



CAROLINA BEACH

TOWN COUNCIL MEETING
MINUTES • MARCH 14, 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 REVERNEND SHAWN BLACKWELDER AND PLEDGE OF ALLEGIANCE**

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	

2. **ADOPT THE AGENDA**

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

3. **SPECIAL PRESENTATIONS**

a. Introduction of New Employees

(Requested by Kim Ward, Town Clerk)

Chief Spivey announced the hiring of Officer Cody Mitchell but he was unable to attend the meeting.

Gil DuBois introduced the Billing Supervisor Beth Yaccarino.

Beth Yaccarino introduced Accounts Payable Technician Alisa Perry.

b. Project Update by Gil DuBois

(Requested by Gil Dubois, Operations)

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

c. Brief March and April Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the events for March and April.

4. **PUBLIC DISCUSSION**

Patrick Boykin, 712 Glenn Avenue informed council of his recent tax evaluation and explained that his property value has decreased as a result of the solid waste facility being located in his back yard.

Lucy Sears, 716 Glenn Avenue also stated that her property value decreased as a result of the solid waste facility.

Mayor Wilcox asked the Town Manager to look into these complaints.

Jeannie Mintz, 205 Georgia Avenue had a couple of concerns. She asked that the town consider widening the bridge at the lake by 4 or 5 feet so more than one person can go across at a time. She also recommended that the town put up signs at the Shell Lot stating that it is paid parking. People think it is regular public parking.

5. PUBLIC HEARINGS

- a. Public Hearing to consider funding requests from non-profit organizations.

(Requested by Kim Ward, Town Clerk)

Mayor Wilcox opened the public hearing to review requests from non-profit organizations for funding requests from the FY17/18 budget.

Jeannie Mintz with Saving Animals During Disasters explained the increase in cost for animal care. She is requesting an additional \$500 this year for a total of \$3,000.

Demetria Sapienza with Federal Point Historical Society gave an update on the events that they host and requested \$7,500.

Nancy Busovne with the Pleasure Island Sea Turtle Project spoke about the turtle project and requested \$6,600.

Frances Massey with Island of Lights reviewed the projects and events that they support and requested \$8,000.

Other organizations that requested funding but were unable to attend the public hearing include:

Carolina Beach Inlet Association requested \$7,500 for educational goals.

Katie B. Hines requested \$10,000 for insurance and electricity.

Friends of Fort Fisher requested \$5,000 for public programming.

Mayor Wilcox closed the public hearing reminding everyone that council will not vote on this item tonight but it will be considered during the budget process over the next couple of months.

- b. Conditional Use Permit: For St. Paul's United Methodist Church to construct a fellowship hall and parking lot in the R-1 zoning district located at 300 Harper Ave, 307 Third St, 313 Wilson Ave and 400 4th St. Applicant: St. Paul's United Methodist Church

(Requested by Jeremy Hardison, Planning and Zoning)

The following were sworn in by the Town Clerk:

Ed Parvin, Ned Barnes, and Reverend Shawn Blackwelder,

Jeremy Hardison - St. Paul's United Methodist is requesting to do an addition to their church. This is Conditional Use Permit because it is located in a residential zoning district. It was built in 1959 at just over 5,000 square feet. It is located in a flood zone. The new addition will be elevated a foot above the existing floor of the church to meet that requirement. Building height to the steeple is 44 feet. The proposed building will be 31 feet in height and 7,300 square feet for the multipurpose addition. It will consist of classrooms, a kitchen and storage area.

There are seven specific standards that the applicant must make provisions for. There are no proposed changes for the ingress or egress of the site. The parking and traffic pattern will remain the same. There is an existing four foot side walk around the perimeter of the property down Lumberton and Harper Avenue. The parking requirement for the addition is 77 spaces including the existing church. They have 60 spaces on site. They do own property on the corner of 4th and Wilson and will provide the additional parking spaces. The ordinance does allow this. With offsite parking, the side walk would be required to access the church lot. The church is proposing to put a side walk to connect the parking lots along their property into the town's existing sidewalk. The town is striving to put a streetscape together along Harper Avenue. We plan to notify the residents of possible designs. We will also be working with the church on design options. The refuse will continue to service with rollouts. There are no upgrades planned for water or sewer services. The additional impervious area will likely be for payment in lieu of stormwater requirements. There is an existing fire hydrant on the corner of 3rd and Lumberton Avenue. Landscaping and buffering will be provided along Lumberton and 3rd. There will be a 10 foot landscape buffer along the new property and a 4 foot buffer at the youth center. They will be asking for a waiver for the property around the perimeter.

Planning and Zoning approved the Conditional Use Permit as they met the specific standards and general conditions. It is consistent with the Land Use Plan. Single family and duplexes are prominent in this area but churches are allowed in the residential district with a Condition Use Permit and they are a compatible use.

Mayor Wilcox - The landscaping buffer on the alternate parking site of four feet, is that per ordinance?

Mr. Hardison - The requirement for Type B is 10 foot but they are asking for a reduction in the landscape buffer in that area to accommodate the required parking spaces.

Mayor Wilcox - The sidewalk that ties into the park, has there been any discussion about tying that in on the west end instead of the east end?

Mr. Hardison - We did talk to them about providing a sidewalk on 4th Street connecting into Lumberton but they felt that it would be less of a disturbance to the residents providing the sidewalk along their property.

Mayor Wilcox - Have all the neighboring properties been notified adequately?

Mr. Hardison - They have. I have spoken with several neighbors who had questions about what was going on and none of them had issues.

Mayor Wilcox opened the public hearing.

Applicants Attorney Ned Barnes, 814 Carolina Beach Avenue North - As Jeremy mentioned, the church has been here since 1959 and has grown over the years so there is a need for expansion. The church has met all 7 specific standards and four general conditions.

Applicant Shawn Blackwelder, Pastor of St. Paul's United Methodist Church - The town and Jeremy have been incredibly helpful. St. Paul's wants to continue to serve our community in the best way we can. We expect to grow with our community. This new facility will help us carry out the things we need to do to serve the

community. It will also be a center for activity for other groups that may need to use it. We are hoping to eventually have a stage that could be used for productions since our elementary school does not have anything like that. The space can also be used for conferences and other special events.

Mayor Wilcox closed the public hearing.

Mayor Wilcox made a motion to approve the Conditional Use Permit based on the conditions included in the Grant Order that includes seven specific standards, four general conditions and the eight additional conditions and it is consistent with the Land Use Plan. Motion Carried Unanimously.

- c. Text Amendment to Chapter 28 Sec 28-62 beach services to amend the maximum of number of non-motorized permits from two to three on the municipal beach strand. Applicant: Tony Silvagni

(Requested by Jeremy Hardison, Planning and Zoning)

Mayor Wilcox announced that this item is the request to expand our beach services ordinance.

Jeremy Hardison said that it is specifically to increase the maximum number of non-motorized permits from 2 to 3. This would include beach chairs, body boards, umbrellas, surf boards, tents or other beach rental items as approved by the town. Items are being rented versus sold so it is not classified as vending. They are required to carry insurance and name the town as additional insured. Other activities such as paddle board lessons, yoga, pizza deliveries, and weddings are not permitted by the town and do not require proof of insurance to the town. In 1986 we started permitting ice cream trucks. Then we started getting a lot of requests to vend on the beach. At that time, we started issuing vending permits for those activities. Three were allowed. In 2006, we started getting requests to vend on Freeman Park. We created a vending ordinance in 2007 to specifically say how many permits you can have for each area of the town. There was two for the beach strand, four for Freeman Park and five in the town limits. In 2009, we created a beach service that we are talking about tonight. We separated that out from vending because they are not really vending, they are just providing a service. In 2010, we added the beach services to Freeman Park. In 2011, there was a re-write of the vending ordinance to allow 8 Freeman Park permits (which is still current), 5 beach strand permits and three designated leased areas for public beach access along Sand Piper, Ocean and Alabama. They are leased for \$1,500 for four months. We only issued one this past summer. In 2013, we created itinerant merchant regulations which allow vending on private property on a temporary basis with distance requirements from residents and competing businesses. We currently have two businesses involved with beach services - Wheel Fun Rentals and Pleasure Island Rentals. Pleasure Island Rentals received one of the first vending permits back in the late 90's. Wheel Fun Rentals is in their 13th year. It is currently a contract approved by town council and the proposed ordinance; we are changing it to mirror vending as it would be an annual permit issued by staff. There would be first refusal to existing contracts. New beach services shall be considered in order by received application. A couple of years ago, storage was added to the ordinance, approved by the town manager. No more than two storage locations per beach service permit is proposed. Storage is just a post in the ground and they tie their umbrellas and beach chairs to that post during the summer season. This past summer they requested a third permit but with the addition of a third permit you would have to decide if you want six locations on the beach ends as storage areas. There is no more than one post per storage area and the post should be located at the toe of the dune and outside the emergency lane. The beach services shall be operated from a primary business in the central business

district. It shall be owned and operated by the owners of the business and shall be open and operational prior to obtaining a beach service permit. This is existing language but we wanted to reiterate that it must run from the primary business. Items are transient only. It is not the intention to allow for set-up of merchandise on the beach strand.

Council expressed some concerns about how the applications will be vetted and the screening of applications.

Mr. Cramer clarified that the application process is first come, first serve. Whoever meets the requirements of the permit application first, gets the third slot. And we would put the fourth applicant on a waiting list until one became available.

MPT Pierce wanted to clarify to the public that anyone can rent chairs and umbrellas; this permit allows them to have storage, to have a Gator type vehicle on the beach and to be allowed to make a monetary exchange on the beach.

Council Member Shuttleworth asked for the history on why the town has a limit on the number of permits.

Mr. Parvin said that in 2007, the town formed a committee for this and they were adamant that they wanted to limit the activity on the beach. You don't want vendors everywhere when you go to the beach and you don't want to take away from the brick and mortar businesses.

Mayor Wilcox added that the town did not want to over commercialize the beach strand. The three leased areas were strategically placed not to interfere with the brick and mortar.

Council Member Doetsch agreed with the idea of not over commercializing the beach. There are times when the tide is high and there is not much beach strand. You don't want a bunch of vendors taking up the area.

Mayor Wilcox opened the public hearing.

Applicant Tony Silvagni passed out statistics on the growth of Carolina Beach. Tony's business is located at 101-G Cape Fear Boulevard. He resides at 504 Harper Boulevard. He reviewed his proposal of the text amendment to Chapter 28, Section 28-62 of Beach Services to amend the maximum number of non-motorized permits from two to three on the municipal beach strand.

Duke Hagestrom, 920 Riptide Lane and owner of Wheel Fun Rentals said that he had three items for council to consider. 1- Consider changing the dates that the town allows for storage and the number of locations. He requested the dates to change to April 1 or Easter weekend whichever is earlier to September 30. He also asked council not to reduce the number of storage locations from 3 to 2. 2- He feels that there should be some requirements to set product on the beach such as liability insurance. 3- He feels that adding a third beach services permit could saturate the market.

Susan Hill, 200 Sea Watch Way, Kure Beach spoke in support of adding a third permit. She feels there has been a large increase in population and would not saturate the market.

Eileen Kapler, 705 Carolina Beach Avenue South spoke in favor of the text

amendment.

Robert Whitt, 317 Charlotte Avenue spoke of the importance of building relationships with other businesses and your customers. He feels that Tony works great with the youth and the town needs to take that into consideration.

Sean Cook, 2 North Lake Park Blvd and owner of Pleasure Island Rentals spoke against changing the ordinance. He has invested over \$300,000 in chairs, umbrellas, street legal Gators, radios and wifi-cameras on the Gators. He has over 250 chairs and over 300 umbrellas and feels they are keeping up with the demand. He feels that adding another permit would eliminate him from hiring approximately 8 high school/college kids during the season. He pays \$11.50 per hour.

Mayor Wilcox closed the public comment.

Mayor Wilcox reminded everyone that this is not about Tony Silvagni. Mr. Silvagni has applied to change the code to allow a third beach services permit with no guarantees that he would be the third permit holder. Council has to decide what is best for the community and what is best for managing our natural resources. Council is very pro-business. The discussion is not about private business on private land, it is about allowing private businesses to operate on public trust land.

Council Member Shuttleworth asked if the applicant currently has an application in and if not, will there be a race to the door tomorrow.

Mr. Cramer said that the applicant does have an application in but if the text changes tonight, he would have to re-apply and yes, it would be a race to the door.

Council Member Bridges is more in favor of leaving the text the way it is.

Mayor Wilcox is concerned that the town does not have any guidelines in place. The current two permit holders have worked out an agreement as far as coverage area. If you throw a third person in there, what will happen? It's been self-maintained up to this point. It will change the whole dynamic. It is important how we balance the commercial activities on the public trust property. His preference is to not make any changes at this point. If there is a real need, they can look at it again in a year.

MPT Pierce said that we already have Gators running up and down the beach and she is not crazy about that. She also has concerns about having chairs and umbrellas stored up and down the beach.

Council Member Shuttleworth said that he is not opposed to bringing competition but he also doesn't want to see a lot of vending up and down the beach. The only difference with this is you would allow him to take money on the beach, drive your Gator and store your property. If the vendors are saying they need three storage locations, that means there has been an increase in demand.

Mayor Wilcox said that nothing is broken. If Tony sold out 100% last year, he is servicing his clients. By not moving forward with the changes, everyone is still in business and has the opportunity to go out there and do business. He does not want any more Gators on the beach.

Mayor Wilcox asked for direction on how to handle the vote.

Ms. Fox advised council that they could take no action at all, they could vote to

approve or deny the request, or they could vote on specific items in the text.

Council had some discussion on revisiting the request next year.

The applicant's attorney, Steve Coggins advised Ms. Fox that they wish to defer the matter to the April 11, 2017 council meeting.

Mr. Coggins said that the issues that were brought up tonight can be addressed and waiting a year can be devastating to his client's business.

MPT Pierce said that she does not feel that it is fair to ask council not to vote on an item that has been brought before them.

Mr. Coggins said that it is fair for the applicant to be allowed to ask.

Mayor Wilcox said he did not have a problem deferring the matter to the April 11th meeting.

Council Member Shuttleworth said he didn't have a problem with granting the request from the other business owners to allow them to store their items earlier in the season either April 1 or Easter weekend, whichever comes first. All other members of council agreed.

Council Member Doetsch reminded council that they will be voting on another item later tonight that would allow for a Utility Task Vehicle (UTV) on the beach if they approve the park ranger position.

Ms. Fox recommended that council table the entire issue and not vote on any of the requests.

Mayor Wilcox made a motion to table the request for beach services in its entirety. Motion carried with one no vote by Council Member Bridges.

d. Dogs on the Beach

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

Ed Parvin presented the request to allow dogs on the beach from April 1 to September 30 from 5:00 p.m. until 9:00 a.m. The town would have to change some of the signage and there would be some cost to that. You would also need someone to enforce the regulations. The staff recommendation is to amend the code to allow dogs on the municipal beach strand before 9:00 a.m. and after 5:00 p.m. In addition, add 2 part-time (30 hours per week) positions that would enforce the regulations. This position would work under Parks and Recreation and would have direct communication with police and fire. This position would only enforce civil penalties.

Mayor Wilcox asked if this would be a sworn position.

Mr. Cramer said that anyone the police chief or town clerk swears in as a civil officer can issue civil citations.

Mayor Wilcox clarified that the town is not creating this position because of the allowance for dogs on the beach but because the town has needed this position for years to enforce civil matters such as skateboards, littering, etc. Police officers need to be dealing with more important things such as life safety issues so the civil matters are not currently being addressed.

Rosemary Kramer, 1100 Carolina Beach Avenue North spoke against dogs on the beach. She witnesses owners not cleaning up after the dogs and not having them on a leash.

Doug Kramer, 1100 Carolina Beach Avenue North asked what the collection rate for civil penalties is. Will the civil penalties work?

Nancy Busovne, 507 Jarrett Bay Drive spoke on behalf of the Sea Turtle Project. They are against dogs on the beach because off hours for the public are peak hours for the turtles. They have had dogs disturb their nests. She agreed that enforcement is already needed but feels it is going to be hard to manage with just one person. The purpose of the current restriction of not allowing dogs on the beach April through September was established because it is peak turtle season.

Fred Grady, 608 Cape Fear Blvd asked if the enforcement officer would patrol the boardwalk as well because he sees dog feces on the boardwalk. He suggested that if dog owners do not carry bags that they get a ticket.

Eileen Kapler, 705 Carolina Beach Avenue South said that people let their dogs run loose and if you increase the time that dogs are allowed on the beach, you will have more offenders.

Demetrias Sapienza, Atlantic Towers said that the town should enforce the current ordinance and if it works then maybe later open up the hours. She also mentioned that people do not read signs and when they see the dogs on the beach, they will assume that they are allowed at all times.

Bill Baum, 923 Coastwalk Lane spoke against allowing dogs on the beach.

Susan Baum, 923 Coastwalk Lane said that Freeman Park allows dogs on the beach all year so why don't we keep the municipal beach strand dog free.

Mayor Wilcox closed the public hearing.

Mayor Wilcox said that his goal is to have strict enforcement that would get the word out and would reduce the number of offenders.

Council Member Bridges feels the ordinance should be left the way it is and enforce the current rules with a dedicated enforcement officer. This will demonstrate that the enforcement mechanism works. He would like to see the town start enforcing the rules.

Council Member Shuttleworth mentioned that he was asked to bring this item to council. He named several beaches that allow dogs on the beach and mentioned that they all have a lot of turtles. He feels that the town can make a change. He also supports the ambassador/enforcement officer position.

Council Member Doetsch said he doesn't mind revisiting this request but he feels that the town should start enforcing the current rules before changing them. He suggested bringing the item back in a year. He hopes that the town manager will turn the enforcement officer loose and let them use strict enforcement.

Council Member Shuttleworth said that he doesn't care if it is one person or four, whatever gets the coverage.

MPT Pierce said she did not expect to hear that so many from the public would be against this issue. The dogs are already there anyway, so why not enforce it? The responsible dog owners will obey the law anyway and it won't matter to the ones that don't.

Mayor Wilcox said enforcement is key. If you don't have a bag, it should be a substantial ticket. He mentioned to the manager that he does not want to retrain a new person every summer. He wants a committed person who may have some law enforcement experience that will work year round. We have to enforce this all year. He suggested using the model that Wrightsville Beach uses and that is a full time person that takes ownership in the program.

MPT Pierce said there is enough work for 1 1/2 positions. They need to build a rapport with the community.

Mayor Wilcox said that we need to increase the fine for penalties. He suggested \$200 - \$250 for violations.

MPT Pierce asked how you issue citations when people do not carry their ID with them on the beach.

Mr. Cramer said that officers ask for their information and sometimes they have to trust that they are being given accurate information if they don't have their ID on them. Civil citations go to the Board of Education if it goes through the entire court process.

Ms. Fox stated that the language in the ordinance determines whether the collected fees go to the town or the school board. Wrightsville Beach uses \$250 as their fine for dog violations. They have a much larger fine for dogs disturbing turtle nests.

Mr. Cramer said the reason they are asking for two individuals is because coverage is going to be difficult for a beach strand of this size.

Mayor Wilcox said he is fine with 60 hours for two people but he really wants one person in charge with another person working for him. He reiterated that he does not want to have to train someone new every year. MPT Pierce and Council Member Shuttleworth both supported that statement.

MPT Pierce feels that it will hard to entice someone to work 30 hours a week and keep them.

Mr. Cramer said that a retired police officer would be ideal. They would not be looking for full time and they would have experience working with the public in an enforcement capacity. Staff's recommendation was to start with two part time positions and maybe one could turn into a full time position. It would take around \$30,000 to get this program up and running this year. That would include salaries, benefits and equipment.

Mayor Wilcox said that they should go ahead and vote on the dog issue and give the manager the blessing to move forward on bringing back the approach to the enforcement as far as how it is going to be staffed and managed. The budget ordinance takes place in July and he would rather bring the fines back next month.

Council Member Doetsch asked to discuss horses on the beach.

Mayor Wilcox said that there is no difference between what the horses are doing and taking a bag of trash and dumping it on the beach. Both are violations. Staff has been working on the horse issues.

Council Member Doetsch said that we need to identify the parking lots at the north end.

Mayor Wilcox said that visitors are confused with the two lots, the north pier parking lot and the High Tide Lounge parking.

Mr. Cramer said that can easily be fixed. Staff will put out signage. He has also printed 100 brochures to be delivered to an equestrian event that is scheduled soon. This brochure has the two parking lots listed. The town's website has a Google Earth map link that will show the lots. Staff will change the name of lot at the pier so it is not confusing.

Mayor Wilcox asked about putting signs on the crossovers at the boardwalk. It would also be a good idea to put signs at the beach access points where there are restrooms. There should be signage at the Shell lot stating that it is paid parking as Mrs. Mintz mentioned.

Council Member Shuttleworth made a motion to amend the ordinance following staff recommendations which limits leashed animals on the municipal beach strand leashed at all times and modify it to read from April 1 to September 30, animals shall be allowed on the municipal beach strand before 9:00 a.m. and after 5:00 p.m. Secondly, that the Town fund a position to work on enforcement. I will leave that position and the hours up to the manager. I will add that a minimum fine be established at \$250. In conjunction with that I would ask that the manager come back next month with a list of fines on various items.

Mayor Wilcox clarified that Council Member Shuttleworth was not modifying the rules during the off-season, only between April 1 and September 30. Council Member Shuttleworth confirmed.

Mayor Wilcox said that he is committed that he will come back and re-address this if it does not work.

Motion passes 3-2 with Council Member Bridges and Council Member Doetsch voting no.

6. CONSENT AGENDA

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

The following items were included under consent:

Budget amendments and transfers as presented by the finance director.

Set three public hearings for April 11, 2017 - Harris Teeter Conditional Use Permit, Dog boarding Conditional Use Permit and a Text Amendment for an animal care facility.

Budget Ordinance 17-1047 for the FEMA Flood Mitigation Assistance Grant.

Meeting minutes from February 21, 2017 and February 28, 2017.

7. NEW BUSINESS

- a. 2214 : Financing of Marina Project Phase 1 - Resolution 17-2153

(Requested by Debbie Hall, Finance)

Debbie Hall presented the request to finance the marina project in the amount of \$520,000 at 2.97% for fifteen years.

Council Member Doetsch made a motion to approve the financing terms from BB&T as stated in Resolution 17-2153. Motion carried unanimously.

- b. Requesting Council adopt resolution #17-2151 approving the financing terms with BB&T for purchase of a Fire Boat.

(Requested by Debbie Hall, Finance)

Debbie Hall presented the request for financing the new fire boat.

Council Member Doetsch made a motion to approve Resolution 17-2151 to finance \$190,000 with BB&T at 2.24% for 5 year term. Motion carried unanimously.

- c. TDA/ROT Reimbursement Request

(Requested by Sheila Nicholson, Town Manager's Office)

Michael Cramer presented a reimbursement request to the TDA for \$478,967.84 to include lifeguard salaries, CBDI contributions and the Chamber contributions from the past calendar year.

MPT Pierce made a motion to approve the TDA ROT reimbursement request in the amount of \$478,967.84. Motion carried unanimously.

- d. Northend Water and Sewer Ordinance 17-1048 and 17-1049

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

Ed Parvin presented the grants requests for funds for water and sewer rehab on the north end. The loan amount for water would be \$1,657,654 and sewer would be \$1,273,216 at a maximum percentage rate of 1.53%. The north end is top priority for water/sewer rehabilitation. The loan includes water, sewer, roads, associated stormwater, engineering and design. We would not have to utilize the revenue bonds which would be a much higher interest rate. This would be 20 year loan from the revolving loan fund.

Council Member Shuttleworth asked how the town plans to pay for the loan against rates.

Mr. Cramer said that we would not be going out for the loans for this project until 2019 because it is a revolving loan fund from the state, it take a long time to go through their process. At that time, we should have several items coming off the debt ledger.

Council Member Shuttleworth said he was all for the project but he wants to understand what the rate increase impact will be.

Mr. Cramer said that at this point, nothing.

Council Member Shuttleworth asked that during the budget presentation, show the projection of the rates.

Mr. Cramer said that he contracted with Willdan to update the rate model and it will be presented during the budget presentation.

Mayor Wilcox made a motion to approve Budget Ordinance 17-1048 and 17-1049. Motion carried unanimously.

- e. Consider disbanding the Arts and Activities Committee

(Requested by Kim Ward, Town Clerk)

The Arts and Activities Committee has agreed to disband due to lack of a mission. They have been struggling to keep members and make a quorum. Some of the programs such as Christmas by the Sea and Friday night music will continue but will fall under the Parks and Rec Department.

Mayor Wilcox made a motion to resend Ordinance 12-885 establishing the Arts and Activities Committee. Motion carried unanimously.

- f. Consider Adoption of Resolution 17-2152 in Support of Requesting Funding from the Wilmington MPO for the Island Greenway Project

(Requested by Jerry Haire, Grant Administration)

Ed Parvin presented a request for funding from the MPO. The MPO has additional funds for 10 of their 19 projects they have utilizing STPDA money that have revised estimates and the towns is one of them. It is associated with the Island Greenway being revised to go around the stormwater pond which required another bridge and some additional engineering and surveying. The resolution is in the Technical Review Committee's packet that meets on March 15, 2017. On March 29, 2017, Council Member Doetsch will be attending the TAC meeting where they would adopt the resolution. This money would give the town the additional funding to make the changes and move forward with the project. It will delay starting the project until the fall.

Council Member Doetsch made a motion to approve Resolution 17-2152 in support of requesting money from the WMPO for the Island Greenway. Motion carried unanimously.

- g. The appointment of members to the Pedestrian Plan Steering Committee

(Requested by Abby Lorenzo, Planning and Zoning)

Ed Parvin stated that the town received funding for the pedestrian plan through NCDOT last year and DOT manages the pedestrian plan and the consulting for the plan. The first steering committee meeting will be in mid-May. The project will end in late February, 2018. There are seven internal staff members identified, two external which is the MPO and DOT. There needs to be six citizens. They tried to get at least one council member and potentially some representation from Parks and Rec and Planning and Zoning and some members at large to fill the six spots.

Council voted by written ballot to appoint Kate Eames, Duke Hagestrom and Michael Hoffer to the Pedestrian Plan Steering Committee. Below are the votes cast:

Mayor Dan Wilcox - Kate Eames, Duke Hagestrom, Michael Hoffer

MPT Pierce - Kate Eames, Duke Hagestrom, Michael Hoffer

Council Member Tom Bridges - Kate Eames, Duke Hagestrom, Ben Say

Council Member Shuttleworth - Kate Eames, Duke Hagestrom, Michael Hoffer

Council Member Gary Doetsch - Kate Eames, Duke Hagestrom, Michael Hoffer

8. NON AGENDA ITEMS

Council Member Shuttleworth asked staff to clarify the letter that the DOT sent in regards to the south bound lane into Harris Teeter.

Mr. Cramer said that discussion will be on the agenda for April 11, 2017. Council will look at adjusting the CUP to allow Harris Teeter, with the agreement that they will not put in any left turn lane going south bound on Lake Park Boulevard. Currently the plans shows the signal light to stay where it is and they have recommended no left turn lane into that facility. NCDOT has agreed with that and said that it will create some congestion but they are willing to allow it if council has a resolution supporting the application.

Attorney Fox stated that this item is coming before council for a modification of a Conditional Use Permit and council should table any questions they have regarding the CUP until that time.

9. CLOSED SESSION TO DISCUSS AN ATTORNEY/CLIENT MATTER

Council went into closed session to discuss an attorney/client matter in accordance to NCGS 143-318.11(a)(3).

Council resumed from closed session and announced that they would be signing a Resolution Agreement with OTC regarding Room Occupancy Tax collections.

10. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 10:55 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

4-11-2017
Date Approved

Ordinance



Town of Carolina Beach
Town Council

ORDINANCE NO. 17-1047

AN ORDINANCE TO AMEND THE BUDGET FOR THE FY15 FEMA ELEVATION GRANT

CAROLINA BEACH FY2015 FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM PROJECT ORDINANCE

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 with the FY2015 Flood Mitigation Assistance (FMA) Program by amending the following General Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
19-002-074	Capital Projects Over \$10,000	\$0.00	\$540,284.00	+ \$540,284.00
TOTAL			\$540,284.00	

SECTION TWO:

That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the FY2015 Flood Mitigation Assistance (FMA) Program by amending the following General Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
19-370-002	FEMA-FMA Grant	\$0.00	\$540,284.00	+ \$540,284.00
TOTAL			\$540,284.00	

SECTION THREE:

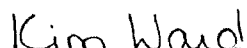
A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Adopted this 14th day of March, 2017.


Dan Wilcox, Mayor

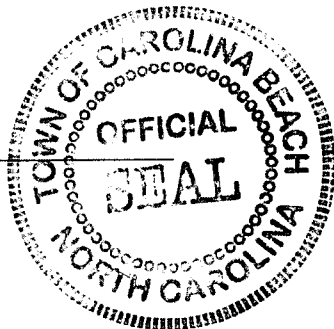
Town of Carolina Beach

ATTEST:



Kim Ward, Town Clerk

Town of Carolina Beach
Ordinance No. 17-1047



ORDINANCE NO. 17-1048
AN ORDINANCE TO AMEND THE UTILITY FUND BUDGET CREATING A
BUDGET APPROPRIATION FOR ENGINEERING SERVICES FOR THE NORTHEND
WATER 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 with the Northend Water Project by amending the following Utility Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
30-812-046	Professional Services	\$	\$ 16,850	+\$ 16,850
TOTAL			\$ 16,850	

SECTION TWO:

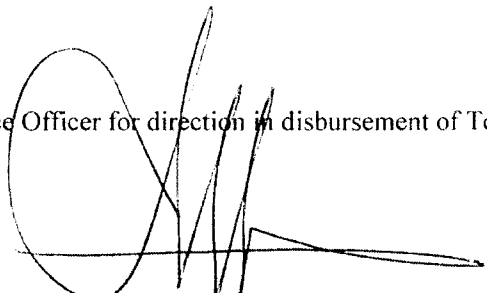
That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Northend Water Project by amending the following Utility Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
30-399-000	Transfer from Utility Fund	\$ 0.00	\$ 16,850	+ \$ 16,850
TOTAL:			\$ 16,850	

SECTION THREE:

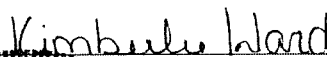
A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 14th day of March, 2017.



 DAN WILCOX, MAYOR

ATTEST:



 Kimberlee Ward, Town Clerk



ORDINANCE NO. 17-1049
AN ORDINANCE TO AMEND THE UTILITY FUND BUDGET CREATING A
BUDGET APPROPRIATION FOR ENGINEERING SERVICES FOR THE NORTHEND
SEWER 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 with the Northend Water Project by amending the following Utility Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
30-811-046	Professional Services	\$	\$ 21,350	+\$ 21,350
TOTAL			\$ 21,350	

SECTION TWO:

That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Northend Sewer Project by amending the following Utility Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
30-399-000	Transfer from Utility Fund	\$ 0.00	\$ 21,350	+ \$ 21,350
TOTAL:			\$ 21,350	

SECTION THREE:

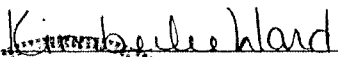
A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 14th day of March, 2017.

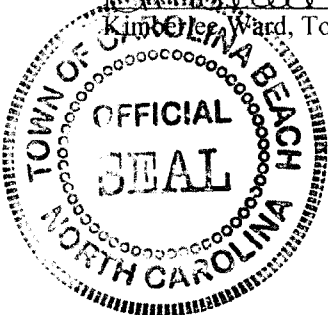


DAN WILCOX, MAYOR

ATTEST:



Kimbole Ward, Town Clerk





ORDINANCE NO. 17-1050

Sec. 4-9. - Dogs and other commonly accepted animals and fowl on public rights-of-way, public lands, and property.

(a) *Use of terms.*

- (1) Commonly accepted domestic animals or fowls, as defined in section 4-2 and hereby referred to as "animals," shall be subject to the provisions as specified herein.
- (2) For the purpose of this section, the boardwalk shall be defined by the following boundaries: the rights-of-way east of Woody Hewett/Canal; and from the north side of Harper Avenue up to and including Cape Fear Blvd., also to include the oceanfront wooden municipal walkway, as may be extended from time to time. All boardwalks operate as pedestrian walkways.
- (3) A service animal is any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

(b) *Leash required.* Animals on the municipal beach strand, public rights-of-ways, public lands, and property within the jurisdictional limits shall be restrained by a leash. The following additional regulations shall apply:

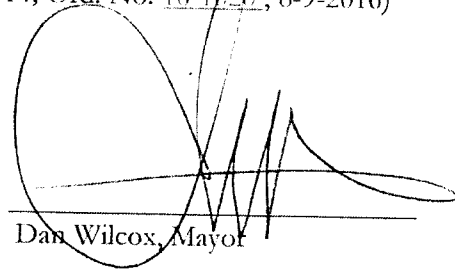
- (1) No animals shall be allowed on the boardwalk at any time.
- (2) From April 1 through September 30th animals shall be allowed on the municipal beach strand before 9 am and after 5 pm.
- (3) Animals are prohibited from entering any park building (i.e., restrooms, concession stands and score towers). Animals are prohibited within 100 feet of any concession or vending areas. Animals are prohibited from any established athletic field or court (i.e., baseball fields, football/soccer fields, tennis courts, basketball courts). Animals are prohibited within 50 feet of any children's playground except on designated walking paths. Animals are prohibited from any mass gathering, identified as any planned event of 200 or more people, unless otherwise approved by the town.
- (4) Service animals shall be exempt from this subsection (b).

(c) *Animal owner responsibilities.* The owner or keeper of animals who harm or cause offenses or damages to the public, or who deposit waste upon public land or property, shall be held responsible for such action and shall be held responsible for cleanup or have cleaned up said waste immediately following the occurrence. An owner or custodian of an animal will have on or near their person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean up and contain animal waste until it can be disposed of in an

appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce this chapter.

(Code 1986, § 3-9; Ord. No. 82-58, § 8-2006.1, 7-13-1982; Ord. No. 93-322, 6-8-1993; Ord. No. 95-359, 4-11-1995; Ord. No. 98-434, 11-10-1998; Ord. No. 01-473, 2-13-2001; Ord. No. 03-547, 9-9-2003; Ord. No. 06-623, 2-14-2006; Ord. No. 14-925, 1-14-2014; Ord. No. ~~16-1020~~, 8-9-2016)

Adopted this 14th day of March, 2017.



Dan Wilcox, Mayor

Attest: Kimberlee Ward
Kimberlee Ward, Town Clerk





Resolution No. 17-2152

**RESOLUTION AUTHORIZING THE TOWN OF CAROLINA BEACH
TO SUBMIT A REQUEST TO THE WILMINGTON
METROPOLITAN PLANNING ORGANIZATION IN THE AMOUNT
OF \$220,368 FOR SURFACE TRANSPORTATION BLOCK GRANT
PROGRAM – DIRECT ATTRIBUTABLE FUNDS FOR THE ISLAND
GREENWAY PROJECT**

WHEREAS, the Wilmington Metropolitan Planning Organization (WMPO) has advised that funding is available for projects to agencies in its jurisdiction from the Surface Transportation Block Grant Program – Direct Attributable (STBG). The STBG Program is comprised of a collection of discretionary programs including planning, designing and constructing multi-use paths for bicycle and pedestrian use. The funding requires a minimum 20% local cash match, and

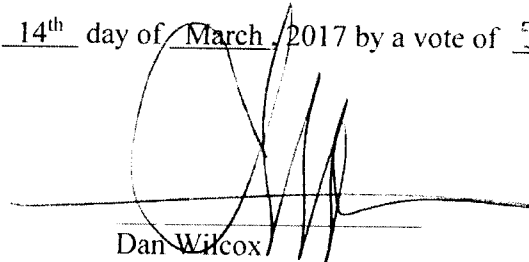
WHEREAS, the Town has identified additional funding needs for the Island Greenway Project (Project U 5534E/L), and

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) That the Town Manager is hereby authorized to submit a request to the WMPO for STBG funds in the amount of \$220,295, and if the STBG funds are awarded for the project, the Town will contribute the required 20% cash match necessary for the Island Greenway Project in the amount of \$55,074
- 2) The Town assumes full obligation for payment of the balance of project costs.
- 3) The Town will obtain all necessary State and Federal permits.
- 4) The Town will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Town will assure that the project is open for use by the public on an equal basis with no restrictions.

- 6) The Town will hold the funding agency harmless from any damages that may result from the construction, operation and maintenance of the project.
- 7) The Town accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Town Council this 14th day of March, 2017 by a vote of 5 in favor and 0 against.


Dan Wilcox
Mayor

Attest:

Kim Ward
Kim Ward
Town Clerk





RESOLUTION 17-2153

Resolution Approving Financing Terms

WHEREAS: The Town of Carolina Beach ("Town") has previously determined to undertake a project for the financing of marina improvements, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated March 14, 2017. The amount financed shall not exceed \$520,000.00, and the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.97%, and the financing term shall not exceed fifty-four (15) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

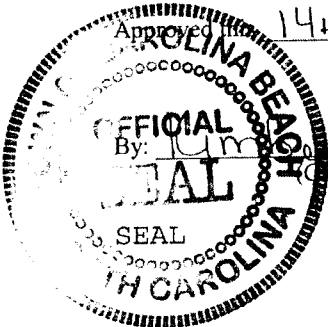
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 14th day of March, 2017.



By: [Signature]
(Clerk)

By: [Signature]
(Mayor)