



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • OCTOBER 13, 2015

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. There was 30 seconds of silence remembering those who lost their lives and properties during the hurricane 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	
Sarah Friede	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Ed Parvin	Assistant Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

2. ADOPT THE AGENDA

Mayor Wilcox made a motion to adopt the agenda. MOTION CARRIED UNANIMOUSLY.

3. SPECIAL PRESENTATIONS

a. Employee Recognition

(Requested by Kim Ward, Town Clerk)

Fire Chief Alan Griffin recognized Simon Sanders for 10 years of service and introduced the new Assistant Fire Marshal, Buddy Thompson.

Eric Jelinski, Parks and Recreation Director, recognized Tim Murphy for 10 years of service and Margaret Dowling for 15 years of service.

b. Brief October and November Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler gave an update on the special events for October and November.

c. Presentation of Audit by Bernard Robinson & Company LLP

(Requested by Debbie Hall, Finance)

Victor Blackburn with Bernard Robinson & Company LLC presented the findings of the annual audit. He said they have draft financial statements and Debbie Hall, Finance Director, is making a few changes and will probably be submitted to the LGC on Friday for their review and approval. In the audit the Town was given an unmodified opinion, which is the best you could receive. There were no findings or

internal control issues that were reported within the statements or required to be reported to the board. One of the things that did occur this year is that the beginning balances were restated for the adoption of GASB 68. This required municipalities within the state to record their portion of that asset or liability, which was a liability at the beginning of the year and an asset at the end. This was noted in the statement for explanation. He said even with the \$600,000 hit at the beginning of the year, the total fund balance in the General Fund is almost \$9.4M, which is up from about \$8.8M last year. He reviewed the breakdown of what makes up the \$9.4M. The available Fund Balance is the amount of money the Town can appropriate for expenditures and is about \$7.1M. It represents about 55% of General Fund expenditures for the year. Net position of the Utility Fund is over \$18M, \$11M of which is set aside for capital assets leaving over \$7M.

d. Committee Updates

(Requested by Kim Ward, Town Clerk)

Michael Cramer, Town Manager, gave the update for the Operations Committee. Some things they have been working on with staff to educate the public on activities dealing with public works and public utilities operations: Handing out flyers dealing with reporting street light outages and the bulk pickup process to include yard waste or household (including problems with mattresses) and implementation early November. This culminated on Island Day in Kure Beach where they set up a booth and handed out these flyers along with others regarding disposal of grease/fat and recycling programs.

Council Member Shuttleworth asked what are we doing to get the schedule out about the free yard waste removal.

Mr. Cramer said they are looking at doing a mass publicity campaign by sending out flyers to the residents, putting the information on the website and the possibility of using other types of advertising to get the word out on what we plan on doing and how it is going to be affected.

Mayor Wilcox asked the town manager to pass on to the Operations Committee that they appreciate the update which helps council understand what they are working on, things that were not passed on.

e. Presentation by the Carolina Beach Plastic Bag Committee

(Requested by Kim Ward, Town Clerk)

Ethan Crouch, Chair of the Plastic Bag Committee, and Sarah Finn, Vice-Chair presented. He said the purpose of the committee is to research and record information to provide council with options for reducing single-use plastic bags in the community. This initiative began September 2013 with the adoption of a resolution supporting county-wide initiatives to lessen the negative impacts of these bags. The ad-hoc committee was formed August 2014. A facts and findings document was provided to council in their packet. He reviewed the background of their research. Note: all of the policies in place across the country excluded restaurants and grocery bags for meat and produce but not at checkout. Approximately 1 million bags are used every minute. Americans use/dispose 100 billion plastic shopping bags each year, which require 12 million barrels of oil to produce them. It continues to grow. Approximately 6% are recycled.

Ms. Finn said all these plastic bags are ending up in landfills, over 200 million in 2011 alone. More concerning is when they end up in the environment which is a danger to wildlife. Marine debris is a global problem, 60-80% is plastic and over 90% land based sources. At least 267 species of sea creatures are known to be vulnerable to

entanglement or ingestion of marine debris. (Showed a picture of a local green sea turtle that died from ingestion) Survey and results: surveyed residents for usage, disposal, and barriers to reusable bag use, environmental impacts, potential motivators for reusable bag use. Flyers were included in water bills - social media, Town website and the Island Gazette were also used. Directly solicited responses from major retailers on the island regarding types of bags offered, daily distribution, alternatives they would consider, willingness to remove plastic bags, charging customers per bag, estimated annual costs for bags, information about the business. They received 607 responses from residents which she reviewed. The survey indicated that plastic bags are the most used option here; 78.5% indicated they knew they were harmful to the environment; over 150 said banning use would increase reusable bag use, they forget to bring them, use them if free or loaned, need more education to change behavior, fees/refund or discounts would help them to use them more often. They received 18 business responses, mostly solicited of the larger businesses on the island: Food Lion provided important information regarding their recycling rates; 13 indicated they would be willing to remove single-use plastic bags; 12 indicated they would not be willing to charge at checkout; gave distribution numbers (18 businesses, not including Food Lion, distributed over 5,650 annually).

Mr. Crouch reviewed different policy options available for council and staff to reduce the demand of single-use plastic bags: status quo; education only program; fee type of program; and a ban type of program. There are no ordinances to regulate their use currently. We are using a limited recycling program - single receptacle at Food Lion. They are not recycled through any other trash receptacle including recycling containers. Food Lion said they are getting about 21% of returned bags. Pros and cons of programs... Status quo: pros: no immediate cost, no action required, no change required by the public. Cons - negative impacts on marine environment, no local infrastructure to support a robust recycling program, cheaper to produce new plastic bags vs recycling them. Education only program. Pros: likely to be supported by community and business as well as cost of program. Cons: may be insufficient and costly without funding. Education is critical to all policy options and can include signage, website postings, calls to action, giving out reusable bags, flyers, brochures, workshops. Fee program uses a small fee for each bag purchased at checkout (5-25 cents). Committee reviewed 12 municipalities currently using this program. Pros: no legislation required if not used towards the town's general fund; some municipalities give a portion back to retailers for cost of implementation the remainder used in education efforts; limited impact to businesses with no change of type of bags used; costs are reimbursed by the fee, costs of bags become transparent to consumers, cost is currently included in purchase price. Cons: require change in checkout procedures/accounting of those funds, additional cost to consumer, can be conceived as an additional tax or revenue, visitors may be unaware of policy. Ban program, two types, outright ban format and ban of plastic with a fee on paper. Ban program entails ban of all plastic bags at grocery stores. Ban and fee, remove plastic bags from grocery stores, allow retailers to offer paper bags with a fee. Pros for ban program: removal of plastic bags from retail reducing waste stream, lowers cost to retailers. Cons: would require enabling legislation from general assembly; could lead to increased usage of paper bag consumption (larger carbon footprint). Ban and fee program pros: removes plastics from retail stores reducing waste stream, lowers cost to retailers, removes incentive to switch just to paper bags because of fee, encourages use of reusable bag, surplus revenues can go to education materials. Cons: would require enabling legislation from general assembly, initial cost of reusable bags, possible impact to lower income households, and initial inconvenience adjustment to reusable bags.

Ms. Finn concluded plastic marine debris is a global issue but has local solutions. Our community has the opportunity to prevent over half a million estimated plastic bags annually from entering the waste stream. We urge you to take what we have given you and work with it and try to take action to prevent single-use plastic bags from entering the environment.

Mayor Wilcox said obviously this council is interested in this issue. He commended them for the amount of research and effort they did and proposed a more in depth discussion with a joint council meeting and the committee before making a recommendation. Everyone agreed. Michael Cramer will set up the meeting.

Council Member Shuttleworth said he would be more inclined to looking at a fee and what the education money can be used for with regard to environmental programs. Also, how those collections and accounting occur.

Council Member Friede asked that staff bring a recommendation for seed money so the town can help with the cost of creating some reusable bags, stickers for businesses, etc.

Mayor Wilcox suggested pushing that back to the committee and to include what a complementary educational program would look like and what you need to do it.

Council Member Doetsch recommended the committee do a little more depth on using a ban and using a fee.

Noel Fox, town attorney, asked for a copy of the report from the committee.

f. Project Update by Gil DuBois

(Requested by Kim Ward, Town Clerk)

Gil DuBois presented update. He said crews have cleaned up on Cape Fear due to recent storm. There are also people who are putting down irrigation system and planting trees. All the lighting is in place and it was confirmed that the street striping should start next week. We are ready to start on Sixth Street and Dow, toward Dow Street and Cape Fear. The stormwater stopped us from getting started and will probably start construction on Monday in that area. The boardwalk project did get started. The contractor has well point systems in place to remove groundwater so they can install the infrastructure properly. EWE started the northern section connecting the power and doing the switch over, several of which have been completed and are on schedule. On Phase B, we've done a pretty extensive survey for the stormwater that was left off of the last project. Looking back we have seen a lot of areas that we can improve on. We found a lot of places that are totally graded that are flat, and some that seemed back-graded. So we have plenty of opportunities to improve the system in the Phase B area. We have also been working with Ed, Jeremy and everybody with the streets, sidewalks and pretty much the whole gamut on that. We plan to have a public workshop. Schedules for that will be published soon and will have a couple of workshops for Phase B. I hope to have council a schedule for Phase B and also an update for Phase A and for D at the next workshop. Annie Drive is going out for bid this month and we will have an agenda for you at the workshop also. We were ready to start the wastewater treatment plant project, but the engineer had to redesign the splitter box which was reduced in size so we could handle it better and is more economical to install. We're working on the design and maintenance for specific areas in the northwest quadrant of the town for its impact on pump station 3. So we have a lot of projects on the agenda which we will be bringing to you in the next 30-60 days to review and hope to get implemented as soon as possible.

Council Member Doetsch asked how many days of rain have you experienced during this project so far since we talked the last time?

Mr. DuBois said we've had about 15 days of rain since we got started.

Mayor Wilcox said Cape Fear is coming along and is starting to look good.

g. Manager's Update

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

Michael Cramer presented the town manager update. He said he has two items he would like to brief council on tonight. First is direction of the police department and promotions that have taken place over the past couple of months and the second is the flooding that occurred over the past 20 days or so. A couple of months ago, when we promoted Lt. Chris Spivey to police chief, that created a vacancy. We created a board within the organization to review interested parties and their applications. We have offered the position of lieutenant for patrol to Anthony Marcucilli who was previously a detective and a sergeant before that. He accepted and has started that position. That left a detective position vacancy. We had a good application package from a previous search a few months ago. The board looked at those candidates. After interviews the position of detective was offered to Cpl. Sonny Russell who has been with us many years and who accepted. We now have one corporal and two patrol officer positions that are vacant. Previously we had interviewed and gone through the process for one of our vacant patrol officers. It takes quite a bit of time to get them through the state process and we're still waiting for that individual to be approved by the state. We will be advertising for the other patrol officer position. We did decide to keep with all internal candidates as we went through this. The other item is about the particular flooding that we had most recently and over the last 20 days. We have had 3 durations of storms since September 24th. We had almost 5" of rain during September 24th thru September 28th. The hurricane during October 1st thru October 5th, we had over 13" of rain. The last rainfall was on October 10th and we received almost 5" of rain in a 2 1/2 hour span. Rainfall totaled 23" in a 20 day time frame. Due to this our projects have come in and asked for extensions of time. Some areas had to be well pointed which had to be dry before they could dig. In looking at our lake pump totals we had during this time 8 pumps running, 3 stationary and 5 temporary and pumped 261 million gallons of water. On Saturday we had 6 pumps running and pumped almost 16 million gallons. That totals 320 million gallons of water out of the lake. We have a 300 acre drainage basin that feeds into the lake. He showed areas on map on overhead that drains into the lake. Everything not in the brown, that says 75 acres, drains into the lake that is south and east of that red line. All of the blue lines are hard piped infrastructure that takes water from various portions of the 300 acres and funnels it into the lake. The 75 acres goes into a retention pond west of the Carolina Sands neighborhood. That is not included in those totals. The next map shows where we have pumping stations - 4 primary for the 300+ acres drainage basin. One is west of the lake at the intersection of Fourth and Clarendon, a 6" stationary pump that pumps up Clarendon to Henniker's Ditch and deposits to the west. The other is our main pumping plant at the lake at Third Street, which contains 2 pumps but only 1 exit line for that facility. That is something we could improve on by adding a separate exit line to be able to use both pumps at the same time. That is a 12" pump that goes into a 16" force main and goes up Birmingham to Henniker's Ditch. Our other pump station is at Greenville and Second Street, which was designed to carry stormwater from the roadway infrastructure in the Wilmington Beach area. It pumps up Greenville to one of the two ponds west of Carolina Sands, which has an outfall that goes into Henniker's Ditch. The last pump station is on Texas and

Snapper, which takes in an area of about 50 acres. It pumps over to the Alabama stormwater retention pond. Both of those ponds are on MOTSU property and the outfall goes into Henniker's Ditch. We are taking all the stormwater from a 300 acre basin and using 4 different pump stations to pump it west to Henniker's Ditch to get it to the Cape Fear River. Looking at the lake (shown on overhead) you will see there are red and orange arrows. The red arrows are outflows, locations where we have either pump stations or we get outflows into other areas from the lake. The orange arrows are all the inflows, locations where water comes into the lake. Also one other up by the main pump station by Third I missed on this diagram. What we end up with is out of that 300 acre basin that all comes to this lake we pump with 2 different pumping systems to evacuate the lake to Henniker's Ditch. If we end up having enough flow in the basin some of that water will leave through the northern exit and go to the marina. However, if we get a high tide, that stops and you get an inflow from the out basin and the marina into the lake which backs things up. The same thing happens on Second Street where at high tide or heavy rain falls it pushes it out onto Second Street. These are some of the dynamics we have in the main portion of town handling stormwater flows. On the event we had on October 10th it was predicted to be a 1" storm, which we can handle pretty easily. We had been pumping the lake since September 24th until the 9th at 7:30 am and we were 15" lower than normal high elevation. By 4:00 pm the storm had stalled and dumping more than 5"-6" of rain so we started the 2 primary pumps up again. By 5:00 pm we started 2 auxiliary pumps on the outside of the lake pumping to the ocean. It saved the lake from overflowing its banks. The rain we received on the 10th was a little less than 5" in 2 1/2 hours and surcharged the capacity in our lines flowing into the streets. We couldn't keep up with the lake and the surcharging in the streets infrastructure. What you see here (map on overhead) is the main area in red around the lake is basically the heaviest area that we had flooding on the streets outside of the lake in that general area. The second area where we had a significant problem was to the south at the Texas and Snapper pump station, which was struck by lightning triggering the breakers and went down for about 15 to 30 minutes. Calls came in from neighbors who could smell electrical burning. The fire department was dispatched there. There was no fire, everything was good, but we did not have that pump station evacuating stormwater during the heaviest part of the rain. We had it back online in about 30 minutes and then 2 1/2 to 3 hours to evacuate the area of all the stormwater built up in the streets and onto properties. Everything was saturated from prior rains and there was no way to keep up with it. The third area in red is Canal Drive which historically floods at high tide. We had high tide at 6:30 pm. Pumps were running and we closed part of Lake Park for traffic then reopened it at 8:00 pm. Once you have high tide at the marina it pushes that water into the lake surcharging the system. There were a number of places where we had flooding besides these 3. This is an overview of what has taken place in the last 20 days. Under those circumstances Ed and the staff here did an excellent job of making sure they were on top of the weather patterns and pumping the lake as hard as they could pump, closing streets for public safety and making sure that we were all in a good position to ride out such violent storms.

Mayor Wilcox said he has been here 25 years and never seen this particular set of circumstances, 23" of rain in a short duration of time. There is no place else for this water to go. This has been a good experience from the perspective that we recognize what these conditions can do and although they were somewhat of an anomaly there is no reason not to prepare for them in the future. We are pursuing and looking at redesigning some of the pump out systems. I have never seen the operations department and staff as proactive and I think we did minimize what could have been a lot worse situation. That doesn't offset the hardships some people are having and I'm sure we are going to have more discussions with that and look for

ways to improve as best we can.

Mr. Cramer said his wife, who is an environmental engineer and does water and sewer, estimated that this was more than a 700 year storm just for New Hanover County based on the rainfall in the area. That is significant and it shows us at a maximum capacity where we can go and focus our energies to try and improve things. That is what we'll be bringing back to council, some areas for improvement that we see probably in the next couple of months.

Council Member Friede complimented staff on their professionalism and work on handling the storms and asked the town manager for an update on the wastewater treatment plant.

Mr. Cramer said the plant never got to the point where we overtopped our basins. We did go into our EQ basin, a secondary containment, because of the amount of water received into the system. We did have a few sanitary overflows where sanitary lines were inundated with water and pushed sewage up. They were very small and we identified where those places were. We will try to find mitigation that we can do to help limit that. We also reported to the state. In general, for a town our size, 5,500 gallons is pretty minimal of issues for sanitary sewers.

Mayor Wilcox said the reason it's overflowing is because it gets inundated with stormwater getting into the sewer system and diluting it so the overflow that comes out is not 100% raw sewage but considerably diluted.

Mr. Cramer said those are all things we go and look at for the next phase of our improvements. A lot of our improvements for our sewer system are stopping that inflow and infiltration of stormwater into the sanitary lines. That helps keep our treatment plant lasting longer because we can handle more and keeps the sewer where it's supposed to be not mixed with the stormwater.

Mayor Wilcox said staff and council are available for questions and we will respond but if you are looking to meet with staff and such I would just ask you... we've all been very busy for the last 10 days, our normal duties have not been attended to, and would ask you to maybe wait until next week to contact them so they can get caught up and they will be glad to address any of the questions that you have.

MPT Pierce said the general public may not know that we are a lot closer to the communications of what is going on at the town hall and staff. We have constant updates, emails and texts and staff is on their A game, every department head and I did not one time feel like there was a problem or cause for alarm at all. These guys worked around the clock to keep us safe and they did an excellent job, and I think everyone on council would agree with that. Never at any time did I think something else needed to be done. Council agreed.

Council Member Friede said with all the flooding on land that we've had I think one of the things we really haven't addressed is how lucky we got that the hurricane didn't get closer and bring more damage. Last Tuesday right after the storm I rode the beaches and did an assessment with Ed, Layton Bedsole from the county (we call him our sand man) and the county engineer to determine how much sand was left on the storm. Our beaches and dune system provide immeasurable protection as well as beauty. Everyone was thrilled with how much sand is left on the beaches and how strong our dune system is. The system works. All the fighting we do to get money for beach nourishment really pays off. I would encourage the citizens to pass along to our elected representatives at higher levels how critical that is. When

communities don't have a dune system like we have in place, that's when houses get washed out and people lose their homes.

Council Member Shuttleworth asked the town manager to put these last couple of slides, some of those questions on the town site with explanations.

MPT Pierce asked if he would email council the presentation.

Mayor Wilcox called for a 5 minute break.

4. OLD BUSINESS

No old business.

5. PUBLIC DISCUSSION

Elaine Terrill, 502 Fern Creek, said I have lived here about a year has a couple of concerns. One concern is the yard waste pickup. You said we could put the waste in a brown paper bag the Sunday prior to our week's collection. If we have 23" of rain and I have all my leaves, sticks and stuff in a brown paper bag, then what happens? I'm from Fayetteville and I talked about this at the last... if I put this out on Sunday and they don't pick it up until Friday... When I lived in Fayetteville if we had a trash can and put it in there and the guys just chucked it into the truck.

Ed Parvin said the bags are fairly durable and I can't remember the cost but we did look that up. You can get a pack at either Lowe's or Home Depot, 30 gallon. Even if there was some damage to it from some wind or rain we have a knuckle boom that can pick those things up and put them into the back of a truck. We had some concerns with the weight of the Rubbermaid cans with the grass, etc. Being too heavy and risking injury to personnel and they fill up with water, too. I think our knuckle boom can resolve that issue.

Mayor Wilcox said if it's a rain that causes damage to the bag when they come around they are not just going to leave it there. They're going to pick it up through another means.

Ms. Terrill said so when you make your public service announcement you're going to tell the people, because it just says "brown paper bag" and people will use the brown paper bags from Food Lion. So you're going to specify a particular brown paper bag in your education.

Mr. Parvin said they could use that bag but the ideal that there is a 30 gallon brown paper bag that you can purchase and I believe that is what we can put on our publication, that you can use the 30 gallon brown paper bag.

Ms. Terrill said I'm new here and you have addressed this before - keeping the public bathrooms open during the off season. A lot of us walk on Hamlet, we park there, we walk 4 miles out to the pier and back and there is no place to go to the bathroom in the off season. Maybe we could look at that again since you want this to be a year round tourist place for people to come.

Mr. Cramer said we open them on the weekends. During the week we normally do shut them down mainly for maintenance of them because they are so lightly used and they tend to attract vandals.

Ms. Terrill said maybe we could open them in the morning and lock them at dark.

Mr. Cramer said we actually do that during the on season. We can take a look at it.

MPT Pierce said if we could take a look at it and maybe designate one location and let the public know then you would know to park in that lot.

Ms. Terrill said now that the state of emergency is over, are you going to put the trash cans back on the beach? I walked this morning and picked up a lot of plastic bags and had to carry them for 4 miles.

Mr. Cramer said we should be getting them out in the next week. It started today I think.

6. PUBLIC HEARINGS

- a. Review three proposed alternatives for traffic patterns on the north end side streets between the 300 block to the 1800 block of Carolina Beach Ave North and Canal Drive.

(Requested by Abby Lorenzo, Planning and Zoning)

Ed Parvin, assistant town manager, presented. He said the area we are looking at tonight is between Canal Drive and Carolina Beach Avenue North; just the streets in that area. We're not specifically talking about the street end that they end on, Myrtle Grove Sound or the ocean, just that in-between area. Currently there is two-way traffic there. I think there are two 30' right-of-ways so most of it is pavement. There are no regulations in that area. You can park on both sides of the road currently. The problem we have now is the narrow right-of-ways are creating some issues with access, public safety basically for our residents, utilities and public safety folks, our fire and police. This is Seagull (shown on overhead) and you can see once you have a car parked on the edge of the road, this one is encroaching a little bit into the right-of-way, and if you had one on the other side you are really choking down on what area you have to navigate the road. With a 24' road and two vehicles you would be limited to one-way traffic, two-way traffic would not work in that area. Someone would have to wait to let one car pass before they could come through.

Mayor Wilcox said I understand there are some areas where there is no place to park but is that just for demonstration purposes because this guy has a driveway and a garage so why would they be parked on the side of the road?

Michael Cramer said it isn't necessarily the individuals in the residence that are parking there. In this particular case, I can't tell you whether it's a tourist, a visitor or a resident. The idea is that they are parking in this area and it constrains the amount of traffic we can push on those streets.

Mayor Wilcox said the reason I asked that and I know we are going to hear more in the presentation but I would be more inclined to make considerations for residents that don't have any parking and we allowed them to build right up to the street or whatever but if it is just people parking on the side of the street I can't imagine somebody saying I'm going to go park on the side of the street.

Council Member Shuttleworth asked see those two little signs above that red car (shown on overhead)? They are not there anymore but they did say reserved for residents only for that white building. They have now been removed.

Mr. Parvin said this is just one scenario, but there are several streets where we're having this type of issue and you see how close they are parked to the road so when you are turning on to the side streets you are immediately pushed over to the center

of the street which, if there is oncoming traffic, could cause more safety concerns. Some contributing factors we talked about, narrow right-of-ways. Looking at this picture, this is over on Dolphin so these folks, as soon as you turn on to Dolphin, and this is just an older building, older parking design. Today we would require you to maneuver on sight and off sight in a forward direction. They are basically backing right out into the street and right out where somebody could be turning on to Dolphin so that is a potential safety issue as well.

Council Member Friede said for the building in particular there is no place else for the residents to park. Is that correct?

Mr. Parvin said that is their designated parking so they are on private property but with the design that we have now if somebody else was, with the two-way traffic, turning on here there was somebody in this lane waiting at the stop sign and they are pulling out then that causes a conflict.

Mayor Wilcox said I'm always a little confused by this because we've heard this several times with other conditions where these cars are backing on to the street. Well, every car with a driveway backs out on to the street. Why is that such a different condition? As a matter of fact they are at an angle and they are probably safer than backing straight out.

Mr. Cramer said in this particular case it's not so much that we're concerned about people backing out into the street. Council has already stated in other sessions that that type of parking is allowable and should be allowable. It's not so much that. It is the proximity to the intersection that is a problem. In North Carolina you are supposed to stay back 20' from the radius of the intersection so you don't prohibit people turning.

Mayor Wilcox said in this case they could theoretically restripe that lot and turn those cars diagonally in the opposite direction, right?

Mr. Cramer said that is a possibility.

Council Member Friede asked how many of the streets in the area that we're talking about have that kind of situation where there is parking so close to the intersection?

Mr. Parvin said a lot of them, I can't give you the number, there are 16 streets and some of them have driveway cuts that take up almost the whole street. That's just how the development was worked when the north end developed. They built their parking right on top of the street.

Council Member Doetsch said you said here in the right-of-way you went from, and this is in the first sheet of your public hearing, it says right-of-way from 25' to 30' but then if you go down to the next line with actual pavement width varying from 20' to 24' so are we just not capturing everything that is right-of-way to the town or capable of being a road in some cases?

Mr. Parvin said sure and most streets you have your street and then you have your area on the sides where you capture your stormwater or you have some utilities so these roads are about 20' to 24' varying so there is a little bit of right-of-way on the side that's not street.

Council Member Doetsch said that could be.

Mr. Parvin said in almost all of these instances, I think there are only two that are 30'. It's pretty much the whole street that is paved so it's close to the 25' or just a little under.

Council Member Doetsch said I'm not so inclined to be too upset about parking unless you're parking in the street and if you are parking in the street you are in violation of the law and at that point we should enforce the law, write tickets and if they don't move, tow the cars away. Then, if you'll go to the next picture, that's my concern. If you have somebody parking along that side you are going to restrict that fire truck from being able to operate correctly.

Council Member Shuttleworth said that's my concern, too. As far as backing out of the streets close to the intersection, every intersection, almost all four corners up there, have people backing out into the street at the intersection. Canal and Carolina Beach Avenue North, a lot of those side streets have residents. They don't just front Canal and Carolina Beach; they have 2 or 4 lots interior. My issue is the parking on the street.

Mr. Cramer said that's really where staff has looked at this issue and P&Z has looked at this issue. It's not so much the people backing out into the travel lanes and so forth. It is if you had right now on Scallop you could park legally two vehicles, one on each side of the road. There is no way to get that fire truck down there.

Mayor Wilcox asked why can you park legally on the street?

Mr. Cramer said mainly because there is one, no signage, and two, we've never implemented the existing ordinance that we have. I'm sure Ed will get into this if we let him get to the presentation. The existing ordinance says that these are one-way streets in an alternating pattern.

Mayor Wilcox said we'll get back to the existing ordinance but I can't take my vehicle and park on any street that I want to in this town and leave it just because there's no sign. I don't understand that.

Mr. Cramer said yes you can.

Mayor Wilcox said you can park on any street and leave it where traffic flows? I've seen cars towed by the town or had them towed by the town because they were parked 4' into the street.

Mr. Cramer said many times it is more of an inconsistency of our parking ordinance and how we enforce it. But, yes, in this particular area, yes, that is one of the things that happen quite often is they park on both sides of the road. You can park partially in a travel lane, that's part of what the issue is and why Ed had in his slide there about being able to designate what is public and what is private is what part of that is public and what is private. There is only a portion of it that is all within the right-of-way. That's why the widths of the pavement and the widths of the right-of-way are important in the discussion.

Mayor Wilcox said what I am interested in hearing and hope you've got that information is how many of these residences can't provide any parking at all on these side streets.

Mr. Parvin said we talked about this a little bit but you're looking at 18' without Riggers from the fire truck here. One of the things we were looking at with the three

options that we're coming up with was that maybe we could supply some parking with a one-way design. If we put some parking on here it would restrict where your fire truck could or could not set up which would inhibit how they would have to approach a fire. So it could prohibit them if they want to make sure they are downwind of the fire, it would affect that response and their ability to fight the fire and rescue somebody out of a burning building.

Mayor Wilcox asked who would we be creating this parking for?

Mr. Parvin said it would be more public parking for access. You have the Myrtle Grove Sound and the ocean. We don't have striping on here (shown on overhead), and this might be a bad example, but we have our operations, Waste Industries, turning radiuses, not so much on Seahorse, but on some streets you have buildings right on top of the property lines or you have parking if there was a car here. It's difficult to come in and out of one of these streets when there's another vehicle at the stop sign; vision clearance, same thing when you're coming up to a stop sign, the buildings. This is the one on Sandpiper, it's very close to the road so you almost have to creep out into the road a little bit to see around and make sure nobody is coming on CBAN or Canal, whichever way you're going. When we started getting some of these concerns from police and fire about safety issues that they were facing down there on the north end, and then some of the residents were complaining as well with their ability to navigate some of these side streets. We started going back and looking at our code and our code actually says all of these streets are alternating one-way. That was done in February 2003, approved by town council. We do not know why it was adopted and not implemented. At the same time we were going through, down at the bottom (on overhead), the traffic study and there was a lot of discussion at this meeting about wanting to look at some of the issues we're talking about tonight, but they also wanted to find out the recommendations from the north end traffic study. I don't know if that is something that held off implementation, it's hard to tell.

Mayor Wilcox said let me ask our historian, Gary, you were on council at the time and you may have been the one.

Council Member Doetsch said I clearly was one of the three. To be honest with you, I don't know why it was never enforced.

Mayor Wilcox asked what was the reason it was never implemented?

Council Member Doetsch said I'm sure it was the same reason. We had pretty heavy construction going on at that time, condos and stuff going in. When you have narrow streets, and people are trying to park on them, it causes problems. I'm sure that was an issue there. I will say that I had a complaint this year about it, a person actually trying to walk up that street and there were cars parked on both sides and traffic was trying to go both ways and the person actually got hit by a car. They didn't report it but they called me. There wasn't much I could do for them from a medical standpoint but I can at least bring it up to council and I think that's why I brought it up this time.

Mr. Parvin said I'm going to go through the 3 alternatives. I'll preface this by saying there is a preferred alternative based on safety but any of the 3 are things that are a positive for the situation.

Mayor Wilcox said before you go over those, does staff know how many residences on those side streets have zero parking? Maybe zero parking is too extreme.

Mr. Cramer said they don't have dedicated parking on their own property. I don't think we went through and counted all those.

Mr. Parvin said it wouldn't be impossible. We could go back and look at the properties...

Council Member Shuttleworth said I can't think of any that don't have any parking. There may be some that drive up in their cars and park next to their house. What we've experienced is a habit of parking on the streets and we have experienced a habit of allowing visitors to the north end beach accesses, as downtown gets more full, people are moving up and you can see the past 3 years have gotten busier and busier from the 300 to the 700 block. It just keeps creeping up. There is a parking lot at the 900 block and at the 1600 block. They stay relatively full. There may be 1 or 2 on the side streets that have zero parking. They might have a zero lot line but they have their side yards they park in. We're just in the habit up there of people parking on the side of the road. I see it.

Mr. Parvin said today it is required, when a new home comes in, (for zoning) to put on your site plan where your off-street parking is located. When you go and look at some of these older developments that is not in their file. It wasn't a requirement to show their off-street parking so it is difficult sometimes for us to estimate what the town required at the time.

Mayor Wilcox said we're all a little bit conflicted on that because, on the one hand today, we require them to have adequate parking. We have to know how much parking is specified if you have a 2 bedroom, 3 bedrooms, 4 bedrooms or whatever. On the other hand I would say if we didn't require them to have parking back then maybe we share some responsibility. On the other hand, they built their house or bought their house knowing those conditions.

Council Member Friede said I think most of the places up there are elevated. Certainly not everyone, but we are working on that with our FEMA grant. Some of them kind of have built in parking because people pull underneath the structures.

Council Member Doetsch said there are still some older homes that don't.

Mr. Parvin said the first option we looked at was to change the code because it does now say one-way and make all those side streets two-way which is basically how they are operating now and put regulations in place, putting signs in place so we can do enforcement and can regulate all those streets and make sure that the police officer has that we he goes out there that there's a no parking sign out there, or our parking folks, SB Plus, or the enforcement entity can go out there and do enforcement and there will be signage to support that.

MPT Pierce asked if he knew how many feet apart those signs have to be? Is there some regulation on that?

Mr. Parvin said on the next slide, we're estimating at least, I don't think there is a designated distance they have to be apart, but we're estimating approximately 4 per street.

Mr. Cramer said the only regulation that the federal government applies for this is at the intersection, there has to be a sign within 20 feet of the intersection saying that you can't park within 20 feet of the intersection.

Mr. Parvin said we would have to go and strategically place them because some people, like you can see here (shown on overhead), it's all off-street but it's right on top of the right-of-way.

Council Member Doetsch said help me out on this thing because Carolina Beach Avenue North used to be one-way going north. I'm trying to visualize the reason why we might have made it one-way with alternating streets, and I think it was because that was one-way. Did we change that the first time I was on council to two-way? Do you remember?

Mayor Wilcox said it changed not long after you got that grant for the north end and there was a decision to change the traffic law on the north end. The grant that was never used, didn't it change right around that period?

Mr. Parvin said it was around that. I was talking to another citizen about that earlier today, but I didn't look up the exact timeline. I think it was early 2000.

Council Member Doetsch said that could have been the reason why we never really started enforcing the one-way streets and alternating. It would make sense as narrow as the streets are, and you would think making it one-way would make it simpler and certainly much safer.

Mr. Parvin said alternative 2 would be one-way traffic with designated no parking on both shoulders. This would be exactly what we have in our code. We would also add in, which is the alternating one-way, and we would add in the no parking signs so you could not park anywhere on the sides of the streets.

Mayor Wilcox said so it would be one-way but you still couldn't park.

Mr. Parvin said yes. This just shows (picture on overhead) you come in one-way, there would be an arrow on the street, a stop bar, do not enter signs. One-way signage on this end, it's not on the screen but that was a recommendation by Planning and Zoning. That would be the change.

Mayor Wilcox said it may be that one size doesn't fit all here, I don't know. You say the streets range from 20' to 30' or 25'.

Mr. Parvin said 25' on almost all of them. I think there are 2 that are 30'.

Mayor Wilcox said and some of them have additional right-of-ways.

Mr. Parvin said they are all 25' except for 2 and the pavement width is around 20' to 24'.

Mayor Wilcox said what do you want in that drive lane - 21', the whole 25'?

Mr. Cramer said typically you try and keep a 10' travel lane. In the case of fire we try and keep a 20' clearance for the fire truck to drive down. That would be both lanes.

Mayor Wilcox said so 20' - 21', right?

Mr. Cramer said yes.

Mayor Wilcox said I am just curious to know if you kept a 21' drive aisle and you looked at the right-of-ways and you painted a line down each side, in other words maintain 20' paint a line down each side you could park anywhere outside of that line. How many roads could take advantage of that?

Mr. Cramer said very few. Ed has looked at some of those and went down with some of the staff and looked at each one of them.

Council Member Shuttleworth said what we end up with is, if you look at Oyster Shell, you would end up with people parking in those vacant lots, which is happening right now and those vacant lots get filled up in the summer time. And sometimes, depending on the lot owner, like the one across from the Got 'Em On Line, he's got the big ropes because the people up here who don't have the ropes end up with 30 cars parked in them.

Mayor Wilcox said I'm not saying you tell them they can park there. I'm saying you tell them they can't park on the street.

MPT Pierce asked are all the streets two-way now?

Mr. Parvin said they are all two-way.

MPT Pierce said if we're going to eliminate the parking why do we need them to be one-way as well?

Mayor Wilcox said it's not an easy answer because we have a beach community where visitors come and they want to use the beach accesses and want to visit people and if we just put out signs there and we say nobody can park here there is a down side to that as well.

MPT Pierce said my concern is the fire issue. If we have a fire and the truck can't get to the house. That is something we should have eliminated.

Mayor Wilcox asked has MPO or TAC or anybody looked at this. Have we looked at anybody who knows more about traffic than we do?

Mr. Cramer said not recently but that's what that 2004 traffic study at the north end did. It studied all those traffic patterns in the one-way streets or two-way streets and whether or not they should have parking.

Mr. Parvin said our last option would be to have the one-way design and add in some parking on the street. So what you're looking at here (on the overhead) is Clam Shell so there are opportunities on all these streets on the left to add in some parking. You get 42 parking spaces. The main concern we have is, if you have folks park here, (shown on overhead) and you need to get a ladder truck in this area to fight a fire or rescue somebody out of this building you won't be able to do that. You might have to change your strategy.

Mayor Wilcox said how do you even end up with the road width we were just talking about, that 18' or 20' if you have a 20' road and you put 8' wide parking spaces on it?

Council Member Shuttleworth said so in the spaces where you have the parking you wouldn't have your fire truck clearance.

Mr. Cramer said you're looking at it exactly right. You can put them there but you give up something and what you give up is that access and that ability to put a fire truck where you need it but you gain the parking. That's really the question, do you do parking or do you do public safety in these areas where you have thin right-of-ways and thin pavement widths.

Mayor Wilcox asked what's the average right-of-way on those streets from the road edge to the right-of-way?

Mr. Cramer said anywhere between 25' and 30'.

Mayor Wilcox said no, from the road edge to the property line.

Mr. Cramer said sometimes it's nothing but most times it's in the 2' to 3' range, that's sort of the average that we've seen. It really means that if you park the car that is usually 8' wide, that's what we ask parking spots to be, you would always be somewhat in the parking lane and that's basically what we have now.

Council Member Doetsch said to me, public safety and parking aren't even in the same category. Public safety is the main thing, that's your driver.

Council Member Friede said I don't think there's a single person who lives on any of these streets who would say I am okay with giving up the ability of a fire truck or ambulance to get to my house and save me or my loved ones so that somebody doesn't have to walk another block to get to the beach. I'm not okay with that.

Mayor Wilcox said I don't think that was the question. The question was can we find a solution to these needs and that's why we're having the discussion. Nobody is accusing anybody of anything here.

Mr. Parvin said we've been talking about this for a while. We went to the Police Advisory back in May and at that point we hadn't done a tremendous amount of research. They recommended a one-way traffic pattern and asked us to go back and look at what flow would work the best, which one's should be one-way and what direction and look at some opportunities for parking. So we really didn't present to them everything that has been building the past few months. TRC, our staff folks recommended alternative 2 which is the one-way with no parking on the side of the streets. Planning and Zoning recommended alternative 2. They wanted to see the one-way signs as you are approaching the street you see a one-way arrow. We put in front of them the manual on uniform traffic control devices, MUTCD code which gives you recommendations for different levels of services for different streets. That was a little bit above and beyond what is required for these streets but it is one of the cons with the one-way, if implemented it would be a new traffic pattern that the community would have to get used to so additional signage could help alleviate some of those concerns. We've heard council talk about, and Planning Board also talk about, if we do eliminate this parking how can we make up for some of the parking? In the August Harbor Commission meeting we didn't actually have a quorum that night but we went out and looked at all the street ends and identified quite a few that we thought we could add some additional parking if needed.

Council Member Shuttleworth asked is that on the harbor end or oceanside?

Mr. Parvin said oceanside. Most of them are delineated but there are some improvements. We looked specifically at the harbor end.

Council Member Doetsch said some of those were encroached upon. Do you go in and fight that battle of trying to reestablish the road there? It wouldn't be an easy thing to do but there is definitely some parking there.

Mr. Parvin said the ones on the screen are the ones that we saw... some of them, as Council Member Doetsch was saying, they're just driveway cuts and there's just not an opportunity. The ones that we identified here we thought there was some opportunity where the driveway cuts were off the main...

Mayor Wilcox said for some of them the owners, to their credit, have taken care of them.

Council Member Doetsch said we saw some of those, too, and they look pretty nice.

Council Member Shuttleworth said but they are all public right-of-ways to the harbor and some of them have boats parked on them, some are fully open, some of them have bulkhead and some of them are fully landscaped and are mowed and have gardens on them.

Council Member Doetsch said Steve you live there and you're the one who puts up with the inconvenience, the narrow roads and people parking in them and everything like that, but to me I think this council needs to take a closer look at making things right for the people who live up there and certainly things that are right for safety. And, for me, public parking beyond that is not figured in.

MPT Pierce asked do we have the ability once we post to tow from those streets?

Mr. Cramer said we do not have an ordinance that allows the town to tow from town property, at least I don't believe so. We have ordinances that regulate signage for private property and whether or not you can tow but I don't think we have anything that is a towing ordinance.

Noel Fox, town attorney, said and if it was blocking the public right-of-way.

Council Member Doetsch said we looked at putting collars on tires where you couldn't drive off, at some point in time.

Mayor Wilcox said we were told we couldn't do that.

Mr. Cramer said you can you just have to have an ordinance that stipulates that and right now we don't have that. That could be something you explore later, certainly.

Mayor Wilcox opened the public hearing.

Bonnie Warner, purchased property in 1972 and we own 4 properties in the middle of the 1300 block of Canal Drive. The first thing I would like to say is that 3 of those pictures that were used are not recent. One of the pictures that was used on Clam Shell showed parking that could be designated on the side, there's a home there now. It's been there for a year. There was another one that was shown, I think it's where the fire truck is coming down the road and, if I'm not mistaken it's where the blinker light is for you to turn when the road is flooding. The first year that the town implemented paved parking, so to speak, they did tow from that area but they have not towed since then. I don't know if that was part of the problem. Also I would say that several of the streets, they're made to sound like the size is good but the sizes are definitely different with those streets and more than just two. I'm talking about

the side streets. The other thing I would say is, and the best example I know to give you is my situation. Once again we're in the middle of the 1300 block, we're not on the water side so we're already getting all the drainage anyway, so for us to leave or get back to our homes, we use either Clam Shell or Periwinkle which are two blocks north or either Clam Shell or Starfish, which are two blocks south. Those are never consistently drained. 3 weeks ago we could come down Periwinkle. Two weeks ago we could not, it was too flooded and it was better to maybe come down Starfish. So the situation you're saying, or is being suggested, about the one-way already is going to be a constant problem for anyone who lives on Canal Drive. The safest, if you're looking for safety, is to keep it the way it is and have no parking as far as on those streets. In the 700 block there are houses there on that side street where there is no driveway. They literally park there in front of their house. They pull up as far as they can. You're talking about some of these older structures that have been there awhile. Some of the side streets maybe have 1-4 homes on either side, others maybe have just 3. It varies that way, also with the number of residences.

Council Member Doetsch said you said leave it like it is. We've got a problem here. We have two-way traffic on a one-way street, that's how it legally is.

Ms. Warner said I mean like it is currently being used with two-way traffic but no parking. A lot of that parking is your visitors.

Mayor Wilcox said I do know that a lot of citizens, when it floods and it floods differently, and they've used those streets to go back and forth as they need to.

MPT Pierce said I hear what she's saying, and I understand it would make you have to go back a couple more streets to cut over.

Ms. Warner said I understand the proposal is an alternate, in other words if you do that... I've been here since 1972, so I remember when the beach street was one-way. I remember when there was a flood and we'd come on the beach street to come back or get out and people would say you're going the wrong way.

Council Member Doetsch said we're talking about having part of that, especially in a flood situation, where the police are going to control that anyway regardless of the normal traffic scheme there.

Mayor Wilcox said just like it used to be when Carolina Beach Avenue was one-way, people came down it to get out when Canal was closed.

Council Member Friede right, but with all the high tide flooding that we have I think I see what she is saying about the increased needs for the moment by moment flexibility for the residents...

Mr. Cramer said very similar to what we intend on doing with the yard debris, when we have storms and so forth, we would waive the ordinance so that we could collect the debris from a storm or something like that in a different manner. We could also waive the regulation on those streets; for instance, make them all one-way going from Canal to Cape Fear or to CBAN. There are possibilities to work with in that type of a system.

Council Member Friede said but even lunar high tides that we have cause certain streets to flood here and there, and it pools in different places. I don't think we want to be going in and changing stuff every couple of weeks based on rainfall.

Council Member Doetsch said I agree with you for one reason and one reason only, we have a lot of tourists up there that aren't used to those tides I think. Most of the people who live up there continually understand what the issues are and how to deal with them the best way they can. It is the tourists we're going to have to watch out for, and they're going to be the ones who have a problem.

MPT Pierce said Ms. Warner are you saying that you believe, and you've been there a long time so that you know those streets, that most of the people who are parking there are not residents?

Ms. Warner said yes. I'm saying most but not all.

MPT Pierce said maybe some visitors to the home, but for the most part it's not the residents of the house parking on the street.

Ms. Warner said Right, in other words, you'd notice a big difference in the parking next week, so to speak, on whatever the street is that the fire truck was on than you would during the summer.

Mayor Wilcox said I'm pretty sure there are residences down there that have zero parking.

Ms. Warner said yes, I know the 700 block they have no parking and part of the car has to stay on the road. Things look good on paper; things look good in pictures that aren't up-to-date. If you really take the time to go down each of those streets you'll get a better idea of what I'm talking about because some of the structures are literally right on the street, and I think that was on one of the pictures. In my opinion, you keep the side streets as they are, the two-way, but put no parking signs in areas where you can. I also want to say Freeman Park was probably the best run this summer. We did notice the changes there as far as the traffic and we also did appreciate all that was done to try and keep people off Canal Drive even though they still get on there.

Mayor Wilcox said I'm a little disappointed that there aren't more people here from the north end, but it is what it is.

Mayor Wilcox closed the public hearing. He said I kind of lean towards leaving it like it is and restricting parking. My concern would be that handful of residents that have zero parking. Can we identify those? I don't know what else you can do.

Council Member Shuttleworth said for me the single biggest issue is making sure that our fire trucks and emergency services can get on those roads.

Mayor Wilcox said what do you do with somebody who lives there that we let build a house right on to the street?

Council Member Shuttleworth said I think she had it right on the money, which is we need to change the ordinance to say they are two-way streets and put the no parking signs where you can. I think staff should go out and identify those houses on those 16 streets that have no alternative and we just don't mark it no parking and be quiet about it. I think Ed showed you some pictures up there earlier that showed how he'd sign the no parking. I think there are going to be 1 or 2 spots up there where you're not going to be able to sign it because the residents don't have an alternative, so we can't sign it. If people figure that out and we have to... but if we can get 13 out of 16 streets clear that may be better than we're doing today.

The secondary issue, long term, if we're concerned about parking then maybe we could look at some of the harbor. I'm not for stirring the pot up with people who have changed the look of some of those up there, but if there are some that are easier to obtain parking or we have something at the 900, we have something at the 1600. Long term, if we need to look at additional group parking for visitors let's discuss that, but for me, make it a two-way street and no parking. Then you get a ticket and I think Chief Spivey had it right after 24 hours you put a sticker on it, and if we have to tow them it's not going to take long to change it.

Council Member Doetsch said I agree with that.

MPT Pierce said I have to say when you say one-way street people start to cringe in this town and so do I. I think if we eliminate the parking there's no reason it can't be a two-way street.

Mayor Wilcox said just for the record we need to find out how many houses have zero parking and figure out some kind of relief for them.

Mr. Cramer said I'm getting the impression that what council is looking for is staff to go back, look more strategically at each street, make sure that we know exactly how many residents don't have any alternative for parking and how we may be able to mitigate that and bring that back to council as an implementation strategy.

Mayor Wilcox said to me it's not about safety vs parking it is safety as a must, and we've got to figure out a way to help those few houses that have zero parking.

Mr. Cramer said we can do that and bring that information back to you so you have enough information to make a decision.

MPT Pierce said I have another comment. You said 24 hours before you tow. I don't really like that. What if you have a whole street full of cars and it's the same problem.

Mr. Cramer said what that entails is us just establishing an ordinance that talks about how we would handle towing and there's plenty of other communities that do towing. I've written towing ordinances before so you can do that. And you can pick it. Currently, parking enforcement can ticket metered parking spots or town lots but we can change the contract to allow them to enforce parking regulations on any of our town streets.

Ms. Fox said we can look into towing on the public street. I can work with Chief Spivey, Ed and the town manager to try to address that further for council's consideration.

Mayor Wilcox said we need to do this during the off season.

- b. Review Appendix A Zoning, Article 8 Landscaping and Development specifications, specifically buffer yard requirements.

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison presented. He said this item is to take a look at our current regulations for landscaping. How our ordinance currently outlays our regulations is that it defines them by different types with the uses, such as business retail, multi-family based on density, industrial. Each type, for every 50', has a required shrub or tree regulation that you have to plant. When looking at this we looked at when and where fences should be required when you have landscaping, and along with those

terms, when and where should landscape buffers be required. Once you put up a fence it really eliminates the esthetic advantage that a neighboring property may have if you're just walling it up. We also looked at if you abut another use, similar use, do you really need a landscape buffer between you? In our ordinance the purpose for landscaping is to provide a vegetative setback area, where maybe the setback requirements for a structure aren't observed. It may be for parking or outdoor entertainment areas where they're not right next to the property line you do have that vegetative area. It also screens views between uses. It regulates and controls impervious surfaces so you don't just have a sea of asphalt. It serves as a visual character and esthetic value of the town. We came up with 3 options. One is to keep the ordinance as is, with the exception of the rear yard, and maybe looking at eliminating that requirement if a fence is provided and is located in the same zoning district of abutting use. The second option is to require a fence inside of the buffer yard; therefore, the adjoining property owners get to take advantage of the landscape buffer. The third is maybe we should look at, if a fence is provided, do we really need a landscape buffer? Here's how our current ordinance works (shown on overhead).

Council Member Friede said wouldn't that fourth option be to make no changes?

Mr. Hardison said it is; it would be very similar to the first one, you just wouldn't eliminate the rear setback buffer. Currently if you had a typical single-family adjacent to a business or restaurant use you would have a 5' landscape buffer along the perimeter of the property. This buffer is from the parking lot and any outdoor entertainment areas that you would have. Option 1 would keep this intact. As you can see, (shown on overhead) this is the landscape buffer around the perimeter of the property, which is our current ordinance, but you would eliminate the rear setback if it abuts the same zoning district where you would have compatible uses. What that example would be here is that you have two businesses in the highway business zoning district here in Carolina Beach; you have an office use and a restaurant. When this was approved this office/multi-use building had to have a 5' landscape buffer. Under option 1 you would be eliminating the rear property. We feel like that would still keep the intent if you are looking at some landscaping relief for business owners, but you still keep the esthetic value for the side property. Option 2 would be a landscape buffer oriented towards the adjacent property and you have a fence lining up if you chose to do a fence on the commercial side. Right now fences aren't required other than industrial or through the approval of council for a subdivision or a conditional use permit. Currently you can put fences anywhere on the property as long as it is within the property boundaries. We don't regulate the placement of it. You do have the landscape buffer on the outside of the fence and the parking would be, in this situation, against the fence. Here is another view looking from the adjacent property. Here is the commercial use and you can see the intended landscape buffer, this is the property line here on the outside of the fence where it would be more visually pleasing maybe to the adjacent property owner. There are some negatives with this. If there is a fence and barrier put up, sometimes that landscaping is out of sight and out of mind and there is an enforcement issue about maintenance. Option 3 shows two older developments in town prior to us having a landscape ordinance, and if you do have a fence and you have two compatible uses, do you even need a landscape buffer? This just illustrates that requirement where you would have parking right up to the property line where the fence is located for a drive aisle. This is another example where Food Lion, when it was approved 15 years ago prior to our landscape ordinance, wasn't required to have any landscaping. They did put up a fence, and then when Paradise Cove came in after we got the landscape ordinance, they were required to put in a 10' landscape buffer. So this shows you the shopping center and the multi-family project, what the

landscaping requirements were, and the effect that you got. There are a couple of additions that staff is recommending. We do have very few new commercial buildings. You have uses that are turned over for retail or restaurant, and because of site constraints and buildings or structures it does make it hard to meet the landscape buffer. When those situations arise there are some waiver requirements that we are recommending and also defining exactly what uses can be in the buffer because sometimes over time you do have things that pop up in the landscape buffer that are not intended uses. Staff is recommending option 1, keeping the existing regulations but eliminating the rear buffer yard if the adjacent property is in the same zoning district. It still meets the purpose of the landscaping regulations. The land use plan does support any time you can enhance the community appearance. Planning and Zoning also recommended option 1.

Mayor Wilcox said I asked this to come to council because I was looking at the situation, and it struck me when I was looking at it that the buffer yard and fence was a potential problem. Let me simplify the reason that I asked for it. The intent of a buffer is to create a space, an actual area between the property line and the use. I have no problem with that. I think it's a good thing, but when you create a buffer and you allow somebody to put a fence on the property line there is no longer any buffer in my opinion. If I am on the neighboring property and you put a fence on the property line, first of all, the intent is lost because that's what the buffer was for. It is not to create a hard landscape but a natural area that lets you feel like you're not boxed in but there's a buffer between you and the business. So if you have a buffer and you put a fence on the property line, I think you've defeated the intent and any benefit. On the other hand, if you have the buffer and you are required to put the fence on the inside, like you say there's a maintenance problem. What I am saying is that it made no sense to me that we would require a buffer and then allow them to put a fence on the property line. What happens then is the only benefit that buffer is to the business to put it in for their esthetics and they may not want that. The buffer is intended for the person on the other side. That was the reason I asked staff to take a look at this to see if we wanted to continue to allow them to do what they're doing or if we wanted to bring the fence back on the other side and maintain the buffer for the adjacent property owners purposes which is what it's there for.

Council Member Doetsch asked suppose the person in the single-family house in this particular view wanted to put a fence around his yard, is he able to attach to the fence that the other property owner has put up?

Mayor Wilcox said no, what you see them doing is leaving a foot between and all the grass grows up.

Council Member Shuttleworth said what Gary is saying is if you have the buffer and you tell them if you're going to put a fence up with the buffer you have to do it on the inside of the buffer. All of a sudden the other property owner says wait a minute, I want to put in a fence then you have a 5' landscape strip. I think Dan is on to something. Typically a buffer is required in a change of uses to allow some softening on the intensity between a residential and an office or an office and an industrial or a residential and an industrial. You want to soften that transition between the property line and by allowing a fence to be put up, if you put it on the property line, then you've got a fence. Just require a fence between those uses.

Council Member Friede said here's what I think is going to happen. People see a fence and they assume it is a property line. I think if we require people to put the fence on the other side of a landscape buffer we could create boundary issues

between neighbors that didn't previously exist because the guy on the landscape side of the fence... it's going to now appear as though he's got to maintain that side of the fence. His neighbor who may have put it up, like we discussed, the landscaping on the other side of the fence may be forgotten about and he doesn't go over and take care of it. Now the guy with the landscaping on his side starts taking care of it and 21 years from now he goes and files a claim for adverse possession in the court and takes over that piece of the property. That's one aspect of it. I think one of the purposes of a vegetative buffer has got to be absorbing stormwater runoff from impervious surfaces. So the landscaping buffer is a nice esthetic for the neighbors to look at, but let's not forget that every time we allow somebody to pave over a piece of the island we're creating runoff and it needs to go somewhere and the best place to absorb it is in trees and shrubs and grass.

Mayor Wilcox said nobody is talking about taking that away, we're just talking about the functionality. All I am looking for is to say we either want soft transition, so eliminate the fence in those conditions, or if you are going to put a fence on the property line why are you forcing somebody to put in a buffer zone? I'm not saying they can build on it, but why do they have to landscape it? The grass absorbs runoff. If you're not allowed to build on it, you can't put concrete on it, you can't do anything that's impervious. Either allow them to put a fence there, and if they do put a fence up, don't make them put a buffer. That would be an incentive to put a buffer, perhaps, instead of a fence I guess is what I'm saying.

Council Member Friede said if you're saying fence instead of buffer then you would allow them to pave to the edge...

Mayor Wilcox said no. They're not allowed to put any structure or pavement where the buffer would be. It would still have the same setbacks and the same controlled areas.

Council Member Doetsch said one or the other, but not both.

Council Member Shuttleworth said I think if you're going to put a fence up, then they put it on the property line and they still have to landscape on the inside. I understand the landscape question, but I think if you don't have the vegetative buffer and you choose to put up a fence... part of the problem is if you come back and say that in the transition zones you have to put in a buffer and you may not put in a fence. I'm not sure that works for the guy who's on the downside of the zoning. He might say he'd rather you go ahead and put a fence up.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Friede said I think the appearance of a landscaped area not only improves the esthetic of the town, it helps with rainwater. A tree is going to absorb more than just grass. I do understand Dan's point that if we're saying you can't put anything in the buffer but you can put a fence in the buffer there is a little confusion there.

Mayor Wilcox said we've chosen not to have architectural standards so the intent of that is for a transition.

Council Member Friede said nobody in North Carolina can have architectural standards I think is my understanding of recent court cases. I don't see any problem with the way it is now. I'm not in favor of any particular change. I like having additional landscaping, I think it helps everybody and I don't think there's a problem with a fence. And I think requiring people to put a fence inside the buffer is going to create potential problems.

Mayor Wilcox said it just seems to me if I were a neighboring property owner and you put a fence on my line and I don't have the buffer and there's no transition area and now you're requiring the guy to put landscaping in also to put up the fence. It should be one or the other.

Council Member Friede said I don't have a problem with the appearance of fences.

Council Member Shuttleworth said I don't care, one or the other. Sarah, your concern is if we say it's one or the other and the guy chooses to put up a fence, then the property that puts up a fence that has the more intense zoning is going to pave right up to the edge of it.

Council Member Friede said right.

Mayor Wilcox said they're not allowed to do that. It's a buffer area. They don't let them do it now and they wouldn't let them do it.

Council Member Shuttleworth asked what would they do in that buffer area? If we told them it's either or and you put a fence up on the property line...

Mr. Parvin said if we created it we'd have to create a different... right now we have a buffer yard type A, B, C, D or E.

Mayor Wilcox said but you have a setback, too. The buffer area is generally smaller than the setback, than the building setback.

Mr. Parvin said you could pave right up to the property line.

Mayor Wilcox said I'm not proposing they can pave up to the edge. They can't go any further than where the buffer would have been I guess is what I'm suggesting - still be a green area.

Council Member Shuttleworth said they just don't have to landscape to the A, B, C, D or E requirement.

Mayor Wilcox said if they do they're only doing it for their enjoyment.

Council Member Friede said but they could have gravel or whatever is there? It would look like overgrown weeds if we don't have a certain requirement for what they do there.

Mayor Wilcox said you could drive around town and see what people are doing now.

Council Member Friede said let's not make it easier for that.

Mayor Wilcox said I'm not proposing any kind of appearance standards. I'm trying to go to the intent of the ordinance which is a transitional buffer. If you guys don't want to do anything about it, I'm fine. It just doesn't make much sense.

Council Member Doetsch said I don't believe you should be forced to do both. If you do one or the other I think that's fine.

Mayor Wilcox said Ed, how about since we beat this to death, you want to take a look at the idea of doing one or the other and maybe bring it back. There's no timing issue here. Is that okay?

Council Member Shuttleworth said I'm just processing through the whole thing. I do understand the idea and at some level I'm willing to say you have to have a vegetative buffer. You cannot put a fence up if there's a transitional zone you must have a vegetative buffer.

Mayor Wilcox said to me the fence kills it.

Council Member Shuttleworth said the flip side of that is I'm not sure if I'm the house next door to the office park I'd rather have the fence then there's no vegetative buffer.

Council Member Friede said the vegetative buffers we require are going to grow over 6' tall for the most part. Most of our yards require certain sized trees and whatever so you're going to get some green space. It also protects overflow.

Council Member Shuttleworth said if you go to that picture, Ed, where you had the ACE Hardware. Trying to create some kind of landscape ordinance that said, I don't care what you put on your site you have to have some kind of landscaping, is pretty cold.

Mayor Wilcox asked what do you want to do? Do you want him to even look at the option or not? That would be a fence, no fence, buffer or no buffer?

Council Member Friede asked is it actually an active problem for anybody? Ed, do you guys deal with anybody who comes and says this isn't workable for us?

Mr. Parvin said we've had a few issues. (A picture was shown on the overhead of a problem area.)

Mr. Hardison said this was approved, as you see on the site plan, this was an existing building and they're going to change the use and then add a concrete patio area, which they could do, but they had to maintain where they could a 5' landscape buffer from the property line.

Council Member Shuttleworth said maintain where they could, those are great rules.

Mr. Hardison said they wouldn't have the site constraints where the building was.

Council Member Friede said so where the restrooms actually go over on Carolina Sands common area there. Is that what I see?

Mr. Hardison said correct. It's an existing structure, just changing the use. They had to provide a 5' landscape buffer where they were able to do that, and in this case it's everywhere except for the building. It was a new, concrete outside patio area. They still maintained the 5' landscape buffer. What's happened now is that area has been paved. If you look at the picture, the asphalt used to end right where Ed is pointing (shown on overhead) and if you go over to the south area that's new concrete.

Mayor Wilcox said if I understand it correctly they put those posts in there and called it a fence and thought because the fence was there they could pave up to it.

Mr. Hardison said yes, and their plan was to put up a fence in lieu of landscaping but our ordinance currently doesn't give you that option.

Council Member Shuttleworth said so somehow we allowed him to do that because we weren't code enforcement?

MPT Pierce asked how did that happen?

Council Member Shuttleworth said I love Vinnie, but did someone from the town say Vinnie, you've got a 5' buffer, what happened? You've got to put it back.

Mr. Parvin said we have. We're actually waiting for this amendment. If this ordinance changes and he's in compliance then we won't move forward. If it doesn't change then we will. He's under violation now. We haven't started the fining process, which will begin.

MPT Pierce said this is a whole different issue. This is somebody who didn't follow the rules.

Mayor Wilcox said let's move on. If you guys don't want to do anything with it, I'm good with that.

Council Member Friede said more green is better.

7. CONSENT AGENDA

**Council Member Doetsch made a motion to approve the consent agenda.
MOTION CARRIED UNANIMOUSLY.**

The following items were approved:

Budget amendments as presented by the Finance Director.

Minutes for the following meetings:

September 8, 2015 Workshop
September 22, 2015 Council Meeting
October 2, 2015 Emergency Meeting

8. NEW BUSINESS

a. Phase 1 A Change Order

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

Michael Cramer said the next three items all deal with the change order associated with Phase 1A. At our last meeting we discussed the options of continuing on with the utility improvements from Sixth Street all the way up to Dow on Cape Fear. Council said that would be their preference and to move forward. This basically goes and enacts that, and that is it establishes a change order to the existing contract for \$1.375M to go and continue the existing water, sewer, stormwater improvements and roadway improvements to that section of Cape Fear.

Council Member Friede made a motion to approve the change order.

MOTION CARRIED UNANIMOUSLY.

- b. Consider amending the Utility Fund for the funding of the Change Order to Phase 1 A Project Budget Ordinance

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

Michael Cramer said this item is to consider changing our budget ordinance to allow us to move the \$1.3M from the Utility Fund into the project budget.

Mayor Wilcox made a motion to amend the Utility Fund for the funding of the change order to Phase 1A in Project Budget Ordinance 15-990. MOTION CARRIED UNANIMOUSLY.

- c. Phase 1 A Change Order Financing Resolution

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

Michael Cramer said this is a resolution to allow the town to go and finance that \$1.3M at it's next opportunity for financing which is Resolution 15-2106.

Council Member Friede made a motion to adopt Resolution No. 15-2106. MOTION CARRIED UNANIMOUSLY.

- d. Committee Appointments

(Requested by Kim Ward, Town Clerk)

Mayor Wilcox said the following appointments were made by ballot and is public information and open to the public.

Police Advisory Committee - Deb Lecompte
Operations Advisory Committee - John Ittu and Jason Wooten

- e. Consider adopting Resolution 15-2108 opposing off-shore drilling

(Requested by Kim Ward, Town Clerk)

Mayor Wilcox read the following: Resolution 15-2018 is a resolution of the Town Council of the Town of Carolina Beach, North Carolina expressing opposition to offshore exploration and drilling of gas and oil and seismic testing on the continental shelf off the coast of North Carolina.

Council Member Friede said there is a typo in the last paragraph that says "polices" instead of "policies".

Council Member Shuttleworth made a motion to adopt Resolution 15-2018. MOTION CARRIED UNANIMOUSLY.**9. NON-AGENDA ITEMS**

Noel Fox, Town Attorney, said council knows and staff is aware also that the petition for the variance for the boardwalk extension was filed last week. There is a link on the town website that shows the entire package that was submitted to DCM for the public's review. It will be heard November 17th at Atlantic Beach in the afternoon. The agenda has not been posted yet but DCM staff has forecast that at this point. If you have any questions, please don't hesitate to ask me.

Council Member Doetsch said signage on the multi-modal path on Cape Fear Blvd., I noticed that we have signage on the one adjacent to Old Dow Road that says I guess, no vehicular traffic and we may want to put golf carts on there too, because I saw a golf cart riding down that one so if we could get signage on that.

Michael Cramer said that was mentioned at the last council meeting. Brian has been

working on language and the size of signs and where to put them and things like that.

Council Member Shuttleworth said he wanted to inform council that he was invited, along with Ron Zapple and the Mayor of Kitty Hawk, as Ron being a democrat and myself a republican and the other as an independent, to represent North Carolina as one of the coastal states at the Rising Tides Bipartisan Conference in New Hampshire on the 23rd through 25th of this month. They invited me specifically so we could talk about discussions of how we're dealing with flooding issues and coastal storm damage reduction.

10. ADJOURNMENT

Mayor Wilcox made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.

Kimberlee Ward
Kimberlee Ward, Town Clerk

11.10.2015
Date Approved

ORDINANCE NO. 15-990
AN ORDINANCE TO AMEND THE CAPITAL PROJECT BUDGET FOR THE
PHASE 1 A 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 expanded Phase 1A 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>
14-001-075	Phase 1 A Infrastructure	\$6,663,528.79	\$1,375,000	+ \$1,375,000
TOTAL			\$1,375,000	

SECTION TWO:

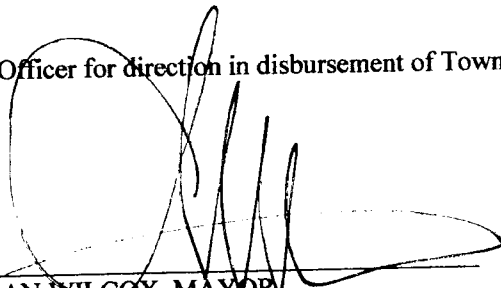
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the expanded Phase 1A Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
14-350-000	Transfer from W & S Fund	\$1,094,643.50	\$1,375,000	+\$1,375,000
TOTAL:			\$1,375,000	

SECTION THREE:

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

Duly adopted this 13th day of October, 2015.


DAN WILCOX, MAYOR

ATTEST:


Kimberlee Ward, Town Clerk

Resolution



Town of Carolina Beach
Town Council

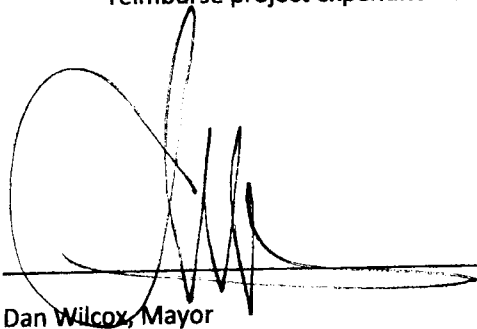
RESOLUTION NO. 15-2106

Reimbursement Resolution for Utility Improvements on Cape Fear Boulevard associated with the expansion of the Phase 1A Infrastructure Improvement Project.

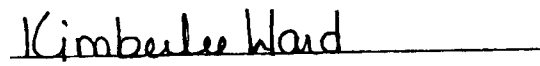
WHEREAS, The Finance Director has described to the Board the desirability of adopting a resolution as provided under federal tax law to facilitate the unit's using financing proceeds to restore the unit's funds when the unit makes capital expenditures prior to closing on financing.

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 expansion of the Phase 1A 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 \$1,375,000.
3. Funds have been advanced or may be advanced from the Capital Project Fund for the project costs are intended to be reimbursed form 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

10-13-2015
Date Approved

Town of Carolina Beach
Resolution No. 15-2106

Resolution 15-2108

Town of Carolina Beach
Town Council



A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CAROLINA BEACH, NORTH CAROLINA EXPRESSING OPPOSITION TO OFFSHORE EXPLORATION AND DRILLING OF GAS AND OIL, AND SEISMIC TESTING ON THE CONTINENTAL SHELF OFF THE COAST OF NORTH CAROLINA

WHEREAS; the Town of Carolina Beach is committed to being a sound steward of the unique coastal environment, including the rare maritime forest, estuaries, marshes, and pristine beaches on and around Carolina Beach; and

WHEREAS; Carolina Beach and the North Carolina coast are locations of significant and famous cultural and historic resources including, among others, Fort Fisher, and multiple historic shipwrecks and artifacts comprising the Graveyard of the Atlantic which are protected by the National Historic Preservation Act and the Maritime Forest which is a North Carolina State Protected Preserve; and

WHEREAS; the Town of Carolina Beach recognizes our economic survival depends on the sustainability of the existing environment; and

WHEREAS; the Town of Carolina Beach has visitors from all over the world come to enjoy the natural beauty of our clean beaches, salt and freshwater marshes, inlets, estuaries and tributaries; and

WHEREAS; North Carolina's coastal waters and natural habitats provide the world with some of the best wild-caught seafood, renowned for its freshness and exceptional quality; and

WHEREAS; exploratory and commercial drilling, extraction and transportation of offshore oil and gas resources pose a significant risk of spill and offshore drilling requires substantial onshore infrastructure, such as pipelines and/or refineries, which may further risk the health and safety of the environment, character and natural beauty of North Carolina's coast; and