



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • JANUARY 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 AND PLEDGE OF ALLEGIANCE

Meeting was called to order by Mayor Wilcox at 6:30 p.m. Pastor Danny Kech with the Kure Beach Memorial Lutheran Church gave the invocation 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:

Three employees scheduled to be here for recognition would not be able to make it tonight; removing Item 8(a) - Consider awarding the construction contract for the Waste Water Treatment Plant Discharge Line Project. That item is not ready to be heard.

Motion carried unanimously.

3. SPECIAL PRESENTATIONS

a. Employee Recognition

(Requested by Kim Ward, Town Clerk)

Chief Spivey recognized new employee, Officer Charles Elliott.

b. Presentation by Crawl for Paws - Donation to the Carolina Beach Police Department presented by Wayne Rouse.

(Requested by Kim Ward, Town Clerk)

Wayne Rouse, Crawls for Paws, thanked all police officers for their service protecting us. He said the program was started in 2013 to raise money for the canine unit, raised \$2,500 the first year and have a donation tonight for \$3,000 bringing the total raised to about \$10,000. The next Crawls for Paws is May 14. Their website is crawlsforpaws.com.

c. Blue Frog Presentation

(Requested by Gil Dubois, Operations)

Gil DuBois introduced Grace Corbino with Blue Frog Technology and said they would be having a workshop tomorrow.

Ms. Corbino said she was here to talk about a solution for the lake through Blue Frog Technology. Tomorrow's in depth presentation by the chemical engineer who invented Blue Frog will be open to the city. This technology is a hybrid high performance aerator that digests sludge in situ using natural, biological processes. It eliminates sludge buildup increasing retention time of ponds, lakes and wastewater lagoon systems, energy efficient, low operating and maintenance costs (\$25 a year), minimizing odors, reducing BOD and TSS levels, guarantee results provided. She reviewed biodredging and its benefits. It creates radial, outflowing current moving water horizontally and mimicking nature. They were asked by Mr. DuBois to design a system that would eliminate dredging of organic material. There are three phases. Phase 1 is in the eastern third of the pond where three Blue Frogs will be placed (total of 9hp). Phase 2 three Blue Frogs in the middle of the pond. Phase 3 with three Blue Frogs but pond will have to be dredged of inorganic material to be able to continue biodredging. (Picture of the lake with diagram showing location of pylons and Blue Frog units and the different phases.) Each phase is \$72,030.00. They recommend Phase 1 and 2 to be placed in at the same time but will work putting a phase in at a time. If done together biodredging over 12 months will remove solids out of those two portions of the pond. They cannot do Phase 3 until the marshland in that area is removed. Ms. Corbino reviewed the proposal and its inclusions as well as quarterly sludge measurements and performance guarantee.

Mr. DuBois said council chambers will open at 9:00 am and at 9:30 Ms. Corbino will begin the in-depth presentation which will last about an hour. The public is invited and can address any questions or concerns.

Council Member Doetsch asked if the town needs to pump the lake down, how are the Blue Frogs secured.

Mr. Dubois said we have concrete stabilizers similar to mooring buoys.

Ms. Corbino said if you have to pump the lake down it will alter this design slightly, we'll add stainless steel legs to the units so that will alter the price a bit.

MPT Pierce asked if the anchors are seen above ground as well?

Ms. Corbino said yes, they are pylons. Kind of like boat anchors.

MPT Pierce said so you will see three more anchors above the ground in addition to the three. Per Blue Frog there is an anchor that goes with it.

Ms. Corbino pointed out the pylons on the diagram. The Blue Frogs will be tethered to a pylon. There will be three pylons in the first phase, two in the second and two in the third. You will see the pylons above the water. They will run 24/7 and you will not even know they are running. You will not see the anchor lines so no boats will be running into them. They will go up and down.

Council Member Bridges said the lake is 2 feet deep and the unit has 57" that it has to go down.

Mr. DuBois said it is 2 feet in some places and 7 or 8 feet in other places. The whole purpose of this is to take the organics and eliminate those.

Ms. Corbino said it will increase the capacity of the lake for stormwater runoff.

Council Member Bridges said with all those objects in the lake, it's not that big of a lake, it's going to change the topography and how it looks. They are big units, 8' is a lot.

Ms. Corbino said there are many ways to decorate the units.

Council Member Bridges said I know the cost of the units but there are things we have to provide and I would like to know what the cost of all that is.

MPT Pierce asked what kind of electricity it generates or pulls?

Ms. Corbino said the average cost of a Blue Frog if you are estimating about 8 cents per kilowatt hour is about \$1,400.

Council Member Shuttleworth said one of our options is just to dredge the lake and another is to come up with a system like this or a hybrid. Primarily when you are talking about this on a lagoon type treatment it's for a wastewater treatment, a sludge for a sewer treatment plant. Primarily that's where they're used. In this case we have a stormwater lake that has some organics but it's not wastewater sludge at the bottom of this pond. We haven't dredged the lake ever or not in the last 25 or 30 years so this is not an annual or every 10 years that we're going to be dredging so it is a rare occurrence that we need to have this done. I am concerned that it would take a year to see some substantial removal of the first layer of organics and then you would get to the second layer up to 3 years. I know from the dredging costs we had before we're around \$1M+/- so it's not a cost issue. For me it's the visual and the time it takes. The motivation of council is to increase our stormwater capacity as rapidly as possible so I am anxious to hear some of the other feedback and some of the other options. If we had had the lake dredged before and we were looking for long term maintenance this would be a no brainer for me. I think this has tremendous technology but I need to get more educated and see other options. If I could be there tomorrow, my questions would be how long would it take to get a substantial increase in our storage capacity to the lake, which is what the motivation is, and the other big issue is the odor.

Mayor Wilcox said we talked about the cost, do you have an estimated cost to the town on our side?

Mr. DuBois said not at this time, we will get in to this and the design tomorrow.

Mayor Wilcox said have we done cores? Do we know what the makeup is on the bottom of the lake? How much of it is organic material?

Mr. DuBois said we have done some but that is one thing the engineer also wanted to do, to take some additional core samples to analyze and make determinations on what needs to be done.

Mayor Wilcox asked if we have located any clients who have a situation similar to ours or is it mostly wastewater treatment?

Ms. Corbino said prior to 2011 they did have a recreation type lake but the majority of our business has been municipal waste.

Mayor Wilcox asked if we have reached out to any of those clients to find out how well it went?

Mr. DuBois said I have reached out to a couple who have lagoons but not to recreational municipalities. We kind of wanted to show the product first and understand the cost then get more information to bring back to you.

Ms. Corbino said you would be buying these and they give 75% of the funds back. When we give a final design, this preliminary was based on all the information provided to us on a form we ask our clients to complete. Prior to a final design we're going to get some additional samples from Gil to say this is what the composition is. We need to have that and the water quality so we can come back with a final or write your performance guarantee. We're going to measure the sludge, the organic solids that we can digest. We're going to fine tune how fast we can go that and talk those next steps but we do support everything that's reported there.

Mayor Wilcox said so based on those percentages you will be able to tell us how low you can take those away.

Ms. Corbino said exactly, how fast. All of this information about how fast we can do it is very preliminary without having composites. Electrical usage would be \$1,400 a month per unit because you're running it 24/7. I will do a recap on that to give you more exact figures.

Council Member Doetsch said by doing this ahead of dredging, how much would we reduce our spoil area in size?

Mr. DuBois said if we had 5 foot sludge and this thing takes up 2 feet, then you have three feet of sand..

Council Member Shuttleworth said but you still have to do the dredging of the sand or whatever and you still have to get those permits and this proposal says we'd still need to do the west end regardless. If we want to maintain the lake in any of the shape that it currently is to protect those volumes we're going to have to address the west end. One of the reasons that we talked about something other than dredging was the permit issue which this does not deal with. We still have to get permits, wetland issues, water quality, etc. We were very close before to having all the dredge stuff ready to go. We were down to discussing bulkhead or rip rap.

Mayor Wilcox said, as a closing comment, the numbers are important here because we're throwing out \$216,000 for the units, the town has \$100,000 - \$115,000 worth of pylons and electrical. If it's \$1,400 a month...

Ms. Corbino said it would be \$1,400 a year per unit. You would have to dredge the third part if you really wanted to eliminate the odor.

Council Member Shuttleworth said you also said we would have to remove the plant material, the vegetation, anyway which we have a lot of on the east end.

Mr. DuBois said that we are just trying to look at all the options.

Mayor Wilcox said we know that dredging is not a cheap or elegant process. The material has to come out and has to sit somewhere to dry or be hauled away heavy and it costs more money. It's a major problem and concern. I am hopeful that this may be part of the solution anyway. I will try to make the presentation.

d. Brief January and February Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the special events for January and February.

Butch Robinson gave a short presentation on requesting increasing the half marathon to a full marathon down to Carolina Beach and including it in the route. It will start on Clarendon next to the school and go out Dow down to Carolina Beach Road, across the bridge and will move over to the other side of the bridge. I have been working with Sgt. Troy Pope, the highway patrol officer in charge of this area. We will only close one lane of the bridge and then they will come back into Dow and do the half marathon course. It will start at 7:30 am and most runners will be finished by 11:30 am. We will notify residents, businesses and churches and give them the information on what roads will be impacted. We will have electronic notification boards placed on 421. Most of the run will take place on Dow. Residents will be able to get in and out of their homes during that time. My contact information will be on the postcards/info given out. They are requesting October 16th, a Sunday morning. They will be utilizing the state park again. There could be as many as 3,500 to 4,000 runners in the next year or two.

Council Member Bridges made a motion to approve the marathon for October 16, 2016. Motion carried unanimously.

e. Project Update by Gil DuBois

(Requested by Gil Dubois, Operations)

Gil DuBois made presentation. He said they finally got the twin 36 lines under Cape Fear assembled and put together. We're still working on a private issue attached to that. We have 2 out of 3 solutions right now and the team is currently working up towards Eighth Street and we're going to start lining next week, the pipe on the sewer from Eighth Street to Dow then down to the next block which will eliminate any kind of obstructions or problems for the fire department. The only time we're going to have any issues with the fire department is when we actually go back and resurface that road. We have to take the asphalt out and we're working with the contractor on that and the police chief and fire chief making sure we can minimize our time of inconvenience for the fire department.

Mayor Wilcox asked for a completion date on the western stretch.

Michael Cramer said we're looking at the end of March for the roadway, the stormwater, the utilities - everything with the exception of the trail which they have gone through the NCDOT process to choose the engineer, they're getting the final plans together which will go out to bid. We're hoping to have the start of the trail construction at the end of this phase of construction on Cape Fear and should be about a 60 day project.

Mr. DuBois said at the boardwalk they are making a lot of progress. Rain and cold weather held them up a bit. If the temperature is less than 50 degrees we can't put down concrete. I have talked with the mayor and business owners down there and we are preparing to have everything in order for the Polar Plunge. Also talked with Ken Cofer and Matt Murphy about utilizing that lot so that Saturday we will have lined out so they can have a straight run to the ocean. On the boardwalk we have a meeting this Thursday with all of the utility owners - AT&T, Charter Cable, Progress Energy, to get updates on how long it takes to get the lines off the poles and poles removed for this coming spring. We will send all of you updates after that on anticipated progress on getting everything hooked up and all the main power to buildings and businesses.

Mayor Wilcox asked if we are pulling those poles.

Mr. DuBois said we haven't been, usually done by a contractor. Right now there will be 3 poles left on the boardwalk area for camera installations which will probably be lowered in height. On Annie Drive construction started last week and moved forward very successfully. Grading should be done by end of this week or beginning of next week and it will be stoned, concrete curb put in and then it will be paved with completion by the middle of March.

Mayor Wilcox asked when the boardwalk will be completely finished and ready for the season.

Mr. DuBois said they were originally targeting the end of March and think they can still meet that date.

MPT Pierce asked if there is any expense to the owners for installing the meters.

Mr. DuBois said no, it's part of the project price.

Mr. Cramer said because it was in the best interest of the town to redo the infrastructure down there and to put the lines underground for safety purposes and fire, we thought it would be unfair to burden property owners with having to have a connection fee when we were basically forcing the issue. We will be paying for the connection fee, new meter, box, etc. Which is embedded in the project you approved in the past.

Mr. DuBois said when we get ready to do a power change out we require someone who rents or owns that building to be there so if they have freezers or compressors or anything like that running that they are put back on one at a time on line. We insure that we have those contacts and have them present. We have had great success with that so far. There are a couple of other projects coming up. The wastewater treatment plant discharge pipe project we put out for bid came in higher than what we anticipated and we're not going to be able to meet the deadlines for the state requirements for the endangered species in the sand so we have had to reschedule that project. We'll be presenting you some numbers for the EQ basin shortly. We're also doing a very in depth study for the Phase B to make sure we don't miss driveways, cuts, other costs so we have a true cost of the project or a lot of change orders.

f. Manager's Update

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

Michael Cramer presented. Coastal Storm Damage Reduction project - he announced several months ago that the Corps of Engineers awarded the contract to Marinex Construction for the Storm Damage Reduction Program. They intended to begin November 16th but were stalled in Morehead City for about a month and couldn't begin here afterwards because of the holiday season and insufficient staff to start the dredging. I talked with the Corps of Engineers staff and they are expecting to see some sand movement this week. The dredge plant was moved into place yesterday and should be able to start pumping pretty soon. They will be going from Ocean Blvd. South through Kure Beach then coming back up to Freeman Park and starting at the inlet and starting to put out sand at approximately the pier and going south to about the boardwalk. I have authorized them to pre-position piping on Freeman Park to make sure that if they run into issues out in the ocean where the seas are too rough and they are able to dredge they can move the dredge plant to the inlet

and start the other portion of the project during the down times. Right now they are anticipating to still meet the deadline of March 30th for completion.

Council Member Shuttleworth said when we were at the meeting with the Corps and Marinex, they had allotted 60 days for Kure Beach, thought it would take 45, and allotted 60 days for Carolina Beach, thought it would take 45 - they have yet to move sand on Kure Beach. If they started tomorrow it could be mid March leaving only 2 weeks to finish Carolina Beach. At what point do we start asked them to look at our window with the turtle issues. Easter is the last weekend in March. We ran into that the last dredge cycle. When Easter is here all sorts of stuff starts to happen. I'm getting a little nervous that they're not going to make that window.

Mr. Cramer said he has been communicating with them the entire length of the project so far. They're response to that when I've pressed them getting it done in the time frame is that they are not going to pay the fines to go over it so they will bring in the manpower necessary to get it done. Because they haven't started moving sand at this point they aren't really able to gauge how well they will be able to move it in this area. Once they do they will have a better idea on whether or not they will be hitting the mark or whether they will have to bring in additional crews.

Council Member Shuttleworth said they are doing Kure Beach for the first time, they are out in the borrow pit off the north end pier a couple of miles and will be running a pipe all the way to Kure which they have never done before. That's a long way to run a pipe. They reason I am bringing this up is that at some point we hit the window for the turtle nesting season and we have to help them obtain permission to extend it and if we wait until the last minute it makes for a stressful life.

Mr. Cramer said he has already broached that subject with the Corps of Engineers and when they think the drop dead date is before we really have to start pushing for an extension. They are very interested in seeing the sand start to move and be able to get those timelines in before they do that. I will keep you informed and will keep hammering on the Corps to push the project along.

Mayor Wilcox said pumping started today according to the Island Gazette.

Council Member Shuttleworth said 60 days there and 60 days here puts us in the middle of May. Turtle season starts Easter.

Mr. Cramer said it is a state and federal authorized window that we have to meet and I believe we can't go past mid April or something like that. They set it at March so they would have a little bit of grace period. I will definitely keep on it and keep you informed of any issues that come up. The other item for update is the multi-purpose room and our EOC planning. When we started conversations about establishing a permanent home for our operations folks, one of the goals was removing our operations staff from the cramped area that was previously the police training room and turning it back into a multi-purpose room and an EOC. All that work has been completed. The warehouse and operations center has been up and running for a couple of months and we're getting everything moved in there. The multi-purpose room has been completed, all the equipment moved in and we're ready for it to be our emergency operations center when we get to hurricane season. Carpeting replacement may need to be done in the future. The last item is the site plan revision update which he turned over to Ed Parvin.

Mr. Parvin said they have hit a number of issues over the last few years with finding infrastructure underground they did not know was there, on private and public

property. At the October workshop it was discussed that all private development, single-family, would come in and give us a survey plot plan in hopes of capturing any easements on those private properties. With regard to other options that wouldn't add on any extra costs to the developer/property owner and in discussions with Planning and Zoning, which includes 2 builders on the board, and about 75% of the permits we pulled already do a plot plan survey. P&Z was okay with us moving forward with the required survey which would create 3 required surveys - a plot plan, a foundation, and an as-built. We spoke with some surveyors and they would not necessarily pick up on an easement unless there was something on the site that triggered them to do research for an easement. A title search would be expensive and wouldn't be helpful in a lot of situations because there is nothing there to find. We have staff members who go out to look at those lots who do a zoning and Army Corps review, a stormwater review, and a water and sewer review. We would like for them to go together and specifically look for those types of things and resolve this issue without adding that survey requirement.

Mayor Wilcox asked if we are going to have the operations center up and operational or a ribbon cutting or anything like that?

Mr. Cramer said we are currently moving all of the inventory that we can from Bridge Barrier Road into the warehouse and once that is in order and then have a ribbon cutting and ceremony.

Council Member Shuttleworth asked for an update on the Harris Teeter and the arcade building fire process and how we might shield the look down there or getting permits to get going. We need to put some pressure on the owners down there to dress that site up as the season comes along.

Mr. Cramer said Harris Teeter had to go back to work with NCDOT on their entryway again. We understand they have finished that process and expect to have new plans in by the end of the week. We will go through TRC review next week and most likely go to P&Z next month to look at the modifications to the conditional use permit and then come to council the following month, in March. The arcade building we have processed the permit and have the building plans for the shell completion for that project. As soon as the contractor comes in and addresses that they will be able to start construction which would take about 90 days to get the shell completed. When the tenants get a lease on the facility they will have to do upfits and get those requirements at the town. The facility should be complete in about 120 days, sometime late April. We will be working with the contractor to try and make sure safety and security concerns are taken care of. We don't have an ordinance that requires any type of screening so enforcing a particular solution is not something we're able to do but we will work with them on a creative solution so that it isn't an eyesore.

MPT Pierce asked for an update on the lot on Fayetteville. Is it going to continue to be a staging lot for the next couple of phases? Are we looking at fencing it or making sure it stays clean and organized?

Mr. Cramer said similar to other places we have that are under construction, it is a staging location for materials. We have been keeping on the contractor to keep it as clean and tidy as possible. Because of the proximity to the next phase, Phase B, of the utility project and that property is right in the middle of that, we expect to use it as a staging area. Staff has discussed fencing or changing it to a gravel lot so that it doesn't look like it is overgrown with weeds so we're trying to factor those things in to the next phase of the project.

Council Member Shuttleworth said on the boardwalk property those folks were able to get a temporary sectional 8 foot fence that had some opaque screening on it - something like that on the Fayetteville lot could help diminish it as an eyesore.

Mr. Cramer said that is the part that we're looking at, adding it on to the Phase B as a requirement for things that we do.

4. OLD BUSINESS

None.

5. PUBLIC DISCUSSION

No one spoke.

6. PUBLIC HEARINGS

- a. Text Amendment: Article V. – Permits Sec. 4-83. Survey Requirements; clarify what is required on the final as-built surveys

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison said that in 1997 starting requiring as-built surveys when a building was finalized to show all the improvements being done and what we're asking tonight is to clarify those improvements to be made to show up on that final survey, which is already a requirement, to capture things like HVAC equipment, driveways, parking, easements so we can verify that those improvements meet the regulations. In talking with the builders I asked if there are additional fees by the surveyors for those things and they said no. We're trying to do this on the front end and clarify it with tonight's amendment. Planning and Zoning did hear this and they said it was consistent with the Land Use Plan and other long range plans and voted 7-0 in favor of.

Council Member Doetsch said on the ordinance I see where you have struck the word "structures" on page 3 of Ordinance 16-1002. Why is that?

Mayor Wilcox said a driveway or designated parking may not be considered a structure.

Mr. Hardison said correct. Any improvements that are happening on that lot would include structures.

Council Member Doetsch said as long as the structure and everything is all on the survey.

Mayor Wilcox said you could put structures and improvements if you wanted to clarify it. My question on the improvements is do we have a definition of to what degree is considered an improvement. We know a driveway would be, it's common sense. Are there other things that might come into play we're not thinking about.

Mr. Hardison said that's why we put some examples in parentheses behind improvements.

Mayor Wilcox said an improvement could be a landscaping bulkhead, patio - could be a lot of things out in the yard. Pool, accessory structures. Those things are pretty obvious but there could be some things that aren't as obvious. Are we being clear enough to both the surveyor and the homeowner.

Noel Fox, town attorney, said I think the concern was that if we listed a variety of things that would be considered improvements and we left something out then someone would say it wasn't applicable. I think improvements is anything that is rises above the ground that is an improvement to the property. I think this was consistent with some other counties and municipalities that we looked at also including Wight County. We did compare it to some other ordinances. I don't think, with the discussion that is taking place, that there would necessarily be any harm if council had a concern about the absence of the word "structure" saying "structures and/or improvements".

Mayor Wilcox said my only question from a surveyor's perspective when they look at it asking what all improvements do they want me to document. Is that little fireplace out there that's on the concrete pad supposed to be documented? If you guys think it's good, if you have any problems with it I guess you can come back and tweak it, right?

Michael Cramer said yes, we can come back and tweak it if it is not clear enough or being implemented appropriately.

Mayor Wilcox said I guess it wouldn't hurt to ask a couple of surveyors if when we say improvements if they have a good grasp on what that is.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Mayor Wilcox made a motion to adopt Ordinance 16-1002 Survey Requirements and that it is consistent with the Land Use Plan and other long range plans. Motion carried unanimously.

- b. Public Hearing seeking approval to obtain installment financing to reimburse the town for the cost of burying power, cable and phone lines in the Boardwalk District.

(Requested by Debbie Hall, Finance)

Finance Director Debbie Hall mentioned that council had previously approved the financing terms with BB&T at the last council meeting. After our town attorney reviewed the contract, she felt that it would be in our best interest to submit this through the LGC and let them approve it since it involved land. Their requirement is that you hold a public hearing and if you approve it, you would need to approve the Resolution of Necessary Findings that is attached to this so that we can submit the application. LGC would then hear this at their February 2, 2016 hearing.

Mayor Wilcox made a motion to open the public hearing and asked if anyone would like to speak on this issue. Hearing none, he made a motion to close the public hearing. Motion carried unanimously.

MPT Pierce made a motion to approve Resolution of Necessary Findings No. 16-2118, authorizing the filing of an application for approval of a financing agreement authorized by North Carolina General Statute 160A-20. Motion carried unanimously.

- c. Consider Amending Chapter 9 Schedule C & F to designate all streets between Canal and Carolina Beach Avenue North from Pelican to Salt Marsh as two way and designated for no parking.

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

Ed Parvin said this was presented to council in late 2015. At the time we had several discussions and we thought we had gone through the actual adoption to the code but we had not. Just to review what we were looking to adopt was that all streets located between canal and Carolina Beach Avenue North from Pelican to Salt Marsh would be designated as no parking and all streets located between Canal and Carolina Beach Avenue North from Pelican to Salt Marsh would be two-way which is obviously how they are operating but our code says one-way so we are making that correction in our code. One of the things that council had asked us to go back and look at was are there any of these homes in these areas that do not have off-street parking and we discussed it late last year and we did find one out of all these streets that did not have off-street parking. Since our last meeting we have talked to that owner about our option of creating an on-street parking place for them. It would encroach out into the street about 3 feet which we would have to stripe so it would reduce the street in that area for approximately 25 feet in there down to 17 feet which we have reviewed with TRC, fire and police and they were okay with that recommendation. The owner is okay with that and there was an adjacent property owner who had a fence that would need to move back. We have also spoken to that owner who is amenable to moving the fence back to the property line so that would free up that parking space. The one thing that we did talk to you about is if we put it there could we put a timeline on the property owner to accommodate off-street parking and we talked to the attorney about that and that is not something we could do but if we ever wanted to reconfigure the street we could remove that parking at any time.

Mayor Wilcox said as long as that house remains the same, obviously they need that 3 feet, but if that house gets torn down or they tear off the front porch or something of that nature what is our trigger for saying you no longer need that 3 feet?

Noel Fox, town attorney, said it is permissive. It is not mandated that you provide the on-street parking for this person. You are doing it under the same ordinance that allows for striping and in the other area, I can't remember the ordinance number.

Mr. Parvin said your trigger would be your non-conforming code which if you did a redevelopment there you would have to provide parking.

Michael Cramer said currently we have 5 locations around town that are part of our residential permit parking process. All of them are very similar to this one where they were grandfathered in because they had no off-street parking. Each one of those locations whenever we get a building plan or a redevelopment plan for those, and we haven't had one yet, would trigger us to go and redo and look at that agreement for residential parking in front of the house.

Mayor Wilcox said the non-conforming really doesn't adjust the 3 feet but it does require parking so in one way, shape or form it does take care of it.

MPT Pierce asked is it your intent to put signage on that parking place for that owner similar to the other residential parking locations.

Mayor Wilcox opened the public hearing.

Jerry Kennedy spoke from the audience. She said they have been looking forward to this for many years. Enforcement and signage have been an issue.

Mayor Wilcox said I would expect that we really can't enforce it without signage. We need signage there so we can enforce it.

Mr. Cramer said our intent is to put signage at the beginning of the streets, at the intersections, and also in the middle of the street or in that block so that there is plenty of signage to designate that entire block as no parking. That will allow the police officers to go and enforce that and accommodate any enforcement problems. The other step that we could take is to utilize our parking enforcement officers through SP Plus by designating them as the responsible party for those areas for checking for cars parked there. We actually think they may have a better presence there and be around more often. Yes, we will be able to enforce it.

MPT Pierce said I agree with that Michael. I don't know in the summertime, which is when people are going to park there, how our officers have time to ticket.

Bonnie Warner, she and her husband own 4 properties in the 1300 block of Canal Drive. I would like to thank you so much for making this decision as far as keeping it as is so to speak. Obviously one of the things I would like to remind you of is in September and October all the flooding that we experience. You could not park at your residences during those two months. I actually lost a renter because she was not used to living on Canal Drive and so she left. I don't know that any of us should be used to living on Canal Drive. I agree with what Jerry said as far as the signage. There is no doubt about that. There are several streets, in fact, one of the most popular for parking on is the one designated as your route when the water does flow. That connection. I did take the time to go up and down every street as far as connecting streets. I've lived here since 1972. I knew there was one street that had 5 structures on it. That's the one you're talking about that has the parking issues. To me the worst one is one I'm sure that was grandfathered in. It had structures there before Hurricane Floyd but after Hurricane Floyd they were literally built right on the road so to speak. That would be the worst one of all. I made notes but I left them on the seat.

Mayor Wilcox said you can give them to the manager.

Ms. Warner thanked them again for the decision. I was the one who spoke the night that you made that presentation and I was really upset when I saw how old some of those pictures were as far as outdated. Thank you very much for the reconsideration, I greatly appreciate it.

Mayor Wilcox closed the public hearing.

Mayor Wilcox said I know that we know that under the parking company's contract they can't ticket those areas currently so that would have to be changed. We don't have to discuss this now but that's a slippery slope for me giving the parking company more policing authority than dealing with town parking spaces and parking lots.

Council Member Doetsch said and in this particular case, too, if you have somebody that's parking in the street. I rode up and down those streets yesterday and turned on one street and there was a black pickup truck parked in the middle of the road, nobody around it. It didn't have two wheels off the road at all. To me, if you had that in the summer time I would want a police officer there to make sure that was handled because that is a safety issue.

Mayor Wilcox said I don't want to put more burden on the police department but maybe a program would be that we get the parking company to notify the police.

Mr. Cramer said I can bring back some ideas on how best to implement that and definitely I will be broaching the subject with the police chief and then we can talk about exactly how to implement the enforcement piece of that.

Council Member Shuttleworth said I would like to look at two issues. One is that maybe we can grow into some kind of policy on how to make that happen. At least during the off-season a lot of those people are going to be residents and some education might help. To the point that our residents brought up, we do have a lot of nuisance flooding and we had some extremely high lunar tides during which we were encouraging people not to park at their residences because they were going to be trapped. At some point I would like some leeway in the police department when it comes time to do an on again, off again kind of... we're in an emergency situation and you're parking on Canal and you need to park halfway up Seahorse or whatever so that you can get home and not flood your vehicle. I'd like some relief to make sure that we understand that.

Mr. Cramer said there are definitely ways you are able to do that. For instance, when you have debris pickup when you have a storm you can waive your solid waste requirements for bundling and things like that. The parking enforcement aspect could apply very similarly to those areas.

Mayor Wilcox said I think the police department does a good job during events of that nature understanding that people have to move their cars to high ground and stuff. That is kind of a double edged sword in this case because we're opening up the streets so we can get emergency vehicles to them and then during the event when you are more likely needing emergency vehicles we're putting vehicles back on the street.

Council Member Doetsch said you could actually use the state of emergency as a triggering device to give the police some leeway when that occurs.

Mayor Wilcox said if we do that we might want to consider one side.

Mr. Cramer said right, there could be other options as well and I can bring that back to you.

MPT Pierce asked the town manager if he sends notices to all the adjacent property owners or the affected property owners notifying them about the parking?

Mr. Cramer said I don't know if they did in the past but I think in this case because it is such a large section of our community and one that is highly trafficked that it would probably be a good idea not only to send it to the property owners, which we have quite a few of, but also any renters that we can find and send out some sort of a letter to them. It could be a post card, so to speak, that says these streets are changing because of the ordinance.

MPT Pierce said anybody that has a water meter.

Mayor Wilcox said and maybe for the first months we could give them warnings instead of tickets, that kind of thing.

Mr. Cramer said very much so. We will slowly implement it so that we educate people more than enforce.

MPT Pierce said pretty quick I assume.

Council Member Shuttleworth made a motion to adopt Ordinance 15-992. Motion carried unanimously.

7. CONSENT AGENDA

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

The consent agenda included:

Budget amendments and transfers as presented by the finance director.

Set public hearing date for February 8, 2016 to hear requests from non-profits for ROT funding.

Set public hearing date for February 8, 2016 to consider adopting the recodified Code of Ordinances Book.

Minutes of December 1, 8 and 15, 2016.

8. NEW BUSINESS

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

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

This item was removed from the agenda.

- b. TDA Reimbursement Approval

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

Mr. Cramer mentioned that this is our quarterly request for reimbursement that we make to the TDA for our activity funds. We use our activity funds for things like the Carolina Beach Downtown Initiative and the contribution we make to the Chamber of Commerce and also our lifeguard salaries. This particular request is for reimbursement and we will have \$248,644 left in that specific account after the reimbursement.

Council Member Steve Shuttleworth made a motion to approve the request for the Tourism Development Authority reimbursement in the amount of \$168,246.97. Motion carried unanimously.

- c. Consider approving Budget Ordinances and Financing Resolution for cost related to Phase B - E and Phase 2 Water

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

Michael Cramer said this is both a cleanup and a new start for our construction projects, our utility projects which were broken into Phases A-E as well as areas where we going to add additional wells or changes to the wastewater treatment plant and the potential for a new water plant. All of the engineering was set up underneath one account in the Phase 1A project. As that project is completed we need to take those charges associated with Phases B-E and our water projects and put them into separate ordinances and project accounts to appropriately cost each phase. These would all be available for future financing when we do bonds, etc. What is in front of you are 5 separate ordinances, one for each project, and then a financing resolution that covers all of the funds associated to that. A total of \$562,500 to be transferred out of the Utility Fund Balance and put into these budget accounts so we can do the engineering for these projects.

Council Member Shuttleworth asked if we are looking at other options on engineering.

Mr. Cramer said no. We have already signed contracts 2-3 years ago with our current engineer to do the engineering on the 5 phases of this project. In the meantime we have gone back through and renegotiated what kind of services for that engineering and for those surveying and things of that nature and tightened up on the scope of some of those services. Nothing that needs authorization.

Council Member Shuttleworth said Gil DuBois spoke to us before about not everything being included in the utility plan and perhaps the engineer did everything that was asked of him but did not include all that was required. Is this a contract obligation and is it something we need Ms. Fox to look at so that we're not in a contractor problem later with not having all the work included and having to come back.

Mr. Cramer said we have that under control. We have looked at the original contract and the services that we keep adding and adjusting to the scope of the services are related to that contract document so we should have plenty of ability to go back to make sure we're getting what we're looking for.

Fred Grady asked about the double piping going in front of his yard.

Mr. Cramer said that is all included in the phase that council has already adopted in the budget for.

Mayor Wilcox made a motion to adopt Ordinance 16-997, Ordinance 16-998, Ordinance 16-999, Ordinance 16-1000, Ordinance 16-1001, and Reimbursement Resolution 16-2117 for Phase B-E Projects. Motion carried unanimously.

- d. Consider approving a Budget Ordinance and Financing Resolution for Construction Costs related to Hurricane Joaquin

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

Michael Cramer said during the time of the storms and Hurricane Joaquin we had multiple infrastructure failures for stormwater - sinkholes, outfall blowout at the stormwater retention pond by Henniker's Ditch. We provided all the information to the Governor's office under the state of emergency. He sent it up to FEMA and requested it be declared a state of emergency nationally. That did not happen, FEMA did not agree that our county or the other 5 counties qualified for the FEMA requests. The Governor's appeal was also denied. We have approximately \$315,000 worth of infrastructure stormwater improvements that we need to make. We have banded them temporarily to make the areas safe and secure but they need permanent repairs. Tonight's budget resolution is to move \$315,000 from the Utility Fund Fund Balance to a budget account to do the improvements to those structures destroyed by Hurricane Joaquin. The other portion is a financing resolution if we should want to finance this through a bond package or something like that we can.

Council Member Tom Bridge made a motion to approve Budget Ordinance 16-996 and Financing Resolution 16-2116 for construction costs associated with Hurricane Joaquin. Motion carried unanimously.

- e. Committee Appointments

(Requested by Kim Ward, Town Clerk)

The following committee appointments were made:

Harbor Commission - Lewis Stroud will fill the vacant position with a term expiring 6/30/2018.

Police Advisory - Tim Morrison will fill the vacant position with a term expiring 6/30/2017.

Board of Adjustment - Patrick Boykin will fill the vacant alternate position with a term expiring 6/30/2017.

Firefighter's Relief Fund - Joyce Wolfe will be reappointed to the position ending 12/31/2015.

Clerk's Note:

Joyce Wolfe currently serves on the Firefighter's Relief Fund Board. She was filling the position appointed by the Fire Department. G.S. 58-84-30 states the two positions appointed by the fire department must be a beneficiary of the fund. Mrs. Wolfe did not fit that criteria. Lynn Williamson was holding the council appointed position and he is a direct beneficiary of the fund so we switched their two positions.

The votes were taken by written ballot. See results below:

	Wilcox	Pierce	Shuttleworth	Doetsch	Bridges
Harbor Commission	Lewis Stroud	Lewis Stroud	Lewis Stroud	Lewis Stroud	Patrick Boykin
Police Advisory	Tim Morrison	Tim Morrison	Boswell	Tim Morrison	Howard Nivens
Board of Adjustment	Patrick Boykin	Patrick Boykin	Patrick Boykin	Patrick Boykin	Patrick Boykin
Firefighter's Relief Fund Board	Joyce Wolfe	Joyce Wolfe	Joyce Wolfe	Joyce Wolfe	Joyce Wolfe

9. NON-AGENDA ITEMS

- a. Update from Town Attorney Noel Fox on plastic bags

(Requested by Noel Fox, Town Manager's Office)

Noel Fox said I was asked to do some research on the town's ability to ban plastic bags just on the beach strand. If the town was going to do that by ordinance it would have to do it using the police power which gives you broad authority in order to regulate things that are a nuisance or detrimental to the health of the town. The case law on police power, it's pretty broad discretion to enact an ordinance. It's not going to be overturned unless it's arbitrary or capricious. That being said, there is an ordinance right now in effect that resolves the issue that is taking place with the plastic bags which is the littering ordinance. That has specific legislation that has been passed that allows the town to enact ordinances to address littering on the beaches and we have an ordinance on the books that is not being enforced. So if the town wanted to enact a new ordinance I think it would be an enforcement issue because the problem is the littering. The problem that you would be trying to address through the ordinance with police power is the fact that there are plastic bags littering the beach strand. There is already an ordinance that addresses that that is not being enforced because it is a difficult ordinance to enforce.

Council Member Doetsch said his question and the reason why he asked you to look into this is even if a person is being conscious about that and sticks a bag in a trash can out there and the wind picks up to 20 MPH the bag probably won't stay in the

trash can and my question would have been more for the prevention of it getting there than the correction of it once it does and gets loose.

MPT Pierce said I think you're saying that we can do it. You're saying it's an enforcement issue.

Ms. Fox said I understand the example and that's a fine example that would not be covered by the ordinance. If someone wanted to challenge the town's ability to ban plastic bags on the beach strand, that's an outright ban on plastic bags. The town would have to be enacting it under the police power. That's the only way the town is going to be able to do it and they would have to prove to the court that it's not reasonably related to accomplish the goal that it's intended. That's where I back into you have an ordinance on the books already that is reasonable related to what you are trying to accomplish which is not having plastic bags strewn all over the beach strand and you are not able to enforce it now. If every bag that was on the beach strand was an inadvertent lapse of someone's grasp and the bag blew down the beach that would be more compelling to me if I was the judge but until there is some effort to enforce the littering aspect of it I would argue that it's not reasonably related but if the town wanted to do it the case law suggests that it would be difficult to overturn but that's not a reason. Just stating that it is in the public's welfare doesn't mean that it is properly enacted under the police power. That's where you are getting the source of your authority to adopt it.

MPT Pierce suggested possible signage, "Please don't take plastic bags on the beach". That's what we're trying to stop. We need to continue to make people aware of the issues.

Council Member Doetsch mentioned the problem with helium balloons as well.

Ms. Fox said the enabling legislation that was enacted for Nags Head is actually under solid waste management statutes, it's not in 160A which gives you all the powers as a municipality. It is narrowly tailored to Nags Head and they actually disbanded it when there was a weather event and there wasn't the ability to generate paper bags, they stopped enforcing it for a while. There is more of a national movement now and I think you are going to see something come out of the legislature that says that municipalities have that in addition to the other powers that they have on the beach strand because it is a wildlife concern.

Mayor Wilcox suggested that there are a number of organizations who could volunteer to get out information to the public about not using plastic bags and feels it would have an impact.

Mr. Fred Fisher spoke from the audience stating we are putting way too much time on this issue.

Ed Parvin said on January 26th is the end of our appeal period with regard to the flood maps. We did have one appeal, the Putt-Putt, which is the only property in our downtown area that is still in V flood zone. The state is supportive of that moving to an A zone. Once the appeal period is over the state will go back and revise the maps based on appeals which will probably happen in February. Then a 30 day comment period which will be March. Then the state will send us a new flood map and model ordinance and we're hoping to see that somewhere in the April/May time frame, TRC in May/June, July Planning Board and August council.

Mayor Wilcox said we talked a while back about doing a program at the lake with the benches. That committee has not been active.

Michael Cramer said the people I tasked that to are Jerry and Hannah and they are not here tonight and I don't have a good update for you but I can get one.

MPT Pierce said we never addressed the kiosks we were going to put around the boardwalk either.

Mr. Cramer said the Boardwalk Committee is still working on the kiosks. I think the Arts and Activities Committee has also been talking about kiosks around the lake and I think they were going to team up. I will definitely follow up for you.

Mayor Wilcox said he would mention it to Jerry, too, that maybe he might want to get a committee meeting together and pick up where we left off.

10. CLOSED SESSION IF NEEDED

None.

11. ADJOURNMENT

Council Member Doetsch made a motion to adjourn. Motion carried unanimously.

Kimberlee Island
Kimberlee Ward, Town Clerk

2-9-2016
Date Approved



ORDINANCE NO. 15-992

Amend Chapter 9 Schedule C & F to designate all streets between Canal and Carolina Beach Avenue North from Pelican to Salt Marsh as two way and designated for no parking.

SCHEDULE C. - NO PARKING, LIMITED PUBLIC PARKING, METERED PARKING, POLICE PARKING, HANDICAPPED PARKING, LOADING/UNLOADING AREAS, PUBLIC PARKING LOTS

The following schedule, in conjunction with the official parking map as adopted by the Town Council, shall establish the areas throughout the corporate limits of the Town of Carolina Beach, North Carolina, where such activities shall or shall not take place. No full-time or extended duration parking shall be allowed in public parking areas or within any designated drivable corridor on public beaches except as may be noted elsewhere in this schedule.

Designated No Parking Areas:

All streets located between Canal and Carolina Beach Avenue North from Pelican to Salt Marsh shall be designated as no parking

SCHEDULE F. - TRAFFIC PATTERNS ON SPECIFIED STREETS

Carolina Beach Avenue North is designated as a two-way street with nine and one-half-foot drive lanes and a pedestrian/bike lane provided along the east side of the street (widths will vary), and including three-way stops at appropriate intersections.

Canal Drive is designated as a two-way street with nine and one-half-foot drive lanes and a pedestrian/bike lane provided on the west side of the street (widths will vary).

All streets located between Canal and Carolina Beach Avenue North from Pelican to Salt Marsh shall be designated as two way.

Pelican Lane is designated as a one-way street routed eastward.

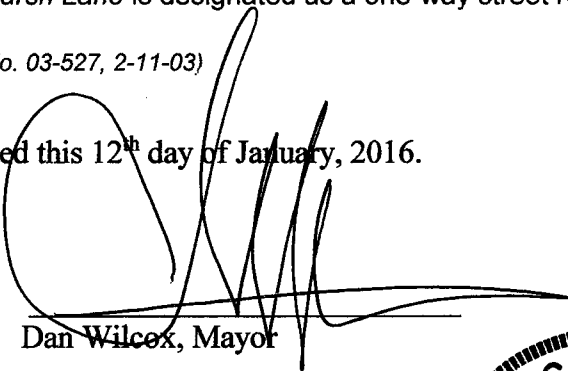
Dolphin Lane is designated as a one-way street routed westward.

Scallop Lane is designated as a one-way street routed eastward.

~~Seagull Lane is designated as a one-way street routed westward.~~
~~Sailfish Lane is designated as a one-way street routed eastward.~~
~~Oystershell Lane is designated as a one-way street routed westward.~~
~~Sandpiper Lane is designated as a one-way street routed eastward.~~
~~Seahorse Lane is designated as a one-way street routed westward.~~
~~Scotch Bonnet Lane is designated as a one-way street routed eastward.~~
~~Starfish Lane is designated as a one-way street routed westward.~~
~~Sand Dollar Lane is designated as a one-way street routed eastward.~~
~~Glam Shell Lane is designated as a one-way street routed westward.~~
~~Periwinkle Lane is designated as a one-way street routed eastward.~~
~~Sandfiddler Lane is designated as a one-way street routed westward.~~
~~Sea Oats Lane is designated as a one-way street routed eastward.~~
~~Salt Marsh Lane is designated as a one-way street routed westward.~~

(Ord. No. 03-527, 2-11-03)

Adopted this 12th day of January, 2016.



Dan Wilcox, Mayor

Attest: Kimberlee Ward
Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-996
AN ORDINANCE TO ESTABLISH THE CAPITAL PROJECT BUDGET FOR THE
HURRICANE JOAQUIN INFRASTRUCTURE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Hurricane Joaquin Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
30-900-061	Hurricane Joaquin	\$0.00	\$315,000.00	+ \$315,000.00
TOTAL			\$315,000.00	

SECTION TWO:

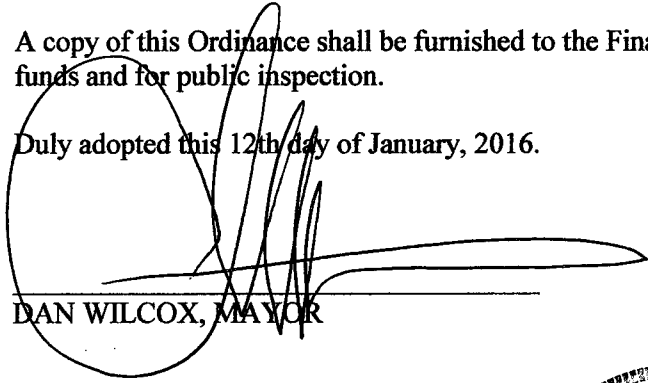
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Hurricane Joaquin Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
30-399-000	Transfer from W & S Fund	\$0.00	\$315,000.00	+\$315,000.00
TOTAL:			\$315,000.00	

SECTION THREE:

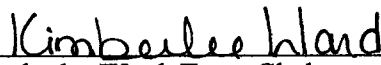
A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 12th day of January, 2016.



DAN WILCOX, MAYOR

ATTEST:



Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-997
AN ORDINANCE TO ESTABLISH THE CAPITAL PROJECT BUDGET FOR THE
PHASE B INFRASTRUCTURE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Phase B Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-001-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-001-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-001-046	Professional Services	\$0.00	\$136,500.00	+ \$136,500.00
23-001-074	Capital Over \$10,000	\$0.00	\$0.00	+ \$0.00
23-001-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-001-090	Contingency	\$0.00	\$0.00	+ \$0.00
TOTAL			\$136,500.00	

SECTION TWO:

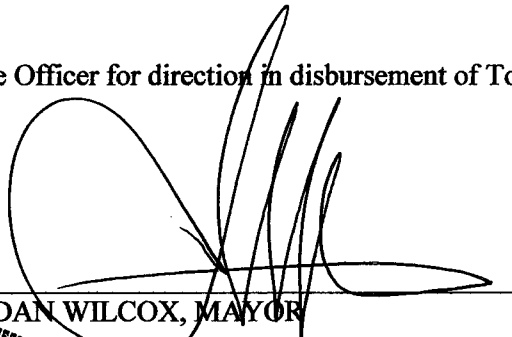
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Phase B Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-000	Transfer from W & S Fund	\$0.00	\$136,500.00	+\$0.00
TOTAL:			\$136,500.00	

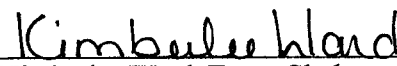
SECTION THREE:

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 12th day of January, 2016.


 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-998
AN ORDINANCE TO ESTABLISH THE CAPITAL PROJECT BUDGET FOR THE
PHASE C INFRASTRUCTURE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Phase C Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-002-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-002-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-002-046	Professional Services	\$0.00	\$118,000.00	+ \$118,000.00
23-002-074	Capital Over \$10,000	\$0.00	\$0.00	+ \$0.00
23-002-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-002-090	Contingency	\$0.00	\$0.00	+ \$0.00
TOTAL			\$118,000.00	

SECTION TWO:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Phase C Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-000	Transfer from W & S Fund	\$0.00	\$118,000.00	+\$0.00
TOTAL:			\$118,000.00	

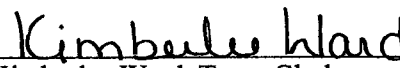
SECTION THREE:

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 12th day of January, 2016.


 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-999
AN ORDINANCE TO ESTABLISH THE CAPITAL PROJECT BUDGET FOR THE
PHASE D INFRASTRUCTURE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Phase D Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-003-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-003-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-003-046	Professional Services	\$0.00	\$118,000.00	+ \$118,000.00
23-003-074	Capital Over \$10,000	\$0.00	\$0.00	+ \$0.00
23-003-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-003-090	Contingency	\$0.00	\$0.00	+ \$0.00
TOTAL			\$118,000.00	

SECTION TWO:

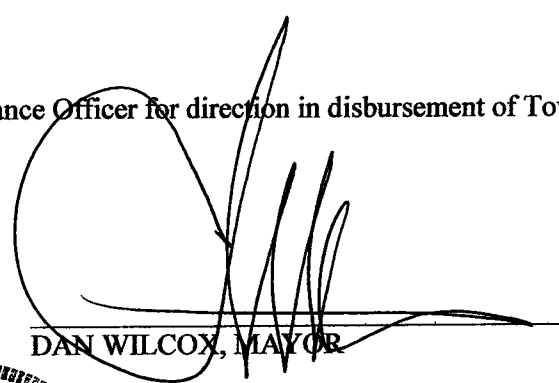
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Phase D Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-000	Transfer from W & S Fund	\$0.00	\$118,000.00	+\$0.00
TOTAL:			\$118,000.00	

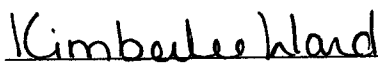
SECTION THREE:

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 12th day of January, 2016.


 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-1000
AN ORDINANCE TO ESTABLISH THE CAPITAL PROJECT BUDGET FOR THE
PHASE E INFRASTRUCTURE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Phase E Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-004-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-004-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-004-046	Professional Services	\$0.00	\$176,000.00	+ \$176,000.00
23-004-074	Capital Over \$10,000	\$0.00	\$0.00	+ \$0.00
23-004-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-004-090	Contingency	\$0.00	\$0.00	+ \$0.00
TOTAL			\$176,000.00	

SECTION TWO:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Phase E Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-000	Transfer from W & S Fund	\$0.00	\$176,000.00	+\$0.00
TOTAL:			\$176,000.00	


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 12th day of January, 2016.


 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-1001
AN ORDINANCE TO ESTABLISH THE CAPITAL PROJECT BUDGET FOR THE
PHASE 2 WATER INFRASTRUCTURE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Phase 2 Water Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-005-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-005-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-005-046	Professional Services	\$0.00	\$15,000.00	+ \$15,000.00
23-005-074	Capital Over \$10,000	\$0.00	\$0.00	+ \$0.00
23-005-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-005-090	Contingency	\$0.00	\$0.00	+ \$0.00
TOTAL			\$15,000.00	

SECTION TWO:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Phase 2 Water Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-000	Transfer from W & S Fund	\$0.00	\$15,000.00	+\$0.00
TOTAL:			\$15,000.00	


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 12th day of January, 2016.


 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk





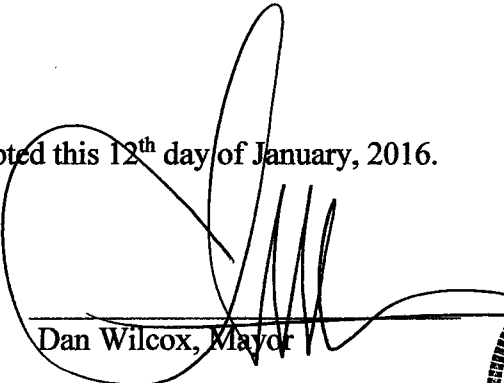
ORDINANCE NO. 16-1002

Code Of Ordinance, Chapter 4 Buildings and Building Regulations Article V. – Permits Sec. 4-83. Survey requirements

Sec. 4-83. – Survey requirements

- (a) *Foundation surveys.* A foundation survey is required and shall be submitted to the ~~inspector~~ town official prior to the sheathing inspection by the building inspector.
- (b) *As-built surveys.* Prior to final inspection by the building inspector or other designated town official, and issuance of a certificate of occupancy or release for electrical service, an accurate as-built survey reflecting all ~~structures~~ improvements (including HVAC equipment, driveways, designated parking, and easements) on the applicable site shall be submitted to the ~~inspector~~ town official for review and approval.

Adopted this 12th day of January, 2016.


Dan Wilcox, Mayor



Attest: Kimberlee Ward
Kimberlee Ward, Town Clerk

Resolution



Town of Carolina Beach
Town Council

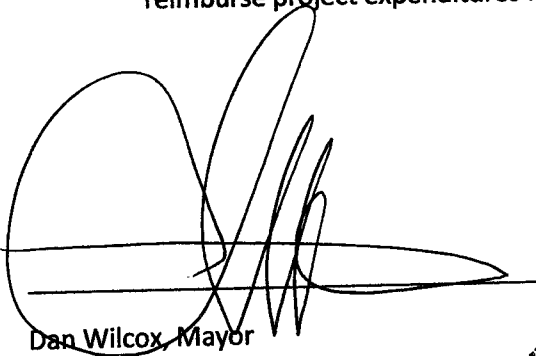
RESOLUTION NO. 16-2116

Reimbursement Resolution for Utility Improvements related to Hurricane Joaquin Infrastructure Improvement Project.

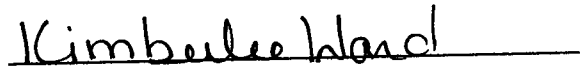
WHEREAS, The Finance Director has described to the Board the desirability of adopting a resolution as provided under federal tax law to facilitate the unit's using financing proceeds to restore the unit's funds when the unit makes capital expenditures prior to closing on financing.

BE IT THEREFORE RESOLVED by the Town of Carolina Beach, a follows:

1. The Town Hereby determines the Project to include the repair and replacement stormwater and other utility infrastructure associated with Hurricane Joaquin.
2. The Project is to be financed. The insurer intends to finance the costs of the Project with the proceeds of debt to be issued by the issuer (The "Borrowing") the interest on which is to be excluded from gross income for federal income tax purposes. The currently expected maximum amount of bonds or other obligations to be issued or contracted for this project is \$315,000.
3. Funds which have been advanced or may be advanced from the Capital Project Fund for the project costs are intended to be reimbursed from the financing proceeds
4. The adoption of this resolution is intended as a declaration of the unit's official intent to reimburse project expenditures from financing proceeds.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

January 12, 2016
Date Approved



Town of Carolina Beach
Resolution No. 16-2116

Resolution



Town of Carolina Beach
Town Council

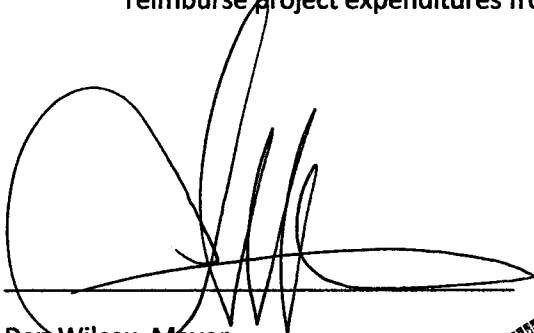
RESOLUTION NO. 16-2117

Reimbursement Resolution for Utility Improvements associated with the Phase B - E and Phase 2 Water Infrastructure Improvement Project.

WHEREAS, The Finance Director has described to the Board the desirability of adopting a resolution as provided under federal tax law to facilitate the unit's using financing proceeds to restore the unit's funds when the unit makes capital expenditures prior to closing on financing.

BE IT THEREFORE RESOLVED by the Town of Carolina Beach, a follows:

1. The Town Hereby determines the Project to include the repair and replacements of water, sewer, stormwater and other utility infrastructure associated with the Phase B - E and Phase 2 Water Infrastructure Improvement Project.
2. The Project is to be financed. The insurer intends to finance the costs of the Project with the proceeds of debt to be issued by the issuer (The "Borrowing") the interest on which is to be excluded from gross income for federal income tax purposes. The currently expected maximum amount of bonds or other obligations to be issued or contracted for this project is \$562,500.
3. Funds which have been advanced or may be advanced from the Capital Project Fund for the project costs are intended to be reimbursed from the financing proceeds
4. The adoption of this resolution is intended as a declaration of the unit's official intent to reimburse project expenditures from financing proceeds.



Dan Wilcox, Mayor

Kimberlee Ward

Attest: Kimberlee Ward, Town Clerk



January 12, 2016

Date Approved

Town of Carolina Beach
Resolution No. 16-2117



RESOLUTION NO. 16-2118

RESOLUTION OF NECESSARY FINDINGS

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the Town of Carolina Beach, North Carolina desires to Bury Power, Phone and Cable Lines as part of the Boardwalk Infrastructure Improvement Project (the "Project") to better serve the citizens of the Town of Carolina Beach; and

WHEREAS, The Town of Carolina Beach desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Carolina Beach, North Carolina, meeting in regular session on the 12th day of January, 2016, make the following findings of fact:

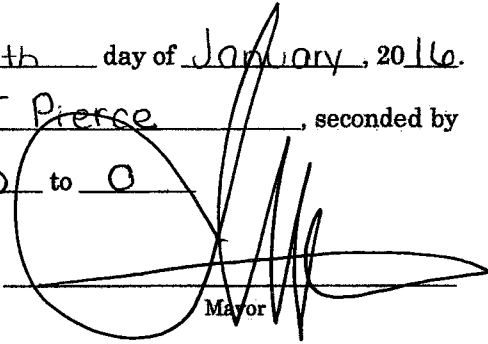
1. The proposed contract is necessary or expedient to improve health and public safety by the elimination of obstacles which impede fire and rescue efforts in the Boardwalk District.
2. The proposed contract is preferable to a bond issue for the same purpose because general obligation bond authorization could not be obtained in a timely manner and would not permit the alternative financing structures and repayment provisions available in the proposed negotiated installment contract financing.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because we have proposals in hand which detail the project costs.
4. The Town of Carolina Beach's debt management procedures and policies are sound because we have annual audits prepared and are reviewed by the Local Government Commission. Our past audit reports indicate that the Town's debt management and contract obligation payment policies have been carried out in strict compliance with the law.
5. The Town of Carolina Beach is not in default in any of its debt service obligations.
7. The attorney for the Town of Carolina Beach has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the Town of Carolina Beach in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 12th day of January, 2016.

The motion to adopt this resolution was made by MPT Pierce, seconded by

N/A and passed by a vote of 5 to 0


Mayor

ATTEST:

Kimberlee Ward
Clerk

This is to certify that this is a true and accurate copy of Resolution No. 16-2118 Adopted by the Town of Carolina Beach on the 12th day of January, 2016.

Kimberlee Ward
Clerk

January 12, 2016
Date

