



# CAROLINA BEACH

## TOWN COUNCIL MEETING

### MINUTES • MARCH 28, 2017

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	
Ed Parvin	Assistant Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

#### II. DISCUSSION ITEMS

##### a. Noise Ordinance

*(Requested by Kim Ward, Town Clerk)*

Attorney Noel Fox reviewed the proposed changes to the noise ordinance.

The phrase "unreasonably loud noise" was added into the existing language.

The second change is the addition of the term residential zoning district.

We also added prima facie evidence if two or more persons from separate homes are complaining.

This applies to only residential. Commercial will come later.

Mayor Wilcox - What is the appeal process?

Ms. Fox - We did not address that but other communities use their Board of Adjustment. There needs to be a full revision of the noise ordinance. The easiest way to address the driving complaint is residential vs residential district.

Mayor Wilcox - I'm concerned about subjectivity. We need a right to appeal.

Ms. Fox - An officer's testimony will hold up in court.

Cramer - They can appeal to the chief of police, and then the person has the right to appeal to the court system.

Ms. Fox - We are suggesting \$500 for a fine, do you want to start at \$250? It is a

civil citation just like dogs on the beach.

Ms. Fox - The fine can be against the owner of the property not just occupant.

Mayor Wilcox - It's a property rights issue for me. I'm uncomfortable with it being subjective. Just because it's legal doesn't make it right.

Council Member Bridges - The rights go on both sides of the issue.

Ms. Fox - We need to design something applicable to all situations but right now we have a consistent complaint that this will address. We need to discuss the time and give me direction.

Council Member Doetsch - 5:00 is good for me. 5 pm - 7 am. I'm good with a fine of \$250 or \$500.

Mayor Wilcox - Who will be enforcing?

Mr. Cramer- Anyone who is sworn to enforce our ordinances; beach ranger, code enforcement, and police.

Mayor Wilcox - Let's say that it is a police officer in the ordinance. It provides more of a professional opinion.

MPT Pierce - I would rather have more options.

Council Member Bridges - I would hate for police to have to leave more important duties when we could use the code enforcement officer or ranger.

Mr. Cramer - This usually occurs in the evening hours. The beach ranger or code enforcement officer will most likely not be on duty.

Council Member Shuttleworth - Let the manager and chief appoint their people. Don't limit the ordinance to only a police officer. Let the manager make the policy.

Mayor Wilcox - I want it to be limited to police. It would be less arbitrary. (Doetsch agreed).

Council Member Bridges - We are giving authority to a ranger to write civil fines, why wouldn't you want to give him the authority to handle noise complaints?

MPT Pierce - Let the manager handle it.

Mr. Cramer - A beach ranger will have a list of what we expect them to enforce. Noise doesn't have to be one of them.

Council Member Doetsch - We are here to discuss the amount of the fine, who enforces it, and the hours of enforcement.

MPT Pierce - Is \$500 gouging? Will it stand in court?

Ms. Fox - Yes it will stand in court.

MPT Pierce - 5:00 is early.

Ms. Fox - This will apply to each residence in the residential district.

Mayor Wilcox - Is it fair to have this at 5:00 in the afternoon. I don't think that 5 is the right number. I would lean a little later.

Council Member Bridges - We are trying to address something more commercial.

Council Member Shuttleworth - Two or more people create a defacto? This is going to be so subjective.

Ms. Fox - Two people from separate homes create prima facie.

Mayor Wilcox - I cannot support two neighbors determining citations.

Ms. Fox - You have a noise ordinance now, this is a response to the workshop where you guys stated the existing ordinance does not impact the use of a particular property. This is in lieu of a special event permit for weddings. The consensus I'm hearing today is that you are not comfortable with this proposed ordinance.

Council Member Shuttleworth - For the record, I am comfortable with it. (Doetsch and Bridges agreed).

Council Member Doetsch - I'd say let's do \$250 starting off and a police officer needs to enforce it but the manager can come back to us and say that he wants to have others enforce it. (Mayor Wilcox and Council Member Shuttleworth agreed).

MPT Pierce - I am fine with leaving the discretion to manager.

Mr. Cramer - I would suggest enforcement hours from 9 pm to 7 am. (Council agreed). Before 9pm, an officer would go out and talk to offender and not necessarily cite them.

Council Member Bridges - We don't need to list the hours. You pigeon hole it and take away discretion from the officers. We don't need an hour if you trust your officers.

Mr. Cramer - Ms. Fox will work with staff on all the comments and make sure that we are not being too broad.

b. First FY 2017-2018 Budget Workshop

*(Requested by Michael Cramer, Town Manager's Office)*

Debbie Hall presented the General Fund Revenue. We expect to collect an additional 3.5 million in revenue by June 30, 2017. We expect to need 1.8 out of the general fund balance to reach the budgeted revenue.

Ms. Hall presented the enterprise fund revenue data. We expect to receive another 2.5 million in revenue by June 30, 2017. Projected revenue is 6.9 million. That would be a 7.5% overall

Mr. Cramer gave an overview of the general fund.

Chief Spivey is requesting 2 officers and 1 detective. Chief will present at the next budget workshop. We reduced the police department budget request by \$209,000.

MPT Pierce - Why did it go down?

Mr. Cramer - We found money elsewhere to cover the costs.

MPT Pierce - You said you were requesting personnel. Does that number include the officers?

Mr. Cramer - Yes. We removed the request for a backhoe because we acquired a military Hemmit. We reduced ops by \$402,000.

Mr. Cramer - The manager's request is 4.3% less than department request.

There is a 5% increase in personnel right off the top assuming a 2% COLA and up to a 3% merit. We are looking at a 2.3% increase in healthcare costs.

We trimmed two departments; water treatment and stormwater.

Mayor Wilcox - We need to take a strong look at COLA since we are outpacing actual Cost of Living.

Council Member Doetsch - You have to look at how many employees we have lost to surrounding communities.

MPT Pierce - What is the dollar amount for COLA?

Mayor Wilcox - The adjustment should be in merit not so much COLA.

Mr. Cramer - Last year I suggested 1% and council suggested 2%.

MPT Pierce - We are saying that we are \$2M short, where do we look at getting that?

Mr. Cramer - We cut \$366,000 of adjustments from the department requests vs manager's request. The departments requested an increase of 8%, the manager requested 3.8% so that's \$829,000.

Goals:

General Fund Reserve Goal is 50%. It is currently at 25%.  
Fund On-Going CIP and Capital Projects Requests \$78,500 General Fund and \$152,202 Utility Fund. Inlet Dredging and Beach Nourishment \$10,000 and \$350,000 per year

We are \$1.5 Million short if you stay at the existing rate .235 with the new revaluation.

Council Member Bridges - I would like to look at the increases in personnel.

Mr. Cramer - My goal was to hear from council what you would be willing for me to come back with.

Council Member Shuttleworth - You are building a case to go to .235 cents, but help us present the justification to say why it is inevitable.

Mr. Cramer - The next meeting is April 18th Police, Fire and Parks and Recreation.  
May 2nd - Operations  
May 30th Final Overview

June 13th Budget Adoption

Council Member Doetsch - Kim, please send meeting notices and change the May 30<sup>th</sup> meeting.

**c. Non-Agenda**

MPT Pierce - I would like to see camping fees of Freeman Park vs the South End.

Mr. Cramer - The Boardwalk Grand Opening will be April 6th at 2:00 pm.

MPT Pierce - There needs to be a crosswalk somewhere between the Federal Point Shopping Center and Carl Winner. There is a lot of pedestrian traffic.

Mr. Cramer - That is NCDOT Right-of-Way but we can ask for a study. The changes to the new intersection may help.

Council Member Doetsch if we increase meter rates, we need to look at on street parking in the residential areas. This will push people into the residential area.

**III. ADJOURN**

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Kimberlee Ward, Town Clerk

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Date Approved