



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • DECEMBER 13, 2016

Council Chambers

Regular Meeting

6:30 PM

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

1. CALL MEETING TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Wilcox called the meeting to order. Pastor Shawn Blackwelder from St. Paul's Church gave the invocation followed by the Pledge of Allegiance.

Mayor Wilcox recognized former Kure Beach Mayor Mac Montgomery.

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 with the following change:

Removal of item 8f, award lake dredge construction contract.

Motion carried unanimously.

3. SPECIAL PRESENTATIONS

- a. Chief Spivey will recognize Officer Nick Tice and Sergeant Larry Ward for their involvement in the October 3, 2016 active shooter incident.

(Requested by Kim Ward, Town Clerk)

Chief Spivey, Mayor Wilcox and Michael Cramer recognized Officer Nick Tice and Sergeant Larry Ward for their direct involvement in the active shooter incident on October 3, 2016 and were awarded the Carolina Beach Police Department Medal of Valor.

Mayor Wilcox presented Chief Spivey with a plaque from the Pleasure Island Chamber of Commerce showing appreciation for their continued dedication and support at all events sponsored by the Chamber of Commerce.

- b. Special Presentation from Pleasure Island Revitalization Association to the Cape Fear Community College Foundation

(Requested by Kim Ward, Town Clerk)

Brett Keeler with the Pleasure Island Revitalization Association, through the bingo program, presented a scholarship endowment of \$28,500 and \$1,500, to be based on community service, to the Cape Fear Community College.

- c. Presentation to the Carolina Beach Parks and Recreation Department from the 4th Annual Michael McGowan Co-ed Softball Tournament

(Requested by Kim Ward, Town Clerk)

Brett Keeler and Mac Montgomery, representing the Michael McGowan Softball Tournament, presented the Carolina Beach Parks and Recreation Department with \$2,636 to help support facility operations at Mike Chappell Park. The other half of the net proceeds received will go to the Michael McGowan scholarship fund at Cape Fear Community College. Sponsors were recognized.

- d. Brief December Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the special events for December.

- e. Manager's Update

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

Michael Cramer gave update for Gil DuBois on four main projects: directional drill to Henniker's Ditch, stormwater forcemain (being wrapped up), directional drill to the ocean (virtually complete), and Phase B which is on schedule and on budget (paving hopefully done before Christmas).

Budget process for next fiscal year is being worked on. Annual council retreat will be at the Hampton Inn on January 17, 2017 at 8:00 am. First public hearing for items on the budget for CDBI and Chamber of Commerce with any requested funds from the ROT activities accounts then general accounts for the non-profits at the next budget workshop (total of four).

Christmas and New Year's schedule: The town follows the state's holiday schedule. The town will be closed on December 23, 26 and 27, 2016 and January 2, 2017.

4. OLD BUSINESS

None.

5. PUBLIC DISCUSSION

Phillip Thompson, 901 Carolina Beach Avenue N., runs the Cubbard Grocery and would like to sell the north end passes there.

Michael Cramer explained why only one place sells the passes which is due to control issues (management and theft) and complexity of online sales with the current system.

Council Member Shuttleworth asked the manager to take a look at the ability of other places being able to sell the passes. Mayor Wilcox suggested Mr. Thompson meet with the town manager to discuss it again.

Harriet Hilton, 312 Atlanta Avenue, said the new sidewalk is higher than her property.

Michael Cramer said they will put graded material on it so there will be a slope.

6. PUBLIC HEARINGS

None.

7. CONSENT AGENDA

Council Member Doetsch made a motion to approve the consent agenda. Motion carried unanimously.

The following items were approved under the consent agenda:

Budget amendments and transfers as presented by the finance director.

Set a Public Hearing for January 10, 2017 at 7pm, or soon thereafter, to consider amending Chapter 40 Article V. -- Off-Street Parking and Loading Requirements to set standards for driveway permitting and design.

Set a Public Hearing for January 10, 2017 at 7pm, or soon thereafter, to consider amending Chapter 40 Sec. 40-72, 40-150, 40-261, 40-548 and Chapter 14 Sec. 14-517 to address standards and allowance for aircraft takeoff and landing zones.

Minutes from November 1, 2016 and November 22, 2016.

8. NEW BUSINESS

- a. Request by the Marketing Advisory Committee to roll over funds

(Requested by Kim Ward, Town Clerk)

Miles Bielec, Marketing Advisory Committee, presented the suggested amount on marketing rollover dollars that are part of the ROT funding given back to the town from ROT dollars collected. The Town of Carolina Beach currently has approximately \$163,000 in its reserve funds of which \$85,000 in excess of budgeted and approximately \$4,700 uncommitted funds. In our current year our total budget is \$415,000 of marketing dollars. Parameters, channel ideas and a budget recap were included in a presentation by Clean Design advertising agency. The request is for \$100,000.

Mayor Wilcox said when you have a reserve fund you have to determine the total of what you want it to be to meet your need, which is something we have not done and need to do. He requested the town manager add to the retreat some discussion on this.

Council Member Shuttleworth made a motion to approve an \$80,000 rollover budget and retain the rest in the reserve. Motion carried unanimously.

- b. Consider amending the Town Code Chapter 10 Section 10-6 Town Marina to accommodate the modifications to the Town Marina License Agreement. Applicant: Town of Carolina Beach

(Requested by Ed Parvin, Planning & Development)

Ed Parvin presented. This is an amendment to remove the code requirements, rules and regulations out of the code and adopt them as part of our license agreement. The last modification was to keep the insurance levels at \$500,000 and give the town the discretion to reissue a license to the current license holder after a five year term.

Michael Cramer said it was our understanding that what was being voted on here tonight is changing the ordinance to reflect the adjustments and to adopt the use of the license agreement that we've been talking about, both of those items happening at one time. We wouldn't be bringing anything else back to council on the license agreement next month. It is all right here.

Council Member Doetsch made a motion to adopt Ordinance 16-1038 and approve the license agreement starting in January, 2017. Motion carried unanimously.

- c. Consider adopting a formal policy for license holders to change slips at the Town Marina

(Requested by Ed Parvin, Planning & Development)

Ed Parvin said staff did go back and look at the waiting list for slips. Many were current boat captains who did not necessarily want another slip but would like to move to another slip on the east side. There is one vacancy there. Staff developed a procedure so it can be seen how we are going to fill that slip and that resolution is before you. That will leave some openings on the west side. The manager will be discussing our plan for repairing and renovating the west side so how we fill those might come at a later time and is something we will be discussing with the engineer and contractor as we move forward.

Council Member Bridges made a motion to adopt Resolution 16-2142. Motion carried unanimously.

- d. Establish a Capital Project Budget and Financing Resolutions for the Marina Bulkhead Project

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

Michael Cramer said the marina project and repairs to the bulkhead that failed back in September/October were discussed at last month's workshop. Staff met with a group of boat captains last week to talk through the renovations to the western side, where it failed and the project completion. This would be done in three segments: repair and replacement of the existing failed bulkhead and a sidewalk or large concrete pad behind the bulkhead instead of wooden boardwalk overhanging the water; complete the rest of the western side bulkhead and walkway.

The boat captains would like it to be split up in two projects, one in the spring to do the repair and replacement and another section to finish off the west side in the fall. CAMA has agreed to issue us three different types of permits for this process - general (allows bulkhead repair), minor (in about 45 days for walkway component), and major (for any floating dock components or any improvements in the water for the slips the boats sit in). Boat captains would like to see more signage so people know they are open on that side which staff has started working on. There is one ordinance and two resolutions. The manager recommended the following change to the ordinance based on requirements of the LGC - split the project in two, pull out of the general fund, fund balance approximately \$400,000 (\$75,000 for engineering and \$325,000 for bulkhead construction), have that work as an informal bid. We would be able to have the engineering completed by the end of this month and go out for bid in January looking towards a February/March timeframe for installation of the bulkhead which would take about 30 days completing it before the main season for the boat captains. The two resolutions are the typical financing resolutions we ask you to adopt when we go out for any sort of bonds or financing through the LGC which include the necessary findings and the cost and would expect to ask the LGC for loan preparations to be able to recoup that money and put it back in the fund balance. This would be done for each project - spring and fall.

Council Member Doetsch made a motion to adopt Budget Ordinance 16-1037, Resolution 16-2143 and Reimbursement Resolution 16-2144. Motion carried unanimously.

- e. Right of Way

(Requested by Kim Ward, Town Clerk)

Ed Parvin said this is a continuation of discussion regarding a property owner's concerns about an adjacent property owner chemically maintaining their lawn, which is within state codes, but also maintaining the right-of-way outside of their personal property. Staff is looking at making four improvements to town code that would help facilitate better stormwater and lawn maintenance in our right-of-ways which were reviewed.

Noel Fox spoke to council's concern about whether the town can require property owners to maintain their right-of-way. She has been looking at other municipalities across the state and how they are handling this. It is a general interpretation of the police power that vests him with the ability to amend the ordinance to include this requirement that a property owner maintain the area in front of their property and they can enforce it like any other ordinance.

Harriet Hilton, 312 Atlanta Avenue, said the right-of-way is not her property but the town's and asked why are they mandating the property owner to maintain town property.

Noel Fox said it is something that is recognized as being authorized under North Carolina law.

Council Member Doetsch made a motion to adopt Ordinance 16-1039. Motion carried unanimously.

- f. Consider Award of Lake Dredge Construction Contract

(Requested by Jerry Haire, Grant Administration)
Item was removed from agenda.

- g. Resolution 16-2140 Request for Hurricane Matthew Reimbursement

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

Michael Cramer said the only part of our reimbursement for emergency services and debris removal that we need to complete before we turn in our paperwork to the feds is this resolution of delegation for the applicant which is where council is stating the applicants allowed to put in these forms is either Ed Parvin or myself which will be done most likely Thursday of this week. The reimbursement expenses we would be claiming would be approximately \$137,000.

MPT Pierce made a motion to adopt Resolution 16-2140 to request for reimbursement for Hurricane Matthew. Motion carried unanimously.

9. NON-AGENDA ITEMS

Council Member Doetsch said the NC Department of Transportation is conducting their annual customer service survey which has been put on the town's website to allow residents to voice their issues.

MPT Pierce said she likes that we are taking online payments. Is it a package we have purchased and can be tweaked?

Michael Cramer said we have a post processing application that runs it but most of the front end things that you see on the website we manage ourselves.

MPT Pierce said she has multiple water bills and would like to be able to link them all together and set them up on an auto pay and there is no option for auto pay.

Michael Cramer said we have to have signatures on the forms to be able to authorize auto pay of your accounts but he will follow up on that.

Council Member Shuttleworth said both the house and the senate passed the 2016 Water Resource Development Act which included a provision that states for Carolina Beach the draft bill extends the authorization of the US Army Corps of Engineers project for an additional three years and allows the project to compete for its next regularly scheduled maintenance cycle. I believe that means we have some time to continue to advocate for an extension of our 50 year permit for another 15 years. There is going to be an extended opportunity for us to continue to advocate to get our storm damage reduction dollars for beach sand replacement which is a significant issue for our community.

Mayor Wilcox showed an award the town received from the PI Chamber of Commerce for the town's support.

Fred Grady asked about cameras at the marina to help prevent vandalism and recommended their placement when the project is being done.

Ed Parvin said there was an applicant who came before council several months ago who has property in the CBD and is interested in the T1 zoning district. Council asked staff to look at potentially rezoning some of the CBD back to T1. Those owners have been in touch with planning staff and they have a buyer that is interested in the CBD zoning and would like to keep it. He asked if council wants staff to continue moving forward.

Mayor Wilcox recommended that Council Member Shuttleworth suggest the lot owner of the last parcel in T1 who wanted to do a residential duplex talk with Ed.

Council agreed to discontinue looking at the rezoning.

10. ADJOURNMENT

Mayor Wilcox made a motion to adjourn. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

1-10-2017
Date Approved



Ordinance



Town of Carolina Beach
Town Council

ORDINANCE NO. 16-1037

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET FOR THE MARINA 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 Marina Project by amending the following General Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
27-001-033	Supplies	\$	\$	\$
27-001-046	Professional Service	\$ 75,000.00	\$ 75,000.00	+\$ 75,000.00
27-001-074	Capital Outlay Over \$10,000	\$ 325,000.00	<u>\$ 325,000.00</u>	+\$325,000.00
TOTAL			\$ 400,000.00	

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 Marina Project by amending the following General Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
27-350-000	Transfer from General Fund	\$ 0.00	<u>\$ 400,000.00</u>	+\$400,000.00
TOTAL:			\$ 400,000.00	

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.

Duly adopted this 13th day of December, 2016.

DAN WILCOX, MAYOR

ATTEST:

Kimberlee Ward, Town Clerk

Town of Carolina Beach
Ordinance No. 16-1037

Ordinance 16-1038

Town of Carolina Beach
Town Council



This ordinance amends **Sec. 10-6. - Town marina** by (1) removing regulations concerning the Town Marina and (2) adds reference to the license agreement required for all boat owners who operate at the Town Marina.

The owners or captains of all vessels desiring space at the town marina shall be required to execute a lease license agreement, as appropriate, prior to provision of such accommodations. Licensees shall be subject to all local codes, ordinances, rules and regulations as referenced on the license.

(1) Lease agreement with town marina; waiting lists; limitations.

- a. The current tenant has the right of first refusal to re-lease his slip when the lease expires.
- b. Subject to the provisions of this chapter, and with the written consent of the tenant, any person who purchases a tenant's authorized occupying vessel may assume the tenant's rights and obligations under the current lease agreement.
- c. Two separate lists shall be maintained by the Harbor Master. One waiting list shall be maintained for potential new tenants and one seniority list of current tenants. These lists shall be available for inspection between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding town holidays. The Harbor Master maintains these lists and makes the final decision for slip assignment based upon the following.
 1. Vessel must be registered in the state or documented with the United States Coast Guard.
 2. Vessel must be listed in the county and the town.
 3. All applicants must be the owner or lessee of the vessel named in the lease application/agreement
 4. All applicants must be at least 18 years of age.
- d. The Harbor Master shall approve all authorized occupying vessels prior to any vessel being moored in an assigned slip. Any change of vessel to another slip or change of ownership of any tenant shall also require prior approval of the Harbor Master.
- e. Available slips in the town marina shall be made available to the existing tenants on the seniority list prior to accepting applications from those on the official waiting list for a slip.

(2) Vacant berths or mooring re-rental by town

- a. Tenant shall advise the Harbor Master when leased slip will be vacant for more than seven days. Any vessel which vacates its assigned space as approved by the Harbor

Ordinance 16-1038

Town of Carolina Beach
Town Council

Master, shall remain responsible for all lease and utility payments for the period vacated as if the vessel had not vacated the assigned space.

b. Any slip left vacant for 120 consecutive calendar days or more shall be considered abandoned and the lease agreement terminated. However, this termination shall not occur if the Harbor Master, in his sole discretion, grants an extension (not to exceed 30 days) in response to a prior written application for an extension based upon any or all of the following:

1. The tenant has purchased a new occupying vessel and is awaiting arrival.
2. The occupying vessel is receiving extensive repairs and those repairs are the direct and sole proximate cause of the vacancy.
3. The vacancy is caused by a hurricane or other catastrophic weather condition.

Prior to granting any extension to the 120-day termination, the Harbor Master must receive written application by the tenant requesting a 30-day extension. The Harbor Master, at his sole discretion, may request any and all documentation, including contracts, photographs, statements by persons undertaking repair activities, bills of sale, and any other supporting documentation. All applications for an extension must be submitted to the Harbor Master within 30 days of the expiration of the 120-day vacancy period. Under no circumstances may the Harbor Master approve an extension to the 120-day vacancy period if the applicant is, in any way, in violation of its lease agreement, or any applicable ordinances or resolutions.

(3) Berthing assignments

a. Berths shall be assigned with respect to the overall length of a vessel. Berths within the town marina area shall be assigned only by the Harbor Master. Only vessels in good operational condition and under their own power (not paddle, oar or makeshift sail) shall be permitted to occupy leased space within the town marina. To verify good operational condition, the Harbor Master shall require the owner/tenant to start the vessel and test the shafts.

b. Tenants shall place only the boats shown on their leases within the slips leased. If a tenant has more than one slip leased, they may exchange boats between the slips as long as the exchange is approved by the Harbor Master.

(4) Transfer of assigned slips to immediate family members: The right to transfer assigned leased slips to immediate members of the tenant's family shall be allowed in cases of retirement, long-term or permanent injuries to the tenant causing his inability to perform the charter or head vessel workings or in the case of death of the tenant. Transfers as specified herein shall have prior approval of the Harbor Master.

(5) Living aboard at the town marina: Living aboard head and charter vessels within the town marina is prohibited with the exception of emergency situations as related to vessel security.

Ordinance 16-1038

Town of Carolina Beach
Town Council

and/or extended repairs following major storm occurrences as approved by the Harbor Master.

(6) *Dockage rates*: The dockage rates at the town marina shall be established annually by the adoption of the annual budget prior to July 1 and assessed effective July 1. All town marina slip tenants shall be notified in writing of any increases in slip lease fees and/or utility fees prior to the adoption of the budget.

(7) *Quarterly dockage fees*:

- a. Quarterly dockage fees are due and payable in advance on the first day of each quarter and shall be considered delinquent if not paid on or before the tenth of the month. A tenant who is delinquent in payment of dockage fees shall be notified by first class mail or by hand delivery of such notice by the Harbor Master. If payment is not made within 30 calendar days of receipt of this notice, the Harbor Master shall terminate the lease agreement. Any notice by first class mail shall be addressed to the tenant at the address which appears in the tenant's lease agreement.
- b. The Harbor Master shall assess a late fee for any dockage fee not paid when due. Such dockage fee shall be equal to five percent of the quarterly dockage fee.

(8) *Insurance*: A lease shall not be entered into nor renewed unless a certificate of insurance, as required in the lease agreement, is provided. At no time shall a vessel occupying a leased slip be uninsured. Tenant shall notify their insurance company that the town shall be a certificate holder of their insurance policy. Mail to

Town of Carolina Beach
Attention: Accounting Clerk
4121 N. Lake Park Blvd.
Carolina Beach, NC 28428

(9) *Electrical power and freshwater exclusively for use of vessel occupying berth*

- a. It shall be unlawful for either the tenant or any other person to use either the electric power or freshwater for any purpose other than to supply power and water to the vessel officially assigned to that slip by agreement on record at the Harbor Master's office.

Water siphons will not be used except in case of emergency. Freshwater provided by the town shall not be used as a cooling agent for equipment of vessels.

- b. Each slip shall be responsible for obtaining metered electrical power and paying for the same.
- c. The town reserves the right to assess fees for water consumption, sewer services, and trash removal.

(10) *Refueling vessels*

- a. Vessels moored at the town marina may be refueled directly by fuel trucks or other vehicles operated by fuel vendors, provided that: