

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, August 14, 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, August 14, 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 REVEREND MOLLY PAINTER FOLLOWED BY THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda with the one requested amendment.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

- a. Council Member Garza stated that he had several comments regarding items on the consent agenda.

There is a request to transfer \$48,000 for the marina dredge project to cover a negative balance. He stated that on June 12, 2018, there was a similar request to transfer \$420,000 for the same purpose. He asked for clarification.

Mr. Cramer explained that he typically moves money into a line item for what they actually need and the rest of the funds are put into a contingency. Funds are moved over as they are needed so projects are being paid out of the correct line items. He continued to say that the reason for the negative balance is because they paid for an item first and then requested to move the money in the appropriate line item. The account is really not in the negative.

Council Member Garza asked for clarification on the Kimley-Horn expense.

Mr. Cramer explained they are the consultant for the Harper Avenue Streetscape and Phase C Projects.

Council Member Garza said he could not find any mention of a street sweeper in the budget discussions.

Mr. Cramer said that the street sweeper was discussed in the Operations budget presentation. It was stated that it was included into the loan/debts with the budget. The price tag was around \$295,000 and they budgeted at 4% interest but it came in at 3%.

Council Member Garza said that he did not recall seeing the street sweeper in the spreadsheet of possible cuts from the budget.

Mr. Cramer said that he would be glad to show him where it was listed.

Council Member said he had questions about the street sweeper and felt that Council hammered out pretty hard about equipment. He stated he remembers seeing some equipment but does not recall anything about the street sweeper.

Mayor Benson said that he would make a motion to adopt the consent agenda with the exception of the street sweeper item.

b. Budget Amendments & Transfers

ACTION: Motion to approve budget amendments and transfers as presented by the Finance Director.

Motion: Joe Benson

Vote: UNANIMOUS

c. Year-End Budget Transfers

ACTION: Motion to approve budget transfers as presented by the Finance Director.

Motion: Joe Benson

Vote: UNANIMOUS

d. Requesting Council adopt resolution #18-2192 for purchase of a Street Sweeper

ACTION: Motion to remove this item from the agenda and table it for further discussion.

Motion: Joe Benson

Vote: UNANIMOUS

e. Budget Amendments for Carryovers

ACTION: Motion to approve the budget amendments and carryovers as presented by the Finance Director.

Motion: Joe Benson

Vote: UNANIMOUS

- f. Set a Public Hearing Date for September 11, 2018 to consider a resolution closing a 15 foot wide public alley between two properties owned by Carolina Beach Presbyterian Church

ACTION: Motion to adopt Resolution No. 18-2185 to hold a public hearing on September 11, 2018 to declare the intent to close a 15 foot alley currently owned by the Town of Carolina Beach located between two Carolina Beach Presbyterian Church properties. Tax Parcel # R08813-008-001-000 and R08814-001-010-000

Motion: Joe Benson

Vote: UNANIMOUS

- g. Approval of Minutes

ACTION: Motion to approve the meeting minutes from July 10, 30, and August 3, 2018.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

- a. Employee Recognition

Chief Spivey recognized Sergeant Dustin Gentzler for 10 years of service with the Police Department.

Chief Griffin recognized Lt. Anders Remahl, Lt. Eric McDade and Master Firefighter Josh Canfield for 5 years of service with the Fire Department.

Gil DuBois recognized Gene Gurganus for his upcoming retirement date on August 24, 2018 with 27 years of service.

- b. Special Events for August and September

Brenda Butler gave an update on the special events scheduled for August and September, 2018.

5. PUBLIC COMMENT

- a. Melanie Coefield, 1615 Spot Lane gave a brief presentation and spoke against the FE-6.

John Jaecklein, 1004 North Carolina Avenue spoke against the FE-6 fence.

David Coefield, 1615 Spot Lane spoke against the FE-6 fence.

Fred Grady, 608 Cape Fear Boulevard - Would like for Council to consider reducing the speed limit on Cape Fear Boulevard from 35 mph to 25 mph. Council asked to put this on the September 11th agenda as a public hearing.

Laura Snow, 801 Texas Avenue spoke against the FE-6 fencing.

Richard Celeski, 941 Carolina Sands Drive spoke against the FE-6 fencing.

Steve Albachter, 1615 Spot Lane spoke against the FE-6 fencing.

Len Simpson, 210 Lumberton Avenue spoke about golf cart taxis not following Town regulation. He stated that Sun and Fun Taxi is not following the rules.

Philip Schoonmaker, 929 Carolina Sands Drive spoke against the FE-6 fence.

Heather Arnold 917 Carolina Sands Drive spoke against the FE-6 fencing.

6. PUBLIC HEARINGS

- a. Public Hearing for the purchase of 903 N Dow Road for the purpose of utility upgrades

Mr. Cramer presented the request to purchase property at 903 North Dow Road from Carolina Beach Presbyterian Church for the amount of \$101,260.

Council Member Shuttleworth expressed his concern that the property appraised for \$10,000 and is upset because the asking price is 10 times the appraised value.

Council Member Pierce stated that she was not happy about the price but realized the Town needed the property.

Council Member Garza feels that the church should be good neighbors and offer the property to the Town at little to no cost. The purpose of this project would benefit them as well as the community.

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

Patricia Jones mentioned that putting a waste water treatment plant on this property could possibly decrease the value of the neighboring property.

Philip Schoonmaker feels that Carolina Beach Presbyterian Church should give the Town the property since the Town is giving them the alley.

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

Mayor Benson stated that he did not like this deal.

ACTION: Motion to approve the purchase of the property located at 903 North Dow Road for the sum of \$101,260.

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

Vote: failed

7. ITEMS OF BUSINESS

a. Opioid Resolution

Mayor Benson read Resolution 18-2193 supporting expanded access to treatment for opioid addiction.

ACTION: Motion to approve Resolution 18-2193 supporting

Motion: Joe Benson

Vote: UNANIMOUS

b. Adopt Island Greenway Fence Detail

Jerry Haire presented the options for fencing along the Greenway.

Mayor Benson opened the floor to public comment.

Melanie Coefield said she would be delighted to have the black coated vinyl fencing. She feels it would look nice.

David Coefield feels the ornamental fencing may last a lot longer.

Steve Albachter wanted to recommend a fence company in Texas that he requested quotes from.

Gregg Happe, 1225 Croaker Lane feels that there are too many variables to make a decision tonight but he is glad to hear that Council is ruling out the FE-6 fencing. He would like to see some landscaping options also to provide a buffer for the residents on Croaker Lane.

Dan O'Conner, 616 Greenville Avenue is glad Council is not considering FE-6

MPT Bridges said there is a lot to consider and does not feel the decision needs to be made tonight but he is not in favor of barbed wire.

Council Member Pierce asked the attorney to review the current contract for fence.

MPT Bridges wants information on the longevity and warranty of the different fences.

Council Member Garza wants to table the item until all the information has been gathered.

Council Member Shuttleworth wants to review the approval process from MOTSU, understand the grant money, and the cost for fence variables. He mentioned that the cost includes, staff, attorney fees, contractor fees, etc. He also mentioned that he is concerned that some streets still need to be paved, etc.

Mr. Haire asked folks to spread the word to please stay off the trail construction area. People are on the trail interfering with contractors and there was a near miss with a child the other day.

Mayor Benson said the stop order that he put into affect on the fence is still active but the Greenway is still moving forward. They will continue to research the options and discuss at the next Council meeting.

c. Appointment to the Bike/Ped Committee

Council appointed Keith Boswell to the Bike/Ped Committee for a term ending 6/30/2021.

d. Presentation by Mr. Fort and Mr. Freeman

Steve Fort from Little River, South Carolina spoke on behalf of the Freeman Beach, LLC the property owners for the south half of Freeman Park. He stated that owners of the property entered into an agreement with the Freeman family to grant them an easement to the monument that would be constructed. They would like to fulfill their agreement with the Freeman's but they can only grant them an easement through their property line which is the same property line for the city limits. They are requesting the Town to grant an easement from the Hatteras Ramp to the city limits which approximately 700 feet. He continued by saying the owners of Freeman Beach, LLC received a Notice of Intent from the Town of condemnation and eminent domain to obtain a 6,000 foot easement to put dredge pipe on the beach. They are proposing a swap of easements, a 6,000 foot easement for a 700 foot easement.

Bill Freeman asked that the Town grant access for the Freeman family to visit the monument that Freeman Beach LLC promised to construct on the property. He reminded Council that his family has been very cooperative with the Town for many years. He reiterated that the only thing the Freeman family is asking is to have access to the monument.

Council Member Shuttleworth asked Mr. Bill Freeman if the family would be willing to place the monument on Town property and the Town would help maintain and police it.

Mr. Bill Freeman replied that they would like the monument on property that was previously owned by the Freeman family. He said if they could not get that, he would appreciate the Town providing a space for it.

Council Member Pierce asked if they had a drawing or a design of the moment. She added that Council just heard about this for the first time this afternoon.

Eric Freeman stated that the family is starting a Freeman family historical society. They will be based in Seabreeze. He feels there is a sister/sister relationship between Seabreeze and the Town. The historical society will make Carolina Beach a tourist destination. They have marketing packages put together and feels that the multiplier will be 1.3 in 3 years. He added that what they would like to do is be able to come off the hatteras ramp and travel behind the dune on a paved access to the monument.

Council Member Shuttleworth asked if the beach access that everyone currently uses does not work for what they want to do. He went on to say that the agreement between the new property owners and the Freeman's state that they will have pedestrian access to the

monument. It states that the public will walk to the monument.

Mr. Eric Freeman asked when that agreement was signed.

Council Member Shuttleworth replied that it was executed in 2015 and this is the first time the Town has seen or heard of this agreement.

Mr. Freeman said that was news to him. It wasn't his understanding that it was a pedestrian only easement. They were wanting a permanent vehicular and pedestrian easement.

Council Member Shuttleworth suggested using the current access for a vehicular easement since that is only temporary. He also mentioned that according to the map, it looks like they have the proposed monument placed in the wetlands area. He reiterated that he is not sure why Council is just hearing about this since the agreement has been in place since 2015.

Mr. Freeman stated that he was just made aware of this agreement today as well.

Council Member Shuttleworth read from the agreement that neither party is obligated to maintain the monument. He feels that it would be nice to have a Freeman monument that would be maintained and protected by the Town.

Council Member Pierce said that Council appreciates everything the Freeman family has done for Carolina Beach and would like to work with the family but Council needs some time to review the request that was sent over this afternoon.

Mr. Freeman said he would like to get an updated or revised copy of that agreement because it is 3 years old.

Mr. Cramer asked if they would like for him to work with the Freeman's and Mr. Fort to work out the details.

Council Member Shuttleworth addressed Mr. Fort and asked why the Town is just hearing about this today when they have met several times over the last year.

Mr. Fort replied that he just heard about this today as well. He added that their backs are against the wall with the Town threatening eminent domain. They are trying to reach some agreement with the Town to avoid conflict.

Council Member Shuttleworth stated that the Town has backed off of eminent domain and condemnation. They just want a temporary 12 month construction easement to allow the pipe line for a beach renourishment project. And it is possible the Town will come back in 3 years and ask for it again.

Council Member Pierce added that it is very important to add sand onto the beach and that is all they want out of this.

Mr. Fort stated that he understands that and he would like to grant the Town a permanent easement and the Town grant them a permanent easement. He would like to look over the current agreement.

8. NON-AGENDA ITEMS

Council Member Pierce asked what the Town is doing about mosquitoes. With all of the standing water, something needs to be done.

Mr. Cramer replied that the Town does not spray for mosquitoes, New Hanover County Health Department handles it. They were spraying on the island last Tuesday. They also have pellets to put in standing water. You can contact New Hanover County to receive those.

Council Member Pierce asked about the emergency vehicle lanes on the beach and if ATV's should be traveling in that lane also. She added that there are a lot of ATV tracks in the wet sand area in the mornings.

Mr. Cramer said they should drive in the emergency lane unless they are unloading.

Council Member Pierce asked if turtle patrol should also be using that lane.

Mr. Cramer said that they should be unless there is a nest.

Council Member Pierce asked if there was an update on the digital sign for Town Hall.

Mr. Cramer replied that they are still researching it.

Council Member Shuttleworth asked Mr. Cramer to work with the Chamber on that.

Council Member Shuttleworth asked if Council would entertain an unfunded budget request for \$1,500 to contribute to the bike rodeo. He added that they were short around \$3,000.

Council Member Garza stated to contribute \$960 or \$1,130.

Council Member Shuttleworth said to pick a number.

Council Member Pierce suggested that the manager has a pot he can pull from.

MPT Bridges said that Council keeps cutting his pot.

Council Member Shuttleworth concluded the conversation by stating that he is going to ask for \$1,250.

Council Member Garza told Council Member Shuttleworth that he feels all of Council was in agreement.

MPT Bridges said that turtle patrol is out at 6 am and they must look at the high side and the low side of the beach strand so they are driving their Gator's in the wet sand area of the beach. He added that he and his wife are on the patrol and have been advised to travel down low to get a good visual.

Mayor Benson asked if the bathroom renovations are still on for post Labor Day.

Mr. Cramer said that they were.

Mayor Benson asked about the Texas pump house and if there were logs on that and if that was the cause for the failure.

Mr. Cramer replied that he was not sure if there were logs but he has asked Mr. DuBois for a reason for the failure.

Mayor Benson asked if the Town would consider installing a storm drain behind 1606 Snapper Lane?

Mr. Cramer said he could send someone out there and asked if the Mayor had a point of contact for that concern.

Mayor Benson stated they were in the audience and he would link them up with him.

Council Member Pierce asked if the Town was going to clean up the benches and swings. She state that they look bad and maybe should be stained in the fall.

Mr. Cramer said that they were stained in the Spring and would be stained again next spring.

Mr. Cramer said that Sheila handed them some budget information on the street sweeper that was provided during the final budget meeting. He asked if Council wanted to put that item on the September 11th Council meeting.

Council Member Pierce asked if the Town currently had a street sweeper that was operational.

Mr. Cramer said that there is a street sweeper but it is about 14 years old. He added that you can tell that the system is not working properly by the stripes it is leaving on the streets.

Mayor Benson asked to put the item on the September 11th agenda.

Ed Parvin said that P&Z met last week about tree preservation. P&Z did not take any action. They wanted more direction from the community and Council.

Council Member Shuttleworth asked to have a joint meeting with Planning and Zoning at the next workshop.

Council Member Pierce suggested having it at the next P&Z meeting.

Mr. Parvin said there is a meeting tomorrow at 3 and 6 for Phase C. This is the last chance before getting permitting with the state for this project. The following day is for the north end.

9. CLOSED SESSION TO DISCUSS AN ATTORNEY/CLIENT MATTER AND A REAL ESTATE MATTER IN ACCORDANCE TO NCGS 143.318.11 (a)(3) and (5)

- a. Closed Session to Discuss an Attorney/Client and Real Estate Matter in Accordance to NCGS 143.318.11(a)(3)&(5)

ACTION: Mayor Benson will make a motion to go into closed session to discuss an attorney/client matter and a real estate matter in accordance to NCGS 143.318-11(a)(3)&(5). The parcels being discussed include:

R09013-001-140-000 (601 Carolina Sands Drive) owned by Marvin and Lynn McNamara for the purpose of infrastructure improvements.

The following properties are being discussed for the purpose of engaging in acquiring, constructing, reconstructing, extending or otherwise building or improving beach erosion control or flood and hurricane protection works and park space.

R08500-006-009-000 owned by Freeman Beach, LLC

R08500-006-008-0888 owned by B&F Enterprises of Calabash, LLC

R08500-006-007-001, R08500-006-007-000, R08500-006-006-000 owned by Carolina Freeman LLC

R08500-006-002-000 owned by the Winnie Everett Futch heirs

Motion: Joe Benson

Vote: UNANIMOUS

10. ADJOURNMENT

ACTION: Motion to adjourn at 10:30 pm

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on September 11, 2018.

Recorded by: Kimberlee Ward, Town Clerk