

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, September 12, 2017 @ 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, September 12, 2017 at 6:30 PM at Council Chambers.

PRESENT: Mayor Dan Wilcox, Mayor Pro Tem LeAnn Pierce, Council Member Steve Shuttleworth, Council Member Tom Bridges, and Council Member Gary Doetsch

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. CALL MEETING TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

- a. Adoption of the Agenda

Mayor Wilcox announced the changes to the agenda:

The Daniel Fetner Memorial Ride is being removed from the agenda. They have decided to keep the ride within the State Park limits for safety purposes.

The public hearing for accessory structures will be tabled to the September 26, 2017 workshop.

ACTION: Motion to adopt the agenda.

Motion: Dan Wilcox

Vote: UNANIMOUS

3. SPECIAL PRESENTATIONS

- a. Employee Recognition

Chief Alan Griffin recognized Captain Simon Sanders and Lieutenant Nate Myrick for their recent promotions.

Chief Chris Spivey recognized Detective Sonny Russell for 5 years of service.

Michael Cramer recognized Waste Water Treatment Plant Superintendent Bill Raymond for 20 years of service.

- b. Presentation by Garret Adams, President of CB Jeep Club

Garrett Adams presented a donation in the amount of \$1,000 on behalf of the CB Jeep Club and Mad Katz Bar and Lounge to be used for the maintenance of Freeman Park.

- c. Special Event Request - Port City Ribfest

Mr. Allen McDavid presented a request to hold a RibFest November 10-12, 2017 in the area of the boardwalk.

ACTION: Motion to approve the RibFest event November 10-12, 2017.

Motion: Gary Doetsch

Vote: UNANIMOUS

- d. Special Event Request-CB State Park Half Marathon

Colin Hackman presented the request to host a marathon/half marathon along the Snow's Cut trail and the State Park.

ACTION: Motion to approve the Friends of State Parks Marathon for Saturday, December 30, 2017.

Motion: Dan Wilcox

Vote: UNANIMOUS

- e. Special Event Request-Irreverent Warriors Silkies Hike

The Irreverent Warriors Silkies Hike provides therapy and treatment for veterans suffering PTSD and to prevent suicide. The hike facilitates veterans bonding, connecting and supporting each other. They would like to host the event on October 21, 2017 from 7 am until 9 am.

ACTION: Motion to approve the Irreverent Warriors Silkies Hike on October 21, 2017.

Motion: Tom Bridges

Vote: UNANIMOUS

- f. Special Event Request-K.I.S. Scavenger Hunt Fundraiser

Dawn Gual with Keep It Sweaty (K.I.S) requested to host a scavenger hunt on November 4, 2017 from 9 am until 11 am. The event will partner K.I.S. with A Safe Place organization with a goal to raise awareness of the growing issue of human trafficking in the local area, raise funds for the organization, and collect school supplies for Carolina Beach Elementary School. The scavenger hunt will begin and end at CB Lake, and no other events or activities are planned to occur at the lake

during this time.

There will be a 2.5-mile scavenger hunt to find clues that will make up an empowering phrase. Each clue will guide teams to the next obstacle, challenge or riddle, where they will obtain the pieces of the phrase that will come together at the end of the hunt. Golf carts with drivers will be used to transport teams to 2 of the 9 hunt locations.

ACTION: Motion to approve the K.I.S. Scavenger Hunt Fundraiser on November 4, 2017.

Motion: Dan Wilcox

Vote: UNANIMOUS

- g. Special Events for September and October

Ed Parvin presented the upcoming events for September and October.

- h. Opiate Update by Chief Spivey

Chief Spivey gave an update on the opiate epidemic and what the police department has been working on over the past three months. He also mentioned that the police and fire departments have seen a reduction in overdose calls in the last few months.

- i. Project Update by Michael Cramer

Michael Cramer gave an update on the following projects:

Phase B

Marina Phase 1 and 2

Island Greenway

Cape Fear Multi-use Path

Lake Dredging

- j. Manager's Update

Michael Cramer gave an update on the following topics:

Staff Turnover

Lake Park Traffic Study

USACE Work on Snow's Cut

The next beach nourishment project is scheduled for 2019.

4. OLD BUSINESS

- a. Recommend FY15 FMA Elevation Bid Award

Ed Parvin presented a request to award Buechele Construction the contract for the flood mitigation

work.

The Town was awarded a Flood Mitigation Grant to elevate three residential properties for a total amount of \$540,284.00. Bids for the three (3) FY15 Flood Mitigation Assistance (FMA) elevation units were opened by the FMA consultant (HCP) and Carolina Beach staff in the Town Council chambers at 2:00 PM on August 14, 2017. The Town advertised the bid opening in both the Wilmington Star-News and the Gazette, and also mailed/e-mailed bid advertisements to 25 local and regional general contractors. Two general contractors submitted bids. Both were satisfactory and included all required information and certifications. Only two bids are required for award because this procurement is not a public contract governed by NCGS 143-129. Staff recommends the award of all three units to Buechele Construction of Wilmington, the low bidder on all three houses for total amount of \$465,731. Mr. Buechele has advised HCP that he can complete all three units from October, 2017 through April, 2018, which is consistent with both the town's and owners' desired construction schedule.

ACTION: Motion to award the FY15 elevation grant to Buechele Construction to elevate three residential homes.

Motion: Tom Bridges

Vote: UNANIMOUS

5. PUBLIC COMMENT

Patrick Boykin, 712 Glen Avenue mentioned that he had asked several months ago for additional screening and the Town said they would provide it. It has not happened. He also asked about a schedule for paving Blanche, Kenneth, Glen, and Elton Avenue where Ocean Heights put in the water lines.

Mr. Cramer said he would check on the screening. He also mentioned that Ocean Heights is finishing up the sewer lines on one section and then they will pave the whole area. It should be paved within the month. They will not patch it.

Ethel Kagan, 704 South 5th Street has concerns about infectious diseases with dog feces and coliform in the water.

6. PUBLIC HEARINGS

a. Golf Cart Ordinance Amendment

Michael Cramer presented the request to amend the golf cart ordinance adding safety requirements such as headlights, tail lights, seat belts, and turn signals.

Mayor Wilcox opened the public hearing.

Ethel Kagan, 704 South 5th Street expressed concern about putting seat belts on small children. She does not feel they are tall enough to fit safely in the belt.

Kevin Kessler, 317 Hamlet Avenue feels that the Town is responding emotionally and not factually about the real risks. He agrees with implementing safety measures but feels it is not enough time to have all golf carts retrofitted by January 1. He also feels that there should be more areas for golf carts to double up in parking spaces.

Harry Papazian 500 Jarret Bay Drive asked if DOT has come back with anything on reducing the speed limit on Lake Park Boulevard near Bertram Drive.

Mr. Cramer said that DOT is 3 weeks into a 6 week study.

Dean Emblar owner of Sun Fun Rentals said that he informs all of his customers of the rules. He also provided Council with information on the cost of upfitting a cart to meet proposed requirements.

Lance Bradner, 1411 Mackerel Lane mentioned that NC law requires children to be in the back seat of a vehicle and feels that would be a conflict with a golf cart.

Janna Cadenas, 1601 Bertram Drive, stated that the seat belts on golf carts are only lap belts and are not designed to hold car seats.

Ashley Hunter 221 Teakwood Drive, wanted to know why the town is requiring seat belts. If it is for the sole reason of not exceeding capacity, people should just use common sense and not have more passengers than the cart's capacity.

Carey Staten, 221 Teakwood Drive, mentioned that low speed vehicles go double the speed of golf carts. He feels this is government creeping.

Cindy Dunn, 915 Tidewater Lane thinks car seats are a bad idea but seat belts are a good idea.

Mayor Wilcox closed the public hearing.

ACTION: Motion to approve Ordinance 17-1064.

Gary Doetsch (Moved By)

Dan Wilcox

LeAnn Pierce

Steve Shuttleworth

Tom Bridges

For

For

For

For

Against

Vote: carried

- b. Accessory Building Discussion (Will Be Tabled to September 26th)

7. CONSENT AGENDA

- a. Consent Agenda

Motion to approve the items listed below that were on the consent agenda:

Amendments and transfers submitted by the Finance Director

Meeting minutes of August 8 and 22, 2017

Motion: Dan Wilcox

Vote: UNANIMOUS

8. NON-AGENDA ITEMS

9. NEW BUSINESS

- a. Committee Attendance Report

The Operations Advisory Committee reported that Committee Member Tom Elicson has missed the past four consecutive meetings and has not met the 75% annual meeting attendance requirement.

ACTION: Motion to remove Tom Elicson from the Operations Committee roster for not meeting the attendance requirement. Mayor Wilcox asked the Clerk to send Mr. Elicson a thank you letter and ask that he reconsider participating when his schedule allows.

Vote: UNANIMOUS

10. CLOSED SESSION

- a. Closed Session to Discuss a Real Estate Matter in Accordance to NCGS 143-318.11(a)(5)

ACTION: Motion to go into closed session to discuss a real estate matter in accordance to NCGS 143-318.11(a)(5). The properties include:
3 Carolina Beach Avenue South owned by Virginia J. Loughlin for the purpose of park space and 801 Dow Road owned by RDJ Properties, LLC for the purpose of utility infrastructure.

Vote: UNANIMOUS

11. ADJOURNMENT

Mayor Wilcox reconvened the meeting stating that no action was taken during closed session.

Mayor Wilcox made a motion to adjourn at 10:00 p.m.

Ordinance 17-1064

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An update to the Golf Cart Ordinance

DIVISION 2. - GOLF CARTS AND LOW SPEED VEHICLES

Sec. 16-73. - Policy statement.

This article is adopted to address the interest of public safety under the provisions of G.S. 160A-300.6, which provides the town authority to regulate the use of golf carts in the town that have not been outfitted with approved safety equipment and registered as required by state law. Generally, golf carts, hereinafter called "carts," that have not been outfitted and registered, are not designed or manufactured to be used on anything other than golf courses and the town in no way advocates or endorses their operation elsewhere in town. The town, by regulating such operation is merely trying to address obvious safety issues and adoption of this chapter is not to be relied upon as a determination that operation is safe or advisable if done in accordance with this chapter. All persons who operate or ride upon carts do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others including their passengers, other motorists, bicyclists and pedestrians. The town has no liability under any theory of liability for permitting carts to be operated in town. The owner and operators of a cart are responsible for any liability involved in using a cart. Without the adoption of standards for operation on public streets, there are ~~currently~~ no rules or regulations that address golf cart operation and by creating standards for limited operation on ~~public private~~ streets within the town, the town is responding to citizen concerns regarding operation deficiencies. These regulations impose more stringent policies on cart operation. The town does not encourage cart operation and does not represent that operation of carts under these rules will render cart operation totally safe and without risk to the driver and passenger of said vehicles.

(Code 1986, § 9-55; Ord. No. 08-765, 11-10-2008)

Sec. 16-74. - Definitions

- (a) Golf Cart ("Cart") – A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.
- (b) Low Speed Vehicle – A four wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

Sec. 16-74.5. - Rules and regulations ~~for Golf Carts; town traffic code.~~

Carts may only be operated within the town in accordance with the following rules and regulations. An individual who operates a Cart in violation of these rules and regulations shall be subject to the penalty provisions of ~~section 16-768~~ or other criminal charges as allowed by law. The following rules and regulations apply to the operation of carts:

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- (1) Carts shall only be driven on roads posted 35 miles per hour or less. This does not prohibit a cart from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) Carts must have liability insurance coverage.
- (3) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles.
- (4) ~~Carts operating 30 minutes before sunset and between the time of one-half hour after sunset and one-half hour before sunrise shall~~ must be equipped with and have in use headlights, and tail lights reflectors located on the rear of the cart, and turn signal lamps.
- (5) Carts shall be equipped with at least one fixed operational mirror allowing the operator to see behind the cart.
- (6) No one is allowed to stand on a golf cart while it is in operation and may only have the appropriate amount of people that the golf cart is designed to carry.
- (7) The operator of the golf cart must be at least 16 years of age and possess a valid driver's license.
- (8) Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads. (9) Seat belts are required for every person seated on the golf cart. Seat belts must be worn by all passengers including children.
- (10) All required safety equipment must be installed to NCDOT Specifications and in place before the golf cart is registered with the town.
- (11) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Carolina Beach which governs the operation of motor vehicles.

(Code 1986, § 9-56; Ord. No. 08-765, 11-10-2008; Ord. No. 10-823, 3-23-2010)

Sec. 16-76. - Rules and regulations for low speed vehicles

The operation of a low-speed vehicle is authorized with the following restrictions:

- (a) A low-speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (b) A low-speed vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number.
- (c) A low-speed vehicle shall be registered and insured with the North Carolina Department of Transportation in accordance with G.S. 20-50 and G.S. 20-30.

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(d) The North Carolina Department of Transportation may prohibit the operation of low-speed vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.

(e) Low-speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500.

Sec. 16-757. - Permit required.

- (a) No golf cart or low speed vehicle may be driven within the town without a permit being acquired from town hall and attached to the left, driver's front portion of the golf cart.
- (b) The Town Manager or his designee is hereby authorized to issue a permit to all appropriate applicants, one per golf cart or low speed vehicle to be operated. When issuing this permit, the applicant shall be required to sign a statement certifying he has read the provisions of the town's ordinance on golf cart or low speed vehicle usage as set forth in section 16-745 and 16-76. The permit shall be in such form as the town may deem practicable for ease of visibility.

(Code 1986, § 9-57; Ord. No. 08-765, 11-10-2008)

Sec. 16-768. - Penalty.

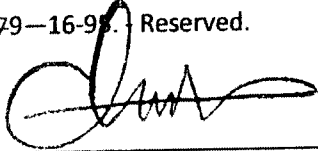
- (a) Any person violating the provisions of § 16-768 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.
- (b) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.
- (c) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.
- (d) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (e) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense

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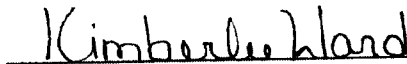
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(Code 1986, § 9-58; Ord. No. 08-765, 11-10-2008)

Secs. 16-779—16-95. Reserved.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

9-12-2017

Date Approved

