



**CAROLINA BEACH**  
**TOWN COUNCIL MEETING**  
**MINUTES • MAY 12, 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. Invocation was given by MPT Pierce and everyone was led in the Pledge of Allegiance.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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**

The following amendments were made to the original agenda packet:

New Item 3.f - Presentation by Capt. Shoonmaker

Added Item 6.c - Public hearing for FY15/16 Budget

Removed Item 8.b - Memorandum of Understanding with MPO

Changed Item 8.d - Change of description to appoint a new Planning and Zoning Commission member to review of Planning and Zoning Commission member attendance with possibility of removal of a member prior to appointing any new members.

**Mayor Wilcox made a motion to adopt the agenda with the changes as stated. MOTION CARRIED UNANIMOUSLY.**

**3. SPECIAL PRESENTATIONS**

- a. Recognize Public Works Director Brian Stanberry for 15 years of service with the Town

*(Requested by Kim Ward, Town Clerk)*

Ed Parvin recognized Brian Stanberry for 15 years of service as the Public Works Director.

- b. Proclamation of National Safe Boating Week May 16 -22, 2015

*(Requested by Kim Ward, Town Clerk)*

Mayor Wilcox read Proclamation No. 15-2084 for National Safe Boating Week May 16-22, 2015.

A life jacket demonstration was given. The Cape Fear Sail and Power Squadron group was recognized by the Town Council.

**Council Member Doetsch made a motion to adopt Proclamation No. 15-2084. MOTION CARRIED UNANIMOUSLY.**

- c. Presentation by Friends of Ft. Fisher to Council for their support of the 150th Anniversary of Ft. Fisher.

*(Requested by Kim Ward, Town Clerk)*

Paul Laird said General Jim Carper was unable to attend tonight to give the presentation. He thanked Council for their generous support of the 150th anniversary which officially kicked off North Carolina sesquicentennial of the Civil War which saw its climax and conclusion in North Carolina beginning with the campaign to capture Ft. Fisher and the Ft. of Wilmington in 1865. Council members and Governor Pat McCrory, Dept. of Cultural Resources Secretary Susan Klutz, NCDOT Secretary Tony Tata as well as Ft. Bragg's Commanding General and Camp Lejeune's Deputy Commander as well as hundreds of descendants of both Union and Confederate soldiers who saw action at Ft. Fisher. Over 22,000 visitors were counted at the museum alone on January 17th and 18th. The January 2015 ROT revenue saw an increase of 44% in Carolina Beach over the previous January 2014. He also thanked Town of Carolina Beach staff, police and former employees for all their help and commended the Pleasure Island Chamber of Commerce for their support. The Friends of Ft. Fisher would like to have a reunion approximately every 4 to 5 years. He presented Council with a framed commemorative medallion and a medal for each council member.

- d. Presentation by the Island Arts and Culture Alliance

*(Requested by Kim Ward, Town Clerk)*

Chris Higgins thanked council for their support given last year and gave an update. Since last year's funding of a \$3,500 grant they were able to form the Island Arts Council and become a 501c3. She read the names of the board members: Mona Baker, Deborah Gillet, Jillian Boivin, Sara Smith, Barbara Fox, Susan Dunavant, Skip Sprigg and Brett Keeler. They have also formed their mission, which she read. She said they found that this organization had so many ideas and events and activities that they wanted to hold that didn't have a funding source and that is part of their objective to work with the town and committees to bring these ideas to fruition. Last year they held the Carolina Beach Street Arts Festival which generated enough funds to replace the grant seed capital and a little more. In February they held an art appreciation event with Island Local where they did a community project group sculpture of a pelican. Following that they held a fund raiser dinner where artists' donations were auctioned off and significant funds were raised. They can now go out and seek grants one of which is through the New Hanover Arts Council called the Grassroots Arts Program which they are looking at applying for. They had planned to donate the pelican sculpture to the Town but discovered after meeting with the Boardwalk Committee that the Town and our organization need to develop more specifications around public art in terms of making sure that it is safe and is maintained. So they are seeking to come up with some recommendations for public art. She would also like to meet with Michael Cramer to talk about the grant potential and application to see how they could put the sculpture basis in various areas where we could interchange sculptures. She invited everyone to the fourth annual Street Arts Festival on May 16th.

## e. Arts and Activities Presentation

*(Requested by Kim Ward, Town Clerk)*

Elaine Stewart said the committee got off to a rocky start at the first of the year because of a member who thought they had run their course with all the events we had brought to the Town the past 7 years. We were an ad hoc committee then became a Town Committee and they felt that the Town procedures imposed time restraints that made it difficult for us to do our projects. Some others and I disagreed and we held a special meeting felt we needed to grow with some changes but also felt we definitely could work within the constraints of the Town. She read their mission statement. They now have 7 dedicated members: Cathy Chester, Steve Klem, Sharon Carlson, Steve Wright, Alvin Watkins, Nell Hunnicutt and myself. They work well as a team and are working with other organizations. They discussed bringing back the Missed Pleasure Island Contest and thought the shoulder season would be a good time to have it. They felt that perhaps they were not the right venue for it and talked to Island Women/Island Men and it was held February 27th which was very successful, revenue amounting over \$10,000 after expenses. They are currently working on a performing arts night, 14 Fridays, May 29th through August 29th, 7:00 to 9:00 pm at the gazebo. They may also use the beach stage at times. There will be an article in the Island Gazette listing the performers. The other project they are working on is a mascot for Carolina Beach for which extensive research was done. They are putting together a presentation for Council and would like to get feedback from residents. She feels they have really nailed and it will enhance opportunities for the future of Carolina Beach. She will be getting together their minutes to give to the town for posting.

f. Presentation by Captain Robert Schoonmaker - *Add-On*

*(Requested by Kim Ward, Town Clerk)*

Captain Robert Schoonmaker said he is speaking on two topics - recreational fishing and its importance to the community and management issues with southern flounder. Recreational fishing supports the majority of businesses and jobs in the coastal community in NC and Carolina Beach. People come from all over to enjoy the beach and fishing. He read data from two economic impact studies by UNCW Professor Chris Dumas with regard to recreational fishing and navigability of the inlet. Charter boats and guide boats - carry on average 16,000 anglers out of New Hanover and Brunswick County each year. Carolina Beach has around 47 charter vessels operating in the area and each run about 84 trips a year and is the primary reason for half of those anglers coming to the area and half were from out of state. That's 8,000 people contributing revenue. 10% were day trippers and 90% spent the night. Total sales output of charter fishing in New Hanover County including gas, food, lodging, shopping and cost of the charters was around \$34.5M. Head boats - party boats like the Winner Queen carry on average 10,880 anglers each year 50% of whom said it was their primary reason for coming here. 40% were from out of state, an average of 4,000 people. 60% spent at least one night in a hotel. Total sales output of head boat fishing in NHC was a little over \$25M and helped support over 136 jobs. Private vessels - on average around 30,000 fishing trips a year for both resident and non-resident boaters in the Carolina Beach community. Total sales output of private vessels was around \$14.5M and supported around 133 jobs in the community. We need everyone in NHC and the State of North Carolina to recognize the importance of recreational fishing and the tremendous economic impact on the coastal community.

Southern flounder and fisheries management - for the last 10 years the NC Department of Marine Fisheries stock status of southern flounder was listed as depleted. On average, 79% of all southern flounder are harvested in NC and is done commercially. The only fishing restrictions on southern flounder are no fishing in

December, limitations on times and days fished which comes due primarily to sea turtle interactions. The federal government stepped in and almost sued the State of North Carolina for not being stricter with their management practices because a lot of sea turtles were getting caught in nets. And also a 14" size limit commercially. What is important is there isn't a quota for daily pound limit set on any amount of flounder that can be harvested commercially. So it is basically catch all you want. On average 21% of flounder are harvested recreationally and has a daily bag limit of 6 fish and a 15" size limit. Since 2005 the recreational bag limit on flounder has dropped from 10 fish to 8 to 6. Size limit has increased from 13" to 15". Recreational sector has endured the burden of all management measures placed on southern flounder. The 2014 flounder stock assessment came back inconclusive and was rejected by peer review which means the NC Division of Marine Fisheries cannot use it for management decisions. At their last meeting in February in Wilmington they were directed to take a 25% to 60% reduction in the harvest of southern flounder which means recreational limits will be 1 or 2 flounder. Options - take a cut in the daily bag limit or size increase or seasonal closures. He is asking the Carolina Beach Town Council and New Hanover County to please write the North Carolina Division of Marine Fisheries requesting no reductions in bag limits and no closures on southern flounder for the recreational sector. We need help in educating everybody locally on up to Raleigh on the importance of recreational fishing and the need for good fisheries management to secure and protect our fish stocks. He has included letters from other towns and counties who have written on this matter.

Mayor Wilcox thanked him for taking the lead on this issue and said Robert brought him four resolutions from other coastal communities which he will turn over to the Manager and the Attorney with the request to have us draft a resolution in support. Maybe at the next workshop we could consider adopting it.

Mr. Schoonmaker said coming up next week, May 20-22, the NC Division of Marine Fisheries is having a meeting in New Bern and have three options there. They can do a supplement with five options such as seasonal closure, bag limit, and increase in size and pertains to both commercial and recreational fishing. Option number two would be an amendment process which delays the management decision three to seven years down the road. Thirdly is to kick the can down the road and stay status quo. We're hoping they will take the supplement action. Between May and August is when they will hash out all the deals and decisions on the route they will take and vote on it in August and it will become law if they choose to go the supplement route.

Mayor Wilcox said they will reach out to the county commissioners and will work on the resolution.

- g. Classification and Pay Study Results Presentation by Human Resources Essentials Consultant, David Hill.

*(Requested by Holly Brooks, Human Resources)*

David Hill thanked staff for their hospitality and cooperation. He reviewed the methodology of the study. Data was taken from an overall snapshot of period from March 1st. Nearly 50% of employees have been employed less than 5 years, 47% less than 2 years, average length a little over 3.5 years, 47.5% of workforce in their positions for less than 2 years. North Carolina local government has gone through some tough economic conditions over the last 4-6 years with no salary increases, furloughs, layoffs, eliminated services and employees and lost a lot of valuable employees. Most local NC local governments have salary ranges that are assigned to salary grades with classifications of positions assigned to those salary grades. The greater majority of NC local governments will start employees at the minimum of

each of those salary grades which limits recruiting. The midpoint is the market value of the positions assigned to that salary grade, minimum is 25% less. You have 78 employees who have been with you less than 5 years who on average receive 18.75% above the minimum of their salary grade, and 14 employees above 5 years but less than 10 years with 15.76% above minimum. This shows me you were bringing new employees in and are giving consideration to those new employees of education, experience, credentials and demonstrated proficiencies within the jobs you are hiring them in. You are not bringing them in at or near the minimum but closer to the market value. The 3 employees who were here for nearly 30 years are not in this report.

Mayor Wilcox said we have a number of people in town who have changed positions or been promoted, changed departments and they are showing up as new in that 5%.

Mr. Hill said if you go back to the first slide you will see how many brand new employees you have. In NC local government you have silos of employees such as law enforcement, fire, wastewater and all the different specialties. Each classification has their own criteria for education, certifications and you typically won't have a police officer becoming a wastewater treatment plant operator. Within local government you don't have a lot of movement.

Mayor Wilcox said we have minimum salaries listed for positions some of which don't even exist in the private sector, correct?

Mr. Hill said correct. There would be some you could match up but the majority you would not.

Council Member Shuttleworth said the economic downturn hit everybody including the private sector. As I recall we did not terminate any positions or furlough. We allowed some attrition.

Mr. Hill reviewed some of the mechanics of the study. The benchmark position for any study for local government is a patrol officer. Reviewing all of the different entities and all of their salary data the average salary for all of the study was \$37,500. The trimmed average is taking into consideration any outliers that may be affecting so we go through and eliminate the highest, again and eliminate the lowest, then we go back and do the trimmed average throwing out the highest and the lowest. Here the difference was just a couple of dollars. Then we compared where Carolina Beach is to the average of each of those entities and you can see where you are a little less than \$150 different. A secondary benchmark was given of the state average for a police officer. The midpoint of the average of all of these entities is \$43,228. Using the police officer as the benchmark for the study we moved the \$43,228 over to become the midpoint and developed a 50% range from minimum to maximum. Then for every pay grade below that and every pay grade above that we established a standard, systematic 5% differential between each pay grade. We then ensured that there's also the 50% range which gives us a consistent salary schedule where every pay grade is 5% greater than the one below it and each of them have a 50% range from minimum to maximum. On average we then took the average of all of those entities we looked at, the \$43,228 being the base, and then created the salary schedule. We then went back and examined the average or actual salaries for every other position that we included in the study and that's how they got assigned to the salary grades that they currently are assigned to. Carolina Beach does not, to this point, have the standard salary schedule that we are recommending to you today. You do not have a consistent 5% between each pay

grade or a consistent 50% range of each pay grade. On average when we corrected all of the salary grades to the standard 5%, salary grade 11 only had to be adjusted 1.46%, salary grade 16 had to be adjusted 5.26%, salary grade 21 the average was 2.93%.

Council Member Shuttleworth said you're saying that all of the salary grades need some kind of adjustments to get them within 5%.

Mr. Hill said yes.

Mayor Wilcox said the recommended pay plan where you have the minimum and maximum salaries, those are the dollar amount recommendations?

Mr. Hill said yes.

Mayor Wilcox asked why there are columns left empty? Police Detective, Police Sergeant, Administrative Supervisor, Human Resources Director... Why are those empty? Why do they not have dollar amounts assigned to them?

Mr. Cramer said all of those individuals if you look at that recommended pay plan page, grade 11, there are four positions that are all at grade 11. They are different types of positions, but they are all at the same grade. All of them start at \$28,449 and go to a maximum of \$42,673.

Mayor Wilcox said I was just wondering why they were left off of this chart.

Mr. Cramer said because it is all in that same grade. They all fall into that same salary range. 99 is those that Council manages. It is not a person-by-person list, it is the grade and the position of that grade.

Council Member Shuttleworth said what you are saying is that these different grades encompass those job descriptions.

MPT Pierce asked and is this the current grade or is this what you are recommending?

Mr. Cramer said this is the recommended pay grade.

Mayor Wilcox said since the biggest adjustment I see here is a 5 point adjustment, what kind of an adjustment is that in dollars in that pay grade?

Mr. Hill said it actually could be 0, and I go back to the slide where I talked about the average above minimum being 18.75%. So here we've adjusted salary grade 16 by 5.26%, but it is quite possible that each of the people in grade 16 are already 18.75% above the minimum. The adjustment wouldn't be anything.

Mayor Wilcox said we don't have any of that information.

Michael Cramer said \$38,000+ is the total change from the current pay scale to the future pay scale and getting everybody in the right alignment.

Mayor Wilcox said I'm asking for some individual information as a reference.

Mr. Cramer said we can definitely get you that adjustment change from what the current is to the future or proposed. What you see on the screen is three examples

of those. Each one of them is a little bit different.

Council Member Shuttleworth said you're saying the average is 2.93 of all of the different changes.

Mayor Wilcox said but you have items like pay grade 11, I don't see any suggestion that it is ticking up or ticking down on the pay grade.

Mr. Cramer said depending on the person, how long they've been employed and what positions they've had previously. On 11 the current pay grade is \$28,000-\$40,000. What we are recommending is to make that adjustment so that it is consistent with the methodology that Mr. Hill laid out. It would go from \$28,449-\$42,673. Really what that says specifically about that grade, is that, we were pretty close. The folks in that category are close to the average.

Council Member Shuttleworth said what this study is talking to us about is pay scale consistencies. The other part of that is the job descriptions that people have currently worked under or we might hire under may have changed.

Mr. Cramer said there are 3 things you are looking at changing with the pay study: getting the consistency in the grades and keeping it; make sure the job descriptions do make all of those conditions listed out and are consistent; and make sure that the people who are in that range or those scales are not negatively impacted by the adjustment. We have made many changes in our job descriptions, some where we haven't changed the title of the job and what their job responsibilities are but the responsibilities have changed over time. Our intent is, once we get through with setting up the methodology, changing the job descriptions so they fit what job the individual is doing, then we take that and apply that to the position itself. What is being recommended is that we adjust individuals in positions, their pay, in order to bring that up to at least the minimum of the new grade or, depending on the longevity of them in their position, bring them up to the midpoint of that position.

Council Member Shuttleworth said I understand that the rewarding, we've talked about the COLA and merit pay. I am going to defer that whole reward comment. I don't want to take an action that is punitive. I will let Council and the Manager decide later if there is a bonus or a reward. My other question is, if someone today is an 11, and we reclassify their job, and they stay as an 11, do they have an opportunity to get to a 12?

Mr. Cramer said it depends on what the job is. To give you an example, not every job has a step up to go to.

Council Member Shuttleworth asked what do you do with that employee that doesn't have the opportunity to step up from an 11 to a 12, and now in 5 years they've hit their maximum.

Mr. Cramer said in many governments, what tends to happen, that individual leaves the company to go find other employment because it is a dead-end position meaning there is not a higher scale to go to.

Mayor Wilcox said there is a cost of living adjustment though.

Mr. Cramer said yes once that individual hits that maximum for their pay then they get a one-time stipend bonus, not a percentage pay increase.

Mayor Wilcox said the Town Clerk and Finance Director are currently assigned to grade 99. Does that mean currently?

Mr. Cramer said currently they are in individual grades like every other employee. I believe my grade is 30 in the current scale. Looking at these 3 positions the Town Council can make changes to the pay scale that are outside of what can be done for all other employees. They report directly to you. If you want to continue on in having transparency in your pay scale, you can do that. Where those two positions would fall, Finance Director would fall under 28, and the Town Clerk would fall into 21. Once again, the Town Manager's range is a 30, most likely, if we wanted to keep it in the range it would be a 32, so it has a higher grade than the assistant. They were assigned to 99 because they are a little bit different than all of the others.

Council Member Shuttleworth asked where would the Finance Director and Town Clerk fall as far as the job description, 28 and 21?

Mr. Cramer yes, that is the grade that is being recommended.

Council Member Friede said we pay all of our employee's health insurance and there may be other municipalities that contribute 75% or something like that. We're looking at strictly salaries and we don't really know if we are off-base in the total compensation we don't really know where we are with these other municipalities.

Mr. Cramer said that is correct. What you are looking at is a pay study meaning a salary study only not a total compensation study. We are trying to get a consistent basis for how we manage the pay aspect of our classifications.

Mayor Wilcox asked if we have staff who are doing multiple positions who fit more than 1 category?

Mr. Cramer said yes. I wouldn't say they are in more than 1 category but they have multiple different job tasks that may put them into another range such as Simon, our ocean rescue person. He has both certifications in police and in fire because he was previously a police officer. That may make that position a 22 instead of being a 21 if it only had a certain segment based on overall skill level not strictly the highest. You look at the category of decision making and the impact of those decisions they are allowed to make has on the organization as well as the skill level, education, training, work history.

MPT Pierce asked did any of the classifications go down in pay?

Mr. Cramer said numerically, yes, in pay, no.

MPT Pierce asked if there were any found to be grossly under and is increasing?

Mr. Cramer said yes. There were several of those. Many were in the wastewater area because of the education. Another one would be HR where we were grossly out of range for that position compared to other organizations. That does not mean their pay will be increased because they may be within that range already. It is a very complicated issue and has a lot of factors. What we are suggesting here tonight is trying to gain that consistency with our ranges, trying to get consistency with our job descriptions and make sure that the individuals in those positions are not negatively harmed by that and have some sort of adjustment to keep pace with that position. To do that, we are looking at \$34,785.78 to implement this program.



Mayor Wilcox said so we're changing the pay range as well as salaries.

Mr. Cramer said yes, some of the salaries do change under that option.

Council Member Doetsch said if the person whose grade level went down and they maxed out then without some sort of additional training they are pretty much staying there.

Mr. Cramer said if I remember correctly, yes.

Council Member Shuttleworth said if they were moved down from a 12 to an 11, the max pay scale for the 11 is still within where they are at now.

Mr. Cramer said yes, within \$20 of the max pay scale for the existing 12. Generally it applies to every recommendation. My intent is this go hand in hand with the budget and at the time that you vote on the budget, June 9th at your next meeting, you would also have an item that would change the pay scale and make the changes.

Council Member Shuttleworth asked does your current budget you presented to us at the last workshop have these changes in it?

Mr. Cramer said yes.

Mr. Hill said let me talk about the 1 or 2 cases where somebody may have gone down in a pay grade. Right now your average range is for 46%. The recommendation is to extend each of those ranges to 50% so even though somebody may have gone down 1 pay grade the range was actually extended 4% greater than where it had been.

Mr. Cramer said that means that employee or that position will still have room to grow.

Mayor Wilcox asked if there is a 4% swing make sure that anyone who is adjusted down in the pay grade, that the dollar amount is not less?

Council Member Friede asked Mr. Hill, do you know anything about the overall compensation provided by municipalities, so that if at some point we wanted to come back and look at the whole picture?

Mr. Hill said they can do studies on overall compensation provided by municipalities. They are very detailed and sometimes very complicated when you get into health care. One of the more simple ways is to just compare percentage of employee/personnel costs as a percent of total budget.

Mayor Wilcox said he would like to see for all the employees that were recommended to be adjusted down in pay grade how that affected their max salary range.

Mr. Cramer said do you want their positions, not necessarily their names?

Mayor Wilcox said no names, just positions. If they were adjusted from an 11 to a 10, at their current salary range were they \$39,000 but when they were adjusted down to a 10 were they still \$38,995? That kind of thing.

Mr. Cramer said not a problem. We can get you that level of detail.

h. Brief May and June Special Events

*(Requested by Brenda Butler, Planning & Development)*

Community Organization Officer Brenda Butler gave an update on the upcoming events scheduled for June and July.

i. Project Update by Gil DuBois

*(Requested by Gil DuBois, Operations)*

Presentation made by Gil DuBois, Utilities Capital Projects Director.

Gil DuBois gave an update on the Phase 1 project. We are currently about 5 days behind schedule because of the weather. We are hoping to have paving started today. We poured the curbing on a section of Lake Park and Cape Fear corner going up Third Street on Cape Fear. The goal is still to have that paved and be out of there by Memorial Day and in talking with the contractor today it looks like we can get that accomplished without any problem. We have to get the curb in place as it is the foundation for the road. We did a walk through visit last Friday with all of the business owners in that block and everyone is aware of what is going on. The contractor did increase their crews and hours to get this done. We're looking at about 6 days from today. We still have a section on Fifth Street we're working on. We still have about 4 blocks where we changed the grade of the collapsed manhole on Lake Park to meet the minimum state standard on grates. We actually had to set the manhole at Fifth Street before we could finish the next 2 blocks up Fifth. That's the only component of infrastructure we have left on that. We have the milling crew coming in to finish milling the rest of the asphalt all the way up to Sixth and continue to move forward after this phase of this part of the project is complete. We had a lot of things going on. We had a substantial amount of rain this weekend. We were running on plant 1 at the wastewater treatment plant. We brought the second plant on line on Saturday afternoon and we definitely needed that to be in place for Sunday. A lot of the infrastructure work was done the last few months also majorly lessened the inflow and infiltration we had come in due to this current rain event.

Council Member Shuttleworth asked how was your inflow and infiltration with the rain event? Was it substantially down? You said you had to bring on the second plant. If we're down on our inflow and infiltration why did we have to kick it on?

Mr. DuBois said basically we were doing some repairs to plant 2 and our system was set up for 3M gallons a day. Plant 1 can run 1.5M, plant 2 can run 1.5M and we can handle up to 4M gallons flow on limited duration. That's one reason we were talking about use and equalization-based and having some buffer. Based on flow values, we were pushing about 1.4, 1.5 average flow so we were pretty much at full capacity of plant 1. Bringing plant 2 on gave us some potential volume. We had quite a bit of flow coming in from Kure Beach during the rainfall event and we got some good flow data. We just got through working on pump station 3 where the wet well had some major holes and issues in it and the previous rain event where we had an 1.5" to 2" of rain it would take pump station 3 anywhere from 5-7 days to catch back up running continuously. This event was almost 5" on our rain gauges. We had a period of about 3.5 hours three times for that pump station to run continuously to catch back up before it went back on cycle. Pump station 3 is the most northern on Canal Drive and it's picking up a lot of the old clay lines and the issues that we were talking about up around Florida, Virginia, and Delaware areas.

Council Member Shuttleworth said I didn't see as much flooding on Canal either. It wasn't as deep.

Mr. DuBois said I know Brian's guys worked quite a bit on Stormwater and stuff like

that and they've been working on some of those clay valves and things like that. We have a lot of other little things going on.

Council Member Shuttleworth complimented him on how Canal and the sidewalks look and the work down there. It really looks nice.

j. Town Manager's Update

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

Michael Cramer gave updates on the following:

Pavement Management - Since our January workshop we have inventoried all of the existing defects we have in our asphalt street infrastructure and were able to develop a list for utility cuts and have all of the utility cuts that have been languishing for about a year repaired for a finished product. We also hired Velocity Paving to come in to fill in all of the pot holes and alligator cracking along our streets. They did about 1,500 repairs and touched virtually every street in town. The cost of that program was somewhere around \$96,000 which is about \$64 per defect for varying degrees in size and types. Currently we have made all of the repairs that we identified and some that Velocity was able to identify when they were out there and do all of those utility patches all with the amount of funds we had set aside for our Powell Bill activities for this year. Basically we have gotten ourselves up to a conditional standard where we believe we have sealed all of the major infiltration of water into the sub-base for the road system. In the next month we will have a company called Transmap come in and analyze, with video, radar and lidar technology, all of the infrastructure within the street right-of-way. That will give us a condition pavement map that will tell us that one segment of street is in more need than another segment of street of repair or replacement and we'll be able to prioritize those so we can bring to you later on in the year a list of priority needs for repair and replacement for skim coating or different options for bringing our road standards up to a certain level. The type of treatment we're doing on alligator repairs is they blow out all of the cracks, fill the cracks with a sealer or tar substance and then place the asphalt rock bed that you normally see for pavement like a cold patch mix and all that is done with one machine and they put a thin layer over the top of it and solidify it with a concrete mix. We have a list of those locations. The Transmap Corporation gave us a map of all the streets where they did the patching and so forth and they also have a catalog of pictures for the locations so we should be able to see how they're doing. The one test that we did on St. Joseph's during a very cold and rainy period in February it has held up perfectly since.

Council Member Friede said the area in front of her house was not done nearly as well as other areas. Gravel is kicked up every time somebody stops/starts.

Mr. Cramer said some areas that have very little area to fill do not get as good a surface. We have already talked with the company and as they come down here to do demos with DOT and Wilmington and they have jobs with Wilmington to do they said that they will stop by and hit some of our stuff as we find things.

Fish Freezer - We have installed it and received all of the waste containers from Waste Industries and as of last week we started processing the fish waste through that freezer. We started out on Monday of last week, Tuesday, Saturday the previous week going out there and picking up the waste. We're doing it on a rotating schedule at this point where we're trying to pick it up early in the morning for the last evening type fishers and also in the afternoon and then anytime in between there we have crews going through there and double checking and making

sure there are not any that need to be removed. So far it has been working out very well. All of the containers that used to be at Bridge Barrier Road are gone and have been gone for about a week now. Basically the fish issues that we had with Bridge Barrier Road have now gone away. So far we have had good response from the boat captains and the system seems to be working out pretty well. We gave them a flyer and explained to them what we were going to do and that they needed to put that fish waste in a specific location that way we could take that container off instead of the trash containers.

Budget Process - Last Thursday we had our last budget workshop. If you have questions please come and ask me and I will explain. The next time we will do anything with the budget is planned for June 9th which is the night we were going to do our second public hearing. Tonight we do our first public hearing which is just an initial opportunity for the public to speak about what they want, what they don't want, things of that nature. On the 9th we'll have another public hearing and during that time they will be able to see the actual budget. I will be presenting what I have for approval. We had three workshops and then the actual vote. We can do another workshop. On the 26th we have a regular workshop.

Council decided to set aside a brief period in the next workshop to have a time where each one of us can bring up an area. Meeting is May 26th at 6:00 pm.

Kim Ward said the two items on that workshop agenda are Waste Industries and the Policy for the Water and Sewer account.

Mr. Cramer asked that they give him their general questions or things that I need to have prepared so that I can give them to them earlier.

Mayor Wilcox said the spreadsheet and the power point is the final product, correct?

Mr. Cramer said no.

Mayor Wilcox said then I just need to get the final product.

Mr. Cramer said the final product most likely won't come until June 9th but I can give you the most up-to-date product that I have currently.

Council Member Shuttleworth asked can he let them know about the county budget relating to moving the library.

Mr. Cramer said currently in the county budget the library director has recommended moving the Carolina Beach Branch Library from its current location at Cape Fear and Third to the Food Lion Shopping Center down next to the bridge. I believe they are looking at renting the last couple of spaces that were available down there. It would double their size and they would be able to have more space to put in more amenities for children's areas and things like that.

Council Member Shuttleworth said if they move forward with that recommendation from the county manager, any idea when they would be moving out of the library?

Mr. Cramer said no, they haven't given us any commitment for a time frame. I don't know how long their lease is.

Council Member Shuttleworth said we've been looking for an operations center. I

know we've moved forward on building one but if we have a building we already own and a parking lot that we already have is that not an alternative and I would like us to discuss that at some point so you can put that on one of the workshops.

Mr. Cramer said we can put that on the 26th.

Council Member Shuttleworth said he would like to discuss it as a viable alternative to spending \$.5M on a new building.

Mayor Wilcox asked Brian what he is seeing at the waste transfer plant as far as reduction of odor.

Brian Stanberry said we obviously have decreased some of the fish smell over there. There is still some smell but we have a new environmental supervisor and we had gone out after the complaints from the last council meeting and had a look at things to see what things we needed to do as we go into season so we are working on those.

Mayor Wilcox said before we go to public discussion and take a break Rich and Kathy Walsh are here with Simcoe Cruisers and they hold the Back to the Beach, the Coastal Cruisers event every year and they have brought us a nice plaque for being a show sponsor. He thanked them.

#### **4. OLD BUSINESS**

#### **5. PUBLIC DISCUSSION**

Patrick Boykin, 712 Glen Avenue, said what the solid waste center means to me is a trashy neighbor. Who wants to live beside a trashy neighbor, I certainly don't. This is something that the Town of Carolina Beach brought upon me. As a property owner in the neighborhood of 1313 Bridge Barrier Road, the home of the Town of Carolina Beach waste center, I was never informed or given the opportunity to express my opinion on having it built there. To the best of my knowledge, neither were any of my neighbors. This occurred after I purchased the property at 712 Glen Avenue in February of 2012. Since that time I have done extensive work to try and improve my property with landscaping and some remodeling inside of the property. If anyone was familiar with the property before I purchased it there was one piece of landscaping on the property. A single cast iron plant that was barely alive. Now if you have seen it you know that I have planted azaleas, Leyland cypress, holly bushes, oleanders, yuccas, daylilies and numerous other plants. I work hard to be a good neighbor and maintain my property the best I can. Also what the solid waste center means to me is a horrible smell. The smell that comes from decaying trash stored at the solid waste center has been horrible and, at times, unbearable. As the summer season approaches I anticipate it to get even worse. Now to compound the problem the port-a-johns are stored there. I believe they add to the smell as well. No resident of the Town of Carolina Beach should have to put up with the odors that come from the solid waste center. What the solid waste center means to me is loud noise. Although the plan is no noise before 7:00 am, it appears that this is not always the case. The trucks can be heard backing up the ramp and the alarm ringing before 7:00 am. The tractors and backhoes can be heard throughout the day. The trash compactor is noisy and, at times, employees have radios playing on high volume when they are at the site. Noise was never a problem with the previous property owner or prior to the solid waste center. What the solid waste center means to mean is the loss of privacy in my backyard. I no longer have any privacy in my backyard even though I have a fenced in backyard. With the construction of the concrete ramp high up in the air, workers are now able to peer directly into my backyard and see whatever I may be doing. Since the solid waste center is used 7 days a week, even my weekends

are spoiled from having cookouts provided that I could tolerate the smell from the solid waste center. I never know when town employees will be peering into my backyard to see what is going on. Gone are the days when I could sit leisurely in my backyard, enjoy reading a book and the quiet neighborhood. The solid waste center is nearly two years old in the current location on Bridge Barrier Road. I have seen little progress in getting closer to a resolution of moving the solid waste center or eliminating it. I beg and plead with you, the elected officials of the Town of Carolina Beach, to move quicker on eliminating the solid waste center or moving it from 1313 Bridge Barrier Road.

Kenneth McDade, Tow 2 Tow Towing Company, said they have been down here, Thomas Towing and myself, we have kind of joined together. We started a towing business and as of June 1st I have acquired a lease on a lot and would like to start doing the beach tows in the PD rotation calls. It's the same lot over at 105 Winner Avenue; it's always been a tow lot. I have already met with the police department and got their approval as far as my trucks. I've been running my trucks and doing 98% of the calls anyway. I would like to take over all the tows the PD rotation calls and the beach. We just previously upgraded our equipment; we have two 4-wheel drive trucks and have a third truck coming in June.

Mayor Wilcox said is that something you're talking to the manager and the police department about?

Mr. McDade said yes, we want to start the rotation June 1st.

Michael Cramer said that's the first I've heard of it but if he has talked with the police department I'll follow up on it and make sure we get him on the rotation.

Mayor Wilcox asked if he would come in and talk with the manager to get on the rotation schedule.

## 6. PUBLIC HEARINGS

Mayor Wilcox called for a 5 minute break.

- a. Public hearing at 7:00 p.m. or soon thereafter to consider amending Chapter 11, Article IV, Sec. 11-73. - Penalties and remedies: to include a penalty for camping without a permit.

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

Mr. Cramer presented the request to approve Ordinance #15-576. This is one of the last items that has not been changed regarding Freeman Park regulations over the past 5 or 6 months. We currently have the camping in place and since April we have been reserving and processing camping reservations. So far things have been working out very well but we all know what is coming at the end of next week. We are sure that it will be much more intense. One of the things that we left off the list of fines and penalties was a penalty for camping without a permit. If you will remember, we set up the schedule so that we would have reservations required during the peak season and not during the off season at the park. Right now we have no way to enforce that. I have encouraged our SP Plus staff to go out and talk with the individuals and make sure they have personal contact with each one of the campers and find out if they have a permit. It may be a paper permit or it may be on their iphone. If they don't have a permit, right now what they attempt to do is to scan the calendar and make sure we have an available camp site. If we have an available camp site we will reserve it for them online. We can process the payment onsite. We have had some glitches with that system so at certain times we have had to send people back to the parking office to do those reservations but we have been able to accommodate them one way or another. What we are looking for here with

this penalty for camping without a permit is for those habitual offenders who continue to come back to the park and don't follow the rules. At some point we will need to be able to say this is your third or fourth time that we have helped you out with this, here is your penalty for non compliance. This is basically a penalty within the same rank of all the other penalties that are out on Freeman Park at about \$50.

Mayor Wilcox - How are you going to track that you warned them three times?

Mr. Cramer - We have the ability for them to put in warning tickets and notices in their system. We are also able to track those that did not have a reservation and we helped them out. Most of it has been paper and pen right now but they are putting that into their system.

Mayor Wilcox - Does that data base have the ability to put comments by a permit holder's name?

Mr. Cramer - Yes it does. They have comment fields. They can search by name and/or vehicle.

Council Member Doetsch - What I'm thinking is maybe warning/helping on the first, ticket on the second and then on the third you pull their park pass and they don't come back.

Mayor Wilcox - Can you pull a pass for a camping related issue?

Mr. Cramer - I don't see why not. We have the ability to pull passes for any violation of the Town regulations on Freeman Park.

Council Member Friede - How would you stop that pass from being used again? Would SP Plus take it off? Are they authorized to touch someone's vehicle?

Mr. Cramer - Typically we would not have a SP Plus person going to that level of enforcement, that would be one of our police officers.

Mayor Wilcox made a motion to open the public hearing and called for anyone who wanted to speak on the issue to come forward. No one spoke.

Mayor Wilcox made a motion to close the public hearing.

**Council Member Doetsch made a motion to give a warning/coaching session on the first offense and get them a pass. On the second violation you give them a ticket and the third incident, you will pull the park pass.**

Discussion:

Council Member Friede - That is assuming there is a space available for them.

MPT Pierce - Is that in the same camping trip or is it if they come back a month later that another violation?

Mayor Wilcox - Once you've warned someone that they cant camp there, I doubt they would forget.

Mr. Cramer - It would probably relate to the season (so the calendar year). But what specifically is in the ordinance is the amount of the fine for that camping

violation and making it so that we can go and issue a ticket.

Council Member Doetsch - So the ticket would be \$50?

Mr. Cramer - Yes.

Mayor Wilcox - The part that Gary is talking about is a policy issue, right?

Mr. Cramer - It is a policy issue.

Mayor Wilcox - So we are voting on the fine and you can take from Council what you get for the policy side?

Mr. Cramer - Yes. That's right.

Council Member Friede - Do you want to allow someone to come back next season if they have two strikes this season and they come back next season, that would be their third violation.

Mayor Wilcox - They would have a different pass next year.

Council Member Friede - Yes but it may be the same vehicle or the same person.

Council Member Doetsch - I think we just monitor the situation and if we have a lot of violators that fall into that then we go back to the drawing board on how to fix that more permanently.

Mayor Wilcox - If we put this in a policy then we can go back and change the policy without having to change the ordinance.

Mr. Cramer - That's correct.

**Motion carried unanimously. (This includes approval of Ordinance #15-576)**

- b. Public Hearing to consider amending Appendix A Zoning, Article 3 Sec. 3.8.1 Table of permissible uses and Article 12 Sec 12.2. Development standards for particular uses to review regulations for Commercial Parking Lots and the operational time allowance for Temporary Commercial Parking Lots.

*(Requested by Jeremy Hardison, Planning & Development)*

Jeremy Hardison presented. He said this is an amendment to the commercial parking lot standards basically for someone who wants to charge for parking on their lot. This allowance was created in 2007 in the Central Business District (CBD) in town. At that time a lot of projects were on hold, there was not as much development happening which gave property owners a chance to utilize their lot in the transitional period. It created two kinds of commercial parking lots. One is a temporary where it would have a time frame and that's what we were asked by Council to address. It states Memorial Day to Labor Day currently that these are allowed if you want to do just a temporary. And that is what we mostly permitted or always permitted since that time. For Memorial Day, that's one of our busiest weekends, to take advantage of the complete weekend the proposed change is to add in Memorial Day weekend to Labor Day so you would have that Saturday and Sunday of Memorial Day weekend. The permanent ones you have to do landscaping, trash, an apron, signage where you are making more improvements to your lot. In the commercial parking lots that have used this allowance are the Aster lot before the rides are permitted, there's a lot across the street from Gibby's on Canal Drive,



the lot on Carolina Beach Avenue North adjacent to the Town's Harbor Master lot that has been used in the past, the corner of Hamlet Avenue and Lake Park Blvd. Former site of the Park Place approval. Last year we had an existing business come in for a permit by Bank of America. Their goal was to try to regulate and help enforce parking on the weekends because they were having some issues. He showed a parking map of the CBD. Currently on the outer limits of the CBD is where last year we had commercial parking lots. Including Bank of America, which is centrally located, we had just over 100 spaces that are being utilized for private for fee parking. If you calculated all the meter spaces and Town parking lot spaces we have just under 1,000 Town owned. The Land Use Plan states several policies that whenever possible the Town shall try to increase parking in the CBD. We discussed several options with Planning and Zoning, the first option is what I went over before, the time frame to clarify Memorial Day weekend to Labor Day. The second option would be to combine our permanent and temporary parking regulations and come up with a unified regulation and do away with time limits. If you want to charge for parking you can do it whenever in the calendar year you would like. Option 3 is to eliminate the use altogether and would take us back previously to 2007, so you would have any allowance to have a private parking lot for a fee. Going over the options, some of the pros and cons for them. The first one to clarify for Memorial Day weekend does give that clarification and they could use that for the whole weekend and not just that Monday. The cons, we've had trouble with the landscaping requirement. It's difficult to enforce for just a 3 or 4 month period for summer months. Usually there's no irrigation on site even if they do, for permitting, need landscaping it's dead within weeks. There is a lot of confusion between a Town lot and a private lot and when you pull into an area you know that you have to pay for parking but you don't know exactly what the regulations are, the time frames, what the fee is, and the difference if you're used to parking in a Town lot. The concrete apron is something that has been required but it's not specific in the temporary ordinance. It also requires an annual permit so each year you want to do a temporary lot you have to come in and get a permit for that. The second option, merging the two regulations together which is what Planning and Zoning recommended, is simplifying the regulation into one uniform standard. It's more functional, you have trash, landscaping and signage, those services being provided to you. It requires one permit once you establish that lot as a parking lot. The cons on that with parking for pay lots it can cause confusion with the citizens as these have been 24/7 operations and the Town's policies where we stop at a certain time and only charge for certain months and these don't have those policies in place. The property owner would have the cost for up fitting the lot. If you eliminated the use altogether, it would be less confusing. You would have one set of policies as standards that the Town sets for their public parking lots as far as when we charge, what the fee is and the time frames for the Town during the day. This does give more options for citizens who do acquire a parking pass and also, for that lot owner, it still gives them the ability if they wanted to go under contract with the Town and we would enforce the parking. With the Town decal, citizens would have more available parking to be utilized.

Mayor Wilcox said I'm not quite sure I understand the pros of number three if the property owner has to do all the improvement, I mean we have to do all the improvement. We have to assume the property owner is going to let us take over that lot.

MPT Pierce said or we lose that parking altogether.

Mr. Hardison put the map on the overhead.

Council Member Shuttleworth said I am just trying to track here. We've got Town lots, commercial lots and temporary lots.

Mr. Hardison said those are the temporary lots, we don't have any commercial lots. They just want to set up shop for 3 or 4 months without any improvements to the lots.

MPT Pierce said that's what I needed some clarity on. I'm reading concrete or asphalt aprons to the property line.

Mr. Hardison said that's with the permit now.

MPT Pierce said but we don't do that with the lots that we lease.

Council Member Shuttleworth said so you've got three choices here. You've got a public lot, a temporary lot and you've got commercial lots and you're saying that technically we don't have any full-time commercial lots that are privately owned and operated. The ones that are out there are ones that the Town operates in conjunction with private owners like the one behind Michelangelo's.

Mr. Hardison said correct. That is an agreement with the property owner.

Council Member Shuttleworth said we manage that and it's a year round parking lot.

Mr. Hardison said any improvements that are done are by the Town.

Council Member Shuttleworth said right. And the teal ones are the ones that we've said people use temporarily throughout the course of the summer from Memorial Day through the fall and they charge a fee.

Council Member Friede said the Town does not tow, right? If you violate and you stay over your time and you come out of the beach or wherever you've got a ticket. If you park in a private lot and you overstay your time you come back and your car could be gone. That to me is an enormous consideration when we're talking about allowing people to run private parking lots and getting back to one of the points in one of Jeremy's earlier slides of pros and cons, I think some of these little private lots that popped up last summer are not clearly marked where the Town lot ends and the private lot begins.

Council Member Shuttleworth said the only one that that falls into that is by the Harbor Master.

Council Member Friede said you think it's clear that it's a private lot?

Council Member Shuttleworth said no, but it doesn't apply to a Town lot.

Mayor Wilcox said at first it was very unclear and they made some changes that made it better.

Council Member Shuttleworth said but it's not adjacent to a Town lot. The Harbor Master ones are the only ones that cause the confusion, are we in a public lot or are we in a private lot. All the rest of them are private lots. The one you don't have located on here is the one in front of Cabana.

Council Member Friede said I don't know that that is operated as a private lot.

Council Member Shuttleworth said it absolutely was one last year. A pay lot.

Council Member Friede said there is that lot behind Michelangelo's and it's like is this a Town lot, is it not a Town lot? Jeremy, the only lot on here that I am aware of that was a private lot last summer was the BofA lot. That is the only thing that had any improvements on the property.

Mr. Hardison said that's where you have a tree business that's closed on the weekends and they are utilizing it as something else.

Council Member Friede said so what are the requirements for that permit then? Was that the business itself was closed to customers the time they wanted to operate it as a lot so they couldn't take away parking requirements from the business in order to operate the lot?

Mr. Hardison said correct. The required parking standard would apply for the business.

Council Member Friede said my other question is, the option that talks about expanding the definition from Memorial Day to Labor Day to Memorial Day weekend. Do you have any thought about defining when that begins? Would that be Friday at noon, 5:00 pm? Because I can see if we went that route, I can see people saying people start rolling in for Memorial Day Wednesday night so we start operating our lot on Thursday. So if we consider that I would like to see some beginning and ending for when we actually define the holiday weekend like Memorial Day ends at 9:00 pm.

Mr. Hardison said we have not had any applications for this up and coming season to operate private lots.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Mayor Wilcox said my personal preference here is the problems we have with the lots, specifically I think the one we have across from the Harbor Master next to the Town lot was at first the only notification that it was not a Town lot was a little tiny sign on the pay station. To me as long as there is a very evident, prominent sign at the entrance to each one of these private lots that says Town parking stickers are not honored here and there was another one at the pay station I think that is all they can do about that. I think on the time period, what I would recommend, it doesn't do the Town any good or the property owners any good if they can't use it on Memorial Day and Labor Day weekends. I would just say instead of trying to define it's Friday, people do start rolling in the week before and they stay some of the week after, that we say it starts the Saturday one week before Memorial Day and ends one week Sunday after Labor Day. That's the period. So it gives them a week after Labor Day and a week before Memorial Day.

Council Member Friede said we do need to define the time whatever time we decide.

Mayor Wilcox said that's why they brought it back to us. Other than that, obviously any time somebody gets towed it's a concern and we can have some discussions

about that issue but it's a private lot.

Council Member Friede said we've had issues with predatory towing. That is not the signal we want to send. I think in addition to the signage...

Council Member Shuttleworth said Sarah the predatory towing is not on the parking lots.

Mayor Wilcox said no, it's not, that's on the condos and stuff like that. I'm not aware, Michael, maybe you can help. Have we had any complaints about people being towed from these private lots, from the temporary lots?

Council Member Doetsch said the only one that I can remember blamed the Town because they thought it was a Town lot.

Michael Cramer said last year when we had the temporary lots in place, and there were four of them across the CBD, they adamantly said they would not tow. That all they wanted to do was ticket because, for them, there's too much administrative hassle with towing off of the lot where they can just make money off of the tickets. So as far as I know we didn't have anybody that complained about being towed off of one of those private lots.

Mayor Wilcox said I haven't heard of one. I guess at some point in time like for a day or so you have to tow them away. If it is something that council wants to consider that one of the conditions is there has to be a period before they can tow. I don't know if we can do that or not.

Council Member Friede said I think that we can put whatever conditions on it... if we're giving them the ability to operate a business like we tell what other businesses what hours they can have, noise, and what they can do...

Attorney Noel Fox said there is new case law in the last two years on predatory towing and how you can restrict towing. There was a case, I think King Vs Chapel Hill. So if you're going to restrict the private property owner to tow off their property then we need to look at that before the ordinance is drafted. You certainly could require safety signage requirements that identify that it is a non-town lot and there are requirements that the rules for towing be posted but I don't think that you want to restrict towing off of a private property without looking at the case law more specifically.

Mayor Wilcox said, again, I haven't heard of any problems with people towing off of private lots but, at the same time, I would like to see them not be able to tow for a period of time. But at some point in time they might have to tow a vehicle. I don't know what that period of time is but if they're there overnight and they are still there in the morning or whatever that period of time is they need to be able to have a remedy.

Ms. Fox said I think the concern there is that you may be interfering with someone's ability to run their own business because it's on private property and, yes, I understand Sarah's point. The Town does not want to be known for predatory towing and I think historically that has been at condominiums and apartment complexes here from what I know. Restricting a private property owner's rights from towing someone who is essentially a trespasser at that point is probably not something that we want to do lightly.

Mayor Wilcox said is it theft of service? Or is trespass?

Ms. Fox said if you have a permission license to be there for 2.5 hours and you exceed that I would argue if I was the business owner that you are trespassing because I only gave you a license by the ticket that you purchased to be there for 2 hours.

Mayor Wilcox said, again, like I said I haven't heard that being a problem and if it is a problem we could always address it. Certainly if it is a problem I think the property owners would know they stand a chance of losing that ability to rent that temporarily at all if it turns into a predatory towing problem then we just go back to option 3 and say that's not an option anymore. There is some incentive I think there for them to manage that responsibly and not trying to be towing people off the lots unnecessarily.

Mr. Cramer said, as a point of clarification, the lots that you see that are up on the left-hand side of the screen that are teal, the Town has entered into an agreement with that property owner to do a 50/50 split on managing that lot. In the next week we will be putting a pay station on that lot and putting in the infrastructure needed to run that as a Town lot. That's what we have tried to do with some of the other lots that have popped up like that and we have talked with the property owners. Some of the property owners have said, no, I don't want to have any lots that I'm leasing for this property this year. I would rather just try and sell the property. Others have just been unresponsive to doing anything and just have it open to the public for no charge and they don't do anything with it. This year is a little bit different compared to last year because last year we had a company that came in and picked up 4 of the lots that were vacant and ran with those. This year that same company is not interested in doing that or hasn't put in an application as of yet. Each year seems to be a little bit different in the whims of what people want to do with their parking. The property owners always have the option of coming and talking to us and we will be more than happy to work out arrangements to try and do a 50/50 split but we do limit all those issues that we have with conflicting regulations and gain the additional parking for downtown.

Council Member Friede said that's nice that we have the contractors with the 50/50 split. We are administering those lots and we know that at least on those lots there will be no towing because it will be under our pay structure, correct?

Mr. Cramer said yes.

Mayor Wilcox said for the purposes of time in addressing the issue before us which is what we want to do with the temporary lots. Memorial Day is coming up so let's figure something out here that is fair and get it passed so they can do business.

Council Member Shuttleworth said I think what I'm hearing Michael saying is we're down to 3 lots over there by the Harbor Master according to this map. I would think the guys across from the Cabana...

Mayor Wilcox said that's what it is now, there may be other people wanting to take advantage of it.

Council Member Shuttleworth said right. There are only a couple of vacant lots. Dan, what you're suggesting is that we just say the Memorial Day weekend the temporary...

Mayor Wilcox said the week prior to Memorial Day weekend. For instance, The Sunday prior to Memorial Day weekend and the Sunday the week after Labor Day you are catching everything.

Council Member Shuttleworth said the timing is fine for me. One of my bigger questions I have for Jeremy and Ed is throughout your write-up here it says Town parking lots are exempt from the standards. So if I have a private lot and I want to have a parking lot I have to do a bunch of stuff to it but the Town is exempt? So we're going to put something on the private sector that says they have to go do all these legal things, landscaping, aprons and trash receptacles, handicap spaces, but the Town is exempt from that?

Ed Parvin said typically we are exempt from zoning requirements because we might be using that for other purposes. There might be some public safety issue that we're staging materials there or doing something else there.

Mayor Wilcox said on our lots that are permanent that we purchased they are paved and do meet...

Council Member Shuttleworth said the one behind the harbor is not paved.

Mayor Wilcox said no, not yet.

Council Member Shuttleworth said the one we're under contract that we're operating, it says it's a CB parking lot behind Michaelangelo's...

Mr. Cramer said all of that is classified as improved parking because it is gravel. Yes, we do have lots that we are leasing...

Council Member Shuttleworth said I'll just make this real clear, here's where I'm objecting. When you put something in that says Town is exempt I have a philosophical problem with the Town exempting itself from regulations that it imposes on other people. You can handle that however you want but I just don't like the idea that we're going to exempt ourselves but we're going to require the private sector to do something on their property.

Mayor Wilcox said the problem is when we go into these cost share things, if we're not exempt we can't put up a parking lot there because we'd have to do all of the hard improvements on a lot that we're going into partnership with that somebody else owns.

Council Member Shuttleworth said then I would suggest that we negotiate better with the landowner and say if you want to have a revenue share you have to have an apron, you have to have... I'm talking about the Town lots.

Mayor Wilcox said the Town lots are in the partnerships.

Council Member Shuttleworth said but some of them are not. I'm just saying the language that says the Town is exempt from following the rules is not a good rule. It doesn't work for me.

Mayor Wilcox said can we just dispense with what we're dealing with and if we want to bring that back forward and talk about, that's great.

Council Member Friede said that is part of what we're talking about.

Mayor Wilcox said well, not changing the Town parking lots.

Council Member Shuttleworth said no, it is. He deleted it and if you read the write-up they deleted that sentence in the temporary, they took out the Town is exempt and put it back in the other ones. I'm not one for wordsmithing at the table, I get it, but if you want to wordsmith the weekend... I just don't think the Town should be exempt and imposing regulations on private property owners and say we don't have to do that for our parking lots, though. Do we have trash receptacles over by the new Harbor Master lots that we...?

Mr. Cramer said yes, all of our lots have been upgraded with...

Council Member Shuttleworth said landscape them?

Mr. Cramer said we do landscape them.

Council Member Shuttleworth said we have not landscaped the ones by the Harbor Master.

Mr. Cramer said Harbor Master we have plans to landscape those along with, we've put in aprons at several of them. We're trying. I understand what you're saying. What we're trying to do is to meet or exceed the standards we have in place but that takes time.

Council Member Shuttleworth said okay, well, Michael, you wouldn't let a private sector. A guy comes in and says well, I'm going to landscape it, it's in my budget, it's just not there, it takes time.

Mr. Cramer said no I would not.

Council Member Shuttleworth said you want to get an occupancy? Do the work.

Mr. Cramer said you're right.

Council Member Shuttleworth said so we're saying to the town, we'll get there guys.

Mr. Cramer said that is correct. It is an exception, that's why it's listed that way in the ordinance.

Council Member Friede said what do we do if there is a violation? If somebody is violating any of the language in there, is it treated like any other zoning violation so that when Monday comes around our code enforcement officer goes out and tries to handle it?

Mr. Cramer said basically what we did last year is we sat down and talked with those individual lot owners and said here are the 4 or 5 violations of the ordinance that you have, please fix these items and they planted things and they put up signage and they did the requirements that were required of them.

Mayor Wilcox said it's a temporary permit so you can revoke it if they don't comply.

Council Member Friede said can we revoke it if they refuse to comply with whatever?

Council Member Shuttleworth said no but we can sure shove them into a joint

venture now that they've done all the requirements.

Mayor Wilcox said if someone doesn't comply, it's a temporary permit and they can be revoked like other temporary permits.

Council Member Friede said but they don't have a sign up that says this is not a Town lot or whatever.

Mr. Cramer said I don't see why this would be any different than any other of our zoning regulations but, no.

Ms. Fox said we ran into that problem last year actually and I think you had to treat it like a code enforcement violation. I think that what we talked about doing was to provide the application process so that it did state on the application if they failed to do X, Y and Z it could be revoked but I don't know that anybody has applied this year so that we have done that.

Council Member Friede said are there any fees to it? Let's say that if we revoke it and they continue to operate with the guy in the lawn chair at the entrance to the parking lot taking money on weekends...

Ms. Fox said I'm not sure I understand your question.

Mayor Wilcox said once you have notified them of the revocation and they continue to operate is what she's asking.

Council Member Friede said what are the real teeth?

Ms. Fox said the teeth are the time frames that are outlines in the ordinance. Of course here it is a temporary lot. Of course there are built in time frames for enforcement of...

Mayor Wilcox said, no, what she's saying is if the Town deems they are not complying and they revoke, assuming the language is on the application, their right to have a temporary lot there but they continue to operate it, what do you do about it?

Mr. Cramer said right now it's a \$50 a day civil penalty and then we follow the civil penalty regulations.

Council Member Friede said but they could collect \$1,000 in a day...

Ms. Fox said they could. You could certainly take legal action to get a temporary restraining order or an injunctive relief. I think you are permitted that under the ordinance already.

Mr. Cramer said it hasn't come to that degree yet, but, yes there are other things we could do.

Council Member Friede said if we're going to put a regulation into effect for the purpose of trying to protect our visitors and provide parking at the same time. We all recognize that we need parking. We need to make sure that people are playing by the rules and we don't have visitors coming back and their car has been towed because they overstayed by 5 minutes or whatever. If we're going to do this then and we're going to continue to allow these things then we need to have some real



enforcement mechanism.

Mayor Wilcox said I am happy to ask staff to put some stuff together about Steve's comments and your comments and bring that back for further review but I would like dispense with the immediate thing which is time periods. Does that make sense?

Council Member Shuttleworth said I didn't know that was the most immediate thing? It is clearly one but staff has come to us with a recommendation. One of those recommendations is to do away with it. They have 3 choices. Only one of them addresses Memorial Day. The other two don't.

Mr. Cramer said staff has come with forwarding the recommendation from P&Z.

Council Member Shuttleworth said which did not address Memorial Day.

Mayor Wilcox said no, there is a recommendation from staff.

Council Member Friede said the staff recommendation is no more commercial lots at all.

Council Member Shuttleworth said we have a P&Z recommendation, we have staff recommendations which are 2 and 3 and the one that the Mayor is discussing is option 1 which discusses Memorial Day.

MPT Pierce said P&Z recommended option 2.

Council Member Shuttleworth said which didn't address Memorial Day.

Mayor Wilcox said the problem with option 2 is they have to bring it up to certain standards and they are not going to do it and the problem with option 3 is if they don't want to play ball then we lose parking so to me both of those are more problematic than option 1.

Council Member Friede said Ed or Jeremy can you talk us about why staff's recommendation was to eliminate the commercial lots.

Mr. Parvin said it eliminates that confusion. There were 2 pros that we identified and basically it eliminates that confusion between Town lots and privately owned lots.

Mayor Wilcox said it is a lot more confusion to me when you're driving around in circles looking for a parking spot and can't find one than administering it.

Council Member Friede said I agree that it is confusing, especially over by the Harbor Master. You can't tell where the Town lot ends and the private lot begins and there is a significant difference.

Mayor Wilcox said we need to reach a consensus on which option we want to work with and then if there are any tweaks to the option then we need to talk about the tweaks. I have no problem with option 1 with some tweaks on the time period. We can start there and if we don't have enough people to move forward on that then we can go to the other options.

Council Member Friede said option 1 wasn't recommended by either P&Z or staff. Option 2 was recommended by P&Z. Option 3 was recommended by staff.

Mayor Wilcox said option 1 we have in place now with proposed changes to the time limit.

Mr. Parvin said if you look at option 1 the area that we struggled with is landscaping if it's a temporary lot. What we had happen in the past is people planted landscaping and it dies and trying to get it put back. So what we did with the last couple of lots we waived the landscaping requirement. The thing we did require and the Town does do is put an apron. So for the integrity of the road we do try and maintain an apron going from the asphalt to the lot, that driveway cut is what I'm talking about.

Council Member Shuttleworth said so you're saying under option 1, number 1, permanent commercial parking lot requirements, a. Landscaping shall be installed in accordance. We've waived that?

Mr. Parvin said for temporary lots. If you are doing a temporary lot we require an apron and we haven't required landscaping.

Council Member Shuttleworth said well, you have landscaping for every 50 linear feet or a fraction thereof, so you've waived that?

Mr. Parvin said yes.

Council Member Shuttleworth said under temporary the only thing you're doing is the time frame.

Mayor Wilcox said there's one more thing, we need to add a signage clause because this does not address the need to identify that it does not take Town decals at those locations and how prominent that signage needs to be.

Council Member Shuttleworth said I think that's why P&Z went back with option 2 because it just said there are no more temporaries, everybody who has a commercial lot has to have the signage and provide all that. What Ed is saying is that creates a problem with landscaping because these part-time lots aren't going to spend the money on landscaping. So if you're going to do 1 you have to add a bunch of language to it.

Mayor Wilcox said if we're going to do 1 we have to add the sign language and give the time periods.

Mr. Parvin said staff agrees with that, too. If you want to have signage we thought by the pay station or entryway like the mayor mentioned...

Mayor Wilcox said you have to have it at both locations. So, for instance, you would have to say each entrance has to have a 2X2 sign predominantly displayed saying Town decals are not accepted there and there needs to be whatever sign at the pay station... I'm just using the 2X2 because it is the same thing we use for towing regulations. We would have to add language.

Council Member Shuttleworth said I'm getting a headache because we're making sausage at the table. You're totally rewriting everything.

Mr. Cramer said no, not at all. I guess what I'm looking at is the reason why we brought this issue back was because last year when we had a company wanting to do temporary lots, the one major issue that they had was that they opened for the

days before Memorial Day itself. So in order to clarify that we wanted to go and bring that back and say, here is how you take care of that issue. Make it the weekend or the weekend before or however you want to label it but give them the opportunity to be open for the Memorial Day weekend because it is a high traffic time. All the rest of the requirements that are in the code that are for commercial lots apply to temporary lots with the exception of landscaping and there's some verbiage regarding the type of surface you can put down. Those are the only things that are in temporary lots that are different, along with that time frame, than a commercial lot and what we ran into as a problem with that is, yes, we were requiring these property owners or the business in some cases to go and upgrade those lots and spend money to go collect revenue for that lot. One of the ways that I think that we've helped solve this issue irregardless is the fact that I think that everybody who has a private lot downtown has been talked to by staff about doing a private lot with you as the Town and we will work with you to try and set up an arrangement. I'm not sure how critical the issue is this year compared to last year.

Mayor Wilcox said on the temporary lots, option 1, we could easily just say the weekend prior to Memorial Day through the weekend after Labor Day...

Council Member Friede said when does the weekend start? It matters.

Mayor Wilcox said it starts on Saturday.

Council Member Friede said we have to have the day and time.

Mayor Wilcox said as long as it's the week before they've got plenty of time, Saturday to Sunday. Let me just lay out the overview and you guys can work on the details. That time frame can pretty easily be described. I don't see why we don't have number d. From the permit in here because according to state statutes they have to have that tow sign to tow away anyway.

Mr. Cramer said it does.

Ms. Fox said we do have it in there. If you look on page 41 at number 2 it says that temporary commercial parking lots shall meet minimum standards of permanent commercial...

Mayor Wilcox said that's option 2. There's nothing in option 1.

Council Member Shuttleworth said no, page 40 of the agenda is the remainder of option 1 and it says, number 2, temporary commercial parking lots shall meet the minimum requirements. That's item 2 of option 1. Option 1 has part 1, part 2, and part 3.

Mayor Wilcox said so that's there and the only other thing I think we would have to have would be that prominent signage at the entrances and pay station.

Council Member Friede said are there any lighting requirements. I'm sure we have lights at Town lots.

Mr. Cramer said the only lights that are really in any of our lots are the ones that are adjacent to the street.

Mr. Parvin said we are looking at adding, I think we added one at Hamlet when we were moving the pay station. We are trying to light some of our lots.

MPT Pierce said that is a good point Sarah is making because I know that lot behind the Marriott is dark out there.

Mr. Cramer said it is not a standard that is currently required of any commercial lot whether it's exempt by the Town or not.

Council Member Friede said that's a safety feature and I think is generally developed by the people who move in and open a business. If we had requirements for lighting that we would put on our lots and were not having the same safety measures taken on the private lot...

Mayor Wilcox said we don't have requirements for lighting. Can we get back to a point where we just discuss whether we want to wordsmith one or council wants to do something else.

Council Member Shuttleworth said here is where I would be at with you Dan, I can go with 1 if you just want to add the language that says time frame allowed should be commencing 5:00 pm Friday the week before Memorial Day and extending until Sunday at 5:00 pm the week after Labor Day weekend. That gives you the time. You have to add some language in there Ed, and if that would add some signage denoting it's a private lot at all entrances.

Mayor Wilcox said more than that. The Town decals are not honored. If we make it the same regulations as the tow signs, 2'X2' sign at each entrance and at least a legible sign at the pay station.

Council Member Shuttleworth said I can live with all that if you will omit 3.

Council Member Friede said which is where we're exempt?

Council Member Shuttleworth said yes.

Council Member Friede said if we do as Steve requests and remove the language that Town lots are exempt from these requirements, do we have any lots that would not now be allowed to operate as Town lots?

Mayor Wilcox said yes, all of them.

Mr. Cramer said anything where we are partnering with a private entity. On all the lots that the Town actually owns we would be fine. On all the ones where we are trying to help the property owners so they can make some money on their vacant property? No.

Council Member Shuttleworth said what about the one over behind Ida Thai over by the Harbor, do we own that lot?

Mr. Cramer said we own that lot and it is gravel so it is classified as an impervious surface and thus is covered by a...

Council Member Shuttleworth said so the joint venture lots, what don't they meet? Which ones would be inoperable?

Mr. Parvin said we would have to landscape them. There's the one on the north end right before you get on Freeman Park, we would have to landscape that.

Mr. Cramer said the north pier lot, it doesn't necessarily have a NCDOT approved driveway apron nor does it have landscaping. I would say the new Hamlet 2 lot that we just did.

Council Member Shuttleworth said are those temporary or permanent lots?

Mr. Cramer said they are temporary because the Town only operates them between the April 1 through September 30th time frame.

Mayor Wilcox said we could address those concerns if we just did away with the landscaping requirement. We have no commercial lots in Town.

Council Member Shuttleworth said I understand. It's just not right for me, philosophically, to say the Town doesn't have to follow the rules that we're making everyone else follow. If we're in a private agreement then you need to go back and explain to the owners if we have to spend \$5,000 it's coming off the top. It just seems to me if we're going to require a private guy that wants to do a lot to do a bunch of stuff and the Town doesn't have to.

Mayor Wilcox said Ed, if we strike the landscaping requirement across the board...

Mr. Parvin said that would help because if you don't strike it I'm going to have to enforce it.

Mayor Wilcox said if you strike the landscaping requirement that is the only requirement the Town partnership lots would not meet, correct?

Mr. Parvin said yes, we could meet the rest.

Mayor Wilcox said so then you take out 3, strike the landscaping requirement and we're there.

Mr. Parvin said I think so.

Mayor Wilcox said we have no commercial lots. If we have an influx of commercial lots then we can deal with it. If we strike the landscaping across the board and remove 3 where it says the Town is exempt, the only thing the Town needed to be exempt from was the landscaping, right? Everything else we're already doing. Is that correct or a fair statement?

Mr. Cramer said we aren't necessarily doing it. For instance, we would have to put in aprons and things like that. Those are minor things that we could upgrade our lots for.

Council Member Shuttleworth said if it's a requirement to protect our streets that the private guy puts in an apron, why aren't we putting in an apron?

Mr. Cramer said because it's not our lot. It's property that we are helping somebody else make a little bit of money on so that we can gain parking for the Town. I understand what you are saying and, honestly, for staff it would make no difference if we took that provision out. It would just require us to spend money to go and get the additional parking that we're looking for and that is fine too.

Mayor Wilcox said the owner has to be willing to let you put that in and if it's on Lake

Park it's in NCDOT.

Mr. Cramer said one thing I would recommend, I know that we want to actually accomplish something with this tonight. My recommendation is that we don't and that is because right now we have no temporary lots in Town, at all. The one across from the Harbor Master is not going to operate as a temporary lot. As far as we know the individuals there are going to leave it open.

Someone in the audience said it has not made application yet.

Mayor Wilcox said so if you want us to just deal with the time factor and come back and deal with the rest of it at a later time, is that easier for staff?

Mr. Cramer said that would be fine. We've also recommended that we can work with the property owner on the lot across from Gibby's, too, but that hasn't happened yet.

Same audience member said there has already been landscaping.

Mayor Wilcox said I don't think landscaping is an issue but the signage that you don't accept Town decals is an issue and the time period. Can we get that written in?

Mr. Cramer said if you vote on it I can write it in.

Council Member Shuttleworth said I think I said from 5:00 pm Friday the week prior to Memorial Day weekend until 5:00 pm Sunday the week after Labor Day.

Mayor Wilcox said on the signage we talked about 2'X2' prominently mounted at each entrance clearly stating Town decals are not accepted in that lot and another sign of some type on the pay station. So that would be kind of an amended Ordinance No. 15-575, right?

**Mayor Wilcox made a motion to approve amending Ordinance No. 15-575 based on the time frame suggested by Steve, the signage requirements I gave, removing the landscaping and it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.**

Council requests staff to bring back something on the other issues.

c. Public Hearing to receive public input on the FY 15/16 budget - *Add-On*

*(Requested by Kim Ward, Town Clerk)*

Michael Cramer presented. He said the reason we have two public hearings for the budget, one is to give the community the opportunity to come before council and make recommendations, make statements or comments, suggest areas for improvements or things that they would like for you not to have in the budget. As of today all of the budget documentation that has been presented to council for the previous workshops is online. If you go to the Town website under Town manager there is a budget page that has all the presentation material and all of the spreadsheet information that was provided within a context. There was a lot of percentage based information that was in the packet that we had to trim out so that we could actually make it so you could read it online. So we have that information online for the public to view and make any comments on. Tonight is for any general statements, things they would like to add, delete or change in general from the budget.

Mayor Wilcox said so we're going to open up the public hearing in case anyone has a comment on the budget from what they have perceived so far and at the next budget public hearing you will be going through the whole budget presentation.

Mr. Cramer said that is correct.

Mayor Wilcox opened the public hearing.

Patrick Boykin, 712 Glenn Avenue, said I would just like to indicate that in the budget that you are proposing that you include money for the elimination for the solid waste center or money to purchase additional property to move the solid waste center to.

Mayor Wilcox closed the public hearing.

## 7. CONSENT AGENDA

**Mayor Wilcox made a motion to approve the consent agenda. MOTION CARRIED UNANIMOUSLY.**

The following items were approved:

Setting a public hearing on June 9, 2015 to hear the topics listed below:  
Consider amendment to the zoning ordinance to amend Article 7, Section 7.1(d) off-street parking space schedule to review parking requirements for multi-family units.  
Consider amendment to the zoning ordinance to amend Appendix A zoning article 3 Table 3.8-1 Permissible uses to allow multi-family dwellings in the Marina Business (MB) by Conditional Use Permit.  
Consider amendment to the Land Use Plan to consider modifying the future characteristics of the Marina Mixed Use to eliminate specific density characteristics.  
Consider a Conditional Use Permit for planned unit development that will consist of 3 single-family dwellings located at 513 Spencer Farlow Drive.

Budget Amendments as presented by the Finance Director.

Council meeting minutes from April 14, April 23, and April 28, 2015.

## 8. NEW BUSINESS

- a. Adopt a resolution approving administrative guidelines and policies for A FEMA elevation grant of 7 dwellings.

*(Requested by Jeremy Hardison, Planning & Development)*

Ed Parvin presented. He said this is a group of resolutions that will allow us to move forward on a little over \$1M of grant funds to allow the Town to administrate those grant funds through the state to the property owners. There are 7 homes that have been identified. They are all on the north end that are severe repent of loss. FEMA program allows through this grant fund for those properties to be raised. We will be facilitating those funds through the Town to raise those homes. This project will be underway later this summer, late July/early August will begin. After its conclusion, and we only have one or two severe repair of loss properties left in the Town so it is a great benefit for the Town of Carolina Beach. Thank you to Jeremy for helping out and getting the grant money for this project.

**Council Member Friede made a motion to approve the following Resolutions:**

### **15-2087 Financial Management Resolution**

**15-2088 Elevation Contract Award Policy Resolution**  
**15-2089 Equal Employment and Procurement Policy Resolution**  
**15-2090 Designation of Project Agent Resolution**

**MOTION CARRIED UNANIMOUSLY.**

- b. Consider Approving the update of the Memorandum of Understanding (MOU) with the Greater Wilmington Transportation Planning Organization

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

Item was pulled from the agenda.

- c. Appointment to Harbor Commission

*(Requested by Kim Ward, Town Clerk)*

Appointment to the Harbor Commission is Capt. Dave Tilley by ballot.

Written ballot results:

Mayor Wilcox - David Tilley

MPT Pierce - David Tilley

Council Member Shuttleworth - David Tilley

Council Member Friede - Rob Reeves

Council Member Doetsch - David Tilley

- d. Appointment to Planning and Zoning Committee

*(Requested by Kim Ward, Town Clerk)*

Mayor Wilcox said there is a member of the Planning and Zoning Commission who is unable to attend meetings and there is no certain when he will be able to. My recommendation would be to remove that individual from the board and if at a later date he wants to apply then that would be available to him and create the opportunity for a new appointment.

**Mayor Wilcox made a motion to remove Rick Knot from the Planning and Zoning Commission. MOTION CARRIED UNANIMOUSLY.**

**Mayor Wilcox made a motion to remove Rick Knot from the Harbor Commission. MOTION CARRIED UNANIMOUSLY**

Appointment to the Planning and Zoning Committee is Mary Grady by ballot.

**9. NON-AGENDA ITEMS**

Council Member Shuttleworth said he would like to hear about the storm damage reduction and assessment that was done from the Town Manager. The storm damage reduction program that we have been under for the last 50 years again this weekend showed how beneficial it is because we had some erosion on the beach but it did exactly what it was designed to do. Can you give us an update on your assessment and where we're at with the county/state?

Mr. Cramer said we've gone out and surveyed the beach strand and Freeman Park ourselves. We found one segment on the beach strand from about the 700 block of CBAN all the way to the pier that had escarpments but that is actually a good thing. Because we have a program and we renourish the beaches and have dunes associated to them we were able to make it so that we didn't have any overwash, we didn't have any personal property damage, we didn't have any Town infrastructure damage that you would get if we didn't have a coastal storm damage reduction program. We do have plans. Right now we've put in permit applications to CAMA to utilize our maintenance requirements in our permit to go and knock down the escarpments and also to restack



some of the rocks in the rock revet. There is about a 200-300 yard section of the rock revet that was previously covered with sand so we did not go and restack that last year. With the storm it has made it so we know where those rocks are now and we can restack them. So we've put in that application. Along with that application the Corps of Engineers came out today and did surveys of the entire beach strand and all of our coastal storm damage reduction program area to see what the amount of damage was from the tropical storm Anna. We haven't received those results yet and they asked us not to knock down those escarpments until they got us results back. I will be contacting them tomorrow to find out if they have results and we can go ahead and do that. They know we have to do that before the holiday. In the meantime we have put up some signage and alerted people on the public access ways that there are escarpments there and to be careful. We're working on making some improvements to the few steps that were damaged or the lack of steps in some of the locations. The other portion of it is on Freeman Park. There was approximately a 100 yard span, 12' wide by 12' high of a dune that created a pinch point on Freeman Park. That section of the dune system has been completely taken away. However, if we didn't have a dune system to begin with we would have had overwash that made it all the way to the sound. So even though we lost some dunes and had escarpments our coastal storm damage reduction program worked exactly the way it was supposed to. It kept us from having personal property damage and infrastructure damage. We are working with the state in trying to get any information we have to them to see if there are any funds available because of the storm. However, because it was a storm that did not come with a governor's declaration of an emergency there will most likely not be any funding available, however, we have kicked it up a little bit higher and also sent the information to the federal government to see if there is any opportunity for any funds there. At this point we are looking at possibly a \$10,000 to \$15,000 budgeted line item for fixing the escarpments and the rock revetment. The limited feedback I have had has not been positive but we have still sent the information on to them and kept requesting that funding.

**10. CLOSED SESSION IF NEEDED**

**Mayor Wilcox made a motion to go into closed session to discuss attorney/client privileges in the case of Snow's Cut Internet Cafe in accordance with NCGS 143.318.11(a)(3). MOTION CARRIED UNANIMOUSLY.**

**11. ADJOURNMENT**

**Mayor Wilcox made a motion to adjourn at 11:00 p.m. MOTION CARRIED UNANIMOUSLY.**

Kimberlee Ward  
Kimberlee Ward, Town Clerk

7.14.2015  
Date Approved

# Proclamation 15-2084

Town of Carolina Beach  
Town Council



RECREATIONAL BOATING IS FUN AND ENJOYABLE, AND WE ARE FORTUNATE THAT WE HAVE SUFFICIENT RESOURCES TO ACCOMMODATE THE WIDE VARIETY OF PLEASURE BOATING DEMANDS. HOWEVER, OUR WATERWAYS CAN BECOME CROWDED AT TIMES AND BE A PLACE OF CHAOS AND CONFUSION. WHILE BEING A MARVELOUS SOURCE OF RECREATION, BOATING, TO THE UNPREPARED, CAN BE A RISKY SPORT. NOT KNOWING OR OBEYING THE NAVIGATION RULES OR THE NAUTICAL “RULES OF THE ROAD,” DRINKING ALCOHOL OR TAKING DRUGS WHILE OPERATING A BOAT, OR CHOOSING NOT TO WEAR YOUR LIFE JACKET WHEN DOING SO IS CLEARLY NOT THE SMART THING TO DO, ARE ALL EXAMPLES OF HUMAN ERROR OR A LACK OF PROPER JUDGMENT. ONE PARTICULAR BEHAVIOR THAT CAN REDUCE THE NUMBER OF BOATERS WHO LOSE THEIR LIVES BY DROWNING EACH YEAR BY IS THE WEARING OF A LIFE JACKET. IT IS A SIMPLE TASK THAT HAS THE POTENTIAL TO REDUCE TERRIBLE LOSS IN LIVES.

Knowledge and skills are important in reducing human error and improving judgment. If people are aware of the risk, they are likely to take the precautionary measures to protect themselves and their friends and family. That is why we must continue to spread the messages of boating safety not only during National Safe Boating Week but also throughout the entire year.

**Whereas**, on average, 700 people die each year in boating-related accidents in the U.S.; approximately 71% of these are fatalities caused by drowning; and

**Whereas**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**Whereas**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**Whereas**, today’s life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today’s boating public.

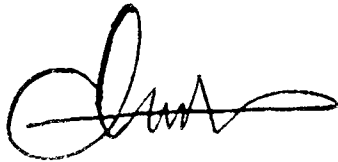
**Therefore**, The Carolina Beach Town Council hereby supports the goals of the North American Safe Boating Campaign and proclaim May 16 – 22, 2015, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

# Proclamation 15-2084

Town of Carolina Beach  
Town Council

**In Witness Whereof**, I urge all those who boat to Wear It! and practice safe boating habits.

Given under my signature and the seal of at the Town of Carolina Beach this 12<sup>th</sup> day of May, 2015.



\_\_\_\_\_  
Dan Wilcox, Mayor



\_\_\_\_\_  
Attest: Kimberlee Ward, Town Clerk

\_\_\_\_\_  
5-12-2015

Date Signed



# Ordinance 15-576

Town of Carolina Beach  
Town Council



An Ordinance to amend Chapter 11, Article IV, Sec. 11-73. - Penalties and remedies: to include a penalty for camping without a permit.

Sec. 11-73. - Penalties and remedies.

- (a) Violations of the provisions of this article or failure to comply with any of its requirements shall be punishable by civil penalties and fined in accordance with the Freeman Park Schedule of Fines. The schedule of fines shall be periodically adjusted by the town council.
- (b) Any act constituting a violation of the provisions of this article or a failure to comply with any of its requirements, shall also subject the offender to civil penalties detailed in the schedule of fines. If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of debt. Additionally, if the civil penalty is not paid within fifteen (15) days, a criminal summons will be issued.
- (c) This article may also be enforced, by any appropriate equitable means, including the revocation of the offenders Freeman Park pass.

### SCHEDULE OF FINES

Section	Violation	Fine
11-73	Camping without a permit	\$50

Dan Wilcox, Mayor

Attest: Kimberlee Ward, Town Clerk

5-12-2015

Date Signed



# TEMPORARY PARKING LOT AMENDMENT



## ORDINANCE NO. 15-575

### Amend Article 12 Sec 12.2 Development Standards for particular uses

#### Article 12

Sec. 12.2. Development standards for particular uses.

#### **Parking facility design requirements.**

*Parking lot purpose:* The purpose of allowing freestanding *parking lots* is to augment central business district (CBD) businesses that have limited or no parking due to the layout of the CBD and boardwalk area, to relieve traffic congestion in the streets to minimize any detrimental effects of off street parking areas on adjacent properties, and to increase public access to beach and sound front areas.

*Parking lots* are permitted to accommodate two axle *vehicle* parking. *Parking lot* design shall meet all minimum requirements of Article 7 Off-street parking and loading requirements and building code requirements including ADA requirements for handicap spaces.

- (1) Permanent *commercial parking lot* requirements:
  - a. Landscaping shall be installed accordance with Article 8 landscaping and *development* specification standards.
  - b. Trash receptacles shall be located on-site equivalent to the number of handicap spaces. Trash shall be emptied daily.
  - c. Concrete or asphalt aprons shall be installed from the property line to the connecting street.
  - d. Signage required.
    - i. Towing signage shall be posted in accordance with Article V Section 9-140.
    - ii. A 2' X 2' sign posted at all entrances and pay stations stating that Town decals are not accepted.
  - e. Additional allowed signage *A-frame* signage and off-premise *directional signage* in accordance with Article 11.

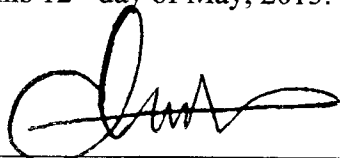
(2) Temporary *commercial parking lot* requirements: Temporary *commercial parking lots* shall meet minimum standard of permanent *commercial parking lots* with the exception of:

a. ~~Landscaping. For every fifty (50) linear feet or fraction thereof the three-foot wide *buffer yard* shall contain five (5) *shrubs* and/or five (5) *trees*. Landscaping is not required.~~

b. Time frame allowed: 5:00pm Friday week prior to Memorial Day -- Sunday week after Labor Day.

(3) Town *parking lot* requirements: Town *parking lot* areas shall be exempt from *commercial parking lot* requirements.

Adopted this 12<sup>th</sup> day of May, 2015.



Dan Wilcox, Mayor

Attest: Kimberlee Ward  
Kimberlee Ward, Town Clerk



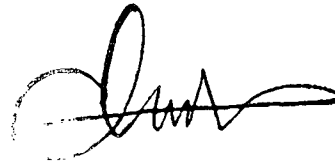
**TOWN OF CAROLINA BEACH FLOOD MITIGATION ASSISTANCE (FMA) PROGRAMS  
Resolution Approving Administrative Guidelines and Policies**

WHEREAS, the Town of Carolina Beach wishes to carry out its Flood Mitigation Assistance (FMA) Programs in accordance with established state and federal administrative guidelines.

NOW, THEREFORE, the Town of Carolina Beach Town Council hereby collectively adopts the following resolutions and policies, and resolves that they be utilized during the administration of the Town of Carolina Beach Flood Mitigation Assistance (FMA) Programs:

1. Financial Management Resolution
2. Elevation Contract Award Policy
3. Equal Employment and Procurement Policy
4. Designation of Project Agent Resolution

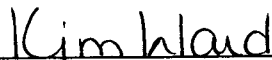
Adopted this 12<sup>th</sup> day of May, 2015.



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Dan Wilcox, Mayor  
Town of Carolina Beach Town Council

ATTEST:



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Kim Ward, Town Clerk

**Resolution 15-2087**

**TOWN OF CAROLINA BEACH FLOOD MITIGATION ASSISTANCE (FMA) PROGRAMS  
Financial Management Resolution**

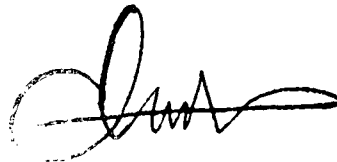
WHEREAS, the Town of Carolina Beach expects to receive Flood Mitigation Assistance Program grants for the elevation and acquisition of flood-prone residential structures; and

WHEREAS, the North Carolina Administrative Code regulations require that the town designate a Grant Finance Officer and a depository for grant funds;

NOW, THEREFORE, the Town of Carolina Beach hereby resolves the following:

- (1) Debbie Hall, Finance Officer, will serve as Grant Finance *Officer*, and will be responsible for financial management of the FMA Programs according to the requirements of the North Carolina Administrative Code and North Carolina General Statute requirements.
- (2) BB&T, in Carolina Beach, NC, is hereby designated as the official depository for revenues budgeted for the FMA Programs.

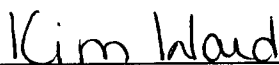
Adopted this 12th day of May, 2015.



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Dan Wilcox, Mayor  
Town of Carolina Beach Town Council

ATTEST:



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Kim Ward, Town Clerk



**Resolution 15-2088**

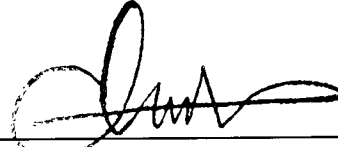
**TOWN OF CAROLINA BEACH FLOOD MITIGATION ASSISTANCE (FMA) PROGRAMS  
Elevation Contract Award Policy**

During the performance of housing elevation and demolition activities included in the Town of Carolina Beach Flood Mitigation Assistance (FMA) Programs, the town will utilize the following guidelines in the award of contracts to contractors who bid on the elevation of specific dwelling units:

- 1) The town shall reserve the right to reject bids and rescind contract awards if one of the following conditions has not been met:
  - a. The contractor must have submitted all required *forms*, credit report, references, *etc.*, with his bid;
  - b. The contractor must have references and a past working record acceptable to the FMA Administrator prior to the FMA Administrator's recommendation of award to the Town of Carolina Beach Town Council;
  - c. The contractor must have demonstrated the ability to meet the performance criteria established in the Instructions to Bidders and the elevation contract.
  - d. The contractor must have demonstrated the ability to meet standards of workmanship outlined in the Instructions to Bidders as witnessed by the FMA Administrator.
- 2) Assessment of conditions 1(c) and 1(d) above shall be based on the FMA Administrator's review of contractor references and work performed in other locations, if the contractor has not performed recent elevation work for the Town of Carolina Beach.
- 3) If construction estimates are prepared, no contract award shall be made if the contract price is less than 85% or more than 115% of the FMA Administrator's final estimate. The FMA Administrator will document negotiation of bids and/or estimates before contract awards are made.
- 4) In a case where an individual contractor is performing adequately, but he is the low bidder on more houses than he can complete within 180 days following the bid opening, (based on past performance), the town shall reserve the right to reject bids for those surplus houses, and award those houses to the next lowest bidders meeting the guidelines outlined herein, in the interest of efficient completion of elevation or demolition activities. The town also reserves the right to reject bids and award contracts to alternate bidders in the interest of maintaining an efficient work schedule consistent with performance standards mandated by the funding agency.
- 5) The town reserves the right to rescind contract awards made prior to contract execution if circumstances beyond the control of the town, including directives by the funding agency or homeowner's non-participation, prohibit the town's participation in the contract as Owner's Representative.
- 6) Any action, either restrictive or affirmative, taken under these guidelines, shall be in the interest of an efficiently managed FMA program, and will be without self-interest on the part of any member of the Town of Carolina Beach Town Council or town staff; and furthermore, shall be without regard to race, creed, sex, color, or national origin.

- 7) The Town of Carolina Beach Town Manager has demonstrated the ability to coordinate grant program activities with this Council. The Town of Carolina Beach Town Council also realizes the importance of prompt action in the interest of maintaining satisfactory work progress. Therefore, the Town of Carolina Beach Town Manager is hereby authorized to approve and execute all elevation contracts and change orders.

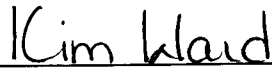
Adopted this 12th day of May, 2015.



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Dan Wilcox, Mayor  
Town of Carolina Beach Town Council

ATTEST:



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Kim Ward, Town Clerk

**Resolution 15-2089**

**TOWN OF CAROLINA BEACH FLOOD MITIGATION ASSISTANCE (FMA) PROGRAMS  
Equal Employment and Procurement Policy**

**A. GENERAL EQUAL EMPLOYMENT AND PROCUREMENT POLICY**

The Town of Carolina Beach maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the town prohibits any retaliatory action of any kind taken by any employee of the town against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The town shall strive for greater utilization of all persons by identifying previously underutilized groups in the work force, such as minorities, women, and the handicapped, and by making special efforts toward their recruitment, selection, development, upward mobility, and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Town Manager and/or other persons designated by the Town of Carolina Beach Town Council to assist in the implementation of this policy statement.

The town shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of equal employment opportunity and affirmative action will be presented to the Town of Carolina Beach Town Council by the Town Manager.

The town is committed to this policy and is aware that with its implementation the town will receive positive benefits through the greater utilization and development of all its human resources.

**B. PROCUREMENT POLICY FOR FEDERAL GRANT PROGRAMS**

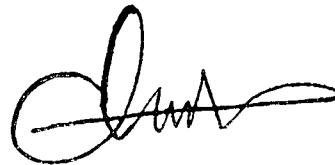
All procurement of goods and services by Town of Carolina Beach with FMA funds shall be accomplished in accordance with the regulations of either Section 13.36 of 44CFR13, "Emergency Management & Assistance," or the North Carolina General Statutes applying to procurement in general by North Carolina municipalities/counties.

When the federal and state regulations are different, the more restrictive regulations shall apply to the procurement in question. Additionally, the town will adhere to the following guidelines during procurement of goods and services with federal funds:

- 1) In all cases where goods or services are procured on the basis of one bid or proposal received, the town will follow established principles included in OMB Circular A-87 to verify the reasonable cost of the procurement, and shall contact the state agency supervising the grant program before making any contract award on the basis of non-competitive negotiation.

- 2) Historically underutilized businesses, including women-owned, and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the town, and such firm(s) shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for goods and services.
- 3) The town shall develop a written statement of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee proposal requirements. The statement of work shall also include a written selection procedure. All competitive negotiations shall be awarded strictly on the basis of written selection procedures, and cost shall not be the sole or more important factor in selection of services through the use of competitive negotiation.
- 4) Prior to any contract award, the town shall verify the contractor's eligibility to participate in a federally-assisted program.
- 5) No consultant or bidder shall assist in evaluation of proposals or bid packages for contracts in which that consultant or bidder has an indirect or direct interest. The town shall adhere to all applicable federal and state conflict of interest regulations in making contract awards.
- 6) The town shall request references, or check references, of contractors or firms who are awarded contracts with federal grant funds, and will request a written warranty for all goods and services provided through small purchase requests.
- 7) The town shall not award any contracts for federally-assisted projects on a contingency or cost plus percentage of cost basis.

Adopted this 12th day of May, 2015.



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Dan Wilcox, Mayor  
Town of Carolina Beach Town Council

ATTEST:

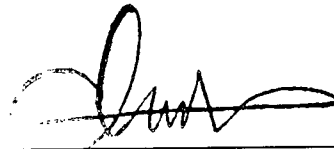
  
\_\_\_\_\_  
Kim Ward, Town Clerk

TOWN OF CAROLINA BEACH FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM  
Designation of Applicant's Agent

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CAROLINA BEACH:

THAT the Town of Carolina Beach, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurance and agreements printed on the reverse side hereof.

Passed and approved this 12th day of May, 2015.



\_\_\_\_\_  
Dan Wilcox, Mayor  
Town of Carolina Beach Town Council

ATTEST:

Kim Ward  
\_\_\_\_\_  
Kim Ward, Town Clerk

CERTIFICATION

I, Kim Ward, duly appointed Clerk to the Town Council of the Town of Carolina Beach, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Town Council of the Town of Carolina Beach, on the 12th day of May, 2015.

\_\_\_\_\_  
Town Clerk  
(Official Position)

Kim Ward  
\_\_\_\_\_  
(Signature)

5-12-2015  
\_\_\_\_\_  
(Date)

**RESOLUTION**  
**DESIGNATION OF APPLICANT'S AGENT**  
**North Carolina Division of Emergency Management**

Organization Name (hereafter named Organization):	Disaster Number:
Town of Carolina Beach	N/A (Flood Mitigation Assistance Program)
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
North Carolina Department of Crime Control and Public Safety	
Applicant's Fiscal Year (FY) Start	Month: Day:
	July 1
Applicant's Federal Employer's Identification Number:	
56-6001193	
Applicant's Federal Information Processing Standards (FIPS) Number:	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name	Agent's Name
Jeremy Hardison	Ed Parvin
Organization	Organization
Town of Carolina Beach Government	Town of Carolina Beach Government
Official Position	Official Position
Senior Planner	Assistant Town Manager
Mailing Address	Mailing Address
1121 Lake Park Boulevard	1121 Lake Park Boulevard
City, State, Zip	City, State, Zip
Carolina Beach NC 28428	Carolina Beach NC 28428
Daytime Telephone	Daytime Telephone
(910) 458-2991	(910) 458-2526
Facsimile Number	Facsimile Number
(910) 458-2997	(910) 458-2997
Pager or Cellular Number	Pager or Cellular Number

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

PASSED AND APPROVED this 12th day of May, 2015

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title	Name
Town of Carolina Beach	Kim Ward
Name and Title	Official Position
	Town Clerk
Name and Title	Daytime Telephone
	(910) 458-2992

**CERTIFICATION**

I, Kim Ward (Name) duly appointed and Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Town of Carolina Beach (Organization) on the 12th day of May, 2015

Date: 5-12-2015 Signature: Kim Ward