



CAROLINA BEACH

TOWN COUNCIL MEETING

MINUTES • MARCH 8, 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. Chris Helms, Carolina Beach State Park Superintendent 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 with the following changes:

Item 3a will be removed. The employee could not be here. We will be adding an item. That will be 8c which is a resolution to submit for state funds for disaster relief.

Motion carried unanimously.

3. SPECIAL PRESENTATIONS

a. Employee Recognition

(Requested by Kim Ward, Town Clerk)

This item was removed from the agenda.

b. Project Update from Gil Dubois

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

Gil DuBois, Public Utilities Director gave an update on the current projects in the town. They include:

Paving contractors are out doing sink hole repairs now.

Crews will be out on Lighthouse Drive replacing some failing pipes.

Crews will be out on St. Joseph Street repairing some failing septic tanks.

Storm drain projects will begin next week at 6th and Harper.

Annie Drive is scheduled to be paved next week.

All the electrical conduits have been installed from the Marriott down to the Hampton Inn and over to Canal Drive. They should have all the cable pulled by the end of this

week.

This Thursday the town will be replacing the stop lights at Canal Drive and Harper. The intersection may have to be closed for a short period of time.

Next week the power conversions will start at Canal Drive between Harper and Cape Fear.

All the water line connections have been completed on Cape Fear. We still have a small section to do for a storm drain.

c. Special Events for March and April

(Requested by Brenda Butler, Planning & Development)

Brenda Butler gave an update on the events scheduled for March and April.

d. Town Manager Update

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

Mr. Cramer gave an update on the following items:

The underground utilities at the boardwalk should be complete by April, all dependent on the utility companies.

Mayor Wilcox and Eric Jelinski presented Grainger Wright, Eagle Scout with Troop 219, a certificate of appreciation for choosing to build a sports wall at Mike Chappell Park as his Eagle Scout Project.

The Northern Boardwalk Extension Project is scheduled to start next week with a completion date in mid-June. Mike Cramer will be the point of contact along with Gil DuBois and Jerry Haire.

NC Emergency Management has approved 18 jurisdictions to apply for disaster relief assistance. We will be applying and should receive some of those funds.

The new film, SIX, will be filming in Carolina Beach on March 21st and March 24th. They will be at the Gulf Stream, the home located at 1816 Canal and Salty Dog Yoga Studio on the Boardwalk. We can expect some temporary road closures during this time.

4. OLD BUSINESS

None.

5. PUBLIC DISCUSSION

Sharon Carlson, Arts and Activities Committee - Updated council with the committee's report. She mentioned the members names, mission statement and projects to involve residents in all the arts. The meeting time was changed back to 6:30 pm on the third Wednesday of every month. Missed Pleasure Island Pageant was handed over to Island Women. It earned approximately \$10,000. Committee supported Christmas By the Sea. Performance Art Night there were 14 Friday evening bands. Two of the events were cancelled due to weather. The committee is developing a series of kiosks with maps, calendars and way finding and is working on a detailed report for Ed Parvin. On Sunday afternoons from 2-4 there is a Hoop Troop Class at the boardwalk. Committee asks for the town's continued support.

Mayor Wilcox mentioned bringing back citizens' awards and asked the committee to take a look at how that program might come to be such as citizen of the quarter, how the process would work, how someone could be nominated, etc. He asked for them to come up with some ideas to bring back to council.

Chris Helms, Carolina Beach State Park Superintendent - Presented update. The park had more than 600,000 visitors in the past year. He thanked the town for all their help and assistance. Sewer project was finished last fall which included their system in the towns and is going well. They have started a New Friends of Pleasure Island State Parks

which supports Carolina Beach State Park and Ft. Fisher recreation area and have about 80 members. They help put on events at the parks. They meet the first Monday of every month at Carolina Beach State Park or Ft. Fisher. New fitness trail loop will be dedicated on June 4th. This year is the centennial of North Carolina State Parks. They are currently upgrading 9 of their campsites with water, electric and sewer and 4 camper cabins. We hope to have completion by Memorial Day. There are 83 total sites. We received Regional State Park of the Year in December. There will be a bond on the ballot next Tuesday called the Connect NC Bond which provides \$75M to 45 North Carolina state parks for improvements. The Carolina Beach State Park would receive \$855,000 for more renovations and amenities; Ft. Fisher would receive \$1.1M for bathroom and visitor center renovations. Upcoming centennial events include - April 2nd Flytrap Family Fun Day 11-3; May 14th Centennial Celebration at 1:00. Events are free and everyone is invited. Visitors can be directed at the visitor center. He will inform Brenda Butler of events.

Scott Veals, 300 South Carolina Avenue - He has a health concern. His wife has a reactive airways dysfunction which causes bronchial spasms and requires emergency care. He had an incident with a neighbor who chemically mows his entire yard several times a year. In September he introduced himself and asked if he would be kind enough to warn him in advance because of his wife. He did not ask him not to spray, he just wanted to close the windows and his wife would stay inside during the time. The neighbor told him he was not allowed to tell him what to do, it was his property. If his car was in the driveway he was probably spraying and his wife could stay inside until he left. The county calls him before they spray for mosquitoes. On February 21st his wife was sitting on the porch using the phone, eating lunch and the neighbor sprayed and she ended up at the Medac to take care of it. That is money out of their pocket all because of lack of cooperation. During the 18 months they have lived there, the neighbor has probably sprayed 5 times - 2 dousings on a weekend. He feels it is a community issue when it affects beyond your own property line. He is proposing council come up with a resolution or ordinance that requires a permit to chemically kill your entire yard. He has no problem with spot spraying. There is an environmental and health problem. They have received help from the police department in discussions with the neighbor and he is going to try to start warning us when he sprays. He would like to see something that help other people in the same predicament.

Bev Veals, 300 South Carolina Avenue - As a farmer's daughter she was a licensed applicator for pesticides. She is a 3 time cancer survivor. She handed out information to council members, attorney and the town manager regarding pesticides and the environment and human health and reviewed it. The neighbor is using a pesticide called Buccaneer Pro which is farm grade but allowed on lawns no more than twice a year. They are working with the NC Department of Agriculture with regard to what he is doing and is being investigated. The NC Department of Wildlife is investigating glyphosate which is the key ingredient in Roundup and the effect on endangered species. It is also a potential carcinogen. There are ways to get around the pre-emptive state for the town: develop a test management program, communicate with local lawn care and exterminators about the goal of reducing pesticides, education and initiate lawn care guidelines with permitting. Those are some things you can do and I would like the town to consider this.

Mayor Wilcox said he is not aware of any ordinances or restrictions the town has we could apply at this time.

Noel Fox gave a brief review of the landscaping and vegetation ordinances in effect now. It doesn't appear that this situation is specifically addressed. I don't know how you would have anticipated the need for this situation in an ordinance but there are some

things which are similar to what she is suggesting in terms of permitting if you are going to remove vegetation then you have to get a permit. I would be happy to work with staff to see what particulars are taking place on this particular piece of property. I don't know if it is in proximity to storm drain or not. I think the manager said he thought there was a ditch so it's not a direct discharge into a storm water. Those things would be factors in how the town could address this specific situation or a general change to the landscaping and vegetation ordinances. Either way she would like to work with staff on it.

Mayor Wilcox said one of the challenges is the enforcement and restrictions can be very difficult to enforce but doesn't mean we can't look into what makes good sense.

Michael Cramer said they have spoken with the individual and Bev and Scott on several different occasions with the code enforcement officer. The police department has also been involved on a couple of occasions. Because we don't have anything specific in our ordinance to utilize as a tool we were also in agreement that it needed to go on to the Department of Agriculture where they may have something more in their ordinances or legislation to help this situation.

The town manager and town attorney will pursue looking into it further.

Scott Seifer, 306 Charlotte Avenue - Wants to discuss the up and coming water and sewer project. He watched the February 18th video of the town council special meeting which answered a lot of his questions and confirmed that his spreadsheets he has been sending to Michael Cramer are accurate for the various levels of water usage. The graph that was used to depict a typical water bill for a citizen gave the impression it would increase approximately \$100 a month over the next 5 years. That graph depicted a household using 6,000 gallons of water and 6,000 gallons of wastewater which is not typical. Since watching the video, discussions with Michael and crunching the numbers it is not that bad. I wanted to thank Michael for his time and pointing some things out and also bring to the attention of council the Oak Island project in 2010 that had a budget of \$40M and ending up costing \$140M with high bills to the residents. He wants to stress to the town to keep an eye on things and not be the next Oak Island with cost and time overruns incurred such as in Phase 1a and not make the same mistakes.

6. PUBLIC HEARINGS

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

(Requested by Kim Ward, Town Clerk)

Council Member Shuttleworth made a motion to open the public hearing. Motion carried unanimously.

Mike Britt, President of the Carolina Beach Inlet Association - Mentioned that their request was given to council. They received help last year in the amount of \$2,000 and this year they are requesting \$5,000. They will be going to Raleigh to try to get more money. They just finished dredging and needed 2-3 more days but ran out of time and money. We are also thinking about going back to Washington. This inlet affects the whole Town of Carolina Beach, not just fishers.

Mayor Wilcox said it affects the whole island, Wilmington, county, businesses and homeowners. It's a big deal and we appreciate all the hard work that you do.

Michael Cramer explained that the non-profit funding requests are broken up into 2 categories. One is items that you addressed last month with CBDI and with the chamber. Then we send a letter out to our non-profit partners we have contributed to in the past and asked them if they have any funding requests and to submit their

requests to us. We take that information, have them come and make a presentation to you tonight and then we put that into our budget for the next fiscal year and that's when at the budget workshops we have a chance to talk about those particular merits.

Council Member Shuttleworth said the difference is the ones we did last month were from Room Occupancy Tax and these would be from general fund dollars.

Paul Laird, Friends of Fort Fisher - Requesting \$5,000 for programming needs at Ft. Fisher State Historic Site. They have had increased program participation of over 235% from 2014 to 2015. There were over 890,539 visitors in 2015. All programs are free to the public. There are 30 programs planned for this year.

Nancy Busovne, Pleasure Island Sea Turtle Project - The turtle season starts May 1st with morning patrol. We mark and monitor nests until hatching time and are out there until all nests hatch which lasts through September/October. Funding has helped with patrol vehicle, gas, nesting supplies and everything we need to keep running. Some money raised through annual fundraising is given to the Topsail Sea Turtle Hospital. Kure Beach is separate and supports their own program. Visitors can get more information about the sea turtles at their website, seaturtleproject.org, and Facebook. They are also a member of the chamber.

Michael Cramer said the link would be added to the town's website and Facebook.

Demetrius Sapienza, Treasurer of the Federal Point Historical Society - The town manager has been working with them while they spruce up the building. This year they are requesting \$7,500. They are currently updating all of their exhibits and will be cooperating with other small historical museums in that effort. There are 2 new exhibits planned. They are involved in an outreach with the elementary school on the history of the island. They are open Thursday through Saturday.

Mayor Wilcox asked if they would be interested in doing an outreach at the boardwalk, setting up displays. Ms. Sapienza said they would love to.

Frances Massey, President of Island of Lights - Thanked the town for all their help with events. They are requesting \$8,000 this year, same as in the past few years. They purchased for this coming year an addition to the current Christmas tree making it 26 feet as well as some ornaments.

Mayor Wilcox asked if the holdover funds from the cancelled fireworks was reflected in their request.

Ms. Massey said no, out of the \$2,500 deposit \$1,869.06 for expenses as the fireworks were on the way. The rest was rolled over for the next year.

The following dollar amounts were requested:

Carolina Beach Inlet Association	\$5,000
Friends of Fort Fisher	\$5,000
Federal Point Historical Society	\$7,500
Pleasure Island Sea Turtle Project	\$6,600
Katie B. Hines Senior Center	\$10,000
Island of Lights	\$8,000
Help Center	\$4,000

Saving Animals During Disaster \$3,000

Mayor Wilcox made a motion to close the public hearing. Motion carried unanimously.

- b. Consider adopting revisions to the Town Code of Ordinance

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

Mayor Wilcox made a motion to open the public hearing. Motion carried unanimously.

Ed Parvin presented. They have reviewed 700+ pages of the Town Code and went over some of the types of changes at the workshop. Code amendments included: (1) reorganization (order of chapters); (2) errors (typos such as things inconsistent with the regulation) ; (3) irrelevant (areas no longer used due to changes in NCGS); (4) unused; (5) repetitive; (6) NC General Statutes (updated to be completely consistent with the state); (7) clarify current processes/procedures; (8) clarify accountability; (9) remove references to dollar amounts (fines and costs moved into the budget ordinance). Code amendments will receive a final formatting review by staff prior to being sent to Municode. With changes put in place by Municode they will be able to update the code almost instantly and be able to see the new language and how it was amended. We will continue to maintain a separate copy of the zoning ordinance. Ordinance 16-1004 with specifications on what that needs to include. Staff recommendation is because we are including zoning changes in here that you adopt the language that we do for a zoning ordinance if you adopt this tonight for approval.

MPT Pierce made a motion to adopt Ordinance No. 16-1004 revisions to the Town Code Ordinance and that it is consistent with the Land Use Plan and other long range plans in the public interest. Motion carried unanimously.

Mayor Wilcox called for a break.

7. CONSENT AGENDA

Council Member Shuttleworth made a motion to approve the consent agenda with the exclusion of Item 7c Budget Amendments and Transfers which is moved to Item 8d under New Business.

The following items were approved under the consent agenda:

Set public hearing date for April 12th to consider a conditional use permit for Harris Teeter.

Set public hearing date for April 12th to consider adopting the Southeastern Regional Hazard Mitigation Plan.

Reported items that were sold on GovDeals in 2015.

Kure Beach Sewer rates \$13,671.31 Fixed rate; \$3,746.25 Capital Recovery rate; .7766 Variable rate.

Fort Fisher Aquarium is \$527.26 per month.

Meeting minutes from January 19, 2016, January 26, 2016, February 9, 2016, February 12, 2016, February 18, 2016 and February 23, 2016.

Motion carried unanimously.

8. NEW BUSINESS

- a. Consider Approving Dramtree Parking and Market Study

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

Roger Johnson, managing partner, presented. We met with Michael Cramer and Ed Parvin last year and was told to put together a proposal which was given to council at a workshop where they requested to give a more comprehensive parking study as why the town should do business with Dram Tree and an expansion on the benefits of the market analysis at tonight's meeting. The fourth question was about specific land parcels which will not be addressed tonight as they feel those decisions should be data driven and include public input. They would like to partner with Carolina Beach to establish a plan that includes public input for a better use of the surface parking lot on Canal Drive and execute the plan. They are requesting that the \$60,000 earmarked for 2017 parking study be earmarked today for Dram Tree. They will provide a study for downtown Carolina Beach as well as system-wide recommendations to include the north end, Lake Park and south end and a third party validation. He reviewed their addendum: Will count both public and private available public spaces, count number of parkers during normal business times, event driven times and during peak demand times with particular attention to Memorial Day weekend; will provide supply and demand variance for those areas; recommendations as it relates to parking technology; solicit public feedback on program development; peer review with other localities and provide recommendations on those; provide financials/costs estimates. Will also provide a list of public interests from the community as it relates to Canal Drive as well as a market analysis of the downtown area. Will take most likely scenarios for that particular site in a public/private partnership or some other agreement working with the town attorney and make some program recommendations. After approval, they will create a request for proposal and will help recruit developers to build this particular project. If allowed to do the study they are proposing and a parking structure is needed on Canal Drive, they will work to find a public/private partnership or other such agreement for the deck with amenities. They also brought a letter of interest from a developer.

Council decided to wait on the parking study decisions until town finances are reviewed more closely during the budget discussion. No action was taken.

b. Special Event Rate Schedule for 2016

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

Michael Cramer presented the special event rate schedule. One of the challenging aspects has been how to utilize town assets and resources for promotion of special events here while not subsidizing those resources and charge the special events for particular rates. Staff looked at other municipalities and how they handled special events. Staff determined the fees charged are not providing enough cost recovery to the town and some employees used in work for the event during business hours are being kept from doing town work. He reviewed the recommendation of changes for special events rate structure which would continue to provide those services to the public and encourage people to come for special events while recovering more of the costs and associated costs for services that we haven't been capturing as well as procedural changes for employees and special event time with regard to overtime.

Mayor Wilcox asked if rate charged for vehicle use could be hourly instead of a 4 hour block.

Mr. Cramer said that could be approved separately.

Council Member Shuttleworth asked about the town parking lots, foregoing the daily rate of \$8 per space after Labor Day until Memorial Day, 1 September through 30 April, no fee will be charged.

Mr. Cramer said the date description will be corrected.

Council Member Shuttleworth made a motion to adopt the rate changes as presented by the town manager. Motion carried unanimously.

Mayor Wilcox said we have a lot of great organizations that bring fantastic events to our town. We have to figure out a way to have a town representative at those major events. No matter what event I go to there is always a problem such as electrical, band doesn't have any power, where are the trash people, where are the trolleys, etc. We need a presence there. Wilmington and Kure Beach have representatives at their events to answer questions and deal with problems. It looks bad when we don't have one there.

Mr. Cramer said we have given organizers a list of contacts for different types of problems which has helped. We are working on it and trying to figure it out.

c. NCDEM Resolution for Reimbursement

Michael Cramer said it does look like the state is going to allow 18 jurisdictions to put in requests for disaster relief funds. This resolution is required to do that.

Council Member Doetsch made a motion to approve Resolution No. 16-2020 Designation of Applicant's Agents from the North Carolina Division of Emergency Management. Motion carried unanimously.

d. Budget Transfer Request

Council Member Shuttleworth made a motion to approve the presented budget amendment transfers exclusive of the appropriate funds for Dram Tree Parking Study pending council approval.

Council Member Shuttleworth asked about the appropriate funds for replacement of lifeguard vehicle. Are we replacing the vehicle by selling something else?

Debbie Hall - Yes, we had an excess in the sale of fixed assets which funds can be appropriated to use. We had budgeted \$3,000 for those fixed assets but they were exceeded.

Council Member Shuttleworth asked about the last 3, the appropriate funds for the boardwalk northern extension, that comes out of the General Fund Balance. The power lines are out of the Fund Balance, is that correct? And those are ones we had already taken action on before and those are reflected in the numbers you gave us last week?

Ms. Hall - Yes. We have received BB&T financing for the fire engine and the burial of the power lines and this was just so that I could record those in the records and they are reflected in the Fund Balance numbers given last week.

Council Member Shuttleworth - I met with Ms. Hall last week and asked her help in helping council understand where we are on revenue projections and are we going to be close to on target. We allocated a Fund Balance transfer to balance the budget last year of \$1.5M and I asked Michael and Debbie to tell us, in their opinion, in the next couple of weeks or month how close to that \$1.5M we're really going to use.

Mayor Wilcox - We're looking at 2 things to add to that out of that \$1.5M funds that were not spent and anything else that might have come under budget.

Mr. Cramer - Typically we present those things at our budget workshop so you have an understanding of what was going on during the year. Debbie put out the information a little bit early. It's useful information to make sure that council knows what is going on and has an understanding of it. We have discussed different ways of giving you that information each time that we do this. The variables involved can make it very difficult but we can do a better job of showing you that running total and explaining it.

Motion carried unanimously.

9. NON-AGENDA ITEMS

None.

10. CLOSED SESSION IF NEEDED

Mayor Wilcox announced that council will go into closed session to discuss attorney/client privileges as well as a personnel matter in accordance with NCGS 143-318.11(a)(3)(6).

Council and staff returned from closed session at 11:10 p.m.

Mr. Cramer reported that appointed staff evaluations were discussed and the following recommendations were made:

- A 5% increase for the Finance Director.
- A 3% increase for the Town Clerk.
- A 4.5% increase for the Town Manager.

Mayor Wilcox made a motion to approve the salary changes as mentioned and that they be retro-active to the last evaluation period. Motion carried unanimously.

11. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 11:15 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

4.12.2016
Date Approved

RESOLUTION 16-2020
DESIGNATION OF APPLICANT'S AGENT
 North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) Town of Carolina Beach	Disaster Number:
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start 2015-16 Month: July Day: 01	
Applicant's Federal Employer's Identification Number 56 - 6001193	
Applicant's Federal Information Processing Standards (FIPS) Number	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Michael Cramer	Agent's Name Ed Parvin
Organization Town of Carolina Beach	Organization Town of Carolina Beach
Official Position Town Manager	Official Position Asst. Town Manager
Mailing Address 1121 North Lake Park Blvd.	Mailing Address 1121 North Lake Park Blvd.
City, State, Zip Carolina Beach, NC, 28428	City, State, Zip Carolina Beach, NC, 28428
Daytime Telephone (910) 458-2994	Daytime Telephone (910) 458-2526
Facsimile Number (910) 458-2997	Facsimile Number (910) 458-2997
Pager or Cellular Number (910) 515-1557	Pager or Cellular Number (910) 465-2766

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 8th day of March, 2016.

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Dan Wilcox, Mayor	Name Kim Ward
Name and Title Town Council members	Official Position Town Clerk
Name and Title	Daytime Telephone (910) 458-2992

CERTIFICATION

I, Kim Ward, (Name) duly appointed and Town Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of the Town of Carolina Beach (Organization) on the 8th day of March, 2016.

Date: March 8, 2016 Signature: Kim Ward

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

Ordinance 16-1004

Town of Carolina Beach
Town Council



AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF CAROLINA BEACH, NORTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL:

Section 1. The Code entitled "Code of Ordinances, Town of Carolina Beach, North Carolina," published by Municipal Code Corporation, consisting of chapters 1 through 40, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before June 9, 2015, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished in accordance with code Section 1-6. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

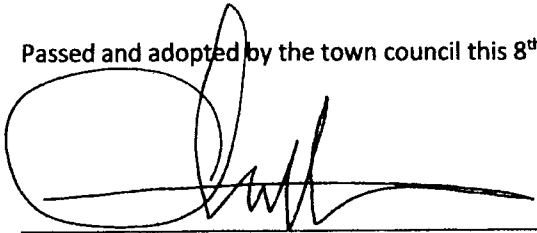
Section 6. Ordinances adopted after June 9, 2015, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall be effective March 8, 2016.

Ordinance 16-1004

Town of Carolina Beach
Town Council

Passed and adopted by the town council this 8th day of March, 2015.



Dan Wilcox, Mayor

Kimberlee Ward

Attest: Kimberlee Ward, Town Clerk

March 8, 2016

Date Approved