

# CAROLINA BEACH

Regular Town Council Minutes  
Tuesday, February 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, February 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, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

### 1. MEETING WAS CALLED TO ORDER WITH INVOCATION BY PASTOR KEN GOURLAY WITH WHISPERING PINES BAPTIST CHURCH FOLLOWED BY THE PLEDGE OF ALLEGIANCE

### 2. ADOPT THE AGENDA

Motion: Joe Benson

Vote: UNANIMOUS

### 3. CONSENT AGENDA

- a. The following items were approved under the consent agenda:
  - Budget amendments and transfers as requested by the Finance Director
  - 2018 version of the Personnel Policy
  - Disband the Ad-hoc Boardwalk Committee
  - Set a public hearing for March 13, 2018 to consider a text amendment to Chapter 40, Article III to the dimensional criteria for accessory structures.
  - Set a public hearing for March 13, 2018 to hear from non-profits regarding donation requests
  - Minutes from January 9, 18, and 23, 2018
  - Award financial auditing contract to Bernard, Robinson and Company LLP
  - Ordinance No. 18-1074 for the Canal Drive Survey Project
  - Bylaws for the new Canal Drive flooding ad-hoc committee
  - Bylaws for the new bicycle/pedestrian ad-hoc committee

**ACTION:** Motion to approve the consent agenda.

Motion: Joe Benson

Vote: UNANIMOUS

#### 4. SPECIAL PRESENTATIONS

- a. Presentation by Girl Scout Troop 1925

Girl Scout Troop 1925 gave a presentation on the kindness rock project.

- b. Request for New Event - Gnarly Charley Surf Series

Blake Davis from Surfside Beach presented the request to hold a surfing event on May 5, 2018 from 9 am until 4 pm near the pier. It is for kids under 15 and they are expecting 50-60 kids. They have received numerous requests to host this event in Carolina Beach. They have a beach sweep before and after the event.

**ACTION:** Motion to approve the Gnarly Charley event for May 5, 2018 from 9 am until 5 pm.

Motion: Joe Benson

Vote: UNANIMOUS

- c. Request for New Event - Beach Bacon and Beer Festival

Greg Reynolds presented the request to host this event on April 14, 2018 from 11:30 am until 4:30 pm at the Carolina Beach Lake. This will take the place of the chowder festival. This provides an alternative for those that do not want to attend the azalea festival. There will be food vendors, beer tents, and possible hollerin contest. They have hired police officers. They will reach out to all the Carolina Beach restaurant businesses.

**ACTION:** Motion to approve the Beach Bacon and Beer Festival for April 14th, 2018 from 11:30 am until 4:30 pm.

Motion: Joe Benson

Vote: UNANIMOUS

- d. Request for New Event - Carolina Beach Ocean Rescue Lifeguard Association

Captain Chad Soward presented the request for this event. This will be a fund raiser for the Lifeguard Association. This is a beach rescue challenge to allow people to experience what lifeguards do. The cost will be \$25-\$30 per person. There will be no more than 10 obstacles on the beach strand in front of the lifeguard substation. This is more of a fun event and not so much a competition. It will start at 8 am and hopefully end by 9:45 am. They are asking the Town for ropes, cones, and possibly for parking fees to be waived until noon. All of the money raised will go toward the lifeguard competition. The competition this year and next year will be in Nags Head for regionals. Nationals will be held in Virginia Beach.

**ACTION:** Motion to approve the Carolina Beach Ocean Rescue Lifeguard Association event for May 12, 2018.

Motion: Joe Benson

Vote: UNANIMOUS

- e. Special Events Update by Brenda Butler

Brenda Butler presented the events for February and March, 2018.

Council Member Garza recommended creating a Facebook event on these items as well as sending out a reminder a week in advance.

f. Project Update by Gil DuBois

Gil DuBois gave an update on the following projects:

Phase B is still underway and should be wrapped up before the season. It is coming in on time and under budget.

There is a large paving project coming up that is going to be on Saint Joseph, Lewis, Access, Spencer Farlow and all of Bridge Barrier. This project will start on Monday, February 26th.

There is a stormwater project going. Everything from the lake to Saint Joseph Street has been replaced or repaired.

Wells are starting to be evaluated. There are wells that were dug in 1938 that have never been thoroughly evaluated. Well #5 at McDonald Park was only producing 15 gallons per minute. The well was pulled out and there was an obstruction in the well. This is a 220 foot well that was only using 86 feet of it. There was a hole in the discharge pipe of the well casing so all of the water that was pulled up into the pump was recirculating. Well #10 on Spencer Farlow under the bridge has had multiple electrical failures. That is being worked on by A.C. Schultz and should be back online in 10 days.

Beach accesses on Alabama and South Carolina should be complete in the next couple of weeks.

The Alabama half million gallon water tank has been inspected and painted.

The SCADA system for the distribution well will be undergoing implementation in the next 30 days.

The cleanup around the lake should be terminated by the 28th of February. The concrete and parking area will be put back but it will not be back before the Step up for Soldiers BBQ event.

The bulkhead on Teakwood has been repaired. They are still working on the storm drain situation behind the homes on Teakwood and trying to finding funding for the project.

There has been about 120 pot holes patched over the last couple of weeks. The cold weather is causing the high number of holes.

Council Member Bridges complimented the staff for the work that was done at the Help Center.

## 5. PUBLIC COMMENT

- a. Art Wheeler owner of Pleasure Island Shuttle and Cab stated he is trying to get a shuttle/bus system on the Island. There is a definite need for affordable transportation. He is asking for a Town

representative to meet with him along with WAVE to put something together.

Council Member Shuttleworth said he would be willing to help facilitate getting that conversation started.

## 6. PUBLIC HEARINGS

### a. Presentations by Non-Profits Requesting Funding from the Room Occupancy Tax Funds

Tim Morrison presented the request on behalf of Pleasure Island Revitalization Association. They are requesting \$33,500 for FY 18/19.

Greg Reynolds presented the request on behalf of the Pleasure Island Chamber of Commerce. They are requesting \$97,400 for FY 18/19.

No action is necessary for the PIRA request until the adoption of the FY 2018-2019 Budget.

The Chamber of Commerce is asking for a vote tonight due to the timing of expenses that come due before the adoption of the budget.

**ACTION:** Motion to approve the Chamber of Commerce request for \$99,400 and give authority to the Town Manager and Greg Reynolds to enter into a contract for fireworks for the 2018 season.

Motion: Steve Shuttleworth

Vote: UNANIMOUS

### b. Approval of Financing Terms for Land Purchase

**ACTION:** Attorney Noel Fox presented the financing terms for 801 Dow Road at 3.28% for 10 years from BB&T.

Mayor Benson made a motion to open the public hearing.

No one spoke.

Mayor Benson made a motion to close the public hearing.

Council Member Shuttleworth asked how long this project will sit idle. He mentioned that he thought it was further along than it is.

Mr. Cramer said it could be up to 18 months for the storage tank. The purpose of the property will be a water treatment facility in the future. The concept is to have two smaller plants, one at Alabama and one at this location to split them half and half instead one big plant.

Council Member Shuttleworth said that this was the first he has heard of having two separate locations. The purpose of getting the 801 Dow Road property was the cost

savings of not having two different locations. The idea was to have one water treatment plant so that everyone on Carolina Beach would have consistent water quality.

Mr. Cramer responded that during the planning process they will discuss all of the options. One of the options is doing all of the treatment at one facility. The other option is using the Alabama tank and having two reverse osmosis systems. Engineering for the treatment plant could take a couple of years.

Council Member Shuttleworth asked what the property will be used for in the meantime.

Mr. Cramer replied that it would be used for storage.

Motion to approve Resolution 18-2174 Approving Financing Terms.

Motion: Joe Benson

Vote: UNANIMOUS

- c. Text Amendment to Chapter 14; Article VII, Sec 14 and Chapter 18; Article 1 to create an allowance for a Commercial Pedal Vehicle that would allow the consumption of alcohol. Applicant Tina Bell, Pleasure Island Peddler, LLC

Jeremy Hardison presented the text amendment to allow for commercial pedal vehicles.

The vehicle holds 8-16 passengers. It does have a driver but is pedaled by the passengers. It also has an electric assist so they can maneuver the vehicle if there are no passengers. They provide tours and visits local establishments. It permits the consumption of alcohol by the passengers while on the vehicle. They do not sell alcohol, it is bring your own beer or wine. The vehicle is the size of a large SUV. It maxes out at 15 mph under the electric assist. This is not classified as a low speed vehicle. All of them will have turn signals, head lights, and brake lights. The business would have to be exempt from the local regulation of open container similar to the sidewalk cafe's. NC State law prohibits passengers from consuming alcoholic beverages in the passenger area of a vehicle except for what is known as the limousine law. The ABC law prohibits the consumption of liquor so it would only be beer and wine. The Town Code does not address this type of activity so an ordinance would have to be created. There would also need to be an application process for approval.

Ms. Fox explained to Council that what they are considering is the creation of an allowance under the existing code for a commercial pedal vehicle. It is currently not allowed by code. There is a separate agenda item that includes the application for the permit if this gets approved. This is a legislative hearing and the public can provide their thoughts on it. Council can add the specifics that they would like to see added.

Council Member Pierce expressed concern about not seeing safety specifics in the proposed ordinance. She wants to see the restrictions about not operating after dark and the requirement for head lights, tail lights, turn signals, etc.

Council Member Shuttleworth said that he agreed with Council Member Pierce that there needs to be more specifics.

Mr. Cramer reminded Council that they can request staff to bring this item back with the specifics that they would like to see added.

Council Member Shuttleworth explained that he didn't want a business owner to create a business plan and then could not operate based on the restrictions that Council sets.

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

Greg Bell, 206 Ocean Boulevard and husband of the applicant. He is also representing Hop Lite. They are in support of the trolley pub and would be upset if there were limitations to Lake Park Boulevard.

Roger Monk said that his wife owns Island Beverage and they are also in favor and feels this would create revenue for his business.

Jerry Bagnell, 1601 Swordfish Lane and a member of the Police Advisory Committee feels that this will create a problem with congestion and feels there would be complaints from the residential section.

Art Wheeler, Pleasure Island Shuttle and Cab asked if anyone could anyone do this. Council replied yes.

Fred Grady feels it is a great idea. His only objection is the safety of not having lights and turn signals. The proposed ordinance should include safety features.

Matt Hamlet, applicant said that this trolley does have the safety features and that seat belts would be hazardous for open vehicles.

Laura Hamlet, 1414 Snapper Lane feels that it would be beneficial because people like to go on bike rides but they have to take separate bikes. The pedal pub gives people the opportunity to ride together.

Jay Healy 701 Charlotte Avenue feels that you should be open to fresh ideas. It is attractive to him and his family.

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

MPT Bridges does not think it's a good idea to make a change in the code that wouldn't benefit business.

Council Member Garza disagreed. He does not have a problem with the trolley being on Dow Road or Lake Park Boulevard.

Ms. Fox reminded Council of purpose of text amendment and that they should not be considering the application at this point, only the text amendment.

Mayor Benson said he would like to separate the two items and add the safety features necessary in the ordinance.

Council Member Shuttleworth said he would like to discuss a requirement in the ordinance to include safety mechanism and a defined route. Safety features would include a minimum of head lights, tail lights, and turn signals. He said that he sees both sides of the seat belt issue. He feels that all applications should have a defined route approved by Council. He does not support it on Dow Road but is not sure about Lake Park Boulevard. He asked if you could limit the number of trolleys.

Council Member Pierce said you are also going to have to know where drop off and pick up is as well as loading and unloading requirements.

Ms. Fox said that Wilmington does limit the number of applicants.

Council Member Shuttleworth feels this item needs a little more work.

Mr. Cramer said that it sounds like Council is requesting this to come back to include topics such as routes, safety features, limiting the number of permits, parking, and loading and unloading.

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

Mayor Benson asked for a show of hands in the audience of who was in favor.

Patrick Boykin 702-2 Elton Avenue asked if they've been drinking for 2 hours do you want them driving a vehicle on the roadway afterward.

Lynne Conto 807 N Carolina Avenue said she rode the trolley pub in Wilmington. She is in favor of it for places like Wilmington but not in Carolina Beach because of the traffic.

Patricia Jones 612 Carolina Beach Avenue North stated that she walks to work and wouldn't mind Lake Park Boulevard being 25 and Dow Road being 35. She would like to see speed limits lowered in town.

**Mayor Benson motion to close public hearing. Motion carried unanimously.**

Mayor Benson said he would like to see specifications to safety items and look at the routes case by case.

MPT Bridges stated that no one on council is ready to vote on this text amendment.

Council Member Shuttleworth suggested giving staff direction. His recommendations include addressing safety, pick up and drop off locations, how they collect their fares, routes, and that

applicants come to council for approval to limit the number of permits issued. He would also like to hear from other similar communities.

Ms. Fox stated that staff has good direction and will bring it back.

Mr. Cramer stated that they will bring it back to the next Council meeting.

## 7. ITEMS OF BUSINESS

- a. Consider approving the Budget Ordinance 18-1075 and Project Manager for the FEMA Flood Mitigation Assistance Grant FY16.

Jeremy Hardison presented the request for a budget amendment to the 2016 FEMA elevation grant in the amount of \$483,535.92. This is for the Flood Mitigation Assistance Program.

Council Member Shuttleworth asked how many houses have had repetitive flood damage.

Mr. Hardison said there are 250 homes that have reported repetitive flood damage.

**ACTION:** Motion to approve Budget Ordinance 18-1075 for the FY16 FEMA Elevation Grant and award the bid to Holland Planning Consultants for project management.

Motion: Steve Shuttleworth

Vote: UNANIMOUS

- b. Resolutions in Support of the Cape Fear Blvd. MUP Project

Jerry Haire presented the Cape Fear Boulevard Multi-use Path Project.

The Cape Fear Boulevard Multi-use Path Project is .32 miles of 10' wide paved trail along south side of Cape Fear Blvd. from 6th Street to Dow Road.

The first request is for Resolution No.17-2175 in support of requesting additional funding from the Wilmington MPO.

The Town received 2 bids for the project. The low bid was from Legion Asphalt, Inc. for \$243,954.36 The Town's engineer has reviewed the bids and found Legion to be the lowest responsible responsive bidder.

The Town has a total of \$250,000 in available funds -\$200,000 in federal grant funds and \$50,000 local match.

The current funding exceeds the bid amount but not sufficient to cover the required 15% DOT administrative fee, streetscape or any contingency.

The MPO has additional funding available to the Town to assist with the project; funding existing projects is a top priority for the MPO Board.

Funding and recommended request:

- Base bid:\$243,954.36
- Project cost w/ DOT fee, streetscape & contingency \$349,082.27
- Additional funds needed: \$99,082.27
- 80% grant funds request to MPO: \$79,266
- 20% local match: \$19,816



The second request is for Resolution No. 17-2176 in support of awarding bid for project to lowest responsive responsible bidder, Legion Asphalt, Inc. pending concurrence with award by the North Carolina Department of Transportation.

The resolution is required as part of a concurrence package that must be reviewed and approved by NCDOT before the Town can actually award the contract. Once the resolution and concurrence package is approved by DOT, the Council will be able to award the bid at the March 13 regular meeting.

Action requested:

- Adopt Resolution No.18-2175 in support of requesting additional funding for the Cape Fear MUP Project from the Wilmington MPO.
- Adopt Resolution No.18-2176 in support of awarding the bid for the Cape Fear MUP Project to the lowest responsive responsible bidder, Legion Asphalt, Inc. pending concurrence with award by the North Carolina Department of Transportation.

Timeline:

February 13 - Town Council adopts Resolution in Support for additional funding from MPO/DOT and Resolution to award contract to low bidder for DOT approval.

February 28 - MPO Board approves new funding request resolution; DOT prepares Supplemental Agreement for Town and Board of Transportation approval

March 13 - Town Council awards bid following DOT final approval of bid and the MPO Board approval 2-28; execute contract w/ Legion Asphalt, Inc.

April 5 - DOT Board approves SA

Mid. April Commence construction

August, 2018 Construction complete

Fred Grady, Cape Fear Boulevard asked to approach Council to say that he supports any sidewalk in Carolina Beach. He sees people using them often.

**ACTION:** Motion to approve Resolution No. 18-2175 in support of requesting additional funding for the Cape Fear Blvd. Multi-Use Path Project from the Wilmington MPO.

Motion to approve Resolution No. 18-2176 in support of awarding the bid for the Cape Fear Blvd Multi-use Project to the lowest responsive responsible bidder, Legion Asphalt, Inc. pending concurrence with award by the North Carolina Department of Transportation and the Town Attorney's approval.

Motion: Steve Shuttleworth

Vote: UNANIMOUS

c. Committee Appointments

**ACTION:** Motion to appoint Tom Ullring to the Marketing Advisory Committee with a term

ending 6/30/2020.

Motion to appoint Mike Hoffer to serve as the Carolina Beach representative for the WMPO Bike and Ped Committee.

Motion: Steve Shuttleworth

Vote: UNANIMOUS

d. Discussion on Increasing the Residential Recycling Program

Mr. Cramer presented the request to increase the recycle pick up to once a week. Waste Industries agrees to additional pick up for \$1.10 per month.

During the summer, there are additional charges for additional pick up on the north end and the beach strand for an additional \$7.78.

Council Member Shuttleworth asked if the Town could absorb the cost for the remainder of the contract which is until December 31, 2018.

Council Member Pierce wanted to know why this wasn't a public hearing. She would like a public hearing for this topic.

Council Member Garza feels that the Town should absorb the cost this year and have the conversation with the residents moving forward.

Mr. Cramer reminded Council that this was a request by Council.

Council Member's Shuttleworth and Garza would like the Town to absorb.

MPT Bridges does not want the Town to absorb the cost. Stating that the little chunks add up and causes the fund balance to deplete.

Mayor Benson requested this item come back to a workshop.

**ACTION:** Motion to increase the frequency of Residential Recycling Collection to once a week and pass the \$1.10 per month increase to the residents.

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

Vote: carried

e. Resolution Requesting New Hanover County Temporarily Provide Coverage of Building Inspections.

Ed Parvin presented Resolution 18-2177 requesting temporary coverage of building inspections and plan reviews by New Hanover County beginning February 26, 2018 until a new building inspector is

hired. The current building inspector Darrel Johnson will be taking another job in New Bern, NC.

Council Member Garza asked if the positions are being advertised nationally.

Mr. Parvin said they advertise within the State because they have to have an NC building inspector certification.

Council Member Shuttleworth said that there needs to be a salary study and they need to understand why there has been so much turnover.

Mr. Cramer replied that 3/4 of the 13 employees that have left this year, left for family reasons.

Council Member Shuttleworth said that he heard there were some benefit shortages that has prevented the Town from hiring certain applicants.

Mr. Cramer stated that was not correct. The benefits have changed over previous years and Council approved those but stated that was not the reason for the turnover.

**ACTION:** Motion to approve Resolution 18-2177 requesting coverage assistance from New Hanover County Inspections starting February 26, 2018 until a new inspector is hired by the Town of Carolina Beach.

Motion: Joe Benson

Vote: UNANIMOUS

## 8. CLOSED SESSION

- a. Closed Session to Discuss an Attorney/Client Matter and a Real Estate Matter regarding 3 CBAS and 0 Freeman Park in Accordance to NCGS 143-318.11(a)(3) and (5)

**ACTION:** Motion to go into closed session to discuss a real estate matter and an Attorney/Client Matter in accordance to NCGS 143-318.11(a)(3) and (5). The property being discussed is 3 Carolina Beach Avenue North owned by Virginia Loughlin and 0 Freeman Park owned by Richard Burnett Jr. et al, for the purpose of park space.

Motion: Joe Benson

Vote: UNANIMOUS

**ACTION:** Motion to return to open session. No action taken in closed session.

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 March 13, 2018.

Recorded by Kimberlee Ward, Town Clerk