



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • MARCH 10, 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.

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Present	
Steve Shuttleworth	Council Member	Excused	
Sarah Friede	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Ed Parvin	Assistant Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

2. ADOPT THE AGENDA

Mayor Wilcox made a motion to excuse Council Member Shuttleworth due to a medical procedure scheduled. MOTION CARRIED UNANIMOUSLY.

The following amendment was made to the original agenda packet:

Changed order of Item 6.b and 6.c with 6.c presented before 6.b.

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

3. SPECIAL PRESENTATIONS

- a. Recognize employee for years of service

(Requested by Kim Ward, Town Clerk)

Ed Parvin and Mayor Wilcox presented Richard Lang a certificate recognizing his 5 years of service with the Town as Building Inspector.

- b. Presentation by Steve Stanton and Suraiya Rashid with the Wilmington Urban Area Metropolitan Planning Organization regarding the Long Range Transportation Plan.

(Requested by Kim Ward, Town Clerk)

Steve Stanton, representative on the Citizens Advisory Committee with the WMPO, and Suraiya Rashid, senior transportation planner with WMPO, presented the Long Range Transportation Plan. Mr. Stanton thanked council for letting him complete his ninth year and his second 25 year plan. They will review the 2040 Cape Fear Transportation Plan which has to be updated every 5 years.

Ms. Rashid - they are here to entice everyone to participate in our public outreach process by looking at the plan/proposal and tell us what we need to do to adjust it or keep it as is. The WMPO is the Wilmington Urban Area Metropolitan Planning Organization which are transportation planning organizations created by the federal government in the 1960's and includes regional organizations. The WMPO includes all of New Hanover County and portions of unincorporated Pender County, Brunswick County as well as the Towns of Leland, Belville and Navassa. The board has one representative from each jurisdiction, one appointed representative from the NC Board of Transportation. Council Member Gary Doetsch serves as the TAC member representing Carolina Beach. The purpose is to do transportation planning for a region. The federal government requires a plan that is to be updated every 5 years for how funds are to be spent throughout the region. Requirements are to look at multiple modes of transportation - roadways, bicycles, pedestrians, etc. We also look at all kinds of demographics for today as well as in 25 years; land use and travel patterns. Our plan looks at 25 years ahead and has a fiscal restraint requirement for future projects and what can be built with the funding. That is the basis for the Statewide Transportation Improvement Program, STIP, which is NCDOT's budget for infrastructure for the state. This plan is critical to NCDOT to determine what to actually fund over a 10 year period. If something is not in this plan, NCDOT cannot look to fund it if it is a capital improvement. Our current update is due December 2015. The plan was started in 2013. She reviewed the schedule. Open houses:

- Thursday, April 2nd 1PM-3PM at Forden Station, 505 Cando Street, Wilmington
- Tuesday, April 7th 4PM-6PM at the Hillcrest Community Center, 1402 Meares Street
- Tuesday, April 13 4PM-6PM at the Halyburton Memorial Park, 4099 South 17 Street, Wilmington
- Tuesday, April 14th 4PM-6PM at Carolina Beach Town Hall, 1121 North Lake Park Boulevard, Carolina Beach
- Thursday, April 16th 4PM-6PM at Leland Town Hall, 102 Town Hall Drive, Leland
- Thursday, April 23rd 4PM-6PM at the Pender County Hampstead Annex, 15060 US Hwy 17 Hampstead
- Monday April 27th 4PM-6PM at Bradley Creek Elementary School, 6211 Greenville Loop Road Spanish language services available at this location

We are still developing the full draft and will be available for public review and comment from April 1st to April 30th and that is why we are here today. After that we will revise the plan as necessary and move towards the adoption process.

Mr. Stanton reviewed the six modes used in developing the plan - aviation, bicycle & pedestrian, ferry, freight/rail, mass transportation, and roadways. Transportation Demand Management looks at making efficient use of transportation avenues. Transportation Systems Management looks at making available transportation more efficient. Aviation projects - we can make it more favorable and safer for airlines to come into our area with regard to terminal improvements, runways and safety. Bicycle and pedestrian projects - bicycle lanes, multi-use paths and crosswalks for pedestrian safety. Ferry projects - looking at an inter-town ferry system potentially in the future, types of vessels that might be appropriate and mooring sites. Freight/rail projects - roadway (tractor/trailer) out of the port; railway and rail

crossings. Mass transit projects - amenities (such as bus shelters); access (crosswalks to bus stops); express service; additional service; and park and ride lots. Roadway projects - congestion/access management; economic enhancement; and safety.

Ms. Rashid - part of the planning process is asking citizens/subject experts what are the transportation needs, how much money is available, opportunity to increase the amount of projects we are accomplishing throughout the region by looking at alternative and local funding sources. Most funding will come through federal and state sources and is the bulk of what is being examined in this plan. What we heard from TAC is that these are a mixture of potential local initiatives that could be to supplement our existing funding sources - local option sales tax; transportation improvement bonds; municipal license tax; vehicle registration fees; vehicle rental tax; potential to toll specific projects such as the Cape Fear River Crossing. Your roll - attend open houses; feedback (through the survey or local representative) through the month of April at the website (www.transportation2040.org); encourage public participation.

c. Brief upcoming Special Events for March and April

(Requested by Brenda Butler, Planning & Development)

Presentation of special events for March and April by Brenda Butler.

STEVE HAYDU ST. PATRICK'S LO-TIDE RUN - SATURDAY 14TH - GAZEBO 7:00 am - 12:00 pm

EASTERN SURFING ASSOCIATION - SATURDAY 14th -HAMLET AVE 6:30 am - 6:30 pm

BACK TO THE BEACH CAR SHOW - FRIDAY 27th - 7:00 pm - 7:30 pm

Carolina Beach Police will escort the parade of cars from Federal Point Shopping Center to Ft Fisher Air Force Recreation Area and the car show is held at Ft Fisher on Saturday 28th - 9:00 am - 4:00 pm

d. To obtain permission from Town Council to hold the Surf Fishing Tournament on Carolina Beach - Gary Hurley, applicant, will be presenting this item

(Requested by Brenda Butler, Planning & Development)

Presentation on Surf Fishing Tournament by Gary Hurley.

Gary Hurley, applicant for the Surf Fishing Tournament, presented. He owns and publishes Fishermen's Post Newspaper that puts on the Annual Surf Fishing Tournament in mid-October. 2015 will be our ninth year. The event is decades old. He first became familiar with it in 2003 when the newspaper started. It stopped for a couple of years and then we decided to start it back up and have been doing it ever since. I wanted to talk to you about the event and put some concerns to rest about some of the issues that happened last year. I am not quite sure what you would like to hear from me. Some of the particulars - it has grown from a 200 person event to a 500 person event and it is extremely well received in the surf fishing community. He gets calls in January and February on the date so people can plan their vacation time. It is family oriented; they donate fish to the Salvation Army; beneficiaries such as Big Buddy and the Cape Fear Volunteer Center and more recently Wilmington Elks and Cape Fear Community College Marine Tech Club. People register for months leading up to the event but the actual registration is on Friday. This year would be Friday, October 16th. We set up a tent at the Carolina Beach public parking lot at 224 Canal Drive. We process everyone through registration and then they go to the beach. They go to all of Pleasure Island to fish. Fishing starts at midnight Friday, they fish around the clock and then come back to the Canal Drive public parking lot on Sunday for an awards dinner and presentation.

We feed everyone. Island Tackle gives away door prizes and we give away prize checks for different species. I have different weigh stations, one at the north end, one at Island Tackle and one at Ft. Fisher. I am very proud of this event and feel it is a tradition of Carolina Beach.

Mayor Wilcox - I am very much in favor of it, I think we all are. It's a great event and I would like to see it keep coming back. We had some problems last year but they were problems that have crept up over the last 4 or 5 years and some kind of came to a head last year. They weren't all problems with your organization, a lot of them were problems internally with the town - things that had been allowed that aren't allowed and things of that nature. Some of the problems we had last year were specific to our ordinances and when there is an ordinance on the books no one has the right to waive it. If those ordinances are there and they say tents have to be a certain distance off the dune and you can't have fires, etc., we don't have a provision in the ordinance that allows us to create that latitude. I think the manager has had some good discussions with either you or someone in your organization about a path forward. As far as I know we're scheduled to get the manager with you and work out any details to make sure everything goes smoothly.

Michael Cramer, town manager - what I recommended to Gary was this year maybe we could do a little bit more in the way of education for the individuals coming to the Surf Fishing Tournament, make sure that their website has our town ordinances, what you can and cannot do on the beach, list it out there, then maybe we're able to hand out a package of information with the registration and things of that nature. Better publicize how it is that we expect the fishermen to act on the beach strand and have a good, solid fishing tournament. Last year a couple of things that we did have difficulties with were individuals who had tents on the beach strand, not on Freeman Park, and also fires which is definitely prohibited in our ordinance. We want to work with Gary and try and make sure that we have all that information out in front of his event coordinators and all the folks going to the event to make sure that we don't have the same types of issues crop up as we did last year.

Council Member Friede - my take on it was there was a lot of flagrant abuse of what we asked, a code of conduct that we expect on the beach. There was a lot of feigned ignorance, a lot of "we've been allowed to do this before". There were people who were trying to tell the officers that they couldn't enforce our ordinances because somebody said they were allowed to. Your tournament I think has a great benefit for the community at large and obviously enjoyed by the people who fish there, that the fish becomes food for people in need but people who have a flagrant and intentional disregard of the rules or feigned ignorance have to be in the penalty box a little bit. I want you to look us in the eye and tell us you are going to hold your tournament participants' feet to the fire, so to speak, and make sure that there is no feigned ignorance. I think when they check in they should be given a copy of our relevant ordinances and they need to understand that if they disregard them they will be booted from the beach. They will not be allowed to have fires or tents in areas where they are not allowed. I want you to give us that assurance before I vote in favor of the tournament here this year.

Mr. Hurley - I believe I have already been working with Brenda and the town manager with these proactive strategies. My knee jerk reaction to the news last year was, what are they making a big deal about. Then when I saw the photos of just how camped out on the municipal beach people were I had to step back and say I had no idea. The tournament has never endorsed camping on the municipal beach, never endorsed fires. In fact, there was at one point where you could write a letter in advance and get permission that Brenda had talked to me about and even passed

on that and said, "Brenda, I don't even want to bring that up to my tournament participants. I don't even want to muddy the waters. Let's just go with it that you can't." I think it was extremely unfortunate that those events happened and probably where I was a little bit hurt I guess at first was, and I've done this event for 7 years and never had a blemish and then this thing popped up last year I would say unexpected on all parties so I am happy to look you in the eye and say we are going to be proactive. We've talked about having them initial recognition but I think that would actually work against. I think they would just be quick to initial and I think them leaving with literature and they're on the beach for 36 hours would be more efficient at getting the information out because if they just initial real quick they want to go find their spot to surf fish and they are not going to give it much regard. We have our frequently asked questions page on the website and that's easy to update and we're happy to do that. We print a tournament booklet and that's easy to update, we're happy to do that. As far as the packet to the registrants, I'm happy to do that. Even when the town manager called my tournament director over the last event where the problems occurred his reaction was immediate, they should be kicked off, they shouldn't be allowed to do that. There was no defense or ask for leniency or turn the other way or anything along those lines. I think Brenda would speak to my work ethic over the past 3 years, too, my attention to detail and pride in running a professional event. I am happy to look you in the eye and say we look for the longevity of this tournament and I think my participants expect me to take care of this tournament, not just this year but for years to come so I am happy to give you that assurance that we will be proactive in any way we can and work with town council, mayor, town manager and Brenda.

MPT Pierce - I agree with you, I think it's a great event and we appreciate you bringing it to Carolina Beach and probably exactly what they're saying, it just hasn't happened in the past. I think there are probably more people in the tournament and there's more opportunities like when the fires were in front of the residences and a couple of the hotels were concerned about the wind blowing and I get that and it makes sense. Do you email your participants after they register? Maybe you could say this is a reminder, no fires or camping on the beach strand, that kind of thing. That's all we're asking. Our concern is there is a certain amount of liability to that municipal strand. The north end and the rest of it was fine.

Council Member Doetsch - I think that's a good idea, too, and I think maybe a condensed version of our ordinance.

Mayor Wilcox - a list of the rules that apply. As I said before, this was a creep effect, it happened through the years. Participants went out there and they did things and we as a town did not rein it in. They did a little more next year and did a little more and we didn't rein it in so we share some of the responsibility, in my opinion, for what happened last year. You guys share some of the responsibility. As I understand we're going to get it all straight and have a great event this year and we appreciate you bringing it back. I would like to make sure that there is a contact number for someone that is available that the manager or police chief or somebody can contact because I think that was one of the issues we had last year.

Mr. Hurley - we'll make it more apparent, more obvious with who you can contact on the phone.

Mayor Wilcox made a motion to approve the Surf Fishing Tournament.

MPT Pierce - Michael, you have in here permission to put up a small camp and have a small fire on the municipal strand, is that something you're going to take care of?

Mayor Wilcox - no, they are going to provide the relative rules for them. I think that Freeman Park is where the fire will be and then they will have perhaps canopies on the strand. Is that what you're talking about?

Mr. Cramer - what the intent was is that they have a site on Freeman Park where they do weigh-ins and at that location that's usually right about marker #4 and they did at that time ask for a tent to be able to be set up and a fire pit. That shouldn't be an issue this year. It will actually be in line with our camping regulations and, for the most part, all the camping regulations on Freeman Park will have ended by the time.

Mayor Wilcox - is there a name other than Surf Fishing Tournament?

Mr. Hurley - it goes by Pleasure Island Surf Fishing Challenge.

Mayor Wilcox made a motion to approve the Pleasure Island Surf Fishing Challenge to be held October 16-18, 2015. MOTION CARRIED UNANIMOUSLY.

e. Project Updates by Gil DuBois

(Requested by Gil Dubois, Operations)

Presentation on project update.

Michael Cramer gave a project update for Gil DuBois who was not there due to a broken sewer main emergency over on Delaware that he is trying to take care of. What I would like to communicate to you is just the general construction projects and our progress on them going into this last month before our tourist season takes off. Right now our Phase 1A project is still moving forward and are planning on having all of Cape Fear east of Lake Park and all of Canal Street completely resurfaced and completed with the streetscape by March 27th. We will have those areas most likely still cordoned off for the weekend and we will start cleaning up and making sure that it is presentable for April 1st, that was our deadline. Along those same lines, the Phase 1A project continues on west of Cape Fear and goes from Lake Park all the way up to Sixth Street. We anticipate that by April 1st we will be from Lake Park to Third and that will complete that part of the project. The 4th, 5th and 6th block will end up going for probably about another month and that will be finalizing of the sewer capacity in that area and adding in a couple of additional waterlines in that area. We will also finish that off with the new streetscape and the multi-use path on Cape Fear and the multi-use path will end at Sixth Street. Along those same lines you will notice that we have a lot of construction going on down in the boardwalk district. Most of the north end of that district we have had crews in there removing the sidewalks, putting in new sidewalks, taking and installing new waterlines along the entire boardwalk length next to the beach that way we have fire hydrants and things of that nature in that general area. All of those activities are also supposed to be completed by April 1st. Gil and his staff have been down there on a day to day basis working around the clock. We have many of our sub-contractors working Saturdays and Sundays to make sure that all of these projects get completed by the April 1st deadline. The last project I would like to mention is the wooden boardwalk improvement and the deadline for that is also April 1st. We are anticipating that we should have all of the major construction and all of the final pilings in by the end of this week and then they will just be doing cleanup and landscaping. Right now if you go down there at night you will see the new lights that we have out there that have been active for about the last week. Those are some of the major projects that we have going on that Gil would have updated you on.

Mayor Wilcox - I hope the boardwalk is finished a couple of days early because we have the ribbon cutting on March 31st.

MPT Pierce - When do you plan to pave Canal Drive?

Mr. Cramer - I guess it depends on finishing up the sidewalks in that area. Right now with the weather and the fact that it keeps raining periodically we keep getting pushed back with the concrete but our anticipation is next week we will have the concrete down, have the sidewalks in and they will start paving the following week. We're looking at probably 2 weeks to finish that up. At the same time they are already closing down Cape Fear from Lake Park down to Canal and completely tearing up the northern side of the street to put in the rest of the sewer lines, storm draining lines and finish that part of the project.

f. Town Manager's Update

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

Town manager's update presented by Michael Cramer.

Michael Cramer gave his update. He said I had four items I wanted to mention to you. First is the arcade project. Since we had the fire back in the fall we have been working diligently with the property owner's representatives and the tenants trying to make sure that we get a cleaned up project and get that project started as fast as we possibly can. This week the demolition permit was pulled and there are a few tests left to do on the interior of the property, asbestos testing and things of that nature. Once those get completed then the contractor will be in to start the demo and clean out the inside of the building and start repurposing it back to a condition before it was burned. Right now we have some preliminary plans on what that would look like. Some of those are still in the conceptual stages and will end up during this process, most likely in the next month, getting final plans and going through the TRC and the review process. Another project on the line is Harris Teeter. We've had a lot of conversations with Harris Teeter, some of them revolving around their partnership with the next door neighbors in the Federal Point Shopping Center and what their entry into that property is going to look like. From my understanding all of that has been resolved. Harris Teeter and Kroger have signed off on the plans and they anticipate to bring us the plans for TRC in April. May will be P&Z and to council in June.

Ed Parvin, assistant town manager - actually it's May TRC, June P&Z and July council is what they're anticipating now. One month back.

Mr. Cramer - so that's currently the plan for the Harris Teeter. They are saying 18 months for completion. The other item was the amusement rides. I think we mentioned this at the workshop that the amusement ride vendor has told us that their lease on one of the properties, the old Astor lot, has not been renewed so that they will be doing a smaller amusement park this year down at the gazebo area. Basically everything that is owned by Matt Murphy and has traditionally been leased for that purpose will be leased again this year. We are anticipating that the carnival owner is going to come in and talk to us about staging and location of the rides and things like that on this condensed site in April and that by mid-May that is when they anticipate starting up the amusement rides. They are still looking for other properties but, from our understanding, it's sort of slim pickings right now for the size properties that he needs. The last item is street maintenance. Back in January when we had our council retreat, one of the major items that we talked about was street maintenance and filling of the pot holes, utility cuts and things of that nature.

Since that time our crews have been doing quite a bit of filling work. Some of it due to the weather has had to be filling those holes or those utility cuts with gravel until we were able to apply some of the asphalt patching. We are starting to do that more now that the weather has broken. We've also gone out and inventoried all the locations, made size descriptions and given those out to contractors to give us quotes on how to go and repair those pot holes and those utility cuts in a professional manner. We have demoed a product where they actually spray the asphalt down and it isn't a rolled type process. It holds a lot of promise and makes it so we don't have to tear out a section of road or a large patch so we are looking at that process, too, hoping that in the next month we will have something solidified from the vendors on how we go and address some of those issues and get it moving so we can start patching some of those pot holes. Long term, we did receive a proposal for a street assessment and on Friday I will be talking with that vendor to see if we can't arrange an opportunity for them to come in and completely assess our streets and determine for us what the condition for each one of the streets is on a numerical rating system so that we can prioritize the needs and determine from that point forward how do we address the streets and in what fashion and what products do we use. We have a lot of different projects happening right now and we're trying to keep them moving in a timely fashion.

Mayor Wilcox - I watched the video on that asphalt repair process. I couldn't tell by the video whether they were trying to sell the equipment to us or whether they were trying to sell the service to us.

Mr. Cramer - It's more the service. They do sell the equipment in the U.K. but not in the U.S. It's an easy in and relatively inexpensive compared against cutting out asphalt, compacting and then replacing asphalt. So far the patch that they did back in January is holding up extremely well and that was laid down during rain and in cold weather so I am very hopeful for that product.

Council Member Friede - You said that employees have made a list of pot holes around town and we've sent out that information to vendors. What if additional pot holes are discovered after we've sent the bid out or gotten bids back from the contractors?

Mr. Cramer - I'm routinely getting calls from citizens and getting emails which is great. You can go online and send us an email and tell us where you found it and we'll add those to the end of the list. Depending on what kind of pot hole or disturbance it is in the asphalt, we may be able to do some of that patching ourselves. It's just that we only have cold patch material, no hot asphalt mix that sticks better. We're trying to do it as a long term fix.

Council Member Friede - Is there any way for people to know whether a certain pot hole has already been reported to the town or is on the town's list?

Mr. Cramer - At this point, no. We have our list and typically what we're doing is that anytime we get a call or complaint about a pot hole or utility cut we're sending out our supervisors to take a look at it and make sure that it's not one we've already identified. I guess the only way that you could tell as a citizen if we have identified it is for most of the utility cuts and pot holes we have put colored markings on the pavement, little check boxes on the corners and how far out we have to repair the pavement. If you see something like that most likely we have already quantified it but please call us anyway just to make sure.

Council Member Friede - By utility cuts, do you mean places where maybe pipe has

been laid and the asphalt there has sunk in a little bit?

Mr. Cramer - Yes. We end up with quite a few where we made taps into the waterline for new water services, repair or replacement of those services, and most of the time we had those repaired ourselves periodically during the fall and into the winter when we're not able to fill those appropriately. All that's there is gravel.

MPT Pierce - Could you email us a copy of that list?

Mr. Cramer - Sure.

Mayor Wilcox - Folks, pot holes are going to continue to happen. What we're trying to do is take a backlog of them, get them all bid out into a bid and after we get caught up on that there will have to be some kind of quarterly maintenance program established depending on what the frequency of those reports are and how fast they come back.

4. OLD BUSINESS

a. Island Greenway Discussion

(Requested by Kim Ward, Town Clerk)

Approve Island Greenway location presented by Jerry Haire.

Mayor Wilcox said this is not a public hearing and no one signed up under public discussion so there's no public comment. We're going to have our discussion and indicate to you, I think you will get a feel for where we're going hopefully and then if anyone wants to raise their hand and come up prior to our vote I will provide a period of time there.

Jerry Haire, project manager, presented. This is pretty much of a repeat of what we talked about at the last meeting with a little bit of different information. We've looked at 4 routes so far for the project alternatives. Alternative A - the original route as planned on the east side of the stormwater pond. Alternative B - west side of the stormwater pond. Alternative C - which was brought up a couple of workshops ago, no bike path, still have to do the fence alternative. Alternative D - we looked at last time, partial multi-use path and partial on the street path. Alternative B was shown on the overhead. This goes around the west side of the pond. We will have to do a bridge across the ditch below the stormwater pond. It's a very scenic route and gets the trail away from behind the houses in the Carolina Sands neighborhood. After the February 11th meeting we looked at some issues and questions that came up from a regulatory standpoint, cost and liability standpoint. We asked our consulting engineers to go out and look at any potential wetlands on the west side of the pond. They didn't discover any wetlands there, no impacts. We did a follow-up meeting with the Corps of Engineers folks and also had MOTSU representatives out there and some town staff and everyone confirmed there were no wetlands that were going to be impacted so that was good news.

Mayor Wilcox - are those final reports?

Mr. Haire - no. We don't have our JD determination yet. We have the map prepared and we're in the process of submitting that. So it's preliminary but it's pretty sound information at this point. We took a look at DENR and stormwater impacts and as long as we don't impact making any structural alterations to that pond, and the question came up about trying to pipe that pond and fill it, that's not possible due to the design and nature of the pond, but as long as we don't impact the pond we really

won't have any significant stormwater issues to deal with. It's going to low impact low density stormwater for the property. We also looked at liability concerns, the insurance question came up. The trail would be covered in that location by our existing policy. From a regulatory standpoint if we choose to go with Alternate B we feel like we could adequately control activities over there through signage - no fishing, no swimming, etc., enforcement there would be no costs associated with that. There would be some need for revising the town code. As far as the cost for Alternate B the FE-6 fence, we would not use the ornamental fence so the fence cost would be about \$112,000 fair market value which was a MOTSU requirement for the agreement at \$20,000 and we would have additional field survey, soil testing, engineering, design costs, permitting, CPE services exclusion as part of the environmental review process and we would have to produce a set of as-built drawings for the stormwater pond. Again, that's a MOTSU requirement but either way we go that's going to have to be done. The total there for engineering costs would be \$36,550. We mentioned a bridge and this is an estimate based on an 80' to 100' span across that ditch would be \$35,000 to \$50,000 so the current Alternate B known costs would be between \$204,000 and \$219,000. The only difference is the \$15,000 difference on the bridge cost. Going back to Alternative A we didn't repeat all that information but that known cost in addition to the current budget would be \$162,675 for the combination FE-6 and the ornamental fence.

Mayor Wilcox - are you anticipating a traffic graded bridge? Is that supposed to hold vehicles?

Mr. Haire - we would like a design that would hold a maintenance vehicle, like a Gator. So you have a difference there between \$57,000 and \$42,000 in Alternative B vs Alternative A. Some of that cost could be absorbed in the grant but we won't know until we get bids on the project. Currently we have a \$586,000 in federal DOT funds, an 80/20 grant. The town's match is \$146,000. The total grant budget is \$732,539 and that breaks out at \$95,549 for planning and design and about \$636,990 for construction with the same total of \$732,539. The manager's and I think at this point the staff recommendation and I think the rest of us are in agreement with Alternative B on the west side. It is obviously the most visually attractive option. The town's liability could be controlled through regulations and enforcement and we would meet our obligation to prohibit pedestrian and vehicular access to MOTSU property through the fencing and other means. We would obviously increase the town's infrastructure to support walking, jogging, biking. If we go that route the recommendation is to refer that whole concept to the Parks and Recreation Advisory Committee for further analysis. In the meantime cover the bases in terms of signage and safety and further study that concept as we proceed with developing the trail.

Mayor Wilcox - I can understand no feeding the alligators, no swimming, and no boating. What's the logic behind no fishing? Is there a specific concern about that?

Mr. Haire - two things, I think there is some concern initially as we've sort of evolved through the thinking in that there could be some safety concerns with kids out there fishing and whether they would be supervised or not. That is a stormwater pond and water is not safe to drink and the fish are probably not advisable to eat.

Council Member Friede - my only concern with Alternative B this whole time has been liability resulting from the appearance that we are creating a town park back there. I would like to ask our town attorney if she is satisfied that we can reduce our town liability to the appearance of creating a park around the stormwater pond. We can't change anything of the physical aspect of the pond. We can't make it deeper

so it's less likely for people to go in. We think we have ways to keep the gators out and not allow them back in.

Noel Fox - the town attorney has not been involved in any of the workshops or any of the presentations but that being said I believe the manager's recommendation is that he has investigated the insurance liability issues. I have not been asked to do that.

Mayor Wilcox - I don't know that it applies but the statute gives municipalities and towns holds them harmless so to speak short of negligence and if you don't, like when we were talking about the skate park out here, if we had a manager on site we picked up a liability. If we put signage out there and didn't have a manager on site we protected ourselves from that liability. I assume that is the same. Is that the manager's understanding?

Mr. Cramer - it is.

Council Member Friede - I prefer that we not find ourselves in a situation where we have to rely on that argument. I understand that municipalities have quite a bit of immunity but at the same time that is no consolation to us if we hear a report or find out that somebody drowned back there or an alligator bit somebody back there or something like that. It's not going to make me feel any better that we can win that argument in court if somebody gets hurt back that.

Mayor Wilcox - if somebody gets hurt and we don't take any action that's a different issue.

Mr. Cramer - in looking at this particular issue and the location of the pond and the fact that we already own the liability from the standpoint that it is our stormwater pond and the fact that we aren't regulating it now, we aren't enforcing it now and there are people back there utilizing it now. I think the fact that we are recognizing it, signing it and enforcing it will improve our liability in that area much more so than just turning a blind eye to it.

MPT Pierce - so you're saying we have the same liability now that she's referring to in the future?

Mr. Cramer - yes.

MPT Pierce - and we're going to post it and have it controlled so it will be less liability?

Mr. Cramer - yes.

Council Member Doetsch - the other thing, too, the Town has always created different things that do cause some liabilities, that's the nature of the beast. Skateboard park, any number of things that we do create a situation where we can be in a liable situation. I think as long as we do what we can do to make this as safe as possible I think we will meet the commitment or the law that we can do the best that we can do.

Mayor Wilcox - Council Member Shuttleworth couldn't be here and he cannot vote absentee but he did ask me to share his comments. Steve supports the trail on either the east or west side and he prefers the west side. He would like to see the project not exceed 6 months, would like to see us work on a vision for a future park,

would prefer the decorative fence on the south end of the trail where it comes closer to the homes but I don't think that was a deal breaker for him, or maybe some way to color that fence. I know we looked at that before. Those were Steve's comments. With that I would like to make a motion that we can have more discussion and have input from the citizens.

Council Member Doetsch - one thing, since we did excuse Steve and we make a motion and we vote on it he also shows up as a favorable vote for that, right?

Mayor Wilcox - no, only if he's not excused.

Mayor Wilcox made a motion to have the FE-6 fence all along the path, that it be the west side of the pond, that we would defer that pond area to Parks and Rec to see what ideas they come up with but in the meantime we apply signage. I think we should have some trash receptacles and a couple of picnic tables but at this point in time unless Parks and Rec comes back with something substantial I don't want to spend a lot of money developing a park that has minimal access to the general citizens at large. This is subject to final engineering, wetland surveys and things of that nature.

Council Member Friede - does the motion need to include authorizing the manager or our grant writer to go ahead and get engineering, etc., underway?

Mayor Wilcox - we're approving the project and engineering comes by default.

Dori Schoonmaker, 929 Carolina Sands Drive - two quick points, I have lived there for 5 years and there are lots of other families who have lived there for longer, the alligators are not dangerous, we have never had an issue. They startle and splash back into the water. My kids were 4 and 8 when we moved here and it has never been a problem. I asked council to consider not putting up barbed wire fence in our town. I know you've all received my email about this. If there is any way in the grant proposal, if there are more ways we can get money because we have stormwater, I know I've heard some people say there might be more grant money out there, or if there is a way to look at this and say let's look at this now and we can finagle the nicer fence later - this is our island and barbed wire fence is so ugly and awful. It is physically awful and unpleasant to see and it's not just by my house. I hate it by Mike Chappell Park, it's the wrong thing and we were given a choice. I know it's a more expensive choice but the Army said we know that's awful, we don't want you to have to have it by your homes and by your kids and by bikers and by joggers and by walkers. So here, here's another choice and it is so much nicer and such a better choice for our island and if we're going to spend this money and it's a lot of money on 1.2 miles of bike path, let's make it something to be proud of and not something that we are just cringing at every time you go by.

Skippy Winner, Atlanta Avenue - you're talking about liability and the trail around the lake and I'm serious about this and worried about it ever since. When you put the trail around Carolina Beach Lake, I grew up in that lake. I had a fort on that big island by the pump house. That lake when we had the hotel where the school is, that was the front of the hotel like in the 20's and 30's you see all the lights and the boats and all that stuff out there, that's what was in that lake. The road bed around that lake was dug with a drag line 20' to 25' out, 10' to 20' deep to build that roadbed. Now it's all filled in but it's not mud, it's silt and my concern when they first put that around the lake and I talked to the Mayor and Council at that time because at that time there were a lot of skateboards going around that lake and a lot of kids on bicycles. If one of them bicycles mess up and they go in that lake and

that kid is on that bicycle he is not going in that shallow water, that's silt, that first 20' to 30', and he's hung on that bicycle he's drowning. If he goes over there on a skateboard in the wintertime the first 20' to 30' around the lake is nothing but silt and is a death trap for any kid that goes in it. I don't know about this other lake you're talking about but it reminded me. She's talking about not having a fence, something needs to be done to protect the kids because sooner or later one of them is going in that lake.

Mayor Wilcox - that's a good point. Can we take a look at the idea of maybe doing a stockade fence on the pond side just on that back slope where the trail goes around it and it slopes down kind of hard or take another look at that to make sure that we're doing everything that we can to prevent someone from...

Mr. Winner - I'd be glad to go over there with you when you want to look at it.

Mayor Wilcox - I'm not going to make that part of my motion but would you take a look at that and you can always bring that back to us. I am voting for the FE-6 fence because there is a balance for everything. There is a balance to our budget and the quality of life projects we bring to the town. That fence is just not a one-time expense. That fence is much more expensive, especially if we do the whole thing it would be more than double what we heard last time. That fence has a best case lifetime of 20 years. I don't think it will make 20 years in this environment, it's aluminum. It's harder to repair when it's damaged, maintenance is more expensive and that is an ongoing expense for the town. If it was just a one-time expense it would be one thing but you are basically looking at replacing that fence every 20 years and that's a huge amount of cost over time. My motion stands on that and I know it's not going to be popular with everyone but we're trying to find a balance with this project.

Council Member Friede - I agree. I would love to have the decorative fence but that just kills the deal if we had to come up with the funds.

Council Member Doetsch - not only that but if somebody came up with some funding mechanism to put that in at a later date we can always do that.

Mayor Wilcox - at the end of the life on that fence maybe a different decision could be made but I think we want to get this project moving. This is the way I have to vote in good conscience. We have an immense amount of projects going on in town and we have an immense amount of expense and we're going to have a very difficult budget to manage and I don't want to have to come back to the citizens and be raising rates and taking more money out of your pockets unnecessarily.

MOTION CARRIED UNANIMOUSLY.

b. Approve Parking Improvements

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

Presentation on parking improvements by Michael Cramer.

Michael Cramer, town manager, said the presentation is to discuss the additional parking revenue. Last year parking companies were switched from Lanier to SP Plus who added two additional pay stations and approximately 60 credit card capable parking meters. Along with that the Town replaced the rest of the meters as credit card capable. With that we found an increase in revenue of about \$254,000. Some from meters, some from pay stations and citations and others from better management of passes and citations all of which SP Plus manages for us. This

increase is mainly because of the technology making it easier for people to pay and you don't have to worry about trying to enforce on individuals not paying for parking. We also added two different parking lots and will be adding some more this year. The Harbor Master lot was added and graveled giving us an added 58 parking spaces. The north pier lot was another 24. Over the year we added some 82 parking spaces in our lots. Improvements: improved enforcement making it more consistent; having a meter technician available to take calls on broken meters through a meter hotline and repair them quickly; written policies; additional and improved signage in lots to include rules and contact information. We are proposing to continue that trend by investing in technology and additional parking spaces. We expect to continue to grow the parking revenue and make it easier for visitors to find parking spaces. We are interested in adding four parking pay stations, some will be swapping existing pay stations and those will go to other locations where we do not have them. And we are looking at adding one at the Palms lot which is the highest used parking lot. There were quite a few long lines there waiting to pay over the past year. The cost of adding those pay station improvements and adding the four pay stations is approximately \$59,600.00. We would be repurposing two pay stations and putting in new ones, a combination of both. Single space meters went over very well this year because of the credit card technology giving us increased revenue. We are suggesting the reuse of meters that will be replaced with pay stations in the Ocean lot and the Alabama lot and put those on street, also purchasing an additional 16 meters for on street use. (List of locations on overhead) The first is from 200 to 1000 S. Lake Park Blvd. I talked to DOT and found that you can put meters on state system streets but they have to have curb and gutter, spaces have to be paved and they have to be marked. We have those throughout town to include all of Lake Park and could have meters on them. This section of Lake Park already has parking spaces designated but we have no meters. It is two hour time limited. Typically people go there and park for the entire day while at the beach taking up all of that area. We're suggesting having meters in those locations to encourage turnover and if they do stay all day they will have to pay for that right. This area has approximately 28 parking spaces. There are 5 spaces we could add on Charlotte Avenue, 3 spaces on Sailfish, 5 Texas Avenue, and 5 on Bowfin. The other types of improvements we're interested in making include the entrance to Freeman Park. There is no shade structure there for employees who are there in the sun and heat all day long. Various things we have tried (sun shades, umbrellas, etc.) have failed because of the wind and the beach. We also have trouble being able to see the kiosk and push the buttons at these locations. We are interested in getting a shade structure that runs the entire length of the entrance where our employees stand and help patrons with the pay station. The other item is additional lot and meter improvements, things like continued improvement of our signs, vehicle stops at many locations and many lots are gravel and not all have been maintained very well. In the last week we have started adding gravel and improving those parking areas. What we are looking for in this improvement is the ability to use \$108,950 of that \$254,000 gain in revenue as a way to improve that infrastructure I just talked about. We would still be putting into Fund Balance or remain in Fund Balance another \$145,000 of additional revenue for parking operations.

Mayor Wilcox - on the shade structure, if this gets approved, when you go to design that remember it has to be wider than the space you cover to be effective and make bollards wide enough to keep vehicles from running into it.

Mr. Cramer - the shade structure that we're looking at is a bike shade structure which has multiple different single columns and is approximately 16 feet tall so even with larger wheeled vehicles we have coming in Freeman Park we should still be able to get them underneath the shade structure and it's aluminum and should last

relatively well in this environment.

Mayor Wilcox - there is a difference between spending money and investing it. I am certainly for taking \$108,000 of the \$254,000 extra revenues we have this year to increase our revenues next year and we can make these improvements.

Council Member Friede made a motion to approve parking improvements as outlined by the manager in the amount of \$108,950.

MPT Pierce - did you discuss with the business owners on Lake Park about the meter situation we talked about in our workshop?

Mr. Cramer - I've had a couple of conversations with the business owners in that area, mostly ad hoc when I go into their establishments. They don't seem to be adverse to the meters on that section of Lake Park. All of the businesses there have to have their own parking for their establishments. This parking would be directed at those visitors and they didn't seem to have much of a difficulty with it.

Mayor Wilcox - they don't think the longer time period is a problem?

Mr. Cramer - those that I have spoken to specifically said they were surprised that we hadn't done it before and, two, yes there was a problem with people coming and staying all day in those spots and that they see the same people over and over again staying there all day long. They recognize that it is an enforcement difficulty and putting meters there would not harm their business.

Mayor Wilcox - we desperately need places for people who are going to be on the beach long term so they are not having to get up every two hours to move their car or feed the meters especially if they are by themselves or have kids.

MOTION CARRIED UNANIMOUSLY.

5. PUBLIC DISCUSSION

Bill Princiotta, Mariner's Way, said thank you to the chief of police and thinks the police department does a hell of a job. I am here to talk about the concerns for the building that is going to be put in the back here, the public works building. About seven of us met with Mr. Cramer last Thursday and while all of us are basically in favor of it, we do have a few concerns that we just want to get on the record. Some of the concerns by the neighbors are the exterior lighting shining on our development and all of these were addressed by Mr. Cramer and he said he would take care of it. The storage of hazardous material, we know there is going to be oil, grease and gasoline but no big tanks. No big oil tanks or gasoline pumping stations. The property behind that building, hopefully it's going to be used for maybe water runoff, no storage of big old equipment or anything like that. Obviously the landscaping buffer, hopefully they are going to get some kind of trees there 24/7 that don't lose their leaves in the wintertime similar to what they did behind the transfer station here. The noise of the workers which can be corrected through public works if they are noisy in the morning starting their engines up. That's a real corrective measure that can be taken care of. Additions or expansions - this is a concern of everybody because we all know how townships slowly take over a piece of ground and just start moving into it, i.e. MOTSU. Some of the neighbors request the pine trees, all the pine trees be removed to let the breeze come into their yard during the building process. I know some of the trees will be taken down because of the proximity to the building and we don't want them falling on our brand new building. The shop area, I spoke to Mr. Cramer about that and it's just basically going to be used for small engine repairs or light repairs for the Christmas lights. We don't want to see any big

trucks coming in there and all of a sudden start changing lifts and he said that's going to be taken care of because most of the township contracts that out to other agencies. I appreciate the transparency that the township council has given us on this. I met with two of the council members as well. They actually staked out the property there so our neighbors there could see what is going on. I think it's a win win situation for the township and for us. It's going to be something that we need to have. You can see we're all over the place, parking over here, equipment over here, everything all over the place. You centralize it and keep control over it. That's all the concerns that we have. I appreciate the transparency. Mr. Cramer met with us and did a great job keeping us informed through emails and through the town council.

Mayor Wilcox - one thing you will get for that project being there is you won't have to worry about the next idea whether it be a skate park or something else going back there.

6. PUBLIC HEARINGS

a. 1547 : Public Hearing for Non-Profit Donations Grant Requests

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

Mayor Wilcox called for a 5 minute break.

Mayor Wilcox called the meeting back to order.

Presentation for non-profit donations grant requests by Michael Cramer.

Michael Cramer, town manager - this is part of the budget process for the next fiscal year of 2015/2016. Last meeting we had presentations from folks who were interested in utilizing our Room Occupancy Tax Funds (ROT) as non-profits to do various tasks. This time it is non-profits interested in utilizing our General Fund dollars for various tasks. One thing that you will notice in the agenda that these are all items that should be public purpose and that the town would have statutory to direct funds to. There are requirements through the state statute on presenting financials and things like that if the contribution is over \$5,000. I've been working with several of the non-profits trying to figure out an equitable way of making sure all the non-profits put in the same types of information so council has the best information to make decisions on. Tonight we have approximately seven different non-profit organizations that are requesting funding. Some of them are here tonight and I'm not sure which ones are here. I will give you a running list of the seven that have asked and put information into your package. The first is a \$5,000 contribution to the Federal Point Historic Preservation Society for operation of the History Center. The second is \$3,000 for a joint project between the Federal Point Historic Preservation Society and the Walk of Fame project. The third is \$2,000 contribution to the Carolina Beach Inlet Association for education goals. Next is a \$5,500 Pleasure Island Sea Turtle project for relocation of sea turtle nests. \$2,500 Saving Animals During Disasters for spaying and neutering of feral cats. \$8,000 request for the Island of Lights and a \$10,000 from the Katy B. Hines Senior Center for building maintenance aspects.

Mayor Wilcox opened the public hearing. He said we are not voting on these tonight, we are taking them under advisement and will vote on them during the budget process but we might have some questions.

Frances Massey, President of Island of Lights, as you heard the Town Manager say we have asked for \$8,000 again this year. We are starting our 25th year and we are asking for the same thing for our activities many of which are free to the public. We have purchased a new tree this year, we'll be picking that up in about two or three

weeks. We are looking forward to our next year and from the support that you have given us and with the town manager's help and the police department and fire department and the other departments that help us I think we do a good job for the people who come down.

Mayor Wilcox - Island of Lights is a great program, it's done a lot of good for the town. I do have a two questions and keep in mind that when I ask these questions we're going into a budget process here and it's going to be a difficult year. Last year one of the requests from Island of Lights was for \$8,000 and one of the items on that list was for the flotilla. Flotilla didn't happen last year so funds that were going to be expended for that have not been adjusted?

Ms. Massey - we hope to have it this coming year.

Mayor Wilcox - right, but you didn't have it last year and we funded it.

Ms. Massey - we did spend about \$200, we had to buy plaques. We were going into it the week before thinking that we were going to do it. We literally cancelled it on Tuesday and the flotilla was supposed to have been the next Saturday.

Mayor Wilcox - you don't have to say anything now but that's my question. Maybe you guys could talk about it and see if there is an adjustment there that would be appropriate that would bring that down a little bit and we'd look at funding it next year. My second comment was, we are going to have a flotilla this year, right?

Ms. Massey - I certainly hope so, that's the plan.

Mayor Wilcox - it's a private group but it reflects on our town. It was a big loss for us last year and I think once people realized it wasn't going to happen they all realized how important it was. So I am hopeful that this year you will have a lot more participation with people who will step up and help. Not only help but will get out there and do it.

Ms. Massey - I hope so, too, and the plan is to go forward with it.

MPT Pierce - I was looking at the New Year's Eve budget, your budget is \$32,000 total. Do you provide the fireworks for New Year's Eve?

Ms. Massey - yes we do and we typically have \$5,000 worth of fireworks.

Mayor Wilcox - is that the total funding for the New Year's Eve celebration? The \$6,500?

Ms. Massey - it's about that because we sell stuff, we're making money that night, too. It doesn't nearly cover what we do.

Mayor Wilcox - and you get some funds from Kure Beach as well, correct?

Ms. Massey - we do, I put it in a packet to them and that was taken down there last week.

Jeannette Raker, 1200 St. Joseph Street, Island of Lights - one thing that Frances mentioned when you talked about reducing our budget some is that we did buy a new Christmas tree for around the lake this season and so that is an unexpected expense that we had to spend and that is going to be, I think it's around \$8,000.

That is something we don't normally have.

Mayor Wilcox - I think you had \$8,000 in your budget last year for Christmas decorations as well. I'm just asking you to take a look at it and understand where we are with our budget. Everybody is trying to pull things back a little bit. If you didn't expend part of that money last year let's look at making an adjustment and I assume we're going to fund it again this year but every little bit helps.

MPT Pierce - let us know what we can do, if anything, to help you guys to make sure the flotilla does happen this year.

Ms. Raker- We had already gotten some support for that. The Island Men jumped in and did something last year. We had no idea they were going to do it. They said, oh, we've got some stuff, we've got some boats so we'll just do it but we're actually getting some support from them and some other boat owners this year so I think that will make the flotilla really nice.

Mayor Wilcox - my personal comment is that I know everyone wants to be in the parade. It's easy, you can pull up there with your truck, throw some lights on it and you're in the parade. The flotilla is a whole different ball game and I know that I've had a boat on this island for 20+ years and I've never had anyone call me and ask me to be in the flotilla. So a little outreach I think - get one of our boater registration lists, talk to the marine places, talk to the boatyards and find out who the owners of these boats are and maybe reach out to them. I guarantee you, whether you get a 5% return or 2% return you are going to get more people in the flotilla and I think the Island Men were interested in helping you out in bringing some interest to the table.

Ms. Raker - They are and also maybe places like the Got 'Em on Club, they all have boats and that kind of thing and this is a personal invitation please do put your boat in our flotilla this year. The forms are also on our website.

Council Member Friede - I have a question for Debbie. I know when we have groups who request an allocation from the TDA funds the town reimburses them for specific expenses. We may budget something but if they don't actually have that expenditure the town doesn't cut them a check back for it. Do these other non-profits work the same way or if they request a certain amount we give it to them and, like Dan said, they've got money leftover that was allocated for something and wasn't covered some other way...

Mayor Wilcox - it's semi-targeted. It kind of goes into their budget like the senior center needs it for operating costs, not capital improvements.

Debbie Hall, finance director - we just give them the allocation, they don't have to show us receipts or anything for that.

Mayor Wilcox - most of them did show us this year. I think in the past maybe we haven't asked but this year most of them did identify where those funds were going.

Andre Blouin, 7003 Waxmyrtle Ct, Wilmington, Federal Point Historic Preservation Society - I am with the Federal Point Historic Center and next door neighbor and I am here to ask your support for another year's contribution to help us to operate the history center next door. We have a series of meetings every month where we bring in outside speakers regarding the history of this particular area. We're involved in a lot of other projects, currently working across at the earthworks at the Ryder Lewis

Park, expanding a website and basically this contribution would be to help in the operation to include electricity, insurance and that kind of thing.

Mayor Wilcox - question for you, two items you are looking at here. One is for the basic funding which we do look at every year and the other one was for the Walk of Fame. I'm pretty sure when you guys presented that last year you said you were asking for \$3,000 which we gave the group and then it would be self-funded from then on.

Mr. Blouin - I have to agree with you. I was surprised when I read the agenda item for that. I was not involved and was not here for that meeting and I remember from my recollection that's exactly what so as to how that \$3,000 for this year I was not advised on. It was only when I looked at the minutes for tonight that I saw that.

Mayor Wilcox - somebody has to reason why they submitted for that and let us know so that we can at least take it under consideration.

Mr. Blouin - if you remember back two months ago when that discussion occurred the Walk of Fame Committee did not seem to be organized, had not been set up as a non-profit and they joined with and Wesley Bright came here and spoke about that we would manage the books for them, we being the history center. So as far as I had not heard anything since that time.

Mayor Wilcox - it may be an inadvertent entry, that's why I'm asking.

Council Member Friede - the financials that we got show the history center operating at a substantial loss every year. The proposed budget shows net ordinary income a loss of more than \$7,000.

Mr. Blouin - I did not see that financial document.

Council Member Friede - I was just wondering how you manage to stay afloat with that kind of deficit.

Mr. Blouin - having not seen that document it's hard to comment on. Most of the operations are volunteer and there is one paid part-time person. Outside of that the rest of the issues are publicity, insurance, postage and the normal. I should not attend a meeting I haven't looked at the budget submitted and I wasn't the financial person who did submit that.

Council Member Friede - my question on it was, are you sure you are asking for enough? Not that I'm in the habit of giving away the town's money but your organization provides a valuable service to the community and if you're operating at that kind of loss maybe we need to...

Mr. Blouin - I think that might be just the way the accounting...

MPT Pierce - you guys do a great job and I know what Sarah is saying, it doesn't sound like very much you're asking for everything that you do.

Mayor Wilcox - I don't think there is anyone else here from any of the other funding requests and, like I said, we're not going to take any action on this. We will have this discussion during our budget meetings.

Mayor Wilcox closed the public hearing and council will take no action.

- b. Consider rezoning of 310 Carolina Beach Ave N from Central Business District (CBD) to Tourist (T-1). The rezoning would allow residential dwellings without having a commercial component.

(Requested by Jeremy Hardison, Planning & Development)

Mayor Wilcox - we switched b and c and I'll explain why b and c are related, it's the same piece of property. One is for a rezoning and one is for a land use classification change. It was on the original agenda to do the land use classification change first and do the zoning second. I understand staff's logic in that because if we vote on the zoning change we generally have to say it's consistent with the Land Use Plan and it would not be unless we did the land use classification first. However, statute offers an exception to that and I think it would be a mistake for us to vote on a Land Use Plan change and have that be a successful vote that passes and then vote on a zoning change that doesn't pass and then we've already changed the Land Use Plan so I asked for that to be reversed. We'd like to hear the zoning on that first.

Rezoning request of 310 Carolina Beach Avenue N from Central Business District (CBD) to Tourist (T-1) presented by Jeremy Hardison.

Jeremy Hardison, senior planner - the applicant and owner of the property located at 310 Carolina Beach Avenue N. Has petitioned the town to rezone his property from the CBD (shown on overhead) shown in the pink area to T-1. It is adjacent to the T-1 zoning district. It is currently a vacant lot and is 12,500 square feet. The prior use of this property was Paradise Inn and was actually zoned T-1 prior to 2004 when a large rezoning happened over 33 parcels to the CBD and this was the result of a large mixed use project at that time that was approved and the line was drawn simply because that was the boundaries of that project. It did not come about, it was never developed and since then the properties have been sold separately to entities. The difference between the CBD and T-1, T-1 has a density regulation that specifically addresses lot coverage, it has setbacks and does allow for a mix of residential and commercial uses as the CBD has zero lot lines, density is usually handled through a conditional use permit and is just for commercial uses. Although it does allow for residential but it has to be associated with the commercial property or use. Planning and Zoning recommended approval last month to rezone the property from CBD to T-1 and is consistent with the proposed adopted Land Use Plan.

Mayor Wilcox - we can't rezone a piece of property for any specific use. We have to rezone a piece of property for proper reasons. I was involved when that property was rezoned last time and generally speaking we tried to follow some straight lines, keep those districts fairly straight. For the public's benefit, could you explain to us the two or three properties on each side of that that go both north and south and across the street from that what those uses are?

Mr. Hardison - certainly. (Showed pictures on overhead) Here's the property that's being proposed for rezoning. Adjacent, if you go down to the south is Mermaid Manor which is renting of rooms. There's a single-family home to the south of that and then you have the Surfside Motel. Across the street you have the Beach Harbor which is a multi-family complex. If you go across the street from the vacant lot it is vacant and is a town parking lot. This is the CBD line right here.

Mayor Wilcox - on the north side of the Harbor Master.

Mr. Hardison - yes, this is formerly Harbor Masters is the last parcel of the CBD. The line kind of goes right through here (shown on overhead). And then you get into T-1.

MPT Pierce - okay, so what is the Savannah Inn?

Mr. Hardison - that is T-1. The vacant lot here which is proposed to be rezoned is the last CBD lot.

Mayor Wilcox - the white fence on it right there is where it jogs over and that's the line between T-1 and the CBD.

Council Member Friede - and then the properties like Mermaid Manor and the next one, a home there, are they CBD currently that are part of the rezoning?

Mr. Hardison - These are not, these are currently CBD and the only property that's on the table before you tonight is 310 Caroline Beach Avenue N.

Council Member Friede - so this lot straddles the line between the CBD which used to be these properties like Mermaid Manor and the single-family residences I assume used to be T-1 before the rezoning.

Mr. Hardison - in 2004.

Council Member Friede - and then everything north of this property is already T-1?

Mr. Hardison - yes.

Mayor Wilcox - we had reasons back when we expanded the CBD. What staff's logic on not only changing that but actually doing a cutout to do an exception for a zoning district, that concerns me a little bit. I'd probably be more inclined to straighten the line up somewhere vs cut out a little plot. I know it's not spot zoning because it would be contiguous with other zoning but it certainly smells a little like it so I want to be careful that we're doing the right thing and for the right reasons.

Council Member Doetsch - Dan, I agree with you. You were on P&Z at the time and I was on council and it was to accommodate the Arcadius project but that was kind of leveling up the line or at least making it straight and now we're going to take a chunk out of that and send it back in the other direction.

Mayor Wilcox - normally when we look at a rezoning it's like what we did for the Microtel where the zoning line ran underneath the hotel or we have a line that goes crazy and we had the opportunity to straighten it up. Going in the other direction is always a concern with me. Did staff have a recommendation on this?

Mr. Hardison - we do recommend approval of this property to be rezoned again to T-1.

Mayor Wilcox - for residential purposes?

Mr. Hardison - yes, it's residential. The area has more of a T-1 feel where it has the right of use as a mixed use. There are some residential uses, there is a multi-family and some commercial uses - a restaurant, small hotels.

Council Member Friede - can you show us a list of the permitted uses again?

Mayor Wilcox - I always have a little bit of concern. I know we're not supposed to be talking about uses specifically but that's why I asked you to look at all the properties

there which are generally hotels, motels those types of facilities. We commonly have this problem in the CBD where once you say we can have a residence or have a mixed use then residents move in and all of a sudden the businesses are inconvenient to them when it's actually a CBD. I'm just a little bit concerned about decreasing our CBD especially in this manner. I'm just trying to wrap my head around why? Is there another approach we can look at that would make more sense?

Council Member Doetsch - let me ask a question here, too. You are talking about having a parking lot right across the street from it, right?

Mr. Hardison - it's currently a parking lot, yes, managed by the town.

Mayor Wilcox - can you show that map again? The maps in the package weren't very good. I went down and looked at it but it would have been nice to have a map that identified the businesses on each side and across the street. (Map shown on overhead) We've got a commercial parking lot across the street.

Council Member Friede - that's town property there, right, where the mouse is? What's that parcel just to the north? That's not part of the town property? North of where the cursor was on the west side?

Michael Cramer, town manager - it's a vacant lot that is currently leased by the owner to the owner of a private parking company and they use it for the Savannah Inn overflow parking.

Council Member Friede - so really although it's in CBD it's being used for a T-1 purpose, right? It's the overflow for the Savannah Inn.

Mayor Wilcox - which one, across the street? The only place parking lots are allowed is in the CBD, correct?

Mr. Cramer - the only place the private company can lease parking spaces is in the CBD.

Ed Parvin, asst. Town manager - as long as they're maintaining it. If they were leasing it strictly to the Savannah Inn they could do that in other zoning districts.

Mayor Wilcox - if it's a pay per space they have to be in the CBD.

Council Member Friede - so this is not solely for Savannah Inn's use? That lot?

Mr. Parvin - it is solely for the Savannah Inn's use is my understanding.

Mayor Wilcox - they had a pay station on it last year and they took that out.

Mr. Cramer - yes, they took that out and they stopped doing pay per space and went to strictly leasing it to the Savannah Inn for overflow parking.

Mayor Wilcox - I guess what I'm...

Council Member Friede - to me it seems that is a tourism use I understand that parking lots are parking lots and they could change it back but currently it's serving a T-1 use.

Mayor Wilcox - we don't rezone things typically every time a use changes on a piece of property so I don't want to set a precedent.

Council Member Friede - I know that. T-1, this area looks like it.

MPT Pierce - I have a question. I can't wrap my mind around the recommendation from staff on that one specific property. Just help me understand that because on your table of uses the only thing that you can do in T-1 that was different from CBD was residential, single-family.

Mr. Hardison - they do mirror a lot of the uses but it does allow for straight multi-family, it allows for duplex's, it allows for single-family all residential in nature. Those uses you cannot have in the CBD without a commercial component and the T-1 is set to have a buffer between the CBD and then the residential.

MPT Pierce - so it's a multi-family issue.

Mr. Hardison - I believe the applicant's desired use is for residential purposes although with the rezoning you can allow for any T-1 use.

MPT Pierce - but on both sides of it. On both sides are hotels and across the street is a parking lot.

Mr. Hardison - correct.

Mayor Wilcox - what was P&Z's recommendation based on, the purpose and the reason for recommending the rezoning?

Mr. Hardison - one is all the uses in that area were allowed by T-1 and actually they were looking into it or would like to see maybe that area, some of that rezoned back to T-1 because of how it is currently being utilized. But they did recommend approval back to how it was in 2004.

Council Member Friede - Jeremy, did any of the neighbors object to the rezoning?

Mr. Hardison - I have not heard any negative comments.

Mayor Wilcox opened the public hearing.

Jason Smith, owner of 310 Carolina Beach Avenue N. - The use of the property, it is T-1 in that area. It was T-1, it's T-1 next door. You've got a residential home in the CBD that's on the other side of Mermaid Manor. The use for this property in order to generate revenue for the township should be T-1.

Mayor Wilcox - what was it when you bought it?

Mr. Smith - it was CBD because it had been rezoned for the Arcadius project.

Mayor Wilcox - so you bought it as CBD.

Mr. Smith - that is correct with the discussion with the town that it would be able to be rezoned to T-1 at some point in time. There was that potential.

No one else spoke.

Mayor Wilcox closed the public hearing.

Council Member Doetsch - I've got mixed feelings. I can see the density lessening the businesses by going to T-1 but on the other hand, too, I hate to see the CBD, first of all, making the lines uneven as they have been in the past. As far as I'm concerned I can find reasons on both sides of this argument to stand on.

Council Member Friede - I like having a straight line whenever possible for zoning but, at the same time, this really does seem like T-1 would be an appropriate use given that the existing uses to the south side are really consistent with T-1. They were existing T-1 when they were rezoned. It's hard for me to say that T-1 doesn't fit this property even though it does create a jagged line and I don't like that because I don't like there being any question about spot zoning. But to me if I were just looking at this property I would say that it looks like it should be T-1.

Council Member Doetsch - but on the other hand you could say if we did that it would look like spot zoning.

Council Member Friede - right. I know that there are certain... I don't think this rises to the level of spot zoning but...

Mayor Wilcox - it doesn't technically. I guess I would have preferred to see a more holistic recommendation on if that area is T-1, so to speak, that all those uses are T-1 that we would have maybe looked at doing that, straightening up lines and doing more than one parcel. It always bothers me to rezone one parcel and, I don't know. We're looking at running the boardwalk down 800 feet more, we're looking at hotels coming in, and we're looking at other things that are commercial based and our CBD expanding new boardwalk, new gateways, and new hotels.

Council Member Doetsch - mixed use.

Mayor Wilcox - mixed use is allowed in the CBD.

Council Member Friede - yes, but hotels and motels, restaurants, they're allowed in T-1 also.

MPT Pierce - can you put that table of uses back up?

Mayor Wilcox - there would be a difference in the...

Council Member Friede - there's a difference in the setbacks, 5 yards, a little bit of density.

Mayor Wilcox - and lot sizes. What's the height difference guys?

Mr. Hardison - it's 50 feet but with CBD with a conditional use permit you can go higher if council approves it.

Mayor Wilcox - you do have the option to put a different type of a hotel in the CBD, a more substantial hotel than you do in T-1.

Council Member Friede - Ed and Jeremy, either one of you guys, can you run us through a quick review of the factors that create a spot zoning problem?

Mayor Wilcox - I don't think it's spot zoning, I'm just saying...

Council Member Friede - well, we're all throwing out the words.

Mayor Wilcox - I was very careful how I said that. It smells a little like it, it's not technically spot zoning. It's contiguous to the same zoning so it can't be spot zoning but it is taking one parcel and rezoning it for one purpose which is not typically what we do.

Council Member Friede - but it is making it consistent with the prior zoning and with contiguous uses.

Mayor Wilcox - what about when the person to the south of that property comes in next month and wants us to rezone theirs to T-1 because we've moved that line and why not moved it again.

Council Member Friede - are those properties to the south there, Mermaid Manor and the single residences, those uses are not permitted in the CBD. As long as the existing use continues they are grandfathered in but...

Mr. Parvin - single-family is not allowed in CBD so they are grandfathered in.

Mr. Hardison - Mermaid Manor is classified as a motel.

Council Member Friede - so is that a permitted use in the CBD for its current zoning?

Mr. Hardison - it is.

Mayor Wilcox - but that just underlines my point. There are some residences there, so what happens with it coming back, well we're residences now and we want to rebuild and want to do something different. Let's move that zoning line again.

Mr. Parvin - we did have some discussion about the western end of the CBD line and '04 with the Land Use Plan really liked the line where it was because of the marina. It does go to the end of Gibby's but looking at the eastern end, it's a little bit more subjective down there.

Council Member Friede - let me ask this, if it stayed CBD, as Dan is saying you can build a different kind of hotel project on a CBD lot certainly than on a T-1. Walk us through what kind of hotel could be built if it remains CBD. What kind of development would be possible on a lot that size and given its place on the ocean?

MPT Pierce - or multi-family, not necessarily a hotel.

Council Member Friede - if it's CBD, it's CBD. We're getting to mixed-use, it's not permitted at this point.

Mr. Hardison - the biggest difference is you do not have any setbacks in the CBD so you could build right up to the lot lines.

Council Member Friede - would a hotel there be required to have parking? On-site parking?

Mr. Hardison - in the CBD, parking can be waived with a conditional use permit and by the Town Council's approval. In T-1 if there is a hotel you are required to provide all your parking on site.

Council Member Friede - so we could have a hotel built to the lines with no setbacks whatsoever with that property. Every single square foot of that property could be built on for commercial use given its current zoning, correct? With no required on-site parking?

Mr. Hardison - with approval of a conditional use permit and this is an oceanfront property so you may have some state setbacks on the ocean side.

Mayor Wilcox - Jeremy, can you show us a map that's a little larger scope where we can look at where the boardwalk is going to come to and the businesses just a little south of that? Hindsight is a wonderful thing but I would kind of like to look for some analysis that would help us make a decision here on this for our long term best interest.

Council Member Doetsch - I hate to say it but if we had gone to 6e, and gotten that resolved first it would have probably had a bigger bearing on my decision here.

Mayor Wilcox - if that were approved and this wasn't, then we would have recommended changing the land... 6e. Is a known quantity. We put it at the end of the Harbor Masters for more than just a project, for a reason as Ed said relative to the marina.

Mr. Hardison - (Showed picture of area on overhead) Here's the vacant piece of property there and then you have the boardwalk area. Here's Cabana del Mar, here's where the hotel is going, the Hampton Inn.

Mayor Wilcox - how far down is the proposed boardwalk going?

Mr. Hardison - to Pelican Lane. So you have three different uses before you get to the vacant lot - Surf Side, single-family home and Mermaid Manor.

Mayor Wilcox - I'm all about single-family homes, I'm just not sure this is the right move to bring another single-family home project to the town, or that it's in the right area. Our CBD is growing not decreasing and I think we're maybe headed in the wrong direction on cutting back on it in its relationship to the marina.

Council Member Friede made a motion to approve the zoning request from CBD to T-1. MOTION DENIED 1-3 WITH MAYOR WILCOX, MPT PIERCE AND COUNCIL MEMBER DOETSCH VOTING NO.

Mayor Wilcox - I'm sorry but the lot was CBD when it was purchased and I think the owner knew what he was buying and for us to create an irregularity there on a zoning issue to me is probably not good practice.

- c. Consider Amending the 2007 Land Use Plan Classification map from Commercial 2 to Mixed Use 1 to allow for standalone residential uses.

(Requested by Jeremy Hardison, Planning & Development)

Mayor Wilcox said this item is now irrelevant due to decision made on item 6b.

- d. Consider amending the zoning ordinance to allow for dry stack storage facilities in the Marina Business District (MB-1).

(Requested by Jeremy Hardison, Planning & Development)

Presentation on amending the dry stack storage facilities by Jeremy Hardison.

Jeremy Hardison, senior planner - council directed staff to review dry stack storage facilities in town and to come up with regulations and some appropriate places for this type of use. These facilities can take on different appearances and often they are associated with a launch area and a lift. You can have an enclosed building or you can have an open air dry stack or you may have, for a little more protection, a roofed area dry stack. We looked at potential areas in town and in the marina business that's adjacent to Myrtle Grove Sound is a desirable place for more boating facilities and it is proposed to be permitted by right in the marina business district (MB). Also we wanted, just so we were consistent with the land use regulations for storage yards, to be permitted as well in this district. Current regulations for all uses in the MB would pertain to dry stack storage facilities is 50 feet in height, lot coverage of structure which is 40%, setback in front is 30 feet, sides are 10 feet with a corner lot it is 12.5 feet and the rear is 10 feet. Landscaping requirements currently, if the facility is under 10,000 square feet then it's a 5 foot buffer around the perimeter of the property. If it's over then it is 10 feet. The proposed parking regulation for this type of facility, staff discussed it with Planning and Zoning and we recommended 1 per 4 dry storage spaces. Planning and Zoning recommended 1 per 5. The 1 per 4 was based on other communities that we did look at. As you see here (on overhead) in this region, New Hanover County, Wilmington, Brunswick, Southport they were all 1 per 4. Along the Crystal Coast they were a little bit more, 1 per 3 and Morehead had the most extensive with 60% per the number of dry stack slips available or provided. I also looked at a non-profit that provides information for sustainable development on waterfront and the boating community, TECHBlue Center, and they said in their research that typical boat storage at peak usage is 25% on weekends, holidays and that the patterns that they found are consistent year to year in every area of the country.

Council Member Friede - I'm not sure I understand.

Mayor Wilcox - they are justifying the lower parking because not everybody uses their boats at the same time.

Council Member Friede - 25% average what?

Mr. Hardison - so if there are 100 slips available they are saying if you are going to have 25 boat owners show up at any given time.

Council Member Friede - okay.

Mr. Hardison - the proposed regulations that were discussed with Planning and Zoning is that these boats shall be: Boats located in a dry stack storage facility shall not be used for living purposes, sleeping, housekeeping, or business purposes. Any outdoor storage of boats shall meet Article 12 Storage Yards which are existing regulations. And any junk boats or parts associated shall be contained in the enclosed building. We did talk about conditional use permit (CUP) requirements at the Planning and Zoning Commission and they recommended to eliminate this requirement and be permitted by right without any regulations. We discussed with them about a certain size limitation if they get to be a certain density with boat slips that it would kick in a CUP, if the operating equipment on a public road, if it's desired, to get to maybe a launching area or provides fuel sale on site.

Mayor Wilcox - can I ask you a question about those conditions? I understand the one about utilizing the road. Who made the 50 storage area recommendation?

Mr. Hardison - it was based off size, the 50, that it may impact adjacent property

owners at that time and then it could be reviewed under a public hearing.

Mayor Wilcox - my concern with that is if it's a relatively arbitrary number, quite often when you buy property and equipment and tool up to do something like this I think you have to take into consideration return on investment. I was just wanting to know if you had any discussions with other dry stack owners about how many slips justify an investment I guess is the best way to put it.

Mr. Hardison - not on the private. On the public I reviewed regulations and they were kind of all over the board. Some limited it at 50, some required a CUP, and some did not.

Mayor Wilcox - I'm not sure that I would necessarily have a problem with it over a certain size being a CUP but I think picking that right size would be important. You can approve something but if investors don't want to do it because what you approved doesn't make any sense then you haven't made any progress. The last item on there, I know P&Z said not to do any of these, but the last item on there being the fuel sales on site I'm sure we have fire and safety regulations that the state, especially the state, how big an area, where you have to have it, what kind of protection has to be there. They already have pretty strict guidelines for that kind of stuff.

Mr. Hardison - in the building and fire code they do and this was the result of our existing language for storage yards and it specifically says that no fuel shall be available for public so that was a direct allowance because of that condition that was in Article 12 under outdoor storage. So we wanted to make that allowance so you could provide fuel sales.

Mayor Wilcox - those are known standards. Here's my question, if we were to approve a CUP, and I'll reserve some of this for afterwards since it's a public hearing, and then someone comes back to you for a CUP we can't do anything we want on a condition on a CUP. We have to have some kind of criteria. It can't be arbitrary or capricious. So we would have to develop some kind of criteria and standards for what council would, say for instance that came back on a CUP and council was looking at it and saying well they want to put fuel, you would have to provide us some standards and some kind of framework to work with to approve fuel and I guess my feeling is if we can create those standards why not create those standards and make them part of the process. I am going to stop there and we can come back to that discussion but I am just trying to find out what makes sense here to be permissible standards vs... We don't get away from having to provide standards just because it's a CUP I guess is what I'm saying.

Council Member Friede - Jeremy, can you go back to the picture of the different types of dry stacks? (Shown on overhead) Which of those would be considered outdoor storage so that they would have to comply with Article 12? Does the enclosed boat stack, I guess because it has a roof on it I am going to guess that would not have to comply with Article 12. Is that correct?

Mr. Hardison - correct.

Council Member Friede - what about the roofed dry stack, is that considered outdoors?

Mr. Hardison - it is not considered enclosed or this picture here.

Council Member Friede - okay, so something like that and then the other two on the left, launch area and lift and the open air dry stack, those would have to comply with requirement 2 of this proposed language, correct? So only the enclosed one then would not be subject to the on-site fuel limitation that's already imposed on storage yards.

Mr. Hardison - I can speak to that as we were reviewing the storage yard regulations and here is where it said no flammable liquids shall be stored on site that are for commercial sale. And then initially we put except as allowed by the ordinance and this is where it would link back to saying it is allowed by a CUP. We do allow for marinas and gas stations throughout town through Marina Business or through Highway Business in areas of town but we looked at that and said maybe we just need to get away from trying to regulate flammable liquids, that they are already regulated by fire code and building code. So from a zoning standpoint the other regulations that would apply, there is a minimum distance from N. Lake Park Blvd. Being that is your major corridor going through town. There is a minimum distance from residential districts if you are abutting that and also there are some fencing and security lighting regulations that would be in place.

Mayor Wilcox - I would venture to say that the safest fuel area on the whole site would be the one where the fuel tank was where the pump was that met all the safety standards because every boat down there has a fuel tank in it.

Mr. Parvin - we went back and looked at that quite a bit after P&Z and Jeremy has it struck here from Article 12. That was from the storage yard regulations because it really didn't make sense to have that. We basically allow facilities, gas stations we can permit those things by right but we're saying that they're not allowed here it really didn't make a lot of sense so we just thought we'd get away from that. The big concern we did have was if you are operating a facility and your facility did start using public roads to get from using those vehicles carrying a boat on a public road.

Mayor Wilcox - right, I got you. So what the recommendation is coming to us from P&Z is no CUP and we can discuss whether a couple of those elements are things we want to implement.

Council Member Friede - Jeremy, can you go back to the map that shows the Marina Business district where this would be allowed by right?

Mr. Hardison - (showed on overhead) It's here in the light blue just adjacent to the sound which is kind of east of St. Joseph.

Mayor Wilcox - they could go anywhere in there.

Council Member Friede - how many pieces of property would actually accommodate them without being combined with other lots, without having existing structures demolished and that kind of thing?

Mr. Hardison - you have the Ryder Lewis development that's off of St. Joseph St., that's a pretty large piece but it's currently a one single-family on a large lot. There's a piece beside Domino's that's vacant that could possibly accommodate this type of use. There are currently some dilapidated structures off of St. Joseph St., kind of a transition area before you get to Mona Black's marina that could accommodate this type of use.

Mayor Wilcox - those would still be relatively small facilities and maybe not cost

effective.

Council Member Doetsch - you're at about 3 or 4.

Mr. Hardison - a handful, most of it is developed land recently. You wouldn't think it would be a potential for redevelopment as is.

Council Member Friede - my bigger question is we're talking about amending the Land Use Plan to accommodate how many parcels that could really develop this type of use.

Mr. Hardison - the Land Use Plan was already amended. This is just a change to allow for this use in the zoning ordinance.

Mayor Wilcox - I don't think we amended the Land Use Plan because we identified 12 places to go. I think we amended the Land Use Plan because this type of use is something that should be in the Marina Business district and would service our town.

Mayor Wilcox opened the public hearing.

Lynn Halterman, 1200 St. Joseph Street - I am a small business owner and a lifelong boater and for the past 15 years I have been a marketing representative in the marine trade industry. This is a great opportunity, the dry stack is for our town and the future of recreational boating and here's why. Recreational boating is a significant contributor to New Hanover County's economy and definitely a booster for our own local economy. 95% of all the boats sold in the U.S. are made in the U.S. 96% of all the boats on the water today are less than 26 feet and 71% of boat owners have a household income of \$100,000. Boating typically brings other boaters but as you are all aware between 2008 and 2011 the boating industry took it pretty hard on the chin with a lot of repos out there as well as a lot of marinas went out of business. You probably have also seen the ads of "take me fishing" and "let's go boating". Those have both helped the industry gain some momentum. I think one item that compliments all of this is North Carolina ranks in the top ten states for boating registrations. I think boating is still a family affording fun and I think this dry stack would be a great addition to our area and help support boating.

Jesse Yates, used to own a couple of businesses on the island and used to be a full-time resident - I have a long-term lease out here now that I've recently negotiated. I want to discuss this project with you on four different themes. The first being financial. This project needs to be big enough with the appropriate amenities in order to be a viable project. Not only is your approval important but the financial analysis of the project must yield some kind of profit motive. Things like enough slips and enough gas and that type of thing to make it viable is very important. Additional property taxes for boats could be a boon to the city as well if the boats are moored here full-time it could result in more property taxes as well as hotel taxes because a lot of boaters are quite affluent and after a day on the water they will want to eat in our restaurants and stay in a motel. In addition from a financial standpoint, boating tends to help the prices of local real estate on the market. Boaters who want the day trip they call ahead and they have the boats ready when they get here to get in the water. One example of a beach that has benefited from dry stacks is one directly to the north and then the nice little, quaint port towns to the south, they have these dry stack facilities and it would be nice to see our wonderful community to be competitive and have the same type of facilities. Also, from a public access standpoint, there is no access for boats on the west side, so to speak, until you get all the way down to the end of the west side to the state park

except for some private yacht slips unlike the other side of the marina where there are some public access areas. From a cultural standpoint the community has had a long history of maritime activities and is known as a charter boat community and a professional fishing community and fishing and boating are part of the Pleasure Island legacy. The dry stack facility may help do other things like having enough boats down here to make the flotilla a reality. From a political standpoint the regulatory bodies in D.C. continue to make it tough for professional and amateur fishermen with a series of regulations that are so cumbersome that it's hard to if you're in compliance with the latest rules from season to season but the more boater friendly a community is the more boats that you have in a community, that many more allies that you have whenever you have to lobby the federal government for the purposes of keeping inlets open. I think this is a wonderful project for the town and I hope you will consider it in a favorable light.

Skippy Winner, Atlanta Avenue - I've got 2 or 3 issues, financial, pollution not only for that water but pollution on our roads, streets and town. On the weekends the launch ramps are crowded and when you do there is no place to park your car and trailer so you have to carry them back through town and find a place to park them. Also, coming down the highway with trucks and cars pulling trailers, that's pollution on the highways and transportation and that's pollution in our town on a busy weekend and all during the season. If a boat is setting on a dry storage it's not going to pollute the water. It's not going to be setting there with the paint leaching into the water killing our fish. The bilge pump is not going to come on polluting our water and killing our fish. If it sinks it's going to pollute the water but if it's on that dry stack it's not. So as long as that boat's out of the water it's not going to pollute nothing and the people who come down on the weekend or for a week who have to take their boat and put it on that launching ramp, either one of them, and they're packed and you can't get in there some times. They're having to do it every day, in and out, and then the boats are setting all over town in front of people's houses up and down the street, that's major pollution and a major traffic jam. The dry storage will be a financial asset and it will get a lot of the traffic off of the highways and the town when we're the busiest.

Tammy Hanson, 714 Tarboro Avenue - I worked on the Land Use Plan back when we had our vision for the way everything would be in a perfect world and I think things have changed significantly in the last several years. I don't think when we were addressing the needs along the marina that we really thought about dry stack storage. Just like a lot of us didn't anticipate the need for extra parking lots and a lot of the things that we're facing right now but we definitely have a bigger boating community than we did back then. We have more and more neighborhoods being built that even our residents can't keep a boat in their driveway and there aren't enough slips and everybody doesn't want their boat in the water year round so I think that from a resident's standpoint and from a visitor's standpoint I think this is definitely something that we need to address and I like the idea of, there's only so many places it can go at this point. I'm not a big fan of conditional use permits so I like the idea of hammering out this is what we will allow, putting it inside a box and moving on.

Teresa Clontz, 806 Cape Fear Blvd. - I am also the owner of Blue Water Realty. Tonight I come to you with two hats on. First as a realtor and as member of the community for 25 years. I think most people that come to our community look at our waterfront as a closed off opportunity. Single-family housing is not affordable for most families and our condos were built back in the 80's and are really small. So for a family to come in looking for waterfront property with a boat slip it's almost impossible. Sometimes I shop with people for years before they find the right

property that fits their needs. For our summer guests, the guests who want to come down and bring their boats, parking is an issue. You can barely get two or three cars at some of these homes then you try to put your boat trailer and boat in the yard and it's impossible. We manage one condo out of 75 that actually has parking for boats so I see a huge need for this. We lose a lot of people that come here shopping for homes because they can't find what they need on our waterfront or they can't afford it and they're boaters, they want the water access. So I think by doing this we make our water more accessible to more people. I would encourage you tonight to really consider this project. I think it's good.

Andy Everhardt, Charter Fishing Captain with a boat in the harbor - I am retired from law enforcement from Kure Beach for 23 years and one of the biggest issues that I think both towns have always had is parking for cars. We are just out of space and I think that over the 15 or 20 past years with all the people that have moved here it's kind of becoming the same thing with boats. We are running out of room. Something like this I think is a great idea not to rehash all the points everybody has made, it's fantastic, but I think something to look at too is if you have ever been to any of our public boat ramps here in the summertime, if you go there in June or July it's an absolute zoo. You just can't hardly get in there. What Skippy said about people parking cars on the side of the road and trailers, that's true. This might be a project that might actually alleviate a little bit of pressure off of those boat ramps and I think that something else, too, is I have a lot of friends that live between here and Monkey Junction and those people who have their boats in dry storage they go to Wrightsville Beach. So I think there is a tremendous amount of revenue that we're missing. These people are going all the way to Wrightsville Beach to spend their money. If we have something like this down here I think we can attract a lot of people from the southern part of the county to come here and use our restaurants or tackle shops. I think it's a good idea. Keeping as many boats out of the water is always a good thing so I just wanted to say I support it.

Tom Russell, 814 Cutter Court - Being last is going to be easy. There were so many points made tonight that are very good. My only idea was to talk about safety. You know I deal with the handicapped military, dry stacks and putting them in the water makes it a lot easier for somebody who is handicapped or just seniors to be able to enjoy the boating world.

Mike Smith, 7240 River Road - I do a lot of work with the community with young people and with senior citizens and we have a lot of special needs kids that we do a lot of stuff with and with senior citizens and when you're trying to go down to the boat ramp on a Saturday afternoon and take a special needs kid or a senior citizen down there it's about an impossible task. It would be a blessing to be able to call right over to a marina and say guys can you put our boat in the water so we can take these kids out or this senior citizen out. I hope that you pass this or whatever you have to do. I really think it will be an asset. It's what we want to do, we want to serve our community.

David Pierce, thank you for considering this amendment to your ordinance. Most of the points have been made about the need for our community for the dry storage. What I would like to also consider is the feasibility of it. It's a big investment for the dry storage end. The lifts alone are well over \$100,000 to \$200,000 so I'd like for us to make sure that if you do consider it that you don't make it with so many stipulations where it's not profitable or size is held back to a point where you can't make the numbers work. Another thing, a big point for me because I've been before you guys several times on different projects, this is not my project, this is a town ordinance but when we put CUP's in place they are extremely expensive for the

developer. When you do a CUP you go see Jeremy and he says okay Dave I need professional plans, I need this, this and this, I need 10 copies on this date. On that date, that's TRC, and you meet with great department heads who give some great input but they want to change this, this and this. So you go back to your professionals, I need to redo all these plans, I need 10 copies and come back on this date - that's P&Z. Well P&Z says okay we'd like this to be changed, this is our recommendation so you go back to your designers again, design all this stuff again, and I need 10 copies for my council meeting. You go to council and you hope it's passed. I've spoken with our town leaders, our town administrators and they say, well, David, if it meets certain criteria they have to pass it. If that were true how could I have had projects in the past that have had no hopes? If it meets a certain criteria it's got to pass, it should be unanimous if it meets those criteria. How do you have 3-2, 4-1 if that's the way we apply our laws. So what I would ask is that we limit the CUP's because it makes it political. It makes it extremely, extremely expensive so if you have to have one put it on the high, high end because if you put it on the lower ends it's going to probably make this project almost not feasible for most places. I can't speak for the investors but for myself it would make it really tough. Another big issue with the CUP on the high side is to do the project you've got to buy the land. To buy land you've got to be able to do the project so as any investor, and there are several in here, that will say okay, I want to get Ryder Lewis' property. Well if it's a CUP I can't buy the project unless I buy it with a condition. If I buy it with a condition he knows what I want to do with it and now the price is higher so we put the investor in a bad position. Jeremy, somebody made the comment a while ago that it was basically to put some rules in place if we wanted CUP's and I contest there are already rules in place. When you had your sheet a while ago with Marina Business district it had setbacks, it had height limits, and it had buffers for over 10,000, for under 10,000. You've already got stuff in place. You've got stuff a developer or an investor can take and say these are the rules for this property and I work within these rules to make this a proper project and that's fair. You know up front what you're dealing with. But when you say these are the rules but we might put some more on you later it makes it hard for an investor. What am I planning for? Can I pay \$200,000 or can I pay \$2M? I have no way of knowing but yet I've got to make a decision. So most investors are going to back out. They're going to say I don't know if I can do it or not. So I would just ask you to consider if you are going to approve it, it's a great thing for a lot of good reasons, the beach really needs it but if we do consider if you pass it you should pass it wanting to get one built based on what you heard from other people and if you want to get one built make it buildable. That's all I'm asking.

No one else spoke.

Mayor Wilcox closed the public hearing.

Noel Fox, town attorney - I would like to address one thing before you begin your discussion on the conditional use permit aspect. The suggested item (A), I would not suggest that if you vote to make this subject to a conditional use permit that you include that provision because I don't believe, and I think the police chief would back me up and I don't have the statute that you would be able to use a forklift to transport a boat across a public road for a business operation. So if you put it in there as a conditional use for one of the reasons why you are almost implying that it would be allowed. I think it's an enforcement issue for the police department.

Mayor Wilcox - like Tammy, I was involved with the Land Use process in the earlier days and I actually was never in favor of the limitation on dry stack storage. I think when I look back I think we probably hadn't always followed the best development

principles as a town for a long term perspective in our Marina Business district particularly. I think we've probably encouraged and allowed an overgrowth of a lot of residential in our marina business, which is intended to be a business and marina district has turned into a residential district. What has happened by virtue of that is we've walled off access to much of the access to the water. If you look at our Land Use Plan, I went through the Land Use Plan and I stopped counting. There were so many places in the Land Use Plan that talked about the importance of creating water access for our community. I think this project would help. You've heard a lot of good things tonight that probably some of us hadn't thought about special needs people, people that are less physically able to put boats in at a launch. I think commerce is a big part of it too. If you go across the bridge and go up the road a little way you're going to see some boatyards up there and that's what they do and if I were coming to town and I had to put my boat 6 miles up the road I would be looking for a hotel 6 miles up the road where I can come out and get in my boat and put it in the water and when I go back I put my boat there and I go to my hotel. I think we can turn that around and make some of those people anyway, bring up more TDA dollars, bring us more revenues, not only the business perspective for the dry stack storage but for our hotels, our restaurants and all the spin off things. There's a reason why we do CUP's typically. Normally CUP's in the past, we've done then when we've introduced a unique idea or concept and we're not sure how it's going to work so we make it a CUP process like our mixed-use in the CBD. We weren't sure how that was going to work so we wanted to be able to tweak it as we went along. We started with a CUP to bring some projects in. If that went well, after a few years we typically will remove the CUP process and make it a permitted use. We did the same thing with the restaurants, we're doing the same thing with a lot of things. In this particular case I don't think this one rises to that occasion because of its limited application. So with regard to the recommendations from P&Z, I have to agree with not having this be a CUP process for a couple of reasons. I was okay with actually creating a stipulation that we could allow permission to cross the street but if that's not something that's possible then that takes that item off the list. The other item that comes off the list for me is the fuel storage. A place that's built according to building code and fire marshal standards is going to be the safest place to have fuel on that whole facility so I don't have a problem with that. The other thing I was hoping we had would be some objective criteria by which to say how big is too big and the more I've thought about it over the few days reading my package I don't think we need to worry about that because the market will drive the need and it will dictate the investment. We're a small community. There are a lot of boaters here but we're still a small community. There is only so much market for those services. I think there is a good market for it but I don't think it's going to be where you're going to keep building it and building it and building it and become a massive situation. I'm a firm believer that when you let the marketplace dictate growth, I think it will work. I am fine with P&Z's recommendation and I think it's a good project for the town.

Council Member Doetsch - Dan, I am kind of with you on this, too. I've kept a boat in the water and I've kept them on the trailer and I think dry stack storage is probably the best of both worlds. It reduces the amount of work you have to do on a boat. So far as the conditional use portion of this thing I think the Chief has made us clearly aware that taking a forklift with a boat on it on the highway is probably not something that is going to be allowed so I don't have a problem with that. I'm like you, I think not only will the business drive the size of a facility but also the amount of property you've got is going to drive that same size also so you are going to be restricted by a couple of things there. To me if you are going to have this facility it should be as full of service as a facility as you can have and so in that respect I think fuel sales on site, I don't have a problem with that either. If I was going to have the

place or have a place where I kept my boat I would want to be able to get fuel and everything I need to go into that boat to go out in the ocean the next day. I'm in favor of it. Again, I'll tell you up front, the last time I was on council I was in favor of not having it but now that the community has grown basically as a single-family dwelling or multi-family dwelling in the Marina Business area I do see a need for this. I'm willing to change directions from where I was at 10 or 12 years ago or however long ago it was when we decided this. I am in favor of it too.

Council Member Friede - like some other things we've heard tonight I can see both sides. I am overall not a fan of the appearance of dry stack. I think they mar a waterfront. I don't believe in just letting market dictate what can happen in a town. I think communities and municipalities need to create boundaries before things get out of control. It's easier to not respond to problems. When people say why are there 6 Wing's stores on Lake Park or why are there this or that, well, we can't limit that and we hope that the market will. It doesn't always so I'm not just a believer in letting the market take free rein where we say go ahead and let's see what can happen. Having said that, I don't like CUP's. I understand that we are a boating heavy community. We do have limited waterfront. I'm always in favor of improving access to everything for people who have physical mobility limitations. I'm in favor of reducing pollution in the waterways and on the roads and certainly I think if we're moving in the direction of having dry stacks it would be absolutely insane to not permit on site fuel sales because that just puts all those boats back out on the roads with the trailers and whatnot to go get their fuel and then have to come back again. I would like to see some size limitations because I think it's better to be in front of it and say let's set the cap on what we think is appropriate on our waterfront before we have some... there could be people who buy up half of the Marina Business district and then there's no limitation on the size of what ends up there. Do I think that's what is going to happen? No but could it? Yes if we don't set limitations on it. So I am leaning towards voting in favor of the dry stack if we've got some size limitations in place.

Council Member Doetsch - Sarah, just to point out, in fact when we looked at this 10, 12, 15 years ago we did think that a limitation was a justified reason to disallow it in the Marina Business area. That being said, after all the development that has taken place that pretty much restricts it at this point. And again, I agree with you, somebody could come and buy a parcel of land with a bunch of houses on it and tear it down. Is that likely to happen? Probably not. I feel fairly comfortable in the respect that it's limited to a couple of sites at this point. I don't think it will start a big rush for people buying up land and tearing up houses especially as some of them are probably worth well over \$1M a shot. Again, anything is possible but I think that in this case we've pretty much limited it by the earlier requirements that we had in place. It would be crazy for us to limit fuel sales on the site when you've got 50 plus boats sitting there with 40 or 50 gallons of fuel on them. You're talking about a sizable amount of fuel already sitting there.

Mayor Wilcox - if we were talking about 20 or 30 of these facilities going up in this area I would be wanting to step back and getting some criteria on size, look at the industry but to arbitrarily pick that right now with the very limited opportunity we have to build a facility over there I just don't see it.

Council Member Friede - but we have to assume like we discussed on the last public discussion about rezoning a parcel, we can't just talk about one particular use. We have to look at all of the parcels in this zoning district.

Mayor Wilcox - remember what this district is, too. It is a Marina Business district

and should take priority over all the residences and everything else that goes in that area.

Council Member Friede - and I get that but we could arguably have every parcel in Marina Business that wants to have a dry stack. At what point do we say enough is enough.

Mayor Wilcox - you change the ordinance when it happens.

Council Member Friede - no, it's easier to do it up front than to do it later. What is it going to be? The fifth one, the sixth one? At some point we have to tell somebody no and then it looks arbitrary.

Mayor Wilcox - it looks arbitrary if we're going to pick a size now. How do we pick a size? Let's do this...

Council Member Friede - Then we've got some parcels that have people who were here first get to do it and now the other people that could have done it by right before, now they can't.

Mayor Wilcox made a motion to approve Ordinance No. 15-971 based on Planning and Zoning's recommendations with no conditional use permit and is consistent with the Land Use Plan.

MPT Pierce - I'll be honest with you, that's my only concern. I think this is a project you would expect to see in Marina Business and I don't think that we need to keep putting conditional use permits on those projects.

MOTION CARRIED 3-1 WITH COUNCIL MEMBER FRIEDE VOTING NO.

- e. AMENDMENT TO ALLOW MIXED USE COMMERCIAL-RESIDENTIAL BY RIGHT Amend Appendix A Zoning Article 3 Sec 3.8-1. Table of Permissible Uses, Article 7 (d) Off-Street Parking Schedule, Article 12 Development Standards for Particular Uses and Article 23 Definitions.

(Requested by Jeremy Hardison, Planning & Development)

Presentation of proposed amended mixed use residential/commercial ordinance by Ed Parvin.

Ed Parvin, Assistant Town Manager - you heard this item at your December meeting and asked staff to go back and look at three different items and we've done that. The three are: the commercial space required on the first habitable floor for mixed-use development, look at our downtown residential parking standards and look at our vision clearance standards one more time. The commercial space on the first habitable floor, the criteria we came up with is if you are doing a mixed-use development you have to have at least 50% of that building footprint has to be commercial space. That would lend the other 50% you could do additional commercial or you could have some residential uses.

Council Member Friede - does that mean on the first habitable floor?

Mr. Parvin - on the first habitable floor.

Council Member Friede - so only 50% is required to be commercial on the first habitable floor.

Mr. Parvin - yes. For residential parking standards, typically in your downtown when you have a mixed-use type development or residential in a downtown area there is a different dynamic. A lot of communities do have a lesser standard for their parking because of that different dynamic, the different types of folks that are living in those types of mixed-use units. Typically what we have is you automatically have two parking places required for a dwelling unit. That's the same for a condo or any mixed-use development. We're looking at for our mixed-use to have a one per one per 1,000 square foot of residential space. So basically it would reduce that standard. For a smaller condo unit in a mixed-use you would have only one parking space required. Then you bump up to two once you get over 1,000 square feet. This is our 2D - 3D drawing here (shown on overhead) but I have an additional sketch to help illustrate this. This illustrates the sight-triangle. We did allow for one column to be placed in the sight-triangle to facilitate that. Another thing that we wanted to point out, we do have a 30 foot, you measure 30 feet back in both directions to get our sight-triangle but ours is a little bit different than other communities - Wilmington, DOT and how other folks do it. Most of them do it like on the right here where I have my cursor (shown on overhead). They measure from the property line so you really are taking a big chunk out of that corner when you're looking at how they are incorporating a sight-triangle. We look at it a little bit differently. We measure from the curb or the edge of the road and so you see how much is taken out here with a DOT or a lot of community's standards. So here you would be allowed a column here and you would be taking out a pretty good chunk of that property. With our standards you would only be taking out a small corner. We have taken this back to Planning and Zoning to look at one more time. They did say, hey staff, you shouldn't have any allowances... again, we were looking at some thresholds for conditional use permits like we were just talking about, and they said no, it's got to be at least 50%. We don't want to go underneath that under no circumstances. The second one they struck is, they wanted to make sure that, your building is adjacent to the street but you could have that flexibility to have that parking also adjacent to the street. So your building doesn't have to take up the whole property but you have your driveway cut and you could also have some parking adjacent as well.

Council Member Friede - would the parking be considered commercial use?

Mr. Parvin - the commercial use would be the building footprint.

Mayor Wilcox - the parking is associated with the residential use. There are only two things that concern me a little bit. The visual triangle, I think you have to have the ability to have a column out there. We probably ought to have a minimum clear distance so in a 30 foot triangle you probably ought to have a 25 foot clear distance. I can't imagine a column holding up any building out there that would be bigger than 5 feet square. You could get somebody who says I'm going to get creative and I'm going to make that column a kiosk or something and they're going to build it back and you're going to end up with a 10 foot slot through there or a 5 foot slot through there to get to the front door. You might want to consider making that visual triangle have a minimum of a 25 foot clearance. I didn't mention that last time and I apologize. The other thing that concerns me a little bit is the parking. I think that we get the parking right is important and there is a balance between trying to make this work in the CBD which doesn't really lend itself to because of parking and not have people use our public parking spaces for their personal use. So right now if somebody has a unit they could have three cars and they could park two of them over in the municipal parking lot with a parking pass all the time. Correct?

Mr. Parvin - technically they should moving those, it shouldn't be overnight.

Mayor Wilcox - I am unaware of an enforcement of having to move cars overnight. Is that what we do?

Mr. Parvin - that's what our code says. The enforcement of it is a little more difficult.

Mayor Wilcox - is there signage out there to that effect?

Mr. Parvin - no overnight parking, there is some signage for that.

Council Member Friede - still, with the pass you're supposed to move your car every two hours but, again, like this time of year there is no enforcement of the parking.

Mayor Wilcox - I think you also get owners that might have a couple of cars that otherwise will put them on site and when people come and visit them they will move their cars over to the public lot because they get passes. The parking concerns me a little bit. I know it's not going to be perfect but we do want to allow mixed-use. I'm all in favor of making something a permitted use and then I guess if we have problems we can come back and look at it.

Council Member Friede - it is I think typical of people who might want to live in a mixed-use area to not be as reliant on cars as people who live in other outlying areas. We have a lot of people in Carolina Beach that don't drive, either by choice or by circumstance. They don't have cars. There are people here who live their entire lives and don't drive cars.

Mayor Wilcox - I can see people building these mixed-use in order to get a return on investment as vacation rental units and having three or four cars. We can always come back and tweak it I guess if we have a problem.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Friede - the parking is complicated. Mixed-use in downtown Wilmington I think has worked very well. Mixed-use works in a lot of downtown areas, it lends a neat atmosphere.

Mayor Wilcox - we are a beach destination which changes the dynamic a little bit.

Council Member Friede - it does, we have very unique circumstances here. Trying to ensure that there is some parking without giving up municipal parking without being a little bit foolish about who might be taking advantage of this change to the code is complicated.

Mayor Wilcox - I'm okay with it like it is. We can come back and fix the parking if it becomes a problem. If you want to do something about the visual triangle, that's up to you but I think I can see somebody trying to take advantage of that.

Mr. Parvin - I don't know if you have a recommendation for amending it right now.

Mayor Wilcox - a five foot square column maximum would provide you a given window. I'm a contractor and I can't imagine ever putting a column out there to

hold up a 300 square foot corner of a building that's bigger than a couple of feet square.

Council Member Friede - can you go back to the sight triangle? It doesn't look like with our sight triangle, there's not very much there. What, five feet back from the...

Mayor Wilcox - that's the property line. Where's the property line there Ed?

Michael Cramer, town manager - the property line is the back of the sidewalk.

Council Member Friede - but that's not what we're looking at, right? Ours is on the left.

Mr. Parvin - ours is on the left. It's from the curb here and then this one is from the property line.

Mayor Wilcox - is the red the property line?

Mr. Parvin - over here this is the property line.

Mayor Wilcox - where is it on the left side?

Mr. Parvin - the same place.

Mayor Wilcox - still behind the curb, behind the sidewalk. So there's no place to put a column. You're visual triangle, that's my point, well, it wasn't my point but I'm going to reverse it and make it my point. If you put a column there you still have a minimum triangle of 25 feet but it's out front of the column instead.

Mr. Cramer - actually the way that we have it written allows you to have a column in that 30 foot sight triangle as we have it now which means that column would have to go in that little space most definitely.

Mayor Wilcox - I think it still works.

Mr. Cramer - and that would be the farthest point in the property for it to go so you would be encouraging the most use of the property by doing that.

Mayor Wilcox - and if you want to have your front entrance on the angle that column has to be small by default.

Council Member Friede - do we have properties where we don't have the forced setback of the sidewalk that this applies to? How many places in the CBD might we have people where we can't benefit from the setback of the sidewalk?

Mr. Parvin - every intersection is going to be a little bit different and this is only where you have vehicular traffic so this wouldn't apply in your boardwalk area. This is one example that we've pulled. Some of them it's going to encroach a little bit more. Right here on what we're showing you there is only a little bit that is taken out. There will be others that will have bigger chunks. And that column... right here it probably wouldn't be an option but in other areas it might be.

Mayor Wilcox made a motion to approve Ordinance No. 14-961 as recommended by staff and it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.

7. CONSENT AGENDA

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

The following items were approved:

Budget amendments as presented by the finance director.

Council meeting minutes from February 10, 2015 and February 11, 2015.

8. NEW BUSINESS

- a. Consider awarding contract for construction of new Operations Center and budget ordinance

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

Presentation of awarding the Operations Center contract by Michael Cramer.

Michael Cramer, town manager - instead of going through the presentation that I think everybody has already seen, I thought that as it is getting late, I would just explain what the project is all about. Basically we have gone out for a request for proposal (RFP) to build a 6,000 square foot facility for our operations center on the back of the town hall property. This operations center would be about 4,000 square feet of warehouse space in which we would put sundry equipment, things such as barrels, barricades, water meters, our small equipment and things like that for stormwater, Christmas lights, the whole sundry of things. The 2,000 square foot area is an office area or a complex for the operations staff that includes our environmental, stormwater and water and sewer folks. Currently we have about 30 employees in that area and 5 supervisors and this would give them individual office areas to be able to manage their employees and also a large common area. This facility is kind of an outgrowth of our discussions on how to handle our transition from MOTSU property for the garage and the maintenance activities that were there. One of the aspects of that was to purchase additional property at Bridge Barrier Road and use that as lay down yard and small tool maintenance and also have this in conjunction with it so that we would have all of our heavy machinery and our lay down equipment over at the Bridge Barrier Road site and this site would house our small equipment, our vehicles and our staff. Not the perfect solution that we would like to see in having a one size, everything on one piece of property but in this type of a community where space is limited it is as good as we can do I believe for this operations facility. We went out for bid and had three responsive bidders. One of them was a non-responsive bidder. We chose the lowest responsive bidder of R. A. Casper and they were at a bid of \$340,000. Once we negotiated with them and made a few tweaks to the RFP it ended up being \$347,750 for the overall contract. What you are approving tonight in this item is to authorize myself to enter into the contract with R. A. Casper and to go and approve the overall budget for the project. The overall budget includes things such as the ancillary equipment that we need for the warehouse, pallet jacks, pallet racks, some office furniture for the offices, some training equipment for the training room and also the re-establishment of the existing operations area into a multi-purpose room. All told at our last meeting you had suggested that I go back and sharpen up my pencil a little bit on the sundry items and I did that and ended up cutting approximately \$40,000 out of the budget for those items. At this point the total budget is listed at \$466,210.

Council Member Friede - your expenditure rounded up to \$500,000, in our tax budget how much of an increase would this be if we needed to allocate this extra close to \$500,000 on ad valorem taxes? Half a cent, a cent, what would it be?

Mr. Cramer - honestly I did not look at it from a tax standpoint mainly because the next section of this was to finance this purchase through the LGC so we would be doing this as an installment loan along with some of the other purchases that we've made recently. All told, each year for a 15 year fixed rate on an LGC loan we're looking at somewhere in the \$150,000 a year of additional debt for that 15 years, give or take. We could pay it completely out of Fund Balance however that would reduce your Fund Balance significantly and I think that's partly why we were looking at doing it by a debt setoff type perspective.

Mayor Wilcox made a motion to authorize the town manager to enter into a contract with R. A. Casper with the budget amount being \$466,210.

Council Member Friede - I just think that is an unnecessary expenditure. We've had our operations department in Town Hall. I've heard the employees are happy here, the supervisors are happy here. I know that there's not a perfect space but we can use this room for emergency operations. I haven't heard anybody complaining about the lack of conference space available since we gave up what used to be the police training room. To me it's just not worth \$500,000 of taxpayers' money to build this new center.

MOTION CARRIED 3-1 WITH COUNCIL MEMBER FRIEDE VOTING NO.

- b. Resolution of Necessary Findings and Reimbursement for LGC to fund new Operations Center

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

Presentation of funding operations center project by Michael Cramer.

Michael Cramer, - this item is the resolution for the funding for this project. There are two resolutions that you are requesting approval on. First is the necessary findings and the second is the reimbursement from the LGC.

Noel Fox, town attorney - there are a couple of typographical errors that I would suggest be corrected with the Town Clerk before it goes to the LGC but other than that they are in the correct form. It says LCG instead of LGC and a few things like that.

Mayor Wilcox - what about the budget impact amount, it's different than what we just approved.

Mr. Cramer - the budget impact amount for the necessary findings is \$466,210 and the Resolution 15-2082 is also \$466,210.

Mayor Wilcox made a motion to approve Resolution No. 15-2083 of necessary findings and reimbursement for LGC to fund the new operations center in the amount of \$466,210. MOTION CARRIED 3-1 WITH COUNCIL MEMBER FRIEDE VOTING NO.

Mayor Wilcox made a motion to approve reimbursement resolution for construction of the project on property owned by the town, 1121 N. Lake Park Blvd., for use as an operations center and multi-purpose room Resolution No. 15-2082 and that project to be financed in the amount of \$466,210. MOTION CARRIED 3-1 WITH COUNCIL MEMBER FRIEDE VOTING NO.

c. Appointment to the Arts and Activities Committee

(Requested by Kim Ward, Town Clerk)

Mayor Wilcox made a motion to appoint Alvin Watkins to the Arts Committee. MOTION CARRIED UNANIMOUSLY.

Ballot results:

Dan Wilcox	Alvin Watkins
LeAnn Pierce	Alvin Watkins
Sarah Friede	Alvin Watkins
Gary Doetsch	Megan Anderson

9. NON-AGENDA ITEMS

MPT Pierce - I noticed when I signed the checks there was a check for paving work done at Federal Point Shopping Center. Was that in reference to us leaving that property? Did we do some damage?

Michael Cramer - that is correct, the area where we were using as a lay down yard, the entry point was the parking area in the back and we had created a rut there so we paved it and returned it to it's original condition.

10. CLOSED SESSION IF NEEDED

Mayor Wilcox made a motion to go into closed session to discuss real estate matters in connection with 110 Dow Road in accordance with NCGS 143.318.11(a)(3)(5). MOTION CARRIED UNANIMOUSLY.

11. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 11:20 p.m. MOTION CARRIED UNANIMOUSLY.

Kimberlee Ward
Kimberlee Ward, Town Clerk

4-14-15
Date Approved