



CAROLINA BEACH

TOWN COUNCIL MEETING

MINUTES • MAY 24, 2016

Council Chambers

Workshop

9:00 AM

1121 N. LAKE PARK BLVD.
CAROLINA BEACH, NC 28428

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Present	
Steve Shuttleworth	Council Member	Present	
Tom Bridges	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

II. DISCUSSION ITEMS

a. Wedding House

(Requested by Kim Ward, Town Clerk)

Mr. Cramer talked about residences being rented out through property owners vs an agency, the impact on neighbors and managing those issues, specifically the property at 1511 S. Lake Park Boulevard being rented for weddings.

Council Member Doetsch asked about special events on private property being limited.

Mr. Cramer - Staff has reviewed various activities and what they might fall under in our ordinance and it doesn't fall into a particular category very well. One is the special events ordinance, Section 14-514, which lists exceptions which he reviewed. The main issues are trash, parking, noise, and protection of dunes that relate to this issue.

Ms. Fox - This is something that is being addressed in a lot of vacation areas, especially large houses on the coast becoming defacto destination wedding spots. Many municipalities in a destination area are trying to plug some holes regarding issues that ensue from that situation.

Mayor Wilcox - There is a difference between a residential structure and a residential use.

Ms. Fox - The noise ordinance as it is drafted now is enforceable without having to measure the sound. The subjectivity and how those complaints arrive to the police department or to the town might be something that might need to be added so rather than having the decibel level measurement as a good standard when there is a constant complaint about a constant area, maybe commercial property adjacent to

a residential neighborhood. In situations such as loud behavior that's inconsistent, how you get those complaints to the town so that someone can say, I have something that is disturbing me and my neighbors may need to be included in the ordinance.

Stan and Karen Lewis, 1503 South Lake Park Boulevard, and have resided there since 2002. They spoke at the council meeting two weeks ago and provided a list he felt were problems. We saw Mr. Fisher on the news last night saying he had been blindsided by this. Two weeks ago we did call him and the police chief sent him a letter saying that there were parking problems. We complained after that wedding saying the noise was too loud and they assured us they would try to do something about it. The next two weekends we've had two more weddings and had the same problems so if they were blindsided they've had two weeks to do something about it and nothing has happened. I have videos I am willing to show if someone wants to look at them where you can hear the noise. We downloaded a decibel meter for our phone and tried to show that the decibels were much higher than 65. I took a picture of the phone showing 80. We are three houses down. At the recent events there have been parking violations, trash not in trash cans, pictures of people walking through the dunes 20 times two weeks ago, also pictures of people standing in the dunes. There are a lot of violations, I am most concerned about the noise. We can't even talk on our deck to our guests, we have to go inside. All of the issues you are talking about are happening on a regular basis here. All I want is for someone to tell me how we can stop the noise and have a normal life. I have my house up for sale because of this. The quality of life is not what it was when we bought it. But I don't want to have to tell if I get a contract on my house that I will sell it to them but maybe 10-15 times a year you are going to have noise from this wedding house and that is not acceptable to me. This is also causing a potential financial burden. We are the only permanent residents in the 11 house area and the only ones there to complain. The music is amplified on large speakers. There is also a lot of noise from the guests toward the end of the evening after a lot of drinking. They showed a short video of three separate events.

MPT Pierce asked Chief Spivey if he used a meter when he was called out this weekend.

Chief Spivey -We have an old meter that needs updating. Groups that are renting are unaware of the ordinance. He notified the Fishers by certified letter on May 4th. Mr. Fisher called and said he was unaware of the issues. There is also an issue of different officers on different shifts trying to interpret the ordinance which is a little complicated and vague. I don't believe we have taken a meter out there yet. Officers have gone out there and listened to the noise, noted time of night, type of disturbance, what's reasonable, what's unreasonable, and duration.

Council Member Bridges - In this instance it is repetitive, every weekend.

Chief Spivey - The officer does typically go over and start out with a verbal warning and they are compliant. We have also found that sometimes they turn it back up. No citations have been given so far.

Scott Beals, 300 South Carolina Avenue, located 2 1/2 to 3 blocks back from where they are. We have a sliding glass door in our master bedroom. We thought the music we were hearing in the evenings was from the Tiki Bar. The noise from this house, there are neighbors 2 doors to our north, rental houses all around us. When these people hear the noise that is going on late at night then they think it is okay for us to do it, too. We have run into the situation where we have had neighbors

having parties 1:00 to 2:00 am up in their cupolas on top of their 3 1/2 story duplexes. It's not just the general din, it's the hooping and hollering. Renters and owners have told them he can't tell them what to do and we can do whatever we want. I am going to fight for my property because I have worked very hard to live where I live and enjoy my personal space. I understand people come down here on vacation to have a good time. The noise ordinance is very vague. I have called the Carolina Beach Police several times through the non-emergency number of 911 to have them come and go by people's homes and tell them they are creating a disturbance and to please quiet down, not to have the neighbors or the owners of those places the next day come back and give me an earful of expletives. There is a reasonable amount of time people can party - 3:00 pm you are hooping and hollering, that's okay but 10:00 pm on a weekday, 11:00 pm or 12:00 pm on weekends I think there needs to be more cut and dry, residents and vacationers all together because it is so vague. The police department is having to make such decisions based on what they feel is reasonable. I don't know if officer A thinks that somebody standing on their deck at 1:00 am hooping and hollering, drinking and laughing and carrying on is okay but it is keeping me and my wife from enjoying a night's sleep. I would love to see and would be glad to participate in a discussion with the town on better ways to enforce the noise ordinance and put some teeth into it. I see a lot of ordinances in this town - walking on the dunes, walking dogs on the beach and things like that, that don't have any teeth because nobody enforces it.

MPT Pierce - We don't have enough people to enforce them.

Mr. Beals - We had an incident where someone had dug a hole in the beach the size of a Volkswagen and we're walking in the evening and it's turtle season and we kindly asked the people if they would cover it back up. Two hours later it was still not covered up so we started to cover it up. The people came down and started giving us the third degree and said they could do whatever they want. You call the police who are busy doing other things and they come down and say you have to cover it up. There's threats and all kinds of stuff. It's not an easy situation to be on the reasonable and normal side of the argument.

Rick and Laura Fisher, owners of 1511 South Lake Park Boulevard, I am a bit nervous. I'm a pretty good neighbor and would be my intent to be a 5 star neighbor. Other than the certified letter I received a couple of weeks ago we have been completely blindsided about this issue. When I looked through all the data that the Lewis' so carefully put together, by the way I wasn't given that either. I poked around the website to make sure I could get the opportunity to speak today and, oh my gosh, there is a link to all this stuff. I see emails going on for months and years that this has been an issue and the fact that it's our house and our tenants and this is the first time we've heard about it is a little bit unsettling to say the least. My hope is that with better communication we can come to a resolution that work's this thing out. Laura runs our vacation rental business, I have a financial business back in Alamance County. If you are looking at the various stakeholders in this community maybe you would say your business owners, your permanent residents and your vacation rental people so that would be our constituent base. Our intent would be that whatever these issues are, Chief Spivey probably can tell you that the first day that I received that letter, within 30 minutes he got a phone call. When he called my cell phone when there was an issue I answered it and we immediately did everything that we could do not being on site to try to help. We do have a property manager, maintenance/cleaning folks who live on the island that were there pretty quick. We would certainly be open to anything that we can do to resolve this problem. It horrifies me to think that someone sitting on their back deck can't enjoy dinner with their friends. How do we make sure that the regulations are what they

need to be? How do we make sure that there's enforcement that needs to be? But, honestly, what can property owners like us do? I'm just the investment guy and am considering other investments here in Carolina Beach. On your website it says this is a great wedding destination. My concern would be action that we take today, how does that affect your investor public? Does that make this a less attractive destination for people to come in the off season? Our home sleeps a lot of people. Whether it is your family reunion, which we get a ton of, whether it is your multi-family summer vacationer, which we get the lion's share of, whether it's your church group which the police were called for them singing hymns on the back deck - our deal has been this is a rental property that we would like to rent as much as possible and the people who tend to rent it have a few folks that show up but that does not make it acceptable to have trash issues and parking issues and noise issues. We would like to help and collaborate with all interested parties to come up with some solutions that make sense for all of us.

Laura Fisher - I'm sorry this is a problem and we will work towards fixing it. I just want to be clear that two weeks ago I received the first phone call from Karen on which we immediately acted and within 10 minutes we had the music turned down. One of my staff members, Jeff Smith, he's local, went down there and got it handled immediately. Karen said she would call me directly, instead of wasting police resources. The next two weeks I never got any phone calls. I thought everything was fine and had no idea because she specifically told me she was going to call me. I called her yesterday after we found out about this to apologize and tell her how sorry I am and that we will hop on this and wish she would have called me and her reply to me was that she didn't call me because someone told her she needed to establish a pattern. Part of the problem with establishing a pattern is now there is great incentive to call 911 every time we have people at our house. Please don't misunderstand me, there is a problem. We need to handle it. The loud music, all that. We're on it. We are not doing just weddings. Our special events are big church groups, big soccer teams, UNC residents. You put 35 residents together you are going to hear them. My contract says 10:00 pm. I have been a little vague as to the noise ordinance. So ticket them, call me, slap them with a fine. If they are parking, tow them, burn their car, whatever it takes. And the trash, we have 6 receptacles and if we need more we'll get 20. Whatever it takes so that we aren't disturbing people but if we don't know about the problem we sure can't fix it.

Mayor Wilcox - We appreciate your investment in Carolina Beach and you want to maximize that. You also say you want to be good neighbors but you are not living here and don't have a sense for exactly what is going on over there. You said you asked someone to take care of it but there has been more since then. Most importantly I heard you say you're on it like white on rice, what does that mean? You say tow them, do this, do that - that's putting the burden on everybody else, the town, the residents. We're not taking any action today, we're just having a discussion. I'm curious to know what you mean by you're going to solve the problem. To me, you can talk about noise, the trash, all you want to. This is a business. You are running a business in a residential district in my opinion. I know there is a fine line in some cases but when I look at these pictures - in my opinion you have gone past living there or even renting it for vacation rental into promoting a wedding venue at \$4,900 or whatever. I think that is part of the problem. Residential areas aren't intended to run a business. I understand you made an investment but you invested in a residential property. So how do you see solving the problem?

Mr. Fisher - From a town perspective it will be interesting to see how we differentiate between one property that's purchased for investment and rental from one to

another. It might be something that needs to happen. What constitutes an investment property that we rent vs something else. We purchased it as an investment property that we would rent. We didn't purchase it with the intent of living in it. I doubt that it is 100% unique on this island.

Mayor Wilcox - My question was that you purchased a residential property and I understand that you want to rent it but we're into this point now that it's becoming a business is what it appears.

Mr. Fisher - How does that differ from any other person that purchases a property to rent?

Mayor Wilcox - I don't know yet, that's why we're discussing it. When it creates business-like impacts I think we have to start looking at it.

Ms. Fisher - We purchased the property in November 2012, We are full in the summer/shoulder seasons.

Mr. Fisher - As far as what we're going to do to solve the problem, I was hoping that all stakeholders could collaborate on. What can we do to solve the problem? Would it be best if someone is going to have a wedding there to pay an off duty police officer to monitor it?

Council Member Bridges - If you are going to have a big event you should have somebody there to monitor it and it's coming from you, not the town or the neighbors but from you.

Council Member Shuttleworth - what I hear is you are running a business. When you run a business, follow the business rules. Those are special events. You want to have a wedding party come and stay there that's one thing or a family reunion but when they invite all their friends and have 60 to 100 people that isn't okay. With me that's not okay. That's a business. So you can have three of those a year. That's the way I would look at it. You want to be a good neighbor. How do you get 36 people in 9 bedrooms?

Ms. Fisher - It's like a hotel room.

Council Member Shuttleworth - It's like a hotel room, that's my point. You guys are running a business. So you want to have a family reunion, that's okay but they're not supposed to invite 100 cousins over. What I'm hearing, it's a business. You want to rent as a weekly rental like 98% of the other business people on the island who have investment properties they rent them to families, maybe a soccer team but that is totally different than what you guys are doing and I would tell you that when you start advertising it as a wedding reception it's just different. If you are not familiar with what happens down here as an investor and as a property owner then go out and look at some of your competition because you are doing something that is totally different and I classify it as a business.

Mayor Wilcox - One thing I have learned through the years of doing this kind of stuff is that any time a property owner pushes to the limit what they feel are their property rights you are probably infringing on somebody else's property rights. You said you were on it like white on rice, we were wanting to hear what that meant.

Mr. Fisher - I think what she meant when she said white on rice was being responsive to a phone call, a letter. We were extremely responsive. Taking that to

the next level, my hope for this meeting was that this may be a first step into some type of collaboration on what can we do about it. Anything that is going to impact us is going to impact every other landlord in the area so make sure that we have some type of standards that are enforceable and consistent would be a responsible approach. Could we say either there's not going to be a wedding, getting married on the beach and having a reception at the house is unacceptable but a birthday party is acceptable, a family reunion is acceptable, a soccer team is acceptable. If we have all these and they are consistent I think that is great.

Mayor Wilcox - I am familiar with the house and have done some work on it. It's two units and where you are kind of going down the path of problematic is renting it all as one unit, not that you can't.

Council Member Doetsch - We are here to represent the people of Carolina Beach, the people who live here and the disturbing fact that I see here is they've had a continuing problem now for two years and you guys were completely unaware of it. When you are in a residential area you want to kind of conform to what it is supposed to be like in that area. Understand that I am going to be on the side of the gentleman sitting behind you who has been complaining now for a considerable length of time.

MPT Pierce - I think you guys mean every word you say that you want to work it out and I know you're not here and don't really know what is going on. We will be working through this ordinance and have more regulations. I agree that it has turned more into a business. The minute you start having amplified music and bands you have a problem, especially in a residential area. I don't know what your rules say and I don't know if people would want to have a wedding if they couldn't have a band. That's your first problem. The parking in the bike lanes, that's ridiculous.

Mr. Fisher - So what is your follow up if you do specify that?

Mayor Wilcox - What is your follow up? If you are renting this and you want to continue to rent it in some similar manner but to help solve the problem, wouldn't you have representatives out there who say you can't park there or if you park there I'm going to call a tow company. I'm not going to require the town to come out and the police to come out. To me it's not about amplified music, it's just noise in general.

Ms. Fisher - We've told them that they have to stop their outside music at 10:00 pm.

Council Member Bridges - But they don't. I was sitting with them on their outside deck at 10:30 pm and it was still going on.

Mayor Wilcox - If you are looking at being a good neighbor you put yourselves in the shoes of being in that house like where you live. Is that something you would want next to you or if you lived there would you be doing that to your neighbors?

Ms. Fisher - Where I live is not surrounded by vacation rentals. It's not in a neighborhood. The law, just so we're clear, if you use something as a vacation rental and you write it off you are legally only allowed to be there 10 days a year.

Mayor Wilcox - You seem to be concentrating on the technical aspects. We're trying to talk to you about the practical aspects. If you really want to solve the problem you have to put the technical aspects aside and say we're trying to be a good

neighbor. We realize we're not one of those situations where the business district is here and right next door there is a residence. Those are tough problems. You are in a totally residential neighborhood whether it's vacation rental or not.

Council Member Shuttleworth - There is a difference. People come down here on vacation and they have fun. We encourage that, that's how we survive as a community. But what you're doing is impeding on other vacationers enjoyment. The people who are renting the vacation unit two doors in the other direction aren't necessarily enjoying your parties. My question to you is when you check your customers in to your rental, do you go through the rules with them? Does someone meet them there and give them the keys and check them in?

Ms. Fisher - Not only do we give them the rules on the front side, we give them the rules again 30 days out and then the week before. I have a hired person, and this just started about a month ago where she calls and reiterates the rules and we make them sign the rules again when they submit their security deposit.

Council Member Shuttleworth - So what should you as the landowner, what do you do if they damage your property?

Ms. Fisher - I would keep their security deposit.

Council Member Shuttleworth - So what should we do if they damage our property?

Ms. Fisher - Fine them.

Council Member Shuttleworth - As long as you see that coming. I'm going to suggest we tell them. I'm going to suggest we fine you as the property owner. You can then collect it from your tenant.

Ms. Fox - I think that from the discussion that's been taking place there is an educational component that needs to take place from the property owners and there is an enforcement aspect that needs to take place from the town. But you should be familiar as the property owner with the town's ordinances and you should know that under the town's noise ordinance there is the ability for criminal process for your guests if they violate the town's ordinance. So you are asking the town to enforce it, as the town attorney I want to make certain that you know that means that there could be criminal enforcement, not just civil penalties. I would advise my guests of that possibility.

Mayor Wilcox - I am hearing that you did all these things and it's not working so when you change what you're doing so that it is working and I don't know if you have a representative out there the whole time of the event, meet them out there, check them in. Council can create more ordinances or clear ordinances up not just to address your situation or you guys can try and figure something out that works and be good neighbors.

Mr. Fisher - That's what we're in favor of.

Mayor Wilcox - We're going to be working on our noise ordinance anyway, that's not specific to you though.

Mr. Cramer - We haven't as a town, as the staff, gone to the personal level of calling owners, talking with owners who are not usually here in town just because of the difficulty of doing it. In this case we did and I think where it's getting us is an

obvious return on "let's try and work together on some of these particular issues". Although a lot of it is enforcement, I think it is us changing how we do business as a town that we're reaching out to individuals now to try and work through issues. It wasn't our intent that we would solve the issue we're talking about here today but just to start that dialogue and see where we can go from there. I have some recommendations on ways we could go and improve the situation as well as ways we could enforce a little differently than we have using the same enforcement tools. I think the ordinance is enforceable, that's not the issue. It's that we haven't been using those enforcement tools and we can work with them on that. I think there is room for improvement and there is the bigger issue which is how do you handle this as a growing concept and growing issue. I think one of the things that the Fishers made a good point of is that there are probably other properties that handle this type of activity. We're not getting the complaint calls on them either and, if we are, we aren't addressing them in a standard, uniform way. So maybe it is something where council would need to talk about how you handle this from an overall business perspective or topic perspective. There are two courses there. One addressing the particular issues and the other addressing the overall issues.

Mayor Wilcox - I have known Stan and Karen a long time and I have never known them to be unreasonable. If you had a couple of weddings a year, something of that nature, they wouldn't be sitting here today but it has gotten to the point where it is untenable for them.

Council Member Bridges - Council probably needs in general terms to look at our ordinances and try to address some things in a general position. You are in a very good position, I hope, to actively resolve the things of your one property which would help the situation for everyone involved if we don't hear of any more concerns and that you resolve them and I would suggest you do that. Most of us feel like you are running a business in a residential area and that is a concern. If you want to take the spotlight off yourself, take care of it.

Council Member Shuttleworth - Do you have a local property manager that helps?

Ms. Fisher - Yes.

Council Member Shuttleworth - Do you collect the room occupancy tax?

Ms. Fisher - Yes.

Mr. Fisher - This is a new process to us, we would love to hear ideas from all interested parties and we would love to have a way to share steps that we've taken with you.

Council Member Bridges - I don't get a call from the Lewis' being blown out of their house by noise this weekend, Saturday night. I have asked them to communicate with me each and every time because I want to keep up with this. The way you're going to solve it is I don't hear from them, they're not concerned, that's how you do it.

Mayor Wilcox - The manager and the chief I'm sure would be glad to sit down with you and have some discussions, not only about our ordinance but some suggestions. We're elected to represent the community residents. We appreciate investment, that's part of our island, but, at the end of the day, if there's a problem and it's between an investor and it's between a property owner and a resident, I'm stepping to the side of the property owner and that's probably where you're going to see

council. We'd love to see you work this out and make a return on your investment and make more investments. We're not here to punish you, we're here to help solve the problems.

Ms. Fisher - There is a wedding next weekend, it's small. So what is the rule? Is it no amplified sound because I've never seen that and didn't know that. What is special events? I do tons of family reunions. I just need some clarity because I'll operate within the rules. I just need to know what they are.

Mayor Wilcox - We'll get you a copy of the ordinance. As you heard, there is a decibel level in some districts. There is another section of the ordinance that says if you are disturbing your neighbors then you are still in violation. We appreciate you coming to address the issue. Meet with the Lewis' and the manager and let's fix it.

Mr. Cramer - We have two more issues for discussion. I would like for the chief to go out with the rest of the group and maybe you can talk through some of these things and we can work on it and move forward.

MPT Pierce - You need to tell your people if you are parked on the street in the bike lane your car is going to be towed. You can hire a tow company.

Council Member Doetsch - You're having a wedding this weekend, I hope I don't hear about it and hope Tom doesn't hear about it.

Council recommended staff look at some of the ordinances such as limiting the number of bedrooms to disallow mega houses and tighten up the noise ordinance. Issues also include lack of enforcement, dogs on the beach, growth of business use in a residential area.

- b. Presentation on need for fire/rescue boat, discussion on bid quotes and direction from council.

(Requested by Alan Griffin, Fire Department)

Chief Alan Griffin presented a request for the need of a fire/rescue boat to provide water related fire/rescue capabilities. This was put in the budget for this coming year. Used boats have proven to require too many repairs. The nearest fire/rescue boat is docked at PPD in Wilmington. Sunny Point's boat is restricted to where it can come in. He reviewed uses and needs. Vendors boats and quotes were shown. After specs are determined that's where they will get the final quote to bring back to council.

Additional considerations:

- Cost of electronics, lights, sirens (Estimated \$10,000.00)
- Storage/Dockage of boat for quick response. State Park will allow moorage there.
- Additional cost to maintain equipment.
- Cost of training personnel to operate boat.

Council and staff agreed if a fire/rescue boat is purchased to document use of boat by the county.

Chief Griffin requested permission of council to get three documented quotes with a detailed equipment list of what the costs are to put the boat in service. Also have the dockage worked out and bring a recommendation to council for vote.

- c. Review a development line proposal for ocean front properties

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison reviewed a development line proposal for oceanfront properties. Regulation was passed last month by the Coastal Resource Commission where local governments could develop their own setback line or build to line for oceanfront properties due to lending practices for non-conforming structures and not being able to be built in the same footprint or not at all. There are 64 non-conforming properties with over 800 units. To offer relief the CRC adopted the development line option which is an established line adopted by the local government that represents where a structure can be built up to as long as it meets setbacks using the vegetation line as the reference point in measuring oceanfront setbacks. We would use the building line that was established prior to CAMA's existence as the development line.

Council Member Shuttleworth - recommended that staff requests of CAMA, where there is a rock revetment on our development line, to reduce it from 120 feet to 110 feet or 100 feet. Spencer Rogers should be reminded we are the only one to have that.

Mr. Cramer - at the present time we don't believe that this will change anything from an insurance standpoint but we can check on that.

Staff is currently working on various locations where there was not a development line and surveying them for a correct development line. Staff will then proceed with the process of requesting a development line from the CRC, including a detailed survey of the rock revetment and the request to reduce it there, and its adoption. Will probably bring it back to council in ordinance form in July.

III. ADJOURN

Meeting adjourned at 11:45 a.m.

Kimberlee Ward
Kimberlee Ward, Town Clerk

6.14.2016
Date Approved