

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, July 10, 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, July 10, 2018 at 6:30 PM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, and Council Member JoDan Garza

ABSENT: Council Member Steve Shuttleworth

ALSO PRESENT: Town Manager Michael Cramer, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR BENSON CALLED THE MEETING TO ORDER AND GAVE THE INVOCATION FOLLOWED BY THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

a. Annual Write-off of Outstanding Accounts Receivables

ACTION: Motion to approve Resolution 18-2189 to write-off uncollected utility accounts for a total of \$29,304.14.

Motion: Joe Benson

Vote: UNANIMOUS

b. Year End Budget Transfers

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

Motion: Joe Benson

Vote: UNANIMOUS

c. Consider Awarding Storm Debris Removal Contracts

ACTION: Motion to award the following contracts, in agreement with the findings of Johnson

Environmental.

2018-2019 Phase II - C&D Debris Removal and Vegetative Debris Removal/Disposal Contract

Primary Award (1st call) - Custom Tree Care, Inc. Topeka, KS

Secondary Award (2nd call) - TFR Enterprises, Inc., of Leander, TX

2018-2019 Sand Debris Removal, Sifting and Placement

Primary Award DRC Emergency Services, LLC of Metairie, LA

Motion: Joe Benson

Vote: UNANIMOUS

d. Approval of Minutes

ACTION: Motion to approve meeting minutes from June 12 and 26, 2018.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

a. Employee Recognition

Ed Parvin recognized Parks and Recreation Director Eric Jelinski for 5 years of service with the Town.

b. Proclamation 18-2184 Supporting Marsy's Law

Matt Hebb explained Proclamation 18-2184 supporting Marsy's Law which ensures that victim's receive the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak during criminal proceedings. He encouraged everyone to vote for this in November.

Council did not take a vote on this item but encouraged everyone to research to make an informed vote in November.

c. July and August Special Events

Brenda Butler gave an update on the events scheduled for July and August.

5. PUBLIC COMMENT

a. Tim Chestnut 210 Cape Fear Boulevard asked that Rosak's Towing have their permit revoked by the Town. They are not following the Town Ordinance. They only accept cash and are not available 24 hours a day.

Lisa Ashworth 1208 Bonita Lane spoke about the crosswalks. She does not feel that they are working. People are not stopping for the crosswalks and some people are not pushing the button to cross.

Tom Savarese 101 Lighthouse Drive agreed that the crosswalks are dangerous and not visible due to parked cars and pedestrians crossing in other locations. He recommended cranks to power the lights.

David Blackstock 1514 Pinfish, would like the Town to allocate a small space for a community garden.

Lynne Conto 807 North Carolina Avenue said that she and her husband Pete picked up trash for an hour on Dow Road and would like to see an Adopt a Highway Program.

6. PUBLIC HEARINGS

- a. To amend the Flood Damage Prevention Ordinance to incorporate updated Flood Insurance Rate Map data and ordinance requirements to comply with minimum National Flood Insurance Program (NFIP) regulations

Mr. Hardison: We are in our six-month adoption period currently. There were three meetings before the ninety-day comment/appeal period. In Carolina Beach, we had two appeals. One was the put-put at the Boardwalk. It was located in the V zone and all the other properties around it were coming out of the V zone. That was adjusted. The Pleasure Cay Community also had an area removed out of the flood zone. After this period, FEMA revised the maps and sent them out to the communities. After another period, we received the final determination from FEMA which let us adopt the flood maps. We reviewed it with Planning and Zoning, and they recommended approval from Council. The flood map can be reviewed from our website. There are four categories of a flood zone; two being in the flood map and two being in the flood zone. Along with the map, we have to adopt a new flood ordinance which includes certificates of elevation.

Mayor Benson asked if this is adopted, would it include those automatically or do those become optional?

Mr. Hardison said the recommendation was to require it but Council has the option. There is one that is required and that is the final certification.

Council Member Pierce asked if the staff had a recommendation.

Mr. Cramer said that the staff does see value in double checking.

Mr. Hardison said there is another option and that is the non-conversion agreement, which is optional as well and includes an inspection requirement.

Council Member Pierce said don't we already do that?

Mr. Hardison said yes, somewhat. The optional higher standards are prohibiting fill, prohibiting enclosures and using the non-conversion agreement. P&Z did recommend the three elevation

certificates.

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

Tom Savarese 101 Lighthouse Drive said if you're in a V zone or a coastal A zone and wanted a solid wall, that it would have to be breakaway.

Greg Miller 102 Carolina Beach Avenue North said that most of his business walls are lattice. He wanted to know whether there was some sort of provision where they could go find out how many vents they needed for their solid walls.

Mr. Hardison said yes; for every square foot of enclosure you have to have at least two vents. He also added that lattice is not considered an enclosure.

A resident from 704 South Fourth Street asked if she was grandfathered in, and if garages were included when talking about enclosures.

Mr. Hardison said yes, if it is below sea level and yes, this ordinance is for new construction.

Hubert McLamb from Benson owns property at 909 Basin Drive and would like the Town to resolve the flooding issue he has on that property.

Mr. Cramer asked Mr. McLamb to call him Wednesday morning to discuss.

John Layland, 205 Annie Drive said from a contractor's view, those elevation certificates should take care of themselves. He said the thing about those certificates is not just the cost but the time of waiting for the surveys to happen. He said his first reaction was that he didn't like it.

Dave Blackstock 1514 Pinfish suggested getting an elevation check when the band boards are set. That's eliminating two elevation checks instead of three.

Council Member Pierce said she appreciated him as a builder saying that.

Adam Priest 314 Lumberton Avenue said that he just had an elevation certificate done on his house and that is meant for insurance companies and FEMA. He thinks they should check the elevation level before building begins so they we do not waste money on repetitive certificates.

Sam Maroudis 315 Spartanburg Avenue asked when he would get the reduction after sending in his elevation certificates.

Mr. Hardison replied that in his case, you could immediately receive a break on your flood insurance. You will also get a base level reduction and that will go into place in August. There is another reduction too because we are dropping from a class seven to a six for which means a 20% reduction. That benefit comes in October.

Mayor Benson made a motion to close public hearing. The motion passed.

ACTION: Motion to adopt Resolution 18-2191, the new Flood Insurance Study and its accompanying Flood Insurance Rate Maps; as well as Ordinance 18-1089 amending Chapter 30 of the Carolina Beach Town Code referencing Flood Damage Prevention.

Motion: LeAnn Pierce

Vote: UNANIMOUS

b. Public Hearing on the Lake Dredge Project

Mr. Cramer gave an update on the Lake Dredge Project and four possible options.

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

Don Fox 505 South Fourth Street brought up several different issues with the lake, including waterfowl and algae. The lake is the first impression that everyone gets of the island. He would like to see the project completed.

Mayor Benson made a motion to close public hearing. The motion passed.

Council Member Pierce said she is in favor of a full dredge.

Council Member Garza stated he was in favor of full dredge and is ready to move forward.

MPT Bridges agreed.

ACTION: Motion to move forward with the Lake Dredge Project option four which includes: Remove Remaining Soil, Identify Secondary Disposal Site and Development Costs, and Estimate Cost for Excavation and Disposal.

Motion: Joe Benson

Vote: UNANIMOUS

7. ITEMS OF BUSINESS

a. Resolution in Support of Accepting a State Revolving Loan Offer for the Northend Water Project

Jerry Haire presented a request to accept a loan from the State in the amount of \$1,273,216 to replace 7600 linear feet of water lines along Florida, Georgia, Virginia, Delaware, Maryland, and Carolina Beach Avenue North from Salt Marsh Lane to Sea Oats Lane.

ACTION: Motion to approve Resolution No. 18-2186 accepting a State Revolving Loan Offer for the Northend Water Project

Motion: Tom Bridges

Vote: UNANIMOUS

b. Resolution In Support of Accepting a State Revolving Loan for the Northend Sewer Project

Jerry Haire presented a request to accept a loan from the State in the amount of \$2,153,287 to

replace 5890 linear feet of wastewater lines along Florida, Georgia, Virginia, Delaware, Maryland, and Carolina Beach Avenue North from Salt Marsh Lane to Sea Oats Lane.

ACTION: Motion to approve Resolution No. 18-2187 accepting a State Revolving Load Offer for the Northend Sewer Project

Motion: Tom Bridges

Vote: UNANIMOUS

c. Resolution in Support of Accepting a State Revolving Loan for the Phase C Water Project

Jerry Haire presented a request to accept a loan from the State in the amount of \$1,726,000 to replace 5220 linear feet of water lines along 3rd Street, Wilson, Lumberton and Florence Avenues from Lake Park Boulevard to 4th Street and Harper Avenue from 3rd Street to 4th Street, known as the Phase C Water Project.

ACTION: Motion to approve Resolution No. 18-2188 accepting a State Revolving Loan for the Phase C Water Project

Motion: Tom Bridges

Vote: UNANIMOUS

d. Resolution in Support of Accepting a State Revolving Loan for the Phase C Sewer Project

Jerry Haire presented a request to accept a loan from the State in the amount of \$1,342,000 to replace 2280 linear feet of water lines along 3rd Street, Wilson, Lumberton and Florence Avenues from Lake Park Boulevard to 4th Street and Harper Avenue from 3rd Street to 4th Street, known as the Phase C Sewer Project.

ACTION: Motion to approve Resolution 18-2190 in support of accepting a State Revolving Load for the Phase C Sewer Project

Motion: Tom Bridges

Vote: UNANIMOUS

8. NON-AGENDA ITEMS

Council Member Pierce said she will be meeting with Representative Ted Davis on July 20th regarding Room Occupancy Tax.

Mayor Benson asked to meet with Michael on Friday to get a timeline on the bathroom renovations.

9. CLOSED SESSION TO DISCUSS AN ATTORNEY/CLIENT MATTER IN ACCORDANCE TO NCGS 143.318.11(a)(3)

a. Mayor Benson made 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) and (5). The real estate matter includes the purchase of 903 Dow Road and an exchange of property for 100 Cape Fear Boulevard and 1 Cape Fear Boulevard owned by Carolina Beach Land Holdings, LLC. The Attorney/Client matter will include litigation in reference to 18 CVS 429 Jubilee Carolina, LLC vs Town of Carolina Beach.

Motion carried unanimously.

Mayor Benson made a motion to return to open session stating that no action was taken during closed session. Motion carried unanimously.

10. ADJOURNMENT

ACTION: Motion to adjourn at 9:30 p.m.

Motion: Joe Benson

Vote: UNANIMOUS

Adopted at a regular meeting on August 14, 2018.

Recorded by Kimberlee Ward, Town Clerk