

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, October 9, 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, October 9, 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 MAYOR JOE BENSON 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. The following items were approved under the consent agenda:

Ordinance 18-1094 amending the Greenway project budget to reflect \$176,123 allocated for upgrading the fencing type approved by Council at the September 25, 2018 meeting.

Enter into a contract with Stewart Panning, Design, and Engineering Firm to update the Town of Carolina Beach CAMA Land Use Plan.

Ordinance 18-1096 Budget Amendment for Hurricane Florence adding an additional \$550,000 for a total of \$700,000. This does not include employee time or consultant time. Staff will have to come back again for additional fund requests.

ACTION: Motion to adopt the consent agenda.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

a. Employee Recognition

Rebecca Wilkins recognized Rachel Shelton for 5 years of service in Water Billing.

Chief Alan Griffin recognized Kenny Athing for 10 years of service with the Fire Department.

Chief Chris Spivey recognized Aaron Naughton for 5 years of service with the police department and presented him with his Advanced Law Enforcement Certificate.

b. Special Events October & November

Brenda Butler presented the events for October and November.

5. PUBLIC COMMENT

- a. Dallas Brooks 312 Lewis Drive and neighbor Crystal Newsome 314 Lewis Drive expressed concern about the flooding on Lewis Drive that happens each time it rains. She also included Teakwood Drive. She said the flooding has nothing to do with the hurricane. This is every time it floods. She requested staff to come out to their property and help them come to a resolution.

Mr. Len Simpson 210 Lumberton Avenue thanked Council and staff for their hard work during Hurricane Florence. He also spoke about the golf cart taxis. He is asking staff to do something about these illegal taxis.

Fred Grady 608 Cape Fear Boulevard asked if there would be maintenance done on Henniker's Ditch. He asked if staff would clean out the pipes.

Council Member Shuttleworth asked for flooding to be on the October agenda. He asked to have Gil and Brian there.

Patricia Jones 612 Carolina Beach Avenue North said that she appreciated the tough decisions that Council has to make and asked that they hire a manager with a positive attitude and a forward thinker.

Steve Casey 405 Marina Street - Asked what's going on with the water bills. Everyone's bill was much higher this month. He also asked that Council choose a manager that can carry out the mission of the Council.

Ronnie Lewis 804 Charlotte Avenue said the second pipe south of Seaside Chapel on Dow Road is blocked. Also on Hamlet on south side of Church there used to be a ditch but it is completely blocked.

6. PUBLIC HEARINGS

a. AMEND CHAPTER 14, ARTICLE II, SECTION 14-2, FOOD TRUCK REGULATIONS

Jeremy Hardison presented the history and the proposed amendment to Chapter 14 regarding food trucks.

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

Tom Savarese Lighthouse Drive asked if the annual permit establishes a specific location for that truck.

Mr. Hardison said it would be up to the property owner as to who they allow to park on their property. The permit is good for one year.

Fred Grady asked if the trucks were allowed in R-3.

Mr. Hardison said the permit only allows for them to be in commercial zoning districts.

Steve Casey said that he likes the idea of food trucks it brings competition and creativity.

Patricia Jones stated that 65% of her customers (Good Hops) are new customers. She doesn't feel that food trucks should be over regulated. She doesn't agree with food trucks having to have a permit. Off islands businesses do not have to obtain a permit such as electricians. She also mentioned that she would like to see signs welcoming visitors to Carolina Beach.

Miles Bielec mentioned the three beach access locations that allow for vendors and could they serve as a location for food trucks.

Mr. Parvin replied that it could not because it is on the beach not in the parking lot.

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

Council Member Garza said that he does not want to be a text book town. He wants to be the birth of new ideas. He does not like what is being presented. Competition determines growth. He would like to take it back to the drawing board.

Council Member Pierce mentioned that she is very sensitive to the investments in the community. She said that she has a problem with the 100 foot distance requirement being dropped, that they are not responsible for their trash, and there are no restrictions on the sound and amplified volume.

Council Member Shuttleworth said that he is also sensitive to the brick and mortar investments. He said that he is OK loosening some of the parking requirements but he does not want them on Cape Fear Boulevard by the Gazebo. He would like to visit the permit issue and understand the purpose of it.

MPT Bridges said he is not against competition and that he sees both sides. He agrees with adjusting the parking. He would also like to see special events at Mike Chappell Park with food trucks.

Council Member Garza feels that 25 feet is far enough, he doesn't agree with the 100 feet. It would be impossible to find a place that would meet the requirements.

Mayor Benson feels the 100 feet should be scrapped. It could be 25 feet or nothing. He doesn't feel there should be a motion at this time. He would like staff to come back with new recommendations.

Council Member Shuttleworth summarized that he is hearing that everyone is in agreement with getting rid of the parking, three Council Members are saying they are comfortable with the 100 foot requirement and two are saying do away with it. He asked Council Member Garza to share what he feels is a good number for the distance requirement.

Council Member Garza suggested not starting with footage but start with public parking and work down. He would like to discuss each line at a workshop.

Council Member Pierce said she does not want to continue to drag the food truck topic out.

Council Member Shuttleworth said there are several other municipalities that are trying to work through this same issue. He added that he is not comfortable with allowing businesses to pay \$2.50 to park their business in a parking space when other businesses invest in their brick and mortar.

Council Member Shuttleworth made a motion to approve Ordinance 18-1091 excluding Item D1 which suggests removing the 100 feet from the customer entrance of an existing restaurant. He also stated that he would entertain an amendment if a council member wanting to make a suggestion.

Council Member Garza requested an amendment to the motion to include a 25 foot distance requirement.

Council Member Pierce stated the lots are not even 25 feet.

Council Member Garza restated his amendment to include a 50 foot distance requirement.

Council Member Pierce stated that she would not vote for that and asked who would be the one from staff to go out and measure to make sure they are meeting the distance requirement.

Mr. Parvin responded that it would be measured from the front door of the restaurant and that businesses would call if they felt a food truck was in violation.

Council Member Shuttleworth called for the question.

Council Member Shuttleworth restated his motion: Motion to approve Ordinance 18-1091 with the modification of D1 which would change the distance requirement from 100 feet to 50 feet. Motion failed. Ayes- Council Member Shuttleworth and MPT Bridges. Nays - Mayor Benson,

Council Member Pierce, and Council Member Garza.

Council Member Pierce made a motion to approve Ordinance 18-01091 with exception of D1 which would remain at 100 feet. Motion passes. 3 ayes - Council Member Pierce, Council Member Shuttleworth, and Council Member Bridges two naves- Mayor Benson and Council Member Garza

7. ITEMS OF BUSINESS

a. Discussion on the Town Manager Recruitment Process

Ed Parvin asked if there was anything specific that Council wants in the advertisement for a town manager.

Council Member Shuttleworth said that it needs to be the right person and he is willing to advertise several times. He is looking for someone with experience in coastal living, finance, and personnel management. He feels there needs to be some marketing material included in the advertisement to showcase Carolina Beach and how great it is.

MPT Bridges feels that the ad needs to get out as soon as possible. You might miss out on the perfect candidate.

Mayor Benson would like the new manager to have several years of supervision.

Council Member Pierce is interested in someone with strong budgeting and accounting skills. She mentioned that the Town is in good hands with Mr. Parvin and that he is doing a great job as interim.

Council Member Garza would like to know the cost of advertising this position.

Mr. Parvin said that they would put it on NeoGov on Friday and they can revise it to include a marketing brochure.

Council Member Garza said he would like to see the ad that was used for Mr. Cramer and Mr. Owens. He suggested reaching out to other communities to see what they look for.

Mr. Parvin said he has pretty good direction and asked how long Council would like to run the advertisement.

Council agreed to 30 days.

b. Hurricane Florence Pay Discussion

Human Resources Director Holly Brooks stated that she wanted to inform Council on what the current numbers are for salaries during Hurricane Florence and get direction for some outstanding matters. The overtime expense for pay period ending 9/23/2018 was \$93,000. A portion of this is eligible for FEMA reimbursement. Exempt employees worked 631 hours. If you put a cash value to that, it would be \$33,000. The Town Policy states that exempt employees will not receive

compensation but may receive compensatory time if they worked a "considerable number of hours". FEMA will consider some compensatory time if there is a policy in place. It should not be hour for hour or 1.5 per hour. The Labor Board would frown upon that because you are treating salaried employees like hourly employees.

Council Member Garza asked Ms. Brooks to define "considerable amount of hours worked".

Ms. Brooks replied that they do not define considerable amount of hours.

Ms. Brooks continued her presentation: All hourly employees were paid for hours that they physically worked. Employees who were sequestered at Town Hall were paid 19 of the 24 hours dates they worked when the EOC was open. Town Hall was closed for business September 12, 13, 14, 17, 18, and 19. Employees that did not report to work received manager's leave (straight wages). Employee's that were on scheduled vacation were charged vacation time.

Council Member Pierce asked how they came up with 19 hours for a 24 hour period.

Ms. Brooks said employees worked 12 hour shifts but it was unreasonable to think that they slept and were excused from duty during the 12 hours off time.

Council Member Pierce asked if these employees were allowed to go home.

Ms. Brooks stated that some employees that live on the island were allowed to go home but most of the employees were sequestered to Town Hall and other Town facilities.

Council Member Garza asked if employees were paid the number of hours that were reflected on their FEMA time card.

Ms. Brooks replied that if they worked in excess of 19 hours, then they were paid for more than 19 hours. The 19 hours was for employees that worked a 12 hour operational period and then 12 hours off.

Ms. Brooks presented some options for Council to consider and give direction on. She stated that if Council chose to pay the additional 5 hours for those that received 19 hours instead of 24, that would cost the Town an additional \$32,000. This amount would be submitted to FEMA for reimbursement. She also listed three options that Council could consider for exempt employees:

- Option 1 - Compensatory Time for every hour over 40 - Could be charged to FEMA
- Option 2 - Compensatory Time at 1.5 for every hour over 40 - Could be charged to FEMA
- Option 3- Pay exempt employees wages for hours worked over 40 - Unsure if FEMA would reimburse (Cost around \$33,000)

Council Member Shuttleworth said he had a problem with the fact that some employees were given a directive to go home and they got paid their regular pay and then you had exempt employees who were working many hours, some in harms way, and we want to give them compensatory time. He asked if compensatory time could be converted into dollars.

Ms. Brooks replied that compensatory time would be available to the employee to use in lieu of vacation time. They would never lose that time. Should they terminate their employment with the Town, that time would be turned into cash value at their current rate of pay.

Council Member Shuttleworth asked if the \$33,000 was considered at time and one-half.

Ms. Brooks stated that it was.

Council Member Shuttleworth stated the Town policy covers inclement weather but there is not a policy specific to hurricanes. He feels that there were a lot of exempt employees working a tremendous amount of hours when Town Hall was closed and he is all for paying them. This is an extenuating circumstance. He added that he is in favor of paying the additional 5 hours to employees that were paid 19 and would like the exempt employees to be paid and if FEMA reimburses that, great, if not, we owe it to our employees. He added that he has a hard time giving exempt employees time off because they are typically the employees that can never seem to use it.

Council Member Garza said that he finds it hard to believe that this has never been addressed. He feels that in times like these, they should go above and beyond the policies and take care of our people. Whether we get that money back or not doesn't matter as long as we take care of the people that took care of us during our time of need.

MPT Bridges responded that he is thankful that staff took care of the residents but that \$65,000 is going against our budget that many are worried about. Council keeps saying cut here, cut there...

Council Member Garza stated that Council just spent \$180,000 on a fence. "You don't want to take care of our staff, you would rather spend it on a fence"?

MPT Bridges stated that the policy addresses this and exempt employees can use the compensatory time in lieu of vacation.

Council Member Garza said that he does not feel that employees want the compensatory time.

MPT Bridges replied that they don't want Council talking about cutting staff either. We have to watch how we are spending.

Council Member Garza stated that he has never mentioned cutting staff.

Council Member Pierce said she agreed with MPT Bridges on spending but said this is an extraordinary circumstance and when you have employees that could go home and get paid or stay here and get paid, and they stayed, you need to pay them. She added that a policy needs to be developed on when the EOC is activated during weather events or emergency events such as fires.

Ms. Brooks stated that she is going to break the policy out further and develop some sort of a tiered program.

Council Member Pierce said there needs to be some incentive for employees to come and work

these events.

Mayor Benson stated he was also in favor of paying the exempt staff and is surprised that FEMA would question it because comp time has a dollar amount associated with it as well. Either way it is a cost.

ACTION: Motion to pay the 5 additional hours of overtime to staff that were paid 19 and Option 3 to pay exempt employees overtime, to be requested for reimbursement by FEMA.

MPT Bridges asked Council Member Shuttleworth to consider an amendment that if FEMA denies the reimbursement, that the Town not do it.

Council Member Shuttleworth, Pierce, and Garza said they would not support that amendment. Council Member Shuttleworth added that he is willing to pay it either way and that it was a small price to pay for what they got out of the employees during that time.

Joe Benson	For
Tom Bridges	Against
LeAnn Pierce	For
Steve Shuttleworth (Moved By)	For
JoDan Garza	For

Vote: carried

c. Efficiency Study

Mr. Parvin presented the information that staff put together that explains their roles with the Town. Town employees prepared a written description on their roles and responsibilities. Mr. Cramer had requested this information in preparation for an efficiency study requested by Council Members Pierce and Shuttleworth.

Mr. Parvin stated that he had a draft Request for Proposal that is in the packet not to exceed \$25,000.

Council Member Garza mentioned that not all Council Members requested an efficiency study. He asked the Council to take 30 days and listen to employees. He recommended putting out an employee satisfaction survey and give the employees an opportunity to share ways the Town could run more efficiently.

MPT Bridges said he is not in favor of the study either. He also feels that your employees might provide better information since they see it every day. He also mentioned that a new manager should be able to make those evaluations as an outsider when they come in.

Council Member Pierce said it was her idea to have the study. She feels that you need an outside third party with no emotional attachment to the Town or its employees. She reached out to Chris

May with the Cape Fear Council of Governments who said Southport is asking for same thing. The COG is looking at bidding that out. It would take them about four months to complete it.

Council Member Shuttleworth asked management to look at personnel being 45% of budget. He asked management if that was similar to other communities. He stated that the request to do an efficiency study is not necessarily to reduce staff but more so eliminate adding more staff.

Council Member Garza said he has been receiving anonymous input from employees on how to cut costs and he feels that it's worth having someone collect these ideas and present them to Council.

Council Member Shuttleworth asked how will the Town sustain the budget with the current payroll costs.

Council Member Pierce asked when was the last efficiency study was done.

Mr. Parvin replied 2001 or 2002.

Council Member Pierce asked if the COG had the skills to perform an efficiency study.

Mr. Parvin replied that they did.

Council Member Garza reiterated that they need to do an anonymous employee survey.

Mayor Benson agreed and said that he likes that proposal. He also would like to hear what staff has to say.

Council Member Pierce feels it is a good time to do the study during this transition.

ACTION: Motion to move forward with the Town efficiency study not to exceed \$25,000.

Joe Benson	Against
Tom Bridges	Against
LeAnn Pierce (Moved By)	For
Steve Shuttleworth	For
JoDan Garza	Against

Vote: failed

d. Fire Code

Mr. Parvin presented Ordinance 18-1095 amending Chapter 8, Section 8-1 "Adoption of Fire Code".

The NC General Statutes require municipalities to update their codes to give them authority to enforce the State Fire Prevention Code. The Town made those updates in 2014, however the statutes have changed and now require specific language stating that the Fire Prevention Code also includes Appendices A-H. Staff has worked with the Department of Insurance to develop language that would be acceptable for the enforcement of all applicable state fire codes.

ACTION: Motion to approve Ordinance 18-1095 to amend Chapter 8, Section 8-1 "Adoption of Code".

Motion: Tom Bridges

Vote: UNANIMOUS

e. Discussion on ROT Hold Back Funds

Council Member Pierce presented the request from the Convention and Visitor's Bureau to use \$195,000 of additional money for advertising for the recovery of Hurricane Florence. She explained that it would be split equally between the three beaches. That would be \$65,000. She stated that she was looking for Council's feelings on that. If Council agrees, the CVB would give another presentation. Wrightsville Beach has not committed as of yet. They are still in recovery mode. She added that people are afraid to come here. Pictures are showing that New Hanover County is still under water.

Council Member Garza asked how much they average in the spring.

Council Member Pierce replied that the CVB pulled in several hundred thousand dollars from their budget. They hold these funds back for this very reason. "How can we justify the hold back if we don't use it for this"?

Council Member Garza asked what will happen if Wrightsville Beach is not in favor?

Council Member Pierce replied that they will have to evaluate that.

Council Member Shuttleworth said that they are asking Council to approve a release for the hold back money. Now would be the time to release those dollars.

ACTION: Motion to pledge \$65,000 of hold back funds to the Convention and Visitor's Bureau for Hurricane Florence recovery if it is an equal split between the three beaches.

Motion: LeAnn Pierce

Vote: UNANIMOUS

8. NON-AGENDA ITEMS

a. Council Member Shuttleworth asked staff to take a look at the stormwater issues.

Council Member Shuttleworth asked staff to address the water billing issue. There were numerous customers with substantially higher water bills. Water billing explained that the cycle had more days this time and that is why the water bill was higher however some were doubled. He asked if some of the meters failed because those numbers are significant.

Council Member Pierce said that she is upset because so many were told that they had a water leak.

Mr. Parvin said he has heard about the water billing issue. Staff is addressing these complaints one on one.

Council Member Shuttleworth had a neighbor that had a \$1,600 bill. Automated readers are supposed to be the greatest thing and they should recognize these issues and notify us. If this continues, look at the 90 day average.

Mr. Parvin said he will look into what's going on.

Council Member Shuttleworth stated that the NCBIWA is being held at Carolina Beach November 13-14 at the Marriott. He encouraged Council to attend. All Council and Ms. Fox stated they will attend.

Council Member Garza said that the water meter issue was discussed at the January retreat.

Mr. Parvin stated that if you document a break, the Town will address reimbursements.

Council Member Garza reminded everyone that this week is the last phase for debris removal and you will be charged starting next week.

Council Member Garza wanted to reiterate the Land Use Plan meeting Thursday. They need input from citizens.

Council Member Garza said that the Parks and Rec is doing a Halloween event at Mike Chappell Park on the 23rd.

Council Member Garza mentioned that he is still learning about the Town and his role as a Council Member. He specifically asked Council Member Shuttleworth to refrain from calling him out and cutting him off when he is trying to ask questions or give his opinion.

Council Member Shuttleworth responded that there is parliamentary procedure and that he is trying to coach Council Member Garza through it, not cut him off or belittle him.

Mayor Benson added that he is still learning as well. He mentioned that he looks forward to the town hall meeting tomorrow night 6:30 at Legion. He prefers the face to face communication with the public versus through social media.

Mayor Benson also mentioned that he would like to walk the Loran Station property and meet the point of contact. He added that Colonel Carlisle will be here on Tuesday the 23rd at 9:30 am to tour the Waste Water Treatment Plant facility.

Council Member Garza asked staff to put a weather update on Facebook regarding Hurricane Michael.

9. CLOSED SESSION

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

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.

Council Member Shuttleworth made a motion to increase Ed Parvin's salary by 8% during the time he serves as Interim Town Manager. Motion carried unanimously.

Council Member Shuttleworth mentioned that Council needs to discuss Freeman Park at the next meeting. Topics that need to be discussed include: early bird sales, limited hours, reduced rate, etc.

Mayor Benson announced that the October workshop will be rescheduled to October 30th at 9:00 am.

10. ADJOURNMENT

ACTION: Motion to adjourn at 10:00 p.m.

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on November 13, 2018.

Recorded by Kimberlee Ward, Town Clerk