



CAROLINA BEACH

TOWN COUNCIL MEETING

MINUTES • JULY 14, 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. A moment of silence was observed followed by the Pledge of Allegiance.

Mayor Wilcox said that at the last meeting council was told they cannot do the invocation. If no one from the audience wants to do it we take a moment of silence.

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 mentioned the changes to the agenda. We are adding Item 8c - Discussion of the Interlocal Agreement. Removing Item 6a - Public Hearing on Bed and Breakfast amendment at the request of the applicant and Item 7a - Resolution to close Lee's Lane.

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

3. SPECIAL PRESENTATIONS

- a. Recognize employees for years of service

(Requested by Kim Ward, Town Clerk)

The following employees were recognized for years of service:

- Finance Director Debbie Hall, 5 years
- Lieutenant Chris Spivey, 15 years
- Captain Chad Soward, 10 years
- Assistant Manager Ed Parvin, 10 years

- b. Brief July & August Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler gave an update on the upcoming events.

- c. Manager's Update

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

Michael Cramer gave an update on the Phase 1A project (showed map on overhead) which was basically on Clarendon Blvd. From Dow Road down to Fifth, from Fifth to Cape Fear and from Cape Fear at Sixth Street down to Canal and then a section of Canal from Cape Fear to Harper. In this project we did several different things. It initially started as just a force main project, replacing it from lift station 1 to the waste water treatment plant. We added on gravity sewer lines and laterals, raw water lines, potable water lines and those laterals, sidewalks, multi-use paths, stormwater infrastructure and streetscape. The project started on May 16, 2014 at Clarendon and Dow and went south on Clarendon. The original project end date was planned for March 12, 2015. During this time we have had a number of reasons for delays. We have had one approved and one pending extension of time for the contract. The first extension was on March 5th and the contractor requested an 88 day extension to a new completion date of June 8, 2015. Again, we ran into some particular issues, and the contractor has requested another extension of 78 days to a completion date of August 26th. Currently the only active construction is between Third and Sixth Streets on Cape Fear Blvd. He reviewed a project cross section of street infrastructure for one lane of travel in each direction (shown on overhead). It is 24 feet wide, tree line area on each side (5 feet on one, 8 feet on the other), multi-use path, lighting and the storm drainage. Along with this overcoat is the underground infrastructure. There are 5 different types we are rehabbing. In both locations on each side of the road we are putting in stormwater infrastructure or rehabbing certain types of stormwater infrastructure. In the main body of the street we are also putting in sanitary sewer lines which run the entire length and connect to the houses, force main which is the main transfer line from the lift stations to the wastewater treatment plant. We also have raw water lines from our wells to various treatment locations or to the distribution system and then we have the distribution system itself for the water connecting to the houses. One of the main objectives for the contractor and the town is to make sure we are still able to get people to businesses and to their homes by leaving as much of the roadway open as we can as well as not cutting off the water any longer than we have to. In order to do that we can't go in and dig out the entire section and close down the entire road to put in all 4 of the utility lines at the same time. So we do it piece by piece. The contractor has been going in and putting in all the force mains in a certain section, making sure they are pressurized, tested and work appropriately. He goes back to the beginning and starts with the next utility, puts in the sanitary sewer lines and pressurizes, tests and then does connections to the homes, etc. So you will see the contractor generally in the same location day after day. Some of the delays: Unknown infrastructure found in about 90% of the street segments and about 80% of the intersections, active water or sewer lines. Then we have to find ways to reroute those existing lines or reroute the new lines around them, which takes a lot of time. Add-on's, things like replacement of deteriorated stormwater infrastructure. Also additional raw water line connections so we only have to cut the road once. The same thing has come up with gravity sewer lines. We've added on water/sewer conduits, etc., at the boardwalk because of deteriorated infrastructure. We also added in sidewalks and streetscapes on Canal, which was not part of the original project; and we had typical delays due to weather or permitting or DOT schedules, etc. These have been the types of delays that contributed to the 166 days of extended time the contractor is requesting. The current schedule is to have everything completed for the last three sections of the project from Third to Sixth on Cape Fear by August 26th if we don't have any new developments. I already have new developments (shown on overhead). One of the most recent issues is in the section of Cape Fear from Third to Sixth Street. We have very little stormwater infrastructure that we thought at the beginning of the project would need to be replaced and was bid as part of the project. We evaluated that infrastructure two

years ago and in that time frame we have seen pot holes show up and divots in people's lawns indicating water infiltration. Cracked lines or seams are not appropriately lined up, allowing water and sand into our lines causing some cave-ins in those places. We have repaired some of those over the past couple of months. We have also had some complete cave-ins where old pipe has been put underneath or trees have grown over the top and although the video may have shown a few roots but there was no problem with the infrastructure, those areas have now collapsed. We have probably three large trees that are four feet in diameter that have crushed the infrastructure underneath them and they looked perfectly fine in the video two years ago. In going through that, we have determined there are probably stormwater improvements that need to be made from Third to Sixth Street on Cape Fear of approximately \$300,000 to \$500,000. That would extend our project by 30 days to do the extra stormwater infrastructure, which means the project being done on August 26th is probably no longer an option. We would be looking at a date closer to October 1st to complete the new stormwater infrastructure and finish out the project, to some degree, up to Sixth Street. One of the other issues that we've run into has been the implementation/scheduling of our multi-use path grant. When we started the project we did not have any grant funds for it, but we had in our plan starting the multi-use path from Third Street all the way to Dow. Also in this project we would do Third to Sixth Street, and the town would pay for that unless we were able to garner grant funds. In the interim, we were able to get those grant funds and have been awarded approximately \$425,000 from the MPO and NCDOT to install the multi-use path from Dow Road all the way to Third Street on Cape Fear. That comes with a 20% match which is \$126,000 so the total grant budget is about \$532,000 for that. The problem with accepting that grant is timing. Right now we have signed the agreements for the grant and sent them to the State to be signed and evaluated. Once we get those back there is a specific process that has to be followed for NCDOT approval, which we expect to take approximately six months. This means if we start any part of the multi-use path before we get approval from NCDOT in six months, then we start forfeiting some, if not all, of those grant funds that have been awarded to us for that project. Those are three current issues that have come up just in the last couple of weeks with this project. I have had conversations with staff, the consultants, our engineers, the State, and our MPO representative to see if there aren't other options for us to determine how to move forward, and we came up with three options. One option is to finish off the section from Third Street to Sixth Street. We're talking about the entire project including the multi-use path.

Council Member Doetsch said there is one delay that you failed to mention and that is the fact that we pushed the schedule back a couple of weeks to help the businesses during the Christmas holidays.

Mr. Cramer said you're right; there were some typical delays around the holiday season.

Council Member Friede said the update seems to hit repeatedly on the issue of infrastructure that we thought was good for two years, but is in much worse shape than we thought. Do we need to go back and look at some of the other areas in town that are not on any of the phase parts of the plan to see whether they have changed substantially in the last couple of years and we need to add them?

Mr. Cramer said at this point, what we are doing for the areas outside of the five phased area that we're talking about doing infrastructure improvements on, is that we're hitting them like we hit everything else as we have problems arise or if we find things during routine maintenance cycles and we're doing that as part of our

operating business. For instance, we have had cameras go down in the north end into the stormwater system there because we've had an issue associated to that. Some places we were able to fix and others where we're able to postpone some of those changes. We're meeting the needs as it is day-to-day. What tends to be the issue, especially with a project of this magnitude and the other phases that we have, is that you have to make sure what you're contracting for is what you absolutely need and that guaranteed somewhere along the line you will find things in the ground that you didn't expect or things will be worse off than what you anticipated when you evaluated them. The thing that we can't see when we evaluate stormwater, for instance, is the diameter of the pipe, how thick that pipe is. We can look at a pipe and say it is 24" in diameter and camera it and it looks in good shape with no cracks or spaces but we don't know how thick the wall of that concrete is, and what we are finding is a lot of it seems to be very brittle and thin. Not in standards of what we put in place today.

Council Member Friede said it doesn't sound like the delays have been the contractor's fault. Is that correct?

Mr. Cramer said yes.

Council Member Friede said so would there be any reason why the town wouldn't grant the contract extension request?

Mr. Cramer said I have granted one and my recommendation is to grant the second one mainly because of the things we have actually seen and we know what is going on underground. They are reasonable requests.

Council Member Friede said walk me through if we decided not to grant the request for extension.

Mr. Cramer said at the present time the only liquidated damages clause or teeth that we have in our contract is liquidated damages, and that is \$500 a day against the contractor. At this point we are probably 30 days past so we would have 30 days of \$500 a day charges that we could apply to the contractor. There are provisions in the contract to have mediation or dispute resolution when you get to things like that and, yes, I would be willing to bet that they would come back and say this is the reason why we believe that these are justified.

Mayor Wilcox said time extensions in a contract are typically done by change order when those time delays are experienced. Have they turned in any change orders for time extensions?

Mr. Cramer said no, they haven't turned in any change orders for time extensions and the main reason why...

Mayor Wilcox said for change of project time I guess I should say, not time extensions like you typically would in a contract, whether you are changing the price or time, you do it by change order.

Mr. Cramer said yes and no we have not. What we're finding is that we have change orders that take place in the field between the contractor and ourselves where let's say we found a waterline we didn't know was there. We're going in and with the contractor to figure out where the line goes, who it services and things like that. The contractor tells us it's going to take him two days to go and reroute this and it will be at our cost and it's five lengths of pipe. As long as we have kept up with that we

haven't been doing written change orders to associate the cost to a length of time.

Mayor Wilcox said does the contract call for written change orders?

Mr. Cramer said honestly I don't know. Typically, there is a standard for written change orders. In this case, with this particular project, I can't tell you if I have seen that in there.

Mayor Wilcox said I haven't seen the language but I would be shocked if we went into a contract without a requirement that adjustments in time or cost would be handled by change order that would have to be approved by both parties. In that case, when you experience a situation where you have extra work, you say I have to lay another 100 feet of pipe and it's going to take me five days. So you fill out the change orders. It's going to cost \$5,000, and it's five days. The parties agree to it and accept it, and it's a matter of record. You adjust the project time accordingly. You don't wait until the end of the project and go back and say we had all these verbal understandings so, yeah, we're 30 days past the date and now we want extra project time. I am curious to know where that stands. I have some things I want to say, but I will wait until the end of the presentation.

Council Member Shuttleworth said I have a couple of questions, and I am like Dan, I am not sure if they are questions or statements of total disbelief and frustration. We had an eleven month contract and we've not extended it for half, again, of that much time; another 5 1/2 months with this extension. What I am seeing and experiencing in the public is the frustration of the length of time it has taken us from Third Street to Sixth Street. I think everyone kind of gave us a little bit of a pass down by the Boardwalk and Canal and understands the stormwater and we took some time off to look at a one-way. We had some design issues down there and there were some other things, and it disrupted businesses so we worked with them, but right now it's a residential section of town. Originally, this project was designed in its entirety to replace and repair the infrastructure in the residential sections of Carolina Beach from Third Street west to Dow Street, and we picked up the force main as an add-on because, as we began the project, the State came in and said you have a failing secondary force main and you have to do that first. That's how we ended up with a "1A". So that's how we ended up on the other side in the business district. Everything was supposed to be happening in the residential district. The push-back that I'm hearing in the community is what in the world is taking so long to go three blocks from Third Street to Sixth Street? And I saw your diagram and there are four pipes in there and we're now asking for a total of 5 1/2 months extension. We got from Dow down to Clarendon. We got the force main done but it's taking an excruciatingly long time to get from Third to Sixth. Now you're coming back and saying, well, we can get it done by August but we need to add another 30 days to that and I would agree with the recommendation, Michael. If we're going to do it, the idea was to do it one time, so if we've got to do stormwater, let's do it. You say we'll be out of there the first of October, but you also come back and say now we're running into problems. You and I met yesterday and what I heard you say was nothing about six months taking DOT to get a contract, so I'm assuming you must have heard something today. That's totally unacceptable. So if that means you need the mayor or council to get on the phone and start calling DOT or Gary, who is our MPO rep, and say wait a minute, you guys gave us a grant. You can't delay us in the middle of a project, or if you are, then maybe council originally approved Third to Sixth Street with a bike that we were paying for. I'd like to understand the numbers because I'd rather tell the residents that live between Third and Sixth we're going to go ahead and get it done and bite the bullet and we might lose a few grant dollars that we didn't have originally, rather than waiting six months and coming back later

and being right back on Cape Fear. I am just mortified that we would even think about doing the stormwater to October 1st, and then maybe six or eight months from now you guys are going to see yellow equipment back down there digging up and laying... I need to understand what is the legitimate reason for the extension? We gave them 88 days the first time, how come? Why did they ask for it?

Mr. Cramer said for those particular items that I showed you on the previous slide.

Council Member Shuttleworth said that they found a bunch of stuff they weren't expecting?

Mr. Cramer said there were underground utilities that we didn't know were there, and we had to change or adjust our infrastructure or add-ons to the project and adjustments that we made. That was in the first...

Council Member Shuttleworth said we're five months, six months on three blocks. That's just crazy. That means over a month on each block and we're still not done and just to finish to Sixth Street we need another... What I hear from people, I don't live on Cape Fear, is they don't see people working over there all the time. You and I had a conversation about that Friday afternoon. Yeah they take off on Friday afternoon to go get their paycheck. You know what, that's not an acceptable answer. You need to tell State Utilities to bring the checks down here or get your crew back, but I expect guys to be working five days a week, if not six or seven. I believe we asked you to get with them and come up with some solutions on what we can do to shorten this time frame and on here. I haven't heard anything from you on what the State is offering because they are on fixed contract. They get paid whether it takes them a day or a year. They're not making any more money are they? We're not paying them by the hour, correct? Are we paying them by the hour?

Mr. Cramer said no, we're not.

Council Member Shuttleworth said so I would think they would be motivated to get the heck out of here, too. What I want to hear from you is what is the State willing to do to expedite this deal, because it is getting to the point where I can't go to the market because everyone comes up to you and asks what is taking so long? We've got the senior people who sit over there all day and say they're here again, same hole.

Mayor Wilcox said Michael, before you answer Steve's questions I want to add to some of those comments. First of all I applaud the citizens and businesses, because this has been a huge disruption. Sure, we're catching a lot of flak, but not near the flak we should be catching, in my opinion. If I lived on that street, you would probably be hearing more. And I know you're not running the project, you're the town manager, general overseer, and this council is taking staff at their word that they are pushing this contractor and working with this contractor in trying to come up with creative solutions, and we feel they have been doing that. I know this is 100 year old infrastructure, or whatever it is, but all of the delays haven't been due to infrastructure. First of all, a contractor that's in the utility business when they go in to replace 100 year old infrastructure, they know to build in extra time for hidden conditions and unforeseens. That time should have been built in. They know to build in time for holidays, that should have been built in. They know to build in time for weather delays. That is standard practice in the construction industry, so I have to discount a lot of those delays right off the bat because this contractor should have had them built in to the project. We met a couple of weeks ago and I asked you to meet with the contractor and appeal to him, blame it on council, blame it on the

mayor, blame it on whoever you want to - we're upset, the citizens are upset, and if they want to continue to do business with the town they need to come up with a creative solution. You can work ten hour days, you can work Saturdays, bring in extra crew. You can do whatever you want to, you're the contractor, come up with a solution. They came up with zero. They came back with another 88 day extension, or whatever it is. I can tell you that I had problems with this contractor when they were on the other side of Cape Fear. You know that, we talked. I go down there during the day and there wouldn't be anybody there at 10:00. Two guys would show up and they would piddle around a little bit. Another guy would show up in a truck and talk to them for an hour. They would leave early. They would let out the whole crew on a Friday to go to Wilmington to handle an emergency and didn't bother to tell the town, apparently. Like Steve said, they take off on Fridays to go get their paychecks. I think we're having the same problems with this contractor that we had on the other side of the street and, quite frankly, unless that contractor will come to the table and come up with a solution to shorten these time frames to accelerate this project, it will be a snow day in August before I ever vote to give this contractor another contract. If they are not willing to come to the table and recognize the disruption and disharmony this is causing our town, the problems it's causing us, then we don't need to be doing business with them anymore.

MPT Pierce said I totally agree with everything both Dan and Steve have said. Have you had the opportunity to address or look at the email we received concerning the quality of work of the paving? We received an email about two inches of asphalt, it wasn't enough, wasn't standard grade, and have we inspected that and is that what it is supposed to be?

Mr. Cramer said yes, it is. I don't remember the particular email that you're talking about.

Council Member Friede said it was just this afternoon from D. A. Lewis.

MPT Pierce said I understand. I have to ask that question because I don't know and you do.

Mr. Cramer said I don't believe that I have seen that email if it came in this afternoon. Standard for NCDOT roads is usually six inches of gravel and two inches of asphalt. There is usually a one inch binder and a one inch topcoat for the asphalt and that is dependent on the type of facility that you are putting in. They would put in more asphalt on Lake Park because of the amount of traffic than they would put in on a residential street. Those are the standards for a residential street and all of our streets are residential unless they are the state system streets. Cape Fear is two inches. That is state guidelines and that is pretty standard across the board. Those are contract specs that were written into the documents.

Mayor Wilcox said I am getting some complaints, not to take away from the other comments that we certainly need to address, but I am also getting some complaints from citizens who live on streets that no work is going on. Cars are going through Cape Fear and these roads that are under construction and picking up rocks. They are transferring those rocks down to other streets and spitting them up and hitting vehicles and things of that nature. Is this contractor brooming back the streets? How often are they watering the streets for dust? Have they done any of that? I know you've sent some water trucks down there when we told you things were really dusty.

Mr. Cramer said I have not personally looked at what their broom schedule is for the

side streets and the ends of the streets, but we have been sending a water truck down there twice a day pretty much every day throughout the life of the contract. It's warm so it doesn't last that long and what we've asked them to do is as they see it, as it starts dissipating, that if we start getting more clouds of dust that they go through and put another load of water on. They have been doing that. I have been down there multiple times and found them watering both in the afternoon and the morning.

Mayor Wilcox said regardless of whether a public contractor or private contractor, if it's a private contractor, when I'm working on a home or a project and soil is running out into the street, I have to clean it up. They should be brooming those streets back and making sure that those rocks are not being delivered to other roadways so that it causes additional problems. I'm sure the contractor says they're responsible for maintaining those materials in some legal language but I think we need to address that as well.

Mr. Cramer said I would agree, I just don't know that their schedule is.

Council Member Shuttleworth said so Michael, we learned a lesson I believe or I heard that we're learning a lesson on the fire station where we didn't have a project manager. Who is the town's project manager on Phase 1A?

Mr. Cramer said Gil Dubois.

Council Member Shuttleworth said so Gil should know what their scheduling is. Is Gil working with them on cutting the timeline down?

Mr. Cramer said yes.

Council Member Shuttleworth said you're giving the presentation from the manager's perspective and what I am hearing you say is the project manager isn't here to tell us what is going on. We have got to come up with some solutions. Our hands are somewhat tied and we need to grant an extension. We are hopefully 3/4's the way through our project or further. What I am hearing is you need some help in getting DOT to release that contract, or we need to talk about moving forward with that bike trail without it and what the costs are on that. You are saying now that you've got stormwater infrastructure that you'd like to add on to this, and that's going to cost us an extra thirty days in that one three block section. Your other thing says you can get everything done, including the next three blocks by February, which is four months and we've already been in three blocks for seven months. I'm just trying to understand what makes you think we can do the next three blocks in four months if we haven't been able to do the first three blocks in seven.

Mr. Cramer said the amount of infrastructure that would have to be replaced is much less in the next three blocks. If you would like I can go into the options and talk through the details and then we can go into more questions. Does that work for everybody?

Council agreed.

Mr. Cramer said the first option right now is to finish the existing project but add in the stormwater infrastructure. One of the things that we've tried to do throughout this project is try and get in and out in one shot. If it took us a little bit longer to go and fix the infrastructure that we wanted to do that once in a 50-60 year time frame and not have it drag out multiple times over and over again. So adding in the new

stormwater infrastructure from Third to Sixth will cost somewhere between \$300,000 and \$500,000. We can complete the existing water and sewer connections which is the only thing that is left on those sections of street is partials for the water and sewer connections. The streetscape that goes along with that part of the project and we have a questions that we would bring up regarding the multi-use path. We have two options with the multi-use path. We can complete it with the project right now. That would mean that the town would be spending approximately \$60,000 - \$80,000 in this particular contract out of our own pockets as we had planned and bid the project without any grant funds from the state.

Council Member Shuttleworth said would we get the \$60,000 to \$80,000 in grant funds totally or would we get a portion of that.

Mr. Cramer said we would get none of it.

Council Member Shuttleworth said if we waited would we get \$60,000 to \$80,000 or would we get a portion of it?

Mr. Cramer said we would get all of it if we waited until the six months are up and we have all the approvals, we would get 100% of grant funds for that.

Council Member Shuttleworth said but if we don't this three blocks is going to cost us \$60,000 to \$80,000.

Mr. Cramer said yes.

Mayor Wilcox said Michael, you said you talked to somebody today about the six months. Did they break down the process and why it takes six months?

Mr. Cramer said yes, and I can't say it's an easy process. Typically, every one of these steps has to go through an approval process through NCDOT. At this point we have a grant agreement with no engineering associated to it with the exception of this three blocks. So we have a grant agreement that they will grant us certain amounts of funds for a six block multi-use path. They did that off of general engineering specs and the cost of putting in a standard DOT infrastructure. The next step after we get the actual agreement back is for us to go and put forward to them a request for proposal. They have to approve the request for proposal for engineering services. Then we go out for engineering services and when we get them they have to approve the person that we choose. After that point we can go and start the engineering, which will take about a couple of months so it's not too extensive of a time frame.

Council Member Shuttleworth said the engineering for the multi-use path would take a couple of months?

Mr. Cramer said yes.

Council Member Shuttleworth said is this a district approval or does it have to go to Raleigh?

Mr. Cramer said it has to go to Raleigh. The reason it takes so long is because it has to meet the DOT specs, which includes things like categorical exclusions for architectural sites, for endangered species and a multitude of other federal type aspects for that project. Luckily, this is all in our right-of-way so that should be relatively easy, but that's the estimates that I'm getting for a time frame.

Mayor Wilcox asked, they're paying for the engineering under the grant?

Mr. Cramer said it would be part of the grant agreement for the engineering. After you go through all that you get the engineering done then you have to go to NCDOT to get approval for the construction bid process. Once they approve that and you go out and do your bidding and get the results back, they have to approve who you choose.

Council Member Shuttleworth said was that the MPO person that was giving you this process or was that the DOT people in Raleigh who were telling you this process?

Mr. Cramer said the MPO, and it's the standard process that they've had for probably about the last ten years. The only change they've made is to add parts of the project so that it is consistent with federal legislation and those categorical exclusions.

Council Member Shuttleworth said have we reached out to Anthony or Karen Fussell in the district office and asked them what they can do?

Mr. Cramer said I have not today.

Council Member Doetsch said that's what we need to do is set up a meeting between those folks and us and we can pose these questions to them to at least let them know our...

Mayor Wilcox said the sequencing of what's going on.

Council Member Shuttleworth said what's the total amount of the grant for Cape Fear on the multi-use?

Mr. Cramer said the multi-use path on Cape Fear from Dow down to Third Street is \$532,000, \$106,000 of that is our match. So it would be \$425,000.

Mayor Wilcox said there is no match on the first six blocks?

Mr. Cramer said if we were to do the first three blocks from Third to Sixth Street ourselves we would have no matching or grant funds.

Council Member Shuttleworth said we would lose \$60,000 to \$80,000 in grant funds. That would tell me that \$320,000 to \$340,000 of grant funds were applied towards the next three blocks.

Mr. Cramer said that is correct.

Council Member Shuttleworth said when do you think you would be starting the work on blocks six, seven...

Mr. Cramer said March.

Council Member Shuttleworth said no, right now, if we continued to move forward and didn't stop you said you could be done with the whole project by February. When would you be starting work on the next three blocks past Sixth Street?

Mr. Cramer said on the roadway infrastructure or the multi-use path?

Council Member Shuttleworth said which comes last?

Mr. Cramer said the multi-use path.

Council Member Shuttleworth said when would you be starting on that?

Mr. Cramer said March.

Council Member Shuttleworth said so when you put up here you would be done with the entire project by February that did not include the multi-use path?

Mr. Cramer said no and I haven't gotten to that quite yet, we're still on Option 1.

Mayor Wilcox said backing up to the Third to Sixth Street again, Steve asked earlier if the State was going to pay for that in its entirety and I think you said yes. It's actually coming out of the total grant which includes the \$106,000 matching funds, so we are matching.

Mr. Cramer said it's maybe a 20% match - it's 80% state and 20% us.

Council Member Friede said about the stormwater that we apparently need to put in from Third to Sixth, that's more than \$100,000 per block. Is that what we've been paying on average per block for the rest of the project?

Mr. Cramer said I don't have the per block. We've put in approximately 3,400 linear feet of storm drainage infrastructure in this project and this would just be at cost, same type of unit cost base for these products. This would be approximately 3,000 linear feet because it would basically be both sides of the street. There are certain places that are open ditch right now and would remain that way but for most of that area there is infrastructure underneath our open ditches. Right now what we're running into is standing water when it rains, mainly because it doesn't have enough inlets to go into the storm drain system. To correct those types of problems it would be between \$300,000 and \$500,000. The project itself would only be extended by about another month, which would take you to October 1st. How would we fund this \$500,000 addition? \$500,000 could be pulled out of the Utility Fund Balance. Council would have to approve utilizing that and going out for bonds or adding it onto our next series of bonds at a later date to reimburse the Utility Fund for those costs. It just depends if you decide to put in the multi-use path, whether or not there is grant funds associated to it. Those grant funds come with the strings attached to the timeline.

Council Member Shuttleworth said just so I understand Option 1, Option 1 says we can do the multi-use path from Third to Sixth Street. You can have all that done by October 1st including the new stormwater and it was going to cost us \$500,000. Some of that is new stormwater and the balance of that is the multi-use path that we would now not be getting funding for. But you would be done with 100% of everything between Third and Sixth by October 1st.

Mr. Cramer said yes.

Mayor Wilcox said I know we're a little bit between a rock and a hard place on this extension, however, it bothers me that the town keeps paying the bill and the citizens keep bearing the inconvenience and the contractor doesn't change anything he's doing. With the approval of an extension there has to be a change in the status

quo. He has to do something about crews, they've got to work longer weeks, they've got to correct this project manager supervision, whatever they're doing. They've got to put their thinking caps on and bring a solution to the table to shorten this timeline.

Mr. Cramer said at the present time I have talked to them about that over the past two weeks. They believe that within the next two weeks they will have enough staff to pull in a second crew down here to help out with the project. They can't do it right now. That is what I'm being told.

Mayor Wilcox said I think we should get a schedule that reflects anticipation of that. Part of the problem I have with the schedules is even though, like we talked about, this is an overall schedule, it's not broken down necessarily by segments but there have been breakout timelines and schedules for certain areas and we really never hit any of those timelines. So when we're being given these dates now, I know they're not your dates, they're their dates. I have a low level of confidence in them.

Mr. Cramer said I can understand that. I will say this, there have been a lot of things that we have learned that we will do differently in the next contract. For instance, the milestones. There were no milestones associated with this project at all. So if we wanted to hold the contractor's feet to the fire you have a segment of the work done within a certain time frame we couldn't because it wasn't built into the contract. It was overall time for the project that was built into the contract. So there are things like that and I know Gil, our project manager has come to me and said next contract we have to do this and we've already started working on those things with our engineering firm, Brian Cox, to go and work on making sure that we get those things in there so we can go and hold their feet to the fire a little bit more and try and get things done in a more reasonable fashion. The only thing we currently have in the contract is that \$500 liquidated damages.

Mayor Wilcox said I know we don't have a legal basis. We need to appeal to the fact that we're a town and do a lot of infrastructure work. They are a company that does infrastructure work and if they want to work with us in the future they have to work with us now.

Mr. Cramer said I have made that case.

Council Member Shuttleworth said so we've learned a lot of what we're not going to do again when we build another fire station. We've learned a lot of what we're not going to do another lift station and the good news is we have four more phases of this project, so I certainly hope we're learning a lot like you said. Michael, I am not so much agitated at you, I'm just laughing because it has taken us... I woke up this morning and we have now negotiated a nuclear arms agreement with Iran and the EU has solved the Greek crisis, and we can't put in four blocks of infrastructure in eleven months.

Mr. Cramer said let me finish up on the other two options that you have. The second option is that we could do away with our goal of not having to walk back on people's property and do work in front of their property again, which means we could go and put in just the street infrastructure, no new stormwater infrastructure, no streetscape, no multi-use path in those areas and get the job done quicker, August 26th. That would mean that we would be stripping things out of the existing contract and that we could use those funds later on for additional contracts or as part of an additional contract, and we would have time to go and get into the six month delay that we have with the State on the dollars for the MPO.

Council Member Friede asked what would we be stripping out of the contract?

Mr. Cramer said you would be doing all the landscaping, all the irrigation, the multi-use path, any of the stormwater improvements, all of those things that are outside the actual footprint of the roadway would fall away and we would put those most likely onto the next phase of the project, which would be Cape Fear from Sixth to Dow. That's the second option. The third option is that we could move forward with the project and add additional things to it and try and finish up all of Cape Fear. That is something that I have heard from individuals. Why did you stop at Sixth Street, etc. I wasn't here for those discussions. All I know is that we stopped at Sixth Street. You could go back and rework it so that we would do the new stormwater from Third to Sixth Street. At the present time we've evaluated visually with our staff the stormwater infrastructure from Sixth to Dow and there are only a few minor sections outside of swales. We would do sewer replacement from Eighth Street to Dow on Cape Fear, sewer laterals that we would replace from Sixth Street all the way up to Dow, water and water laterals from Sixth and Seventh Street, streetscape and the multi-use path. That multi-use path wouldn't start until March. The timelines are what I am showing you here. We would get everything done, with the exception of that multi-use path from Third Street to Sixth Street by October 1st, from Sixth Street to Dow minus the multi-use path by February, start the multi-use path most likely in March and finish from Dow down to Third Street on the multi-use path.

Council Member Shuttleworth said but your Option 1 had us doing the multi-use path and going from Third to Sixth finishing everything. So if we did that and did the multi-use path up to Sixth Street and then finished the Sixth to Dow with everything but the multi-use path, the only thing we'd be coming back to later is waiting for the DOT grant, and the difference is like \$60,000 to \$80,000 but at least we'd have half of the multi-use path done. We've got everything done on Dow by February and come back at some future date when we get DOT to give us the grant money and do the rest of the bike trail.

Mr. Cramer said that is correct.

Council Member Shuttleworth said I would personally be more inclined to look at that. The philosophy was to finish a section and be 100% done. I can live with coming back on Sixth to Dow to do the bike trail later but let's finish from Third to Sixth. For \$60,000 to \$80,000 out of the grant that cheaper than \$.5M.

Council Member Friede said I think we can push NCDOT and the MPO to get those funds.

Council Member Shuttleworth said I am like Dan, I would like to have some form of a very serious conversation with State Utilities to understand. Their hope is they can have a second group down here in a couple of weeks.

Mayor Wilcox said we need a commitment, not a hope. The Third to Sixth Street, that hasn't been engineered? Multi-use path?

Mr. Cramer said it has been.

Mayor Wilcox said so we have that engineering in hand. Can we go back with at least that part of the engineering and try and peel off part of that grant or get approval to move forward with that portion of it without losing the \$60,000.

Mr. Cramer said no. We didn't go through the bid process for that part of it.

Mayor Wilcox said I'm not asking to get the engineering money back.

Mr. Cramer said I understand that, but they will not allow us to go and front the engineering funds and use the funds for construction because of the way we receive the engineering funds.

Council Member Shuttleworth said at least the MPO person that you talked to.

Mayor Wilcox said again, I'm not asking for the reimbursement of the engineering funds.

Mr. Cramer said I understand where you're going with it, but it's a process that they very seldom go and change.

Council Member Doetsch said I think if we can get the regional engineer down here to discuss this, at least if we can get her on our side that certainly won't hurt things when we have to negotiate with Raleigh. But it's Raleigh. That is the place that we're going to have to go for these changes because that's not going to be made at the local or regional level.

Mayor Wilcox said can we get her down here specifically for that purpose to talk about sequencing the projects and the possibility...?

Mr. Cramer said as I've said, we had our conversation today with the MPO representative here and got the information from them. We can go the next level up and continue to ask the questions in hopes that we get a different answer.

Council Member Shuttleworth said my solution would be to do a blend of one and three and in between now and the next couple of weeks have Michael work on that \$60,000 to \$80,000 peel-off of the grant. We do have the engineering and I think if we sat down with Carol and you had Mike Kozlosky down here we could at least find out who it is in Raleigh we need to talk to and make a couple of phone calls. 80% of the fight is getting the grant awarded. We've been awarded the grant and now we have to do some logistics to work out, but we have already got a bid in play. What we're asking them to do is approve our bid and, like Dan said, we're not asking for reimbursement on the engineering for this section. We've got to at least get Karen in here and ask her that or ask her who in her office is in charge of the grants. I appreciate the MPO. They're the ones who awarded it to us, but they don't review any of this stuff, Michael. DOT does, right? So we need to have DOT.

Mr. Cramer said yes, so all the other 10 years experience that I've had with dealing with these types of projects has been with NCDOT representatives and all of them end up basically in the same location but I definitely know the ropes. I can definitely go and take it up to the next level and ask the same questions and see if they can do that...

Council Member Shuttleworth said I think maybe perhaps if you do that and ask Ms. Fussel to come down here and meet with Gary or Dan or someone else with you - more than just the town manager.

Mr. Cramer said I am more than willing to do that.

Mayor Wilcox said being in the industry , not the same sector, the market has changed dramatically in the last six to eight months. Labor pools that were available then are just not available anymore. I understand the hardships and that's why I take an extra effort to work around them.

Mr. Cramer said if there was a suggestion that I would make it's that we would do all of Third to Sixth Street with the multi-use path and the new stormwater infrastructure and get that done by October 1st then we can regroup and determine whether or not in that time frame if we want to continue going down Cape Fear or if we want to try and do that on a different contract with a different contractor.

Council Member Shuttleworth said Michael, we're on Cape Fear putting waterlines and sewer lines in. I would prefer, if we're going to do it, let's get the work done by October, including the multi-use trail and then continue on right down to Dow Road. If you want to do that section without the multi-use until DOT acquiesces to their six month timeline, but I just don't want to see more trench work coming back later. So if you want to, between now and October 1st, negotiate a better contract with State Utilities on how to finish that next section, I'm all for that. If you want to do an addendum to the contract that has different terms and have Ms. Fox put in something that is a little more punitive, a little more specific on change orders like the mayor suggested, I'm all for that. But I would like council to give you direction to make a commitment to finish Cape Fear to Dow Road with coming back to the one section of the bike trail.

Mayor Wilcox said I have no problem with that proposal. No one likes to leave money on the table, but we have a small sector of our community bearing the burden of a community wide project and we've got to move it out of there. I'm fine with that.

Council Member Shuttleworth said Michael I would hope that council is unanimous in giving you direction to seriously get the commitment out of State Utilities on Third to Sixth to finish quicker and council give you direction to get with DOT and find out what we can do to help expedite those grant dollars.

Mr. Cramer said I believe I have good direction from all of you.

Mayor Wilcox said you have the consensus with council on Third to Sixth, right?

Mr. Cramer said yes, and what we will end up doing is bringing the funding arrangement for that stormwater piece back to you next month. That won't preclude us from continuing on and moving forward. Given that we are kind of done with that one, there are two items I want to update council on for the manager's update. The first item, I had sent out on Friday a manager's update letter talking about critical updates and in there it gave you quite a bit of good news on our statistics for the Fourth of July holiday. We had less time spent from staff out on Freeman Park collecting garbage. We ended up having four tons less garbage throughout the community. We had probably about half of the incidences or responses by our police department throughout the community during that time and we have brought in approximately, within about \$5,000 to \$7,000, the same amount of money for Freeman Park as we did last year even with the changes associated to it. That's just the holiday.

MPT Pierce said do you have any projection on YTD? I have heard nothing but positive things about the changes, but I am concerned about the revenue.

Mr. Cramer said at this point, Memorial Day weekend and the Fourth of July weekend both came out to where we were, within a few thousand dollars, of last years totals for revenue. Those are two out of the three main weekends for the entire summer for Freeman Park. My guess is that we are probably going to be short in revenue but not by a landslide but by little bits, maybe \$20,000 - \$30,000. This is gross revenue because we haven't taken out all of the statistics here that state that on Freeman Park we spent half as much time with staff. I can calculate those things and say it saved us X amount of dollars and then look at the revenue projections and say we're light \$5,000 whatever it was and show you a trend analysis for that, for that particular weekend. On the holiday weekends the reduction of time with staff is much more overtime related, so I do think you can see a specific amount of dollars it will reduce. The rest of the time we are already paying them for certain activities.

Council Member Shuttleworth said I believe one of the things you told us before, Michael, is we've been neglecting other activities those same employees could be doing. If they are not picking up trash at Freeman Park it frees them up to do something else.

Mr. Cramer said you will see that in the statistics where the employees' time has been shifted to other areas. The statistics bear out good news for overall efficiency for our organization and being able to accommodate our visitors for a holiday weekend. The sidewalks at the boardwalk will be power washed in the area where we have the most traffic and at the end of the season we will completely power wash everything and seal the concrete. There was a tear in the sunshade and we have sent it back to the manufacturer because of the loop in it to have it repaired. The last thing for the manager's update is the Island Cottage. When we bought the 1313 Bridge Barrier Road property it wasn't only the area that we have fenced in. It was also the small previous residential property in front of it that was used by the Island Cottage, which is a non-profit organization that runs a consignment shop out of that facility and donates the majority of their funds to the Help Center. I had a conversation with the members of their board of directors and found out they didn't have an actual lease to that facility which I confirmed with the previous owner. They had a handshake. They were allowed to use it as long as they paid for the utilities and things of that nature, free of charge. In looking at it, my recommendation, since they are a non-profit and we do have special arrangements that we have with various non-profits throughout the community. For instance, the Help Center, we don't charge them for the space that they use in the rec center. My recommendation is that we create a lease for them with a nominal dollar amount per year for a lease of X amount of years that they can continue to operate out of that facility until such time that we may need that property.

Mayor Wilcox said I am all for that as long as their status doesn't change and maybe that could be factored into the lease. As long as they have that minimum paid staff (one part-time person).

Mr. Cramer said and this would be a similar lease to other ones that we have like the ATM machine out front, a small ancillary dollar lease.

MPT Pierce said I think we would probably have to state in there somewhere in that they continue with the same trends as they are now - that they would continue to donate to our citizens via the Help Center or whatever.

Council feels they should submit to staff every year for renewal of the lease subject to approval.

4. OLD BUSINESS

Mayor Wilcox recognized Mayor Lambeth of Kure Beach in the audience.

5. PUBLIC DISCUSSION

Karen Mosteller, 310 North Atlantic Avenue Southport, NC. She said she currently is on the Southport Planning Board and works at Bald Head. I am coming to speak to you as a concerned citizen about the proposed legislation regarding the removal of the rocks known as the New Inlet Dam at Zeke's Island. This bill was originally introduced as North Carolina Legislation Proposal SB160, and when it didn't receive any traction, the bill was added to the proposed budget as a line item within Budget Bill 97. The stated purpose in the bill is to remove the historical New Inlet Dam southern component in order to reestablish the hydrodynamic flow of the water between the Cape Fear River and the Atlantic Ocean which occurred prior to the emplacement of the dam much of which was built in circa 1879. The physical and environmental consequences of reintroducing a second tidal inlet to the Cape Fear River would be significant. Any inlet related erosion after inlet opening could threaten portions of the historical Ft. Fisher complex. Not accounting for future erosion at the very onset of removing the dam the boundary of Zeke's Island Reserve would be shifted 200 feet eastward losing critical habitat. According to the North Carolina Department of Environmental and Natural Resources, Zeke's Island is one of the three original national estuarine research reserve components dedicated by the National Oceanic and Atmospheric Administration and the Division of Coastal Management in 1985. The unusual characteristics of the site have created a variety of habitats including tidal flats, salt marshes, shrub thickets, maritime forests, ocean beach, sand dunes and the estuary is also a nursery ground for fish, shrimp, crab and oysters. And, again, and I quote, " The North Carolina Department of Environmental and Natural Resources has identified the expanse of the inner tidal flat and the Zeke's Island vicinity is the single most important shorebird habitat in southeastern North Carolina". The entire geomorphology of the entrance of the Cape Fear River as it currently exists with its congressionally authorized and routinely maintained navigation channel is dependent upon a no-flow condition in New Inlet. Prior to its closing it was a relatively robust tidal inlet. With dam removal the driving forces which influence tidal inlet creation and stability would be expected again to foster a large flowing inlet. The reopening of the New Inlet would immediately serve to decrease tidal flow through the mouth of the Cape Fear. Subsequently shoal configurations would be subject to significant change. The latter would substantially littoral processes and sediment transport for Oak Island and Bald Head. Federal navigational channels shoaling would be expected to increase significantly requiring more frequent and larger dredging operations. According to the bill the reason for removing the rocks would be for ecosystem restoration and protection of navigational safety and by way of an explanation the North Carolina senator listed as a primary sponsor of the bill said that removing the rocks would simply help restore the area's equilibrium. This same North Carolina senator further stated that the general idea is that they don't need to be there so let's see if we can get them removed. Clearly the senator's observations are not based on science. You have the science and the white paper written by coastal engineer Eric Olsen. These findings were also echoed by Spencer Rogers, a coastal engineering expert with North Carolina Sea Grant and other coastal engineers. The white paper sheds light on much more resulting changes and risks than I am stating here. I stand before you asking you to please consider passing a resolution against the proposed legislation in House Bill 97 Section 14.6 requesting the removal of the rocks at Zeke's Island Inlet Dam.

Lucy Sears, 716 Glen Avenue - Spoke against the waste transfer station on Bridge Barrier Road. She provided Council with a photograph dated June 15, 2015 (Exhibit A) taken at 10:50 showing the amount of garbage that was on the ground overflowing from the containers. She said it still smells bad. I was really shocked to see that much garbage piled on the ground. You can't expect me and the rest of the people in my

neighborhood to live that way. It is awful to live there. I don't like this town and I want to get out but I can't sell. I can't even rent it because of the dump and that's bad.

Mayor Wilcox said Lucy you were at the last council meeting (she said yes). One of the commitments we made early on was we were going to buy a piece of property and move that. All those negotiations have fallen through and we haven't been able to buy another piece of property, so at the last council meeting we had a discussion about changing our tack, coming up with another method, going back and looking at some of the other options before, see if we can find a hybrid or something that works to get that facility out of there. Michael, we were going to schedule a meeting specifically for that. Where are we with that?

Mr. Cramer said I think we were going to schedule that for the workshop.

Mayor Wilcox said so our goal is to go back and find a solution.

Ms. Sears said there needs to be one because I can't live like that.

Mayor Wilcox said I agree. Is that overflow from the weekend?

Mr. Cramer said basically what that was is Waste Industries was about two hours behind in coming down and picking up for the weekend and removing the dumpster there and the guys went and placed the material there and then came back later on once the Waste Industries folks had pulled out the full container and put in a new container and refilled it.

Ms. Sears said from my understanding they didn't pick it up until Tuesday morning.

Mayor Wilcox said Lucy, regardless, the reason that facility is there is this council's responsibility and this council's charge to solve the problem. We can't go where we were going to go so we have to go back to the drawing table. A lot of those options are already laid out and work was put into them so I am hoping we can get to those discussions relatively quickly and come up with some type of solution. Sorry.

Greg Macey, New York, said he talked to Eric at the Rec department and I understand you are considering the purchase of beach wheelchair access mats. I am just here to put a face on the problem. I've been coming down here for ten years and it is really tough. Beach access for people in wheelchairs is really the last frontier. It is really tough to get down there and back up. There are a limited number of wheelchairs and when we exited the beach on Saturday there was a guy waiting for my chair that I no longer needed. The maintenance of the chairs is questionable everywhere. The mats would be a huge improvement. The boardwalk is a home run, you guys did a great job. If you would please consider the purchase of the mats a lot of people would appreciate them.

6. PUBLIC HEARINGS

- a. Amend Appendix A Zoning Ordinance, Article 3 Sec.3.8-1. Table of Permissible Uses and Article 12 Bed & Breakfast Inns (Pulled by Applicant)

(Requested by Jeremy Hardison, Planning & Development)

This item was pulled by the applicant.

7. CONSENT AGENDA

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

The following items were approved:

Set a public hearing date of August 11, 2015 to consider a Conditional Use Permit for the Harris Teeter grocery store.

Set a public hearing date for September 8, 2015 at 7:00 pm or soon thereafter to consider a Conditional Use Permit for a multi-family project that consists of 36 units located at 402 N Lake Park Blvd.

Requested budget amendments and transfers as presented by the Finance Director.

Council Meeting Minutes from May 12, 2015

Council Meeting Minutes from June 9, 2015

Council Meeting Minutes from June 23, 2015

8. NEW BUSINESS

Mayor Wilcox called for a five minute break.

Mayor Wilcox called the meeting back to order.

a. Future Retirement Health Care Benefits

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

Michael Cramer presented. He said this is Resolution 15-2098. We have had several conversations over the past couple of months about retiree benefits and how to limit the Town's liability for future retiree benefits, specifically with health care, not necessarily with ledger and other retirement benefits. The last meeting we had council recommended staff come back with this resolution that basically states that after tomorrow any new hires will no longer have retiree health care benefits through the Town of Carolina Beach. But that means that all existing employees and all current retirees will continue with the same benefit package that they have had for years.

Council Member Doetsch made a motion to approve Resolution 15-2098. Motion carried unanimously.

b. Consider adopting Resolution 15-2097 opposing House Bill 97 that would remove the historical 1879 New Inlet Dam

(Requested by Kim Ward, Town Clerk)

Michael Cramer presented Resolution 15-2097 which is a resolution opposing House Bill 97 that would remove the historical 1879 New Inlet Dam.

Mayor Wilcox said he did read Mr. Olsen's white paper and asked for his extensive background in coastal projects and things of this nature. Mr. Rogers, mentioned earlier, said it was a really bad idea, as well as others. I personally agree with all of them. He would have preferred a little more generic resolution and not specifically speak to any person's body of work. I would have preferred to say that we would not support any alterations to the dam without a full environmental impact study and should that environmental study not demonstrate a clear and substantial environmental benefit that we would likewise not support it, but I will go either way.

Council agreed to support the resolution.



**A Resolution to Amend the Town of Carolina Beach Personnel Policy
Employee Benefits and Retiree Benefits**

WHEREAS, the latest version of the Town of Carolina Beach's Personnel Policy was revised and approved on June 24, 2013.

WHEREAS, this Council agrees to amend the following language under Article VI. Employee Benefits and Section 5. Retiree Benefits to read:

Effective July 15, 2015, the Town's paid Retiree Health and Dental insurance benefits will be available only to those individuals who were qualifying or eligible Employees or Retirees on or before July 14, 2015. Individuals hired by the Town on or after July 15, 2015, will not accrue any service time towards any Retiree Health and/or Dental insurance benefits.

This amendment applies to only those individuals who are hired by the Town on or after July 15, 2015. Nothing in this amendment shall be construed to change, alter, modify, reduce, or affect any benefits for individuals who were qualifying or eligible Employees or Retirees prior to July 15, 2015.

To the extent practicable, any existing Town policies, procedures, documents, or statements which contain references to or are affected by the Town's Retiree Health and Dental insurance benefits policy, shall be read as though they have been modified or amended to conform to the provisions of this amendment. To the extent that any policies, procedures, documents, or statements are in direct conflict with the provisions of this amendment and cannot be read together with the terms of this amendment, this amendment shall supersede and replace all such provisions. All other terms and provisions of the Town's Retiree Health and Dental insurance benefits policies remain in full force and effect.

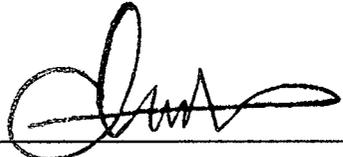
This amendment does not include any relation, inference, or impact policy pertaining to any other employee benefit, including, but not limited to, the Local Government Employee Retirement System (LGERS) or COBRA administration.

The subsequent invalidity or unenforceability of any part of this amendment shall not affect the validity or enforceability of the remaining provisions.

Resolution 15-2098

Town of Carolina Beach
Town Council

NOW, THEREFORE, BE IT RESOLVED, that the Carolina Beach Town Council, meeting this 14th day of July, 2015, hereby amends Article VI, Section 5 of the Town of Carolina Beach Personnel Policy.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk



7.14.2015

Date Signed

Council Member Shuttleworth made a motion to approve Resolution 15-2097 opposing the General Assembly's proposed House Bill to remove the historical 1879 New Inlet Dam. Motion carried unanimously.

9. NON-AGENDA ITEMS

Michael Cramer said Council had requested that we place this item on the agenda tonight to give direction and counsel regarding our sub-group that is looking at the renegotiation of the ILA.

Mayor Wilcox said I don't know if everyone saw my email the other day.

Council Member Shuttleworth said I did and I will tell you Michael that I agree with Dan, they should not be tasking our staff with doing the research. The County has a lot more resources, they understand the sales tax and the food and beverage tax and the generation, and for them to task our single member of that community to do that I thought was a little unreasonable and unfair. I agree with the Mayor that the thrust of the committee is to figure out the percentage, not the source, but the percentage of shared paying that we're looking at. Originally, the proposal to the county management and county commissioners was to have a larger committee, including elected officials and the county manager and staff determined that what would be best was just to have a staff committee and at the end of the day it isn't going the direction that we want it to go. At the end of the day we better hear what the percentage of the shared cost is going to be as opposed to where the source is.

Mayor Wilcox said Steve was there when I made this presentation and so were you Michael at the Ports, Waterways and Beach Commission and I must have said 7 or 8 times let's stop talking about the funding source. This is about the percentage and how to share that burden among county residents, the beach towns, the county or however we're going to do that. The purpose for the committee and the reason we signed that six month extension was specifically to establish, to research and look at what a more equitable fair share of that burden would be. Finding a source is going to take a lot longer than six months. Michael, the reason for having you bring this to us tonight was so this council could maybe send a message back to the committee about what that charge was and what we're interested in coming from it. My philosophy is to come up with a percentage and then in six months or two years, if we come up with a revenue source, then the ILA goes away. If we can bring back a recommendation for the percentage in a relatively quick manner and they want to spend the rest of their charge or extend their charge to work on a revenue source I think that is fantastic and I'm glad to have the help and will be glad to participate in any way we can. I would like for council to let the manager know what to take back to the committee in the form of a letter that should go to the county manager, the commissioners, and the committee members restarting the purpose of the committee and what their primary and very first charge should be before they take on any other duties. He asked the town manager to draft something and send it to council.

Council agreed.

Mr. Cramer said he would like to sit down with the town attorney and go over writing up a substantial letter for council to review before the next meeting.

NON-AGENDA

Council Member Doetsch said he had a resident who apparently had his trash can stolen and I have asked Michael to look into that to see how many of those incidents we have on a yearly basis. If it's a low number I would like to see the town incur the cost of

Resolution 15-2097

Town of Carolina Beach
Town Council



A Resolution Opposing the General Assembly's proposed House Bill 97 to remove the Historical 1879 New Inlet Dam

WHEREAS, Carolina Beach is a municipality in New Hanover County where a major economic force is tourism related to the coastal environment; and

WHEREAS, the Town of Carolina Beach endeavors to be a good steward of the coastal environment and its resources; and

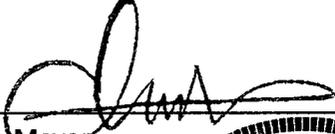
WHEREAS, the Carolina Beach Town Council understands that, according to the analysis of Erik Olsen, P.E., if the southern half of the New Inlet Dam is removed, numerous negative consequences will occur;

WHEREAS, the negative effects may include but are not limited to alterations to the Cape Fear River's salinity regime, essential fish habitat and eco-systems with the introduction of a second inlet. Additionally, hydraulic condition changes would substantially influence littoral processes and sediment transport to Oak Island, Bald Head Island and Fort Fisher, jeopardizing barrier island protection; and

NOW, THEREFORE, BE IT RESOLVED, the Carolina Beach Town Council is opposed to SECTION 14.6(h) of the current version of HOUSE BILL 97 which proposes to remove the historical New Inlet Dam to allow the reopening of New Inlet, which has been closed since 1879; and

BE IT FURTHER RESOLVED, the Town Council of Carolina Beach Council Members urge Governor McCrory and the North Carolina General Assembly to oppose policies that risk the health, safety and sound environmental stewardship of North Carolina's coastline, whose natural beauty attracts a proven tourism driven economy.

Approved this 14th day of July, 2015.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

7.14.2015

Date Signed



replacement. The person has to put it out by the road and can't chain it to a tree. I would ask the police department to be real hard on anybody that's got a stolen trash can. The other issue, I had a person complain to me about trash being on the beach after we still had trash cans so I went there and looked and the person operating their can truck was doing exactly what he was supposed to do but as he was operating the vehicle the trash cans that were overflowing with trash whenever those got up to the point of tipping into the container behind it some of it would fall off to the side and he did not stop and pick it up. He asked Michael to pass that on to the folks doing that.

Mayor Wilcox asked about the excessive number of trash cans at the Boardwalk.

Mr. Cramer said what we've been doing, typically, when I was in parking operations in Greensboro we looked into a study that basically said if a pedestrian walked more than 27 feet, they would throw the garbage down rather than wait to put it into a garbage can. Basically, we have set up a schedule where we have about 30 feet between trash cans. In the Boardwalk area we have many more because we have more people down there in that time frame. We are trying to encourage people to put it in the can. If you think that there are too many we can look at making adjustments.

Mayor Wilcox said visually there are a lot.

Council Member Shuttleworth said I had asked Michael about the north end Freeman Park statistics. We had about a 75% reduction in labor in collecting trash. Overall, the trash reduction was about 4 tons. They don't segment out the difference between the north end and the beach strand. The takeaway on that is, the beach strand is getting a lot more activity. I don't know if that activity is because they are no longer going to Freeman Park, or if we have just done a better job marketing Carolina Beach and we have more people on the beach strand. The trash is less on Freeman Park because of the way it is situated. In both instances, we have a lot of blue cans. We have 200+ on the north end.

MPT Pierce said they are just not attractive.

Council Member Shuttleworth said someone sent me a picture and told us to paint them.

MPT Pierce said I like that.

Council Member Shuttleworth said the Island Women told us that if the Town provides the paint, they will paint them.

Mayor Wilcox suggested making it a kids event.

Mayor Wilcox said Michael, we met down there a couple of weeks ago about signage along the sidewalk on the east side, the one that's street level, and there are still people parking all over that. Are you guys working on some signage for down there?

Mr. Cramer said the signage is actually up where we talked about having it placed. I actually reported about three people this morning when I drove through. We are giving tickets.

Mayor Wilcox said I know you were working on bike racks. We desperately need bike racks up around the front. I ran into Diane from Shore Break Bikes at the social the other night and she is not only willing to donate some bikes but also willing to add on to her order for you guys at her cost with no shipping.

Mr. Cramer asked for the contact information and I will follow up on that.

Council Member Friede thanked Michael and his staff for following up on her email regarding residents who don't have air conditioning and might have health problems during the high heat. Michael we're having a workshop in August and at the last meeting I asked you if you could pull back together some of the numbers we had for properties off the island that we looked at for the waste transfer station and also a letter to folks at Sunny Point about whether we could expand some number of items, or the type of items we are allowed to store on Dow Rd. Are those things specifically going to be on the agenda at the August workshop?

Mr. Cramer said yes. I am just validating the numbers from the previous study to make sure that I have them up-to-date.

Council Member Friede said regarding parking, the shell lot, there was a truck completely blocking the stop signs at Atlanta and Woody Hewitt. There were people parking in non spaces. Is anybody monitoring that lot on the Fourth of July weekend? It was dangerous to pedestrians and motorists.

Mr. Cramer said SP Plus is out in force during the holidays. They do bring in additional staff for those types of things. If they are out there and someone is parked in a non parking spot they are supposed to give a ticket for parking in an undesignated spot. We stop enforcing at 7:00 pm and two hours later we have the fireworks and you're right, people are parking everywhere. This may be a time where we need to do more parking enforcement.

Mayor Wilcox said we need to offer a little latitude on our busiest weekends because we know we can't provide all the parking for people we're enticing to come here so we share some of that responsibility.

MPT Pierce said regarding the email from the gentleman who said he had never been to Carolina Beach and the parking signs are a little hard to understand. I have to agree.

Mr. Cramer said I think it's because they are trying to say too much. I've had this conversation with SP Plus and we're looking at ways that we can trim that down.

Council Member Doetsch asked about street parking. If you look at the streets between Carolina Beach Avenue North and Canal Drive there are people getting close to driveways and everything else, we need to look at that.

Mr. Cramer said he has tasked Ed Parvin with looking into that issue, especially up on the north end between Canal and...

Council Member Shuttleworth said it affects people down on Clarendon and Atlanta on movie night and fireworks because they park half on the street and half on the grass which I object to. It's an issue.

Mr. Parvin said we will be bringing back the north end to you in the next couple of months. I did take that to the police advisory a couple of months ago where they voted on a parking design. We're just trying to lay it out now to bring you something back.

10. CLOSED SESSION IF NEEDED

Mayor Wilcox made a motion to go into closed session to discuss attorney/client matters in accordance with NCGS 143.318.11(a)(3).

Returned from closed session with no action taken.

11. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 10:00 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

8-11-2015
Date Approved