



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • APRIL 12, 2016

Council Chambers

Regular Meeting

6:30 PM

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

1. CALL MEETING TO ORDER WITH INVOCATION BY REVEREND MOLLY PAINTER FROM FIRST BAPTIST CHURCH OF CAROLINA BEACH

Mayor Wilcox called the meeting to order. Molly Painter from First Baptist Church of Carolina Beach gave the invocation which was followed by the 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. Brief April and May Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the events scheduled for April and May.

b. Presentation of the Wilmington Urban Area Metropolitan Planning Organization Memorandum of Understanding by Ed Parvin.

(Requested by Kim Ward, Town Clerk)

Ed Parvin presented the updated Memorandum of Understanding with the Wilmington Urban Area Metropolitan Planning and Organization Board. There are only administrative changes. There are not any changes regarding voting representation with the MPO.

Council Member Shuttleworth made a motion to adopt Resolution 16-2024 supporting the updated Memorandum of Understanding for the Wilmington Urban Area Metropolitan Planning and Organization. Motion carried unanimously.

c. Project Update from Gil DuBois

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

Cape Fear Boulevard is paved. There is one section on the south side that will be left

unpaved until the multi-use path is put in place.

Annie Drive is complete and finance is working with the planning department on the assessment.

We have 3 large projects that are out for bid right now; directional drill for the secondary pump at the lake as well as one other pipe under Driftwood and Phase B.

We are still working on stormwater issues. The stormwater retention pond on Alabama has been restored.

Boardwalk - The lights have been installed and look good. 90% of businesses have been hooked up. Charter has been down there working every day. AT&T has crews working as well. Pavilion North on the Hampton Inn side has been complete. We are scheduled to start taking poles down on April 18th. Everything should be wrapped up by mid-May.

d. Town Manager's Update

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

Cape Fear Multi-Use Path - We have been in a holding pattern for more than two months. We have yet to get final approval from DOT to spend funds. Once that happens, we expect 30-60 days for engineering. The project should be built September through November.

Island greenway - This has taken a long time since it is a federal process. We are still waiting for approval of the plans from NCDOT. Hopefully we will have them by the end of the month. Construction would begin in July and be complete in November. This is a 1.2 mile project.

Northern Extension of the Boardwalk - We have been working with the Hampton Inn to create their access way before opening. They are looking at connecting from their beach access to the boardwalk. We would reimburse the Hampton Inn the portions that are public as part of the boardwalk project. That will be around \$100,000. We should have contracts in hand by the end of the week. That will be completed by July.

Storm damage reduction program - Corps of Engineers expect to be completed by the end of this week. They will definitely meet the window of April 30th of having all the equipment out.

4. OLD BUSINESS

None.

5. PUBLIC DISCUSSION

None.

6. PUBLIC HEARINGS

- a. Conditional Use Permit Modification: Harris Teeter Grocery Shopping Center/Big Box Store that will be located at 1000 & 1010 N Lake Park Blvd. Applicant: BBM Associates Inc. - Alan Maness

(Requested by Jeremy Hardison, Planning and Zoning)

Sworn in: Assistant Town Manager Ed Parvin, Applicant's Attorney Michael Lee, Traffic Engineer Jonathan Guy, Applicant's Engineer Alan Maness, Ned Barnes and Tommie Fowler.

Ed Parvin presented. This is a Conditional Use Permit (CUP) major modification to include a deceleration lane going into the site, longer storage lane. The stop light is now a right-in, right-out only with painted medians. To accommodate the decel lane they are asking for a waiver of a small portion of the landscape buffer in the vicinity

of parking along Lake Park Blvd. Also, there are a few sections of sidewalk that can only be 4 feet vs. 5 feet in front of the Wings store and remove the ABC store's 5' sidewalk and reconstruct to approximately 6' to the east with a 4' sidewalk. Staff recommends approval with 15 conditions which are on the grant order. Noteworthy: work with town's engineer on expanding existing drainage easement to accommodate underground storage best management practice; landscaping per site plan; and, 4' sidewalks per site plan. Concerns from Planning and Zoning have been addressed with regard to raised medians which have been removed.

Michael Lee, attorney representing the applicant, said the only thing really changing here are the traffic improvements and changes to sidewalk and landscaping because of the improvements.

Jonathan Guy, traffic engineer with Kimley Horn, reviewed the transportation improvements. The north bound installation of right turn lane and extension of south bound left turn into Harris Teeter. Also included is the removal of the concrete raised islands that were there. At Federal Point, the existing driveway has a channelized island that will force drivers to turn right but will not impede those on the west side of the street and will be able to make lefts in and out of their properties but it will force Federal Point from that one driveway to turn right.

Council Member Shuttleworth - the widening of the asphalt in the south bound area, are you working something out with the ABC store and Wings to acquire additional right-of-way width from them?

Michael Lee - we will have to, we have reached out to them.

Council Member Shuttleworth - community concerns are the impediments potentially on Bennett Lane, being able to turn left and the business center directly across having restrictions on them coming out and turning left. What you are saying is these are painted medians, you have extended the stacking lane and everything is occurring on your side of the street. Is that correct?

Jonathan Guy - yes. Once we finalize we will be able to finalize plans with Wings and the ABC.

Council Member Shuttleworth - the traffic light at the new street Harris Teeter is putting in will be a three-way light only and it does not allow access for the business center, correct?

Jonathan Guy - correct, there is currently an island on the opposite side.

Council Member Shuttleworth - they have two access points into the business center and the northern one will now have to cross over 3 lanes to turn left. If they choose in the future to work with the DOT, that is between them and the DOT?

Jonathan Guy - that will be between them and the DOT so they can increase the stacking distance internally so that it can operate at a safe operation.

Mayor Wilcox opened the public hearing.

Tommie Fowler, 910 Colonial Circle, off of Bennett Lane. The stop light is going here between Wings and Harris Teeter and not going on Bennett Lane and no median?

Mayor Wilcox - painted median.

Tommie Fowler - that was the question we had, where the stoplight is going and can we make our left turns.

Ned Barnes, 814 Carolina Beach Ave. N, At P&Z the big issue was the median. With the bulk of the clientele of any business here coming from south to north, as I understand it from what Mike was indicating in our meeting with Ed this afternoon that as it is proposed now there will be nothing that will impede traffic from turning into any one of the businesses on the left hand side. That was the main concern and that has been addressed.

Mayor Wilcox closed the public hearing.

Council Member Doetsch - with increased congestion that is going to occur we may want to visit the dropping the speed limit with DOT from 35 MPH to 25 MPH.

Council Member Shuttleworth made a motion to approve the order and grant conditional use permit modification and find it meets the 7 specific standards, the 4 general conditions and it is subject to the 16 additional conditions by planning staff in the granting order and that it is consistent with the Land Use Plan. Motion carried unanimously.

- b. Public Hearing to consider adopting an ordinance requiring property owners to maintain stormwater conveyance facilities.

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

Michael Cramer presented. This was discussed at previous workshops. One of the issues is whether the town has the appropriate authority to go onto private property and maintain stormwater drainage ditches if the property owner does not do that. We can maintain on town right-of-way and dedicated easements. Requiring private property owners to maintain their natural draining ways to prevent a stormwater nuisance on other properties will allow us to intervene with the property owners and fix the area. If they cannot or do not the town can do it and charge the property owner.

Council Member Shuttleworth - asked why infiltration systems were not included in stormwater control facilities.

Michael Cramer - we can add that in the language.

Council Member Doetsch - I think we need to review current requirements those systems require.

Noel Fox - the intent of this ordinance was to eliminate standing water in drainage ditches and growth that was impeding the ability of the town to move water through the existing system which includes ditches and culverts. It's not just pipes, there are all sorts of things that channel water from one place to another and it came up as part of the flood event that we had. It was to improve that scenario. If the overall system had been functioning better at that time would we have had flooding in some of the areas the town experienced. If the private property owner has not maintained their drainage ditch between their property and their neighbors in a manner that allows water to flow then it will fill up, flow over and spill into the street along with trash, debris, etc. That was the intent of this ordinance, to address that limited scenario. I am not comfortable with making a recommendation on whether or not the town can impose on private property owners with infiltration systems through this ordinance. I'm not sure it is the property owner's place to be included.

Michael Cramer - staff is researching other BMP's and their maintenance. Once we get a handle on what we believe the ability of the town to do that we will be bringing it back.

Council Member Doetsch - would you include a suggested volume increase on those systems?

Michael Cramer - yes.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Bridges made a motion to adopt Ordinance 16-1005. Motion carried unanimously.

Michael Cramer - after further research we can probably bring the other back mid-summer at a workshop.

- c. Adopt a resolution to approve the Southeastern NC Regional Hazard Mitigation Plan for the Town of Carolina Beach.

(Requested by Jeremy Hardison, Planning and Zoning)

Ed Parvin presented. The Hazard Mitigation Plan was changed by FEMA from county plans to regional plans. These plans allow us to get disaster assistance and grant funds. The resolution approves this plan.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

MPT Pierce made a motion to adopt Resolution 16-2023 to approve the Southeastern NC Regional Hazard Mitigation Plan for the Town of Carolina Beach. Motion carried unanimously.

7. CONSENT AGENDA

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

The following items were included on the consent agenda:

A public hearing will be set for May 10, 2016 for a conditional use permit for a proposed arcade at 810 North Lake Park Blvd.

A public hearing will be set for May 10, 2016 to consider a resolution to amend the 2007 Land Use Plan classification map.

A public hearing will be set for Mayo 10, 2016 to consider rezoning 310 Carolina Beach Avenue North from Central Business District to Tourist.

Budget amendments and transfers as presented by the finance director.

Town Council minutes from March 8, 2016, March 22, 2016 and March 24, 2016.

8. NEW BUSINESS

- a. RESOLUTION OF THE TOWN OF CAROLINA BEACH, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE TOWN'S ENTERPRISE SYSTEMS REVENUE BONDS, SERIES 2016 AND CERTAIN RELATED MATTERS

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

Michael Cramer presented the request to the Local Government Commission for Enterprise Systems Revenue Bonds resolution with regard to funding our utility project funding scenarios. The project list for improvements determined last November by council and staff to be completed in the next 18 months to two years and the town would go out for a bond or some sort of financing. Types of projects include repair/replace infrastructure such as water, sewer and stormwater infrastructure and facility improvements which he reviewed. Projects totaled about \$19.9M. We intended 3 series of bonds as that was just list #1. List #2 for 2018 had new infrastructure like additional wells, water treatment plant, 3M gallon water tank. The last phase would have gone back and done additional repair and replace and would complete the 5 phase project to repair and replace the infrastructure of water, sewer and stormwater in the main center of town. A financial consultant was hired to look at our rates and options were presented in January. Council was most interested in the 25 year revenue bond with an extended CIP which would require extension of projects and some rate increase. In February Willdan consultants came in to do a rate analysis discussion with council. Three items were recommended. (1) adjust existing base rate for availability charge by about 10% each year for the next 5 years and would be compounded each year. Current availability base rate for water is \$13.84 per month whether water is used or not (includes up to 3,000 gallons of water use) and \$25.01 for sewer. Our true rate for our availability charge is about \$2.17 and we are running water/sewer/stormwater systems off of that for a fixed charge. We suggested the availability charge to go up by 10% each year for 5 years and every gallon of water or sewage would be charged the typical rate for all water and sewer over 3,000 gallons to bring in enough revenue. (2) adjust the monthly base rate with the same availability rate to take into account industry standards for equivalency (such as different sized meters). Consultant recommended that be streamlined and get back to an industry standard and phase that in over 5 years. (3) use rates for actual volume used to be 10% higher each year for the next 5 years and would include increasing the base rate of the stormwater utility fee. Current revenue intake does not cover our utility costs. There was a discussion on the yearly budget and the Utility Fund-Fund Balance. For the next fiscal year between \$500,000 and \$700,000 is needed to fund maintenance.

Mayor Wilcox - recommended having workshops to sort through the information and determine what is necessary.

Michael Cramer - this is a resolution for preliminary financing not to exceed \$35M and not to exceed 5% interest and we don't expect to be at that limit. It includes refinancing of \$9M of existing debt using installment loans and collateral of materials. Revenue bonds are based on the collateral of the revenue of the system and won't issue a revenue bond with the existing installment loan debt requiring collateral. It also includes \$1.2M of 18 month capitalization (principal payments start 18 months out), underwriter fees of \$450,000. This is before the new debt of \$19.9M. The total going out to the market is \$30,715,000. The additional amount was included to cover the possibility of our rating being too low and we may need a debt service reserve. It is not believed that will be the case but we don't know. We will be required to have bids in hand for 70% of the projects which we do not have all we need at this point.

Council Member Shuttleworth - asked the manager to look into the 8 loans that make up \$9.1M in balance and paying some of those off with cash reserves rather than stretching out shorter loan time frames into 15 years.

Michael Cramer - we can pull that information but I'm not as confident that we have the reserves to do the next part of this and pay off some of those loans. If we did a 3 phase bond project with \$58M worth of bonds in the end, if we did this bond issuance to do the \$19.9M and the refinancing, our graph, with no structural rate changes and only increases to the minimum, the availability rate and the use rates, we could fund this bond issuance as we are now. For the next 5 years we would still be below what we need to break even. We could pull these funds out of Fund Balance to do that, and with an 11.5% increase in the next 3 years on that availability rate and that use rate, not including charging anybody additional for the 3,000 gallons, and 5% in the last 2 years we could break even in 5 years and pay all of our debt. That means we push off all of the other projects until later on. In that timeframe what I would do is start working right after our budget with our financial consultant and say I know we started from \$13.84 as our availability rate, let's look at what we absolutely need now to cover our budget and come back to council on multiple occasions to talk about how to bridge that gap. In the meantime, we would use up approximately \$2.5M worth of our Fund Balance to cover this, we would increase rates as seen at the bottom and do an additional \$20M worth of projects.

Council Member Shuttleworth - would you have to add another \$800,000 from the Fund Balance every year to balance the budget?

Michael Cramer - we will have to look at it during the budget process. I am still working on the budget and that is why I said it is contingent on what I finish up for the budget and what we talk about during the budget workshops. What I am suggesting tonight is that there still is a way for us to move forward with the capital projects as listed at the beginning of the presentation and do the debt refinancing. This is one possible solution. If council authorized the preliminary financing resolution tonight then we would be able to move forward the next month of work which is for the bond council and for our financial analysts to go out to the market to get our Standard and Poors and Moody ratings and things of that nature and for us to work out the specifics in the next month. On May 10th council would need to authorize, if they choose, a bond order resolution and approve the rate change. Tonight's decision is not one that would control the rates, just a step in the process.

Council Member Shuttleworth - asked about people who consume substantially less than 3,000 gallons and maybe they end up with a lower bill.

Michael Cramer - if we get past this bond issuance I would want to work with Willdan to make sure that I can show you this is the budget we adopted and say this is what the rate structure should look like to make sure it is equitable and brings in the right revenue and validates either that \$13.84 or validates some other number. That won't happen before we approve \$35M.

Mayor Wilcox - we now have a higher percentage of year round residents and we should have the ability to go back and look at our water charges and see how many people are falling substantially under that 3,000 gallons because if we make that change where we just have an availability base rate and they are paying by the gallon, if that number is too big, there are too many people under 3,000, then we're going to take a big hit.

Michael Cramer - that is part of where the difficulty comes in and I agree entirely.

92% of our customers are a 3/4" meter or equivalent and they have 3,032 gallons per month for their usage. That 92% is carrying us. Looking at our budget books it has changed multiple times.

Mayor Wilcox - before we can make a decision to remove that 3,000 gallons from the base rate, of that 92% we need to know how many are falling under that 3,000 gallons to know how it is going to impact us.

Michael Cramer - you need to have all that information, I understand that.

Council Member Shuttleworth - expressed concern for some of the condo owners who are on a 6" meter but they really are a residential unit.

Michael Cramer - that would be something we could go and quantify.

MPT Pierce - are you proposing the same rate increase for commercial users?

Michael Cramer - it is across the board at the same rate structure. The rate is built off of the size of your meter and usage.

Mayor Wilcox - what is the financial commitment to the consulting services?

Michael Cramer - their fees would be wrapped into the bond. If council would decide on May 10th not to go any further I would guess there would be about \$200,000 we've spent for those operations to get to this point and we have used about 3/4 of that so far. We can talk to them and find out. Those are not lost funds. They have put together a portfolio we can use over and over again if we go out for bonds, loans, etc., which took 2 months to put together.

Council Member Doetsch - asked Council Member Shuttleworth about the ad hoc committee established in 1997 or 1998 to look at rates and usage and checking in that timeframe.

Council Member Doetsch made a motion to approve Resolution No. 16-2021.

Mayor Wilcox - this motion for this resolution is simply to give staff the ability to work with the consultants to bring back a plan for council's consideration. There is a not to exceed \$35M but there is no obligation to spend any of that money short of the consultant fee.

Motion carried unanimously.

- b. Consider Awarding the Construction Contract for the WWTP Equalization Basin Project

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

Michael Cramer said this item and the next are on the list of projects we wanted to perform and have included in the revenue bonds. We went out for bid so we could make that 70% threshold in the revenue bonds for bidding results before we went to the bonds. This takes the old equalization basin that has been out of service since 2001 and restoring it to being usable for overflow situations when we have high rain amounts. The engineer's estimate was \$507,509 and the lowest responsible bidder was T. A. Loving Co. Which was \$552,000.

Council Member Shuttleworth made a motion for a recommendation of award of contract for \$552,000 for the wastewater treatment equalization

basin restoration to T. A. Lovings preliminary to such time as the town executes a written agreement in a form acceptable to the town. Motion carried unanimously.

Michael Cramer - he, the town attorney and engineers have talked about the bidding process and have made quite a few changes to the existing contract language to help us and will be coming back on a pre-qualifier type process.

- c. Consider Awarding the Construction Contract for the WWTP Discharge Line Project

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

Michael Cramer said the wastewater treatment discharge lines are deteriorated, too short, cause additional testing, treatment and fines. Engineer's estimate for project was \$653,500. Lowest responsive bidder was \$572,600.

Council Member Shuttleworth made a motion for a recommendation of award of contract for \$572,600 for the wastewater treatment discharge line replacement to T. A. Lovings preliminary to such time as the town executes a written agreement in a form acceptable to the town. Motion carried unanimously.

9. NON-AGENDA ITEMS

Noel Fox - the chamber will be holding its elected official barbecue May 20th and hopes to see all of them there as well as at the NC Byway Conference next week.

Council Member Doetsch - has noticed on some of the back streets we're getting tractor trailer trucks, and I guess they are service trucks to some of the businesses on Lake Park Blvd. I am assuming south of the lake and he comes down maybe Spartanburg Avenue and then to get out he has to make a u-turn or come around and get on Greenville to get back out and that has to be a nightmare when he's trying to get out.

Michael Cramer asked for more information after the meeting and he will follow up with the chief and see if they can help direct the individual.

MPT Pierce - asked the manager to tell the public what they will discuss at the workshop with regard to the flooding at the north end if they would like to attend.

Michael Cramer - some citizens have given some advice and suggestions on ways to mitigate some of the flooding that happens on a regular basis on Canal and part of the things they have been researching on their own have been uses for the funds we currently use for elevating homes and things like that. We will be talking about vetting that idea and what other things we could try and explore to help mitigate the flooding issues that take place up there. That Workshop will be April 26th at 6:00 pm.

MPT Pierce - there is a yard behind the community center by the water storage facility on Raleigh where we have all our stuff stored, do we have any plans to put screening fence that like we have fenced the other lots? I am getting phone calls about it.

Michael Cramer - there wasn't because it was a temporary storage area and we will eliminate that with the end of the Cape Fear project. It will be cleaned up and go back to the way it was.

Council Member Bridges - as we get to the rates I hope we'll be able to get a clearer understanding about what it is going to look like rather than guessing because that could be a shock. Also the irrigation meter, what it would do to that.

Michael Cramer - we can include those explanations in anything that we do going forward.

Council Member Shuttleworth - thanked Michael for the hard work he has done with all of the projects and problems that have been going on. He appreciates the work and all the hours and effort.

Council agreed.

Ed Parvin - if you are used to looking at the town code online on Unicode that has been updated with the changes we discussed.

Mayor Wilcox - a local musician and friend to many of us, Terry Nash, passed away today and we want to wish his family the best and send our thoughts and prayers. Also, the lot behind the gazebo that belongs to SECOF where we currently have our picture taking stuff, a man contacted me the other day and they are up in the air with what they are going to do with that lot, potentially moving forward on construction, probably not before the season but one of the options is to start preparing the lot for after the season. He did say if we are interested in leasing the lot from him for the season he would consider that. I would say that if council is okay with it we would authorize the manager to speak with him and see what kind of terms he has in mind. They have been gracious in providing all those lots to us out there for many years for parking, town events, etc., and I would be inclined to try and work something out with them on that. If we can work something out with him I think it would be the right thing to do.

The manager will contact Matt and see if he can work out some agreeable terms.

10. CLOSED SESSION IF NEEDED

11. ADJOURNMENT

Council Member Doetsch made a motion to adjourn at 9:00 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

5.10.2016
Date Approved

Ordinance 16-1005

Town of Carolina Beach
Town Council



Stormwater Ordinance

Sec. 16-225. - Limitations of Town responsibility.

- (a) The town shall be responsible only for the portions of the drainage system which are in town maintained street rights-of-way and permanent storm drainage easements conveyed to and accepted by the town. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.
- (b) The town's acquisition of storm drainage easements and/or the construction or repair by the town of drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, erosion, or standing water.

(Ord No 09-780 5-12-09)

Sec. 16-226. - Property owner responsibility.

- (a) It shall be the responsibility of the owner of any property within the town to maintain all stormwater collection facilities, including but not limited to, storm drains, manholes, catch basins, and other structures, and to ensure that these facilities are properly maintained and free of obstructions. The owner shall also be responsible for the installation and maintenance of any stormwater management devices, such as silt traps, sedimentation basins, and other devices, on the property. The owner shall also be responsible for the installation and maintenance of any stormwater management devices, such as silt traps, sedimentation basins, and other devices, on the property. The owner shall also be responsible for the installation and maintenance of any stormwater management devices, such as silt traps, sedimentation basins, and other devices, on the property.

Offenses – Weeds, Junk, Etc.

Sec. 10-21. -Nuisances declared; enumeration.

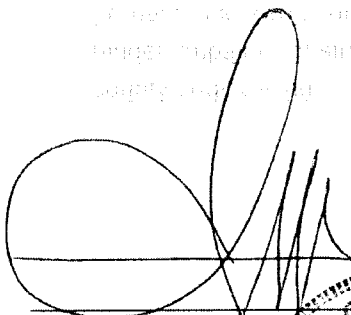
The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

Ordinance 16-1005

Town of Carolina Beach
Town Council

- (1) The uncontrolled growth of noxious weeds or grass to a height in excess of twelve (12) inches causing or threatening to cause a hazard detrimental to the public health or safety, including fallen trees and tree damage caused by storms;
- (2) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which are or may be dangerous or prejudicial to the public health.
- (3) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard or causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which are or may be dangerous or prejudicial to the public health;
- (4) Any condition detrimental to the public health which violates the rules and regulations of the county health department.

City and County of Jacksonville, Florida, and the County of Duval, Florida, do hereby certify that the above Ordinance was duly adopted by the Board of Commissioners of the County of Duval, Florida, on the 12th day of April, 2016, and that the same is hereby certified to the Town of Carolina Beach, North Carolina, for its use and enforcement.



Dan Wilcox, Mayor



Kimberlee Ward

Attest: Kimberlee Ward, Town Clerk

4.12.2016

Date Approved

Resolution 16-2021

Town of Carolina Beach
Town Council



**RESOLUTION OF THE TOWN OF CAROLINA BEACH, NORTH CAROLINA,
DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION
FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE BONDS;
REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF
THE TOWN'S ENTERPRISE SYSTEMS REVENUE BONDS, SERIES 2016
AND CERTAIN RELATED MATTERS**

WHEREAS, the Town Council (the "*Town Council*") of the Town of Carolina Beach, North Carolina (the "*Town*") hereby determines that it is necessary to improve its water, sewer and stormwater systems (collectively, the "*Enterprise Systems*"); and

WHEREAS, the Town Council is considering the issuance of not to exceed \$35,000,000 Enterprise Systems Revenue Bonds, Series 2016 of the Town (the "*2016 Bonds*") to (1) finance the costs of finance the costs of improving and expanding the Town's water, sewer and stormwater facilities (the "*2016 Project*"), (2) refinance certain of the Town's outstanding installment financing obligations used to finance water, sewer and stormwater improvements, **[(3) pay interest on the 2016 Bonds during construction of the Project, (4) fund a reserve fund for the 2016 Bonds or to purchase a surety bond in lieu thereof, if necessary,]** and (5) pay the costs of issuing the 2016 Bonds; and

WHEREAS, the Town Council wishes to (A) retain Parker Poe Adams & Bernstein LLP of Raleigh, North Carolina, as bond counsel; (B) retain First Tryon Advisors of Charlotte, North Carolina, as financial advisor; (C) retain Robert W. Baird & Co. of Winston-Salem, North Carolina, as underwriter of the 2016 Bonds (the "*Underwriter*"), (D) approve the selection by the Underwriter of Womble Carlyle Sandridge & Rice PLLC, as underwriter's counsel; (E) retain trustee for the 2016 Bonds and (F) retain Willdan Financial Services, as feasibility consultant (collectively, the "*Financing Team*"); and

WHEREAS, the Town Council desires that the Finance Director of the Town file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 2016 Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2016 Bonds to the Underwriter and (B) the Town's use of the Financing Team and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2016 Bonds and to the Town and its financial condition as may be required by the Commission, and to take all other action necessary to the issuance of the 2016 Bonds;

Town of Carolina Beach
Resolution No. 16-2021

Resolution 16-2021

Town of Carolina Beach
Town Council

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CAROLINA BEACH, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 2016 Bonds are to be issued by the Town for the purpose of providing funds to (1) finance the costs of the Project, (2) refinance certain of the Town's outstanding installment financing obligations used to finance water, sewer improvements and stormwater improvements, **[(3) pay interest on the 2016 Bonds during construction of the Project, (4) fund a reserve fund for the 2016 Bonds or to purchase a surety bond in lieu thereof, if necessary,]** and (5) pay the costs of issuing the 2016 Bonds. The use of the proceeds of the 2016 Bonds, as described, is necessary to meet the expanding needs of the users of the Enterprise Systems and to assure that the Enterprise Systems remain in full compliance with all state and federal requirements for the provision of water and sanitary sewer services.

Section 2. That the Financing Team is hereby retained and approved.

Section 3. That the Finance Director of the Town, with advice from the financial advisor and bond counsel, is hereby authorized, directed and designated to file an application with the Commission for its approval of the issuance of the 2016 Bonds.

Section 4. That the Town Council finds and determines, and asks the Commission to find and determine, from the Town's application and supporting documentation the following:

- (a) that the issuance of the 2016 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2016 Bonds will be sufficient but is not excessive, when added to other moneys available to the Enterprise Systems, for the proposed Project;
- (c) that the Enterprise Systems as now constituted, and as it will be constituted after the completion of the Project, is feasible;
- (d) that the Town's debt management procedure and policies are good; and
- (f) that the 2016 Bonds can be marketed at a reasonable interest cost to the Town.

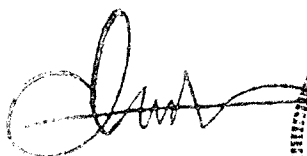
Section 6. That the Town Council requests that the Commission sell the 2016 Bonds through negotiation to the Underwriters on such terms as may be agreed on but at a true interest cost not exceeding 5% if issued on a tax-exempt basis.

Section 7. This Resolution shall be in full force and effective from and after the date of its adoption.

Resolution 16-2021

Town of Carolina Beach
Town Council

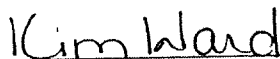
Adopted this, the 12th day of April, 2016.



Dan Wilcox, Mayor



ATTEST:



Kim Ward, Town Clerk

Resolution 16-2023

Town of Carolina Beach
Town Council



RESOLUTION ADOPTING THE SOUTHEASTERN NC REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within New Hanover County are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to flooding, high winds, droughts/heat waves, and severe winter weather; and

WHEREAS, the County and participating municipal jurisdictions desire to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6 of Article 1A of Chapter 166A of the North Carolina General Statutes, stated in Item 19.41(b)(2): "For a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act;" and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the County and its participating municipal jurisdictions have performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and have updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

Resolution 16-2023

Town of Carolina Beach
Town Council

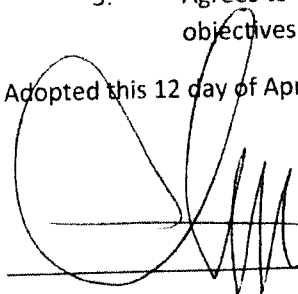
WHEREAS, it is the intent of the County Board of Commissioners to fulfill this obligation in order that the county will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County; and

WHEREAS, the Town of Carolina Beach actively participated in the planning process of the Southeastern NC Regional Hazard Mitigation Plan and has fulfilled all their part of the multi-jurisdictional planning elements required by FEMA;

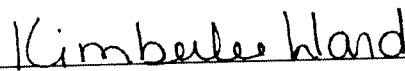
NOW, THEREFORE, be it resolved that the Town Council of the Town of Carolina Beach hereby:

1. Adopts the Southeastern NC Regional Hazard Mitigation Plan; and
2. Separately adopts the sections of the plan that are specific to the Town of Carolina Beach; and
3. Vests the Planning & Development Director or his designee with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
4. Appoints the Planning & Development Director or his designee to assure that, in cooperation with New Hanover County the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Carolina Beach Town Council for consideration.
5. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the 2016 Southeastern NC Regional Hazard Mitigation Plan.

Adopted this 12 day of April, 2016.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk



Resolution 16-2024

Town of Carolina Beach
Town Council



RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING FOR THE WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Memorandum of Understanding outlines a Cooperative, Comprehensive and Continuing transportation planning partnership among the membership; and

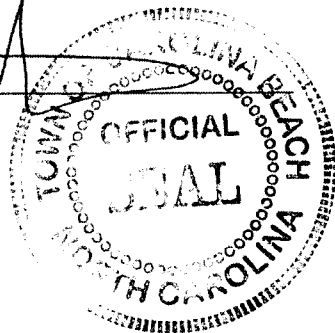
WHEREAS, the current Memorandum of Understanding between the Wilmington Urban Area Metropolitan Planning Organization and local member jurisdictions is dated August 6, 2007; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization has identified a need to update the Memorandum of Understanding to better serve the organization.

THEREFORE BE IT RESOLVED THAT the Town of Carolina Beach is authorized to execute an updated Memorandum of Understanding with the Wilmington Urban Area Metropolitan Planning Organization.

ADOPTED at a regular meeting of the 12th day of April, 2016.

Dan Wilcox, Mayor



Kimberlee Ward

Attest: Kimberlee Ward, Town Clerk

April 12, 2016

Date Approved