working on two ordinances. One is road closures and the other is a bulk head ordinance. The bulk head ordinance does not look favorable for passing.

Council Member Pierce reported on the bike/ped committee. They are working on an innovative map with suggested routes. The Island Greenway should be open by the end of December. TDA is doing a "Back in Business" campaign. The Police Advisory Committee likes the old way of doing emergency evacuation re-entry by using stickers versus cards. Lt. Marcucilli is hosting a 6 week citizens academy. That should start in the spring. Council Member Pierce asked that the Police Department give a presentation on that at a future Council meeting.

Council Member Shuttleworth mentioned that the WMPO has additional dollars to possibly fund some bike racks. They just released the 5 final designs for new controlled intersections in Wilmington. The Ports, Beaches and Waterways Committee is having a conference in Carolina Beach today and tomorrow. There is a lot of dredge activity on the schedule.

Council voted by written ballot to appoint the Land Use Plan Steering Committee. The members include:

Ethan Crouch - Environmental

Steve Klem- Bike/Ped

Adam Priest- Development

Todd Piper- Development

Jeff Hogan- Business

Jay Healy - Retiree

Kathy Godbey - Retiree

Dennis Barbour - Boating

David Schifter – Real Estate

Karen Graybush – Real Estate
Teresa Shue – At Large
Wayne Rouse – P&Z
JoDan Garza - Council
LeAnn Pierce - Council

Council Member Shuttleworth asked that Mr. Hardison invite the remaining applicants to the appropriate open house meetings adding that there were a tremendous number of qualified applicants that would have valuable input at the appropriate open house.

Council Member Garza requested that an email go out to the applicants that were not selected thanking them for applying and inviting them to attend all of the public meetings explaining that there were only a limited number of spots on the committee but they value their input. Let them know that we care for their vision.

Council Member Pierce specifically asked that Greg Reynolds be included in the committee meetings because he represents the Chamber of Commerce and is an architect that would be a good resource.

Mr. Hardison agreed to reach out.

e. Appointment to the Police Advisory Committee

Council voted by written ballot to appoint Jay Healy and Lou Messina to the Police Advisory Committee for a term expiring 6/30/2021. This is for the annual appointments that expired on June 30, 2018. The committee had not had a meeting since the expiration of the two terms that were previously held by Jerry Bagnell and Doug McCray.

7. NON-AGENDA ITEMS

a. Council Member Garza suggested that an email be sent to the residents that were passionate about the Island Greenway fence to invite them to be a part of the Friends of the Greenway group. He feels this group should also be a part of the bike/ped committee to communicate their visions and thoughts.

Mayor Benson said 20 people showed up to the Friends of the Greenway meeting that he organized.

Council Member Garza asked if staff would be holding a debriefing on Hurricane Florence.

Mr. Parvin explained that they are meeting with Kure Beach EOC folks and then with Carolina Beach EOC staff. He will report the results of the conversation back to Council.

Council Member Garza asked that Town Hall start recycling paper.

Mr. Parvin said that he would definitely work on that.

Council Member Pierce said that Town Hall should be leading by example.

Council Member Shuttleworth asked staff to repair the sod that was dug up on Cape Fear Boulevard.

Mr. Parvin replied that Jerry Haire is working with the homeowner on that.

Council Member Shuttleworth mentioned that the palm trees need pruning in the Central Business District.

Council Member Shuttleworth recognized Debbie Hall for the outstanding annual audit report. There were no deficiencies found.

Mayor Benson suggested holding a ribbon cutting on Island Greenway.

Mr. Parvin replied that Jerry Haire is working on that. They hope to have a ribbon cutting in February. The fence schedule is the hold up.

Council Member Pierce reminded Mr. Parvin about putting up signs in the middle of the new section of Cape Fear Boulevard.

Mayor Benson recognized Ed Parvin for the good job that he is doing.

8. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER IN ACCORDANCE TO NCGS 143.318.11(A)(6)

- a. Closed Session to discuss an attorney/client and personnel matter in accordance to NCGS 143-318.11(a)(3) and (6).

ACTION: Motion to go into closed session to discuss an attorney/client and personnel matter in accordance to NCGS 143-318.11(a)(3) and(6).

Motion: Joe Benson

Vote: UNANIMOUS

9. ADJOURNMENT

ACTION: Motion to adjourn at 10:15 p.m.

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on December 11, 2018.

Recorded by Kimberlee Ward