



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • MAY 9, 2017

Council Chambers

Regular Meeting

6:30 PM

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

1. CALL MEETING TO ORDER WITH INVOCATION BY PASTOR DAN KECK (KURE MEMORIAL LUTHERAN) FOLLOWED BY THE PLEDGE OF ALLEGIANCE

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Late	6:05 PM
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	

2. ADOPT THE AGENDA

Mayor Wilcox made a motion to adopt the agenda. Motion carried unanimously.

3. SPECIAL PRESENTATIONS

- a. Introduce New Employee David Gale and Recognize Employees Years of Service (Alan Griffin and Stewart Henderson)

(Requested by Kim Ward, Town Clerk)

Eric Jelinski introduced the new Beach Resources Officer David Gale.

Chief Spivey recognized Corporal Stewart Henderson for 10 years of service with the police department.

Michael Cramer recognized Chief Alan Griffin for 5 years of service with the fire department.

- b. Presentation from MAC Committee on the Boardwalk Visitor's Center/Kiosk

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

Miles Bielec, Chairman of the Marketing Advisory Committee presented the idea of having a kiosk at the boardwalk and is requesting the town adopt a \$15,000 budget for this project possibly from the ROT funds.

Mr. Cramer said there are a lot of ideas out there to explore as far as a structure.

Mayor Wilcox asked that staff present ideas to Council at the May 23rd workshop.

- c. Proclamation of National Safe Boating Week May 20-26, 2017

(Requested by Kim Ward, Town Clerk)

Mayor Wilcox read Proclamation 17-2159 recognizing May 20 -26, 2017 as safe boating week.

The US Power Squadron was in attendance to support the Proclamation.

Mayor Wilcox made a motion to adopt Proclamation 17-2159. Motion carried unanimously.

- d. May and June Special Events by Brenda Butler

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the upcoming events for May and June.

- e. Project Update by Gil DuBois

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

Operations Director Gil DuBois gave an update on the current projects going on in town.

- f. Manager's Update

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

Michael Cramer gave an update on the lake dredge project and the marina bulkhead project. Jerry Haire is also working on a couple of grants, one being the bike trail with hopes of construction starting in October.

Council Member Shuttleworth was concerned why it has taken two years to get a ten foot wide strip of asphalt for three blocks.

4. OLD BUSINESS

- a. Stormwater Management Ordinance Changes

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

Mr. Cramer presented four recommendations for changes to the stormwater ordinance.

- The four main goals for improvement to the current ordinance include:
- Clarify when on-site controls are required
- Clarify when redevelopment is required to implement controls
- Improve drainage / flooding problems
- Reduce development costs related to stormwater

Mayor Wilcox requested a distinction between commercial and residential development.

Mr. Cramer said he could put in a definition for what a common plan of development is and relate that back to commercial activities.

Mayor Wilcox mentioned that we are using the term developer and more often than not it is a single homeowner wanting to clear a lot. There would be a \$500 - \$2,000 engineering fee to figure out what to do with water that is falling on an empty lot that should have a great absorption factor already. Then they have to spend the money for engineering again for a real stormwater runoff plan.

Mr. Cramer said we haven't typically been seeing permits come in that would require a plan where they are just removing vegetation. What we have seen in the past that may become an issue is where people fill their property without letting us know and

we don't have any idea how that stormwater runoff may negatively impact someone else.

Mayor Wilcox added that the negative impact increases when you build the structure. He just doesn't feel that engineering is required for that. Most people that do stormwater engineering do them for big projects, so they do not really want to do a \$400 drainage plan. There are other licensed professionals that we could accept like a landscape architect.

Mr. Cramer agreed that they could add the language of using an architect.

Mr. Parvin added that if you are filling a lot in a flood zone, you are required to have an engineer come in and certify it.

Mayor Wilcox said you just want to control the stormwater reasonably until development. He asked if item b on the flooding recommendation slide was triggered by any of the bulleted items listed. It reads as if any one of them would trigger and doesn't feel that a building permit requirement is reasonable because you have to have a permit for a structural repair or to do over \$5,000 worth of work on a structure or to change a stairway. None of those things should trigger a site drainage plan.

Mr. Cramer told the Mayor he is probably right. The purpose was for those who are building a brand new house but it doesn't read that way.

Mayor Wilcox said he understands the intent but another administrator may look at it differently.

Mr. Cramer said that he would come up with some language to get it right.

Mr. Cramer moved on to review the fees. The town is suggesting that the fees be based on the total amount of impervious area on the property itself.

Mayor Wilcox said that you are leaving out the area for parking and driveways and if you pay \$3 per square foot, you are paying more for fees than you are the concrete. You have to add that factor. The idea was to spread this across more areas and bring the fee down. By the time you add parking and the driveway, we are back to where we currently are.

MPT Pierce asked where the \$3 figure came from and why it is the same for residential versus commercial.

Mr. Cramer said that the \$3 figure came from the research on the Wilmington Beach Project. Council approved a \$6,000 per lot as a stormwater fee. Those properties could not put in a system and they had to pay the fee. The reason for that is because all that water migrates or is pumped to one of our regional Best Management Practices or our ponds. That \$6,000 does not include streets, water or sewer. It was strictly stormwater related.

Mayor Wilcox said that was correct, it was for the entire impact.

Mr. Cramer said that initially it started out at \$10,000 and then it was reduced to \$6,000 a couple of years later. We are trying to create an even playing field for all residential properties associated with this program. We are currently charging 2,000 square feet of impervious area as a residential unit at \$3 per square foot. You could

scale it for certain types of impervious surface. You could scale it for commercial verses residential; however, the logic behind it should apply equally for any type of impervious surface.

MPT Pierce said that she understands the logic but there is huge jump in commercial property from \$11,000 to \$26,000.

Mr. Cramer mentioned that part of that is strictly the amount of impervious area and the impact is greater on a commercial property than a residential.

Mayor Wilcox said that it actually costs less in the Central Business District.

Mr. Cramer said that it is not related to the impervious impact. That's where we are interested in changing to the impervious impact. You can pick and choose the dollar amount you associate with these.

Mayor Wilcox said that he had hoped we would go back and look at the fact that we currently are not collecting any fees from people that decide to put their own stormwater system in but those systems are not working and we are still ending up with the impact. The hope was that if we charge the fee across the board, except for redevelopment, everyone is paying and the fee would come down. He wanted to look at the overall revenues if we stay on our current path versus and charging everyone.

Council Member Shuttleworth mentioned that the Town currently gives the option to either put in your own stormwater system or have one put in. These should be site specific and they should have to be signed off by Brian. There are some places where you might have to say that you just can't have it. He also wanted to look at the overall cost of the fee in lieu of. Impervious is impervious whether it is a driveway, a roof top, or a deck - commercial or residential. He is not sold on \$3. It is a little strong. He asked the Town Attorney, given the recent litigation across the state and this is a development fee; where does that put us?

Attorney Fox said that Quality Homes doesn't address stormwater but all towns should be mindful of it, in the event that someone pursues that issue.

Council Member Shuttleworth said that \$3 still seems to be arbitrary. You better be able to defend it or we are going to end up in a law suit over these fees and these fees go back ten years.

Mr. Cramer mentioned that if you don't keep it the same with Wilmington Beach, you will be in a law suit comparing one with the other.

Mayor Wilcox said that you don't want to discourage someone that is capable of putting in their own system. We wanted to charge everyone but maybe give those a credit.

Mr. Cramer said that the last workshop this was discussed, it was suggested that if you wanted to put in your own system that we would have some rate of reduction.

Council Member Shuttleworth asked if that fee would credit the monthly charge.

Mr. Cramer said that it would not because the two are completely separate.

Council Member Shuttleworth said that our commercial property owners are putting

pretty exorbitant systems and maintaining them.

Council Member Doetsch said that this eliminates the option of putting in your own capturing system.

Mr. Cramer said that you are no longer required to put one in but if you do, you could get you a credit.

Council Member Doetsch mentioned that we need to have better standards that come along with that option.

Mayor Wilcox said that the credit numbers need to make sense. The whole reason we came up with these policies in the beginning was to increase our water quality. We need to show what it would be if they just paid the fee, but if they put in a qualifying retainage system there is a slight benefit. We are still getting a fee and we are getting the quality aspect that we want to maintain.

Mr. Cramer asked Council for direction because he feels that they are not ready to vote on the ordinance and wants to know what they need in order to feel comfortable voting on it.

Mayor Wilcox said that they need a little more objective criterion on where that fee comes from. He is concerned that we are using old numbers that are less scientific than anything we are doing now. He would like to relate it to the actual impacts of the town having to manage the water. The properties over 10,000 square feet go out and spend half a million dollars putting in pavement and stormwater ponds and then they pay to maintain the ponds as well as \$700 a month in user fees. There is still an inequity there. We don't have that many of those properties.

MPT Pierce asked for a comparison of our fees to our surrounding communities. We don't want to discourage people from coming.

Mr. Cramer reminded Council that they did present those comparisons in the last workshop but would send that information back out.

Council Member Shuttleworth would like to see what the process would be if someone has the option of putting in their own system and what that credit is. If they capture 100% of their stormwater and don't release it to the Town, do they get a discount? If they have no impact, we can't justify any fee. We are looking at quality and quantity.

Mayor Wilcox said that the system will not be able to handle 100% of the water.

Council Member Shuttleworth wants staff to go around town and see if there are any areas that are not capable of handling an in ground system. The other part is if you have a large system and they are required by the state to capture and treat their stormwater before it leaves their site, it is very hard to charge them a stormwater fee. We are charging them a fee for something they do not impact.

Wanda Thomas, St. Joseph Street mentioned that she has lived through a flooding situation and sees the same situation occurring on St. Joseph Street.

Mayor Wilcox asked how long the GIS survey is going to take so that we know how much impervious surface we have.

Mr. Cramer replied that it will take easily two years to figure out the stormwater drainage within the town. We are probably six months away from getting the impervious information. In order to do scientific, logical calculations on a credit for someone who has already put in a pond that was required by someone else, you need to have the data to go with that.

Council Shuttleworth said that he is not looking for a credit; he is looking for a justification on why we charge them a monthly stormwater maintenance fee based on an impact they may or may not have on our system.

Council Member Doetsch mentioned that not only are they capturing their own water but the water running off of the highway.

Mr. Cramer said that he understands what Council is looking for but is not sure he can get it all in one swoop. That's why we wanted to put off the fee changes for the large developments so we could try to correct the other things that we have issues with right now.

Mayor Wilcox asked Mr. Cramer to bring something back to them.

5. PUBLIC DISCUSSION

Patrick Boykin, 712 Glenn Avenue, spoke about his frustration that there is no plan to eliminate the Solid Waste Center.

6. PUBLIC HEARINGS

- a. Text amendment to amend Chapter 28 Sec. 28-60 to consider reducing the distance surfing is allowed from a pier and during special events. Applicant: Betty Phelps

(Requested by Jeremy Hardison, Planning and Zoning)

Ed Parvin reviewed the text amendment request made by Betty Phelps for Chapter 28-60(a)(3). She is requesting to reduce the surfing restriction area from 500 to 300 feet and 200 feet during approved special events. The Technical Review Committee reviewed the request and approve it as presented.

Mayor Wilcox opened the public hearing.

Amy Rose, Director of Eastern Surfing Association said that they set out markers showing the boundaries.

John Sideris, 1309 Burnette Road, said they also mark off the boundaries and is here in support of the

Lawrence Shotwell, Cape Fear Boulevard, spoke in favor of the Eastern Surfing Association and as a trial lawyer feels this does not pose any liability to the town.

Betty Phelps, owner of the North Pier, is suggesting that this be allowed by permit only.

Council Member Shuttleworth made a motion to approve Ordinance 17-1055 reducing the no surfing area from 500 feet to 300 feet and down to 200 feet during manager approved special events. Motion carried unanimously.

7. CONSENT AGENDA

Mayor Wilcox made a motion to approve the consent agenda that includes:

Budget amendments, transfers and appropriations for debt service as presented by the Finance Director.

Ordinance 17-1056 Marina Project Budget Amendment Ordinance as presented by the Town Manager to include the FEMA Grant monies awarded in the amount of \$550,906.00.

Minutes from April 11, April 18, April 25 and May 2, 2017.

Kure Beach and Fort Fisher Aquarium sewer rates as follows:

Kure Beach:

\$16,627.28 Fixed Rate

\$3,746.25 Capital Recovery Rate

.7648 Variable Rate

Fort Fisher Aquarium:

\$538.53

Motion carried unanimously.

8. NEW BUSINESS

a. Captain's Quarters Easement Resolution

(Requested by Kim Ward, Town Clerk)

Attorney Noel Fox presented Resolution 17-2160. This Resolution relates to a sanitary sewer line that was discovered on property owned by the Captains Quarters Association, Inc. during some improvements to Canal Drive. This particular line is adjacent to a highly sensitive environmental area and it was failing. The public works department had to make some remedial repairs. Captains Quarters asked if the Town would make the repairs, they would execute a Deed of Dedication which includes an easement for maintenance that the Town does not currently have.

Council Member Doetsch made a motion to approve Resolution 17-2160 allowing The Town of Carolina Beach to accept a Deed of Dedication from the Captains Quarters Association for ownership, operation and maintenance of the sanitary sewer line constructed to the Town's standards on the property located in Deed Book 1159, Page 292, Map Book 19 at Page 48 and Map Book 20 at Page 57 as shown by the New Hanover County Register of Deeds. Motion carried unanimously.

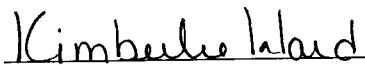
9. NON-AGENDA ITEMS

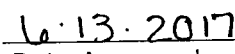
Mayor Wilcox mentioned that Mona Black's Marina and Randy Simon have been very accomodating during our marina construction project. They have opened up a slip to allow boaters to come in and dock and we appreciate that.

Council Member Shuttleworth said he would like a discussion on the May 23rd Workshop regarding traffic flow on Thursday nights.

10. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 8:51 p.m. Motion carried unanimously.


Kimberlee Ward, Town Clerk


Date Approved



Amend Chapter 28 Section 28-156 Surfing and other water-related activities

Sec. 28-156. - Surfing and other water-related activities.

In order to promote the general health, safety and welfare of the citizens of the town and its tourists from being injured while using the Atlantic Ocean within Freeman Park, any person while surfing and having in his possession any surfboard, boogie board, ski-board, jet ski, wave runner, skip pan or any other device used to propel such person through the waters excepting surf mats and beach rafts shall be subject to the following regulations:

- (1) Personal watercraft vehicles shall be prohibited in the surf area beginning at the mean high-water mark and extending 1,500 feet eastward into the Atlantic Ocean within the corporate beach limits of the town and its extraterritorial jurisdiction, except that town lifeguards and emergency personnel shall be exempted from this provision. Beaching or anchoring on shore will be allowed from Marker 22 to Marker 26. Beaching and anchoring shall only be done in a safe manner and at a safe speed. See article II of this chapter for operating regulations concerning personal watercraft.
- (2) Any person while surfing within the limits of Freeman Park with any surfboard and boogie boards shall have attached to his ankle a strap or shock cord of sufficient strength attached to the apparatus to prevent it from leaving the person in order to avoid injury to others.
- (3) No surfer shall be nearer to any fishing pier in the Atlantic Ocean than ~~500~~ 300 feet on either side of such pier within the town or its extraterritorial jurisdiction. Town lifeguards shall designate and mark with appropriate "no surfing" signs the restricted area on each side of the ocean piers. For surfing contests or other surf group activities, that are part of a special event permit, the required buffer may be reduced to 200 feet. This allowance is at the discretion of Town council or the Town Manager's designee. The request must be made prior to the approval of the special event permit, and listed as a condition of the permit.
- (4) All surfers shall, when advised by a town official, move to another location for surfing when it is deemed unsafe because of congestion of bathers in any one area.

(Code 1986, § 11-60; Ord. No. 06-658, 11-14-2006; Ord. No. 11-862, 4-12-2011)

Adopted this 9th day of May, 2017.

Dan Wilcox, Mayor

Attest: Kimberlee Ward, Town Clerk



ORDINANCE 17-1056
AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE FOR THE
MARINA EMERGENCY REPAIR PROJECT

The Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

SECTION ONE:

That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated a General Fund Capital Project by adopting the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
27-001-090	Contingency	\$ 0.00	\$550,902	+ \$550,902
TOTAL			\$ 550,902	

SECTION TWO:

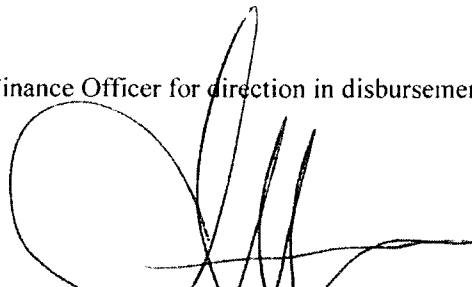
That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a General Fund Capital Project by adopting the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
27-350-002	FEMA-Hurricane Matthew	\$ 0.00	\$ 550,902	+ \$550,902
TOTAL			\$ 550,902	

SECTION THREE:


A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 9th day of May 2017.



DAN WILCOX, MAYOR

ATTEST:



Kimberlee Ward, Town Clerk



Proclamation 17-2159

Town of Carolina Beach
Town Council



NATIONAL SAFE BOATING WEEK PROCLAMATION

For nearly 90 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling, and fishing. During National Safe Boating Week, we want to bring special attention to this pastime and remind recreational boaters of a few tips to ensure that they and their loved ones are safe and responsible while exploring our nation's waterways.

Proper planning for a day of boating begins even before leaving the home. Getting a free vessel safety check and taking a safe boating course at the beginning of the boating season, filing a float plan with a trusted family member or friend, and checking the weather before boating are key steps to an enjoyable time boating. Every boater should wear a U.S. Coast Guard-approved life jacket at all times while boating. Drowning remains the number one cause of death for recreational boaters each year, and the majority of drowning victims in recreational boating accidents are not wearing a life jacket. Safe and responsible boating includes never operating a boat while under the influence of drugs or alcohol and knowing basic navigation rules.

Year-round, people continue to enjoy all that our natural environment has to offer through the joy of boating. National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters so that they can have a safer, more fun experience out on the water.

Whereas, on average, 650 people die each year in boating-related accidents in the U.S.; approximately three-fourths of these are fatalities caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

Whereas, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past.

Therefore, I, Mayor Dan Wilcox, do hereby support the goals of the North American Safe Boating Campaign (Wear It!) and proclaim May 20-26, 2017 as National Safe Boating Week and the start of the year-round effort to promote safe boating.

Town of Carolina Beach
Proclamation No. 17-2159

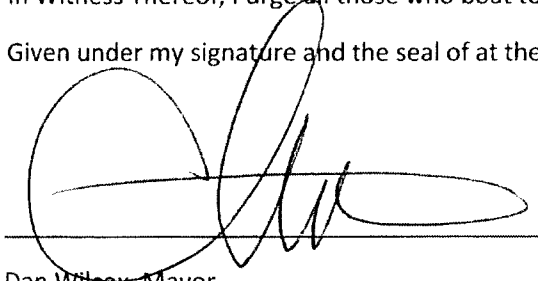
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Proclamation 17-2159

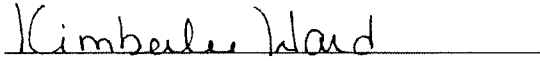
Town of Carolina Beach
Town Council

In Witness Whereof, I urge all those who boat to "Wear It!" and practice safe boating habits.

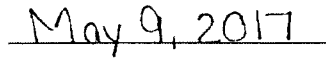
Given under my signature and the seal of at the town of Carolina Beach, this 9th day of May, 2017.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk



Date Approved



Resolution 17-2160

Town of Carolina Beach
Town Council



Resolution accepting ownership, operation and maintenance of a sanitary sewer line located in Captains Quarters

WHEREAS, The Captains Quarters Association, Inc. ("Association") is the owner of certain real property as shown in Deed Book 1159, Page 292, Map Book 19 at Page 48 and Map Book 20 at Page 57 of the New Hanover County Register of Deeds (collectively "Property"); and

WHEREAS, during recent infrastructure improvements on Canal Drive, a sewer line was discovered on the Property; and

WHEREAS, the Town of Carolina Beach does not have an easement to maintain the sanitary sewer line on the Property; and

WHEREAS, the Town of Carolina Beach never accepted a Deed of Dedication for the sanitary sewer line existing on the Property; and

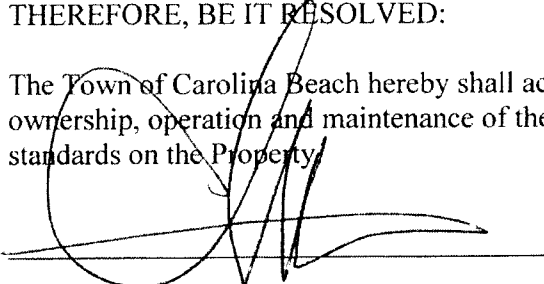
WHEREAS, the Association expressed an interest in dedicating the existing sanitary sewer line to the Town and providing the Town with an easement over the Property; and

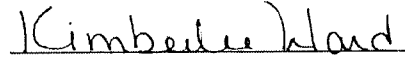
WHEREAS, the Town of Carolina Beach inspected the sewer lines and informed the Association that prior to accepting a Deed of Dedication for the sewer line existing on the Property that certain improvements were required to bring the existing sanitary sewer line into a state of repair acceptable to the Town; and

WHEREAS, the Association made all repairs required and the Town has inspected said repairs and it is in the best interest of the Town that the sanitary sewer line be accepted as public.

THEREFORE, BE IT RESOLVED:

The Town of Carolina Beach hereby shall accept a Deed of Dedication from the Association for ownership, operation and maintenance of the sanitary sewer line constructed to the Town's standards on the Property.


Dan Wilcox, Mayor


Attest: Kimberlee Ward, Town Clerk

May 9, 2017
Date Approved

