



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • FEBRUARY 11, 2015

Council Chambers

Special Meeting

6:00 PM

1121 N. LAKE PARK BLVD.
CAROLINA BEACH, NC 28428

I. CALL ISLAND GREENWAY MEETING TO ORDER

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Present	
Steve Shuttleworth	Council Member	Present	
Sarah Friede	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Ed Parvin	Assistant Town Manager	Present	

II. PRESENTATION

Mayor thanked everyone for coming out and introduced Colonel Hart.

Colonel Hart introduced his colleagues.

Mayor thanked the Colonel for coming out to speak.

Mayor made a motion to excuse Council Member Steve Shuttleworth as he was attending a meeting with the Beach Commission.

Unanimous vote to approve.

Town Manager, Michael Cramer said I think everybody understands why we are here tonight. We're looking to update the community on some of the proceedings that we've had on the Island Greenway. At our last public meeting we had quite a bit of discussion, through out some various options, and I had forwarded a letter to the Colonel asking for some guidance from MOTSU regarding various options and locations for the Greenway. At that time the Colonel came back with some additional information and we set this meeting up. What we are trying to do tonight is make sure that everyone is on the same page and you know what the Colonel's response was to the letter, what my recommendation as staff is, and to have a public hearing so that we can hear from the community. Most likely tonight is just going to be an information sharing meeting. It will not be a decision making meeting, but I've been wrong other times. Council may choose to make a decision on their own. What I'd like to do is start things off this evening with the presentation from Colonel Hart regarding the alternatives that he sees for the Greenway and the location.

Colonel Hart said I recognize a lot of familiar faces from last time. Last time, I believe, my pledge was give me your options and I will take a look at them and tell you what we can do. Some options we had to rule out because we just can't do them. I am sorry about that. But I'm here to tell you what options we have in terms of what we can do, what we can support. I think I was clear in the letter I provided in terms of saying that

this is a joint venture. There are a lot of people that get a say in what ultimately happens, but if someone is going to ask me what my recommendation is, in other words, what is my favorite course of action, my favorite thing to do is to have the most available space, buffer zone, between what we do and any activity or residences, etc. I know that this causes some heartburn and consternation because it seems to contradict saying that there are other alternatives. It doesn't. It doesn't mean that I'm not going to support other alternatives. I want to be clear on that. Is everyone ok with that? So what I'm here today to tell you is what I think we can do and how we are going to make that happen. We have the Island Greenway Bike/Path Alternatives. We are going to talk about three alternatives today. Alternative A, B and C. Alternatives A and B are Bike Path Alternatives. Alternative C is a No-Bike-Path Alternatives. Regardless, there is going to be an amendment to the existing easement. These are all proposed easements for Alternative C, no bike path. Alternative A and B are not actually easements, they are licenses, and there would be a license to conduct certain activity for, in this case, the Town of Carolina Beach. Alternative B, new licenses on the bike path on the west side of the stormwater retention pond. Alternative A is not the original, but what I spoke about as the original in terms of the Chris Hart original, because I didn't know another one, which was bike path on the east side. I do want to be clear, I believe we have worked out all the bugs. If we do Alternative B, which is the west side of the stormwater retention pond, there would be the fence in between the bike path and our property. This does not necessitate a fence on this side. We've been able to determine that that is possible for us. The other alternative is A, which is the fence line and the bike path on this side, as proposed and discussed in the last meeting. Alternative C is the existing easement with amendments, and that is no bike-path. Whatever we talk about with amendments, this is stuff we need to work out in terms of the business relationship that we have with the Town of Carolina Beach, because the existing easement does not accurately reflect the actual specifications of the stormwater retention pond, etc. Any questions so far? Three alternatives so far, west side, east side, no bike-path.

Question from public attendee asks Alternative B, is there a fence inside of the bike path. So it would be fence, bike path, fence, MOTSU property.

Colonel Hart said no. You mean like the maximum security prison with the fence on either side? No. It is stormwater retention pond, some sort of land, bike path, land, fence, MOTSU property. Just one fence.

Colonel Hart said I want to make everybody happy, that's my job, but you need to understand that I have a job to do and it took a while to get to this option and I'm very happy that we have these alternatives. We still need to work out some of the business parts of it, but I'm certainly happy with it if you are.

Audience member said this is wonderful for Carolina Sands, but we still have it running right in the back of Seagrove and right along Spot Lane, so for instance there are all these lots on Spot Lane, there's a road and then there will be this fence there. It's still affecting other people and places. It's affecting a lot of people's property and their value. I'm glad we were able to work out this piece of it, but it doesn't fix everything.

Colonel Hart said ok, obviously there's a big chunk of that I can't talk about. I can tell you what I can do, in terms of the land that we have.

Audience member asked something (inaudible)

Colonel Hart asked you mean alternatives to the fence? Yeah, I'll get to that if you don't mind. Do you want me to zip right through the meaty part? Do you want to see the business side of it? License No Consideration Clause, License With Consideration Clause,

for the fair market value. This is business side of it. This is what we have to work out with the Town. The construction of FE6, which is the ugly prison style chain-link fence. We do not have to have that fence, however, any fence has to exceed that standard in terms of physical security. So we can put in a fence that exceeds the physical security of an FE6 fence, and some of those options most people find more aesthetically pleasing than the chain-link fence. Those can be looked up in the unified facilities criteria 7-20, 7-21, I will show you some pictures of some that we looked up but there are a lot of different alternatives. But understand, they exceed the physical security requirements of an FE6 fence. What does that mean to you? Not that much other than it's a heartier fence that most people find more aesthetically pleasing. It gives us options. I don't want to talk too much fair market value, although we can discuss that later. Alternative C, no bike path, we still have to amend the easements for as-builts that need to be included and the construction of the FE6 fence at a minimum. As well as the clear zone for public safety, but no additional considerations.

Audience member asked where will the fence be in alternative C?

Colonel Hart said to be determined. So if there is no bike path we need to figure out the best place for the fence. There are a lot of different alternatives. But we would mark that out. So one thing that I want to highlight here, and I apologize, I don't know much else other than the military. I joined the military when I was 17, so I'm not going to tell you how old I am, but let's just say I spent a good chunk of my life in the military. So we have this sort of bottom-line up front sort of way of speaking and using acronyms. The key thing that I want to talk about is if there is a new use, which is one of the licenses that would be Alternatives A and B. A new use is no longer delegated to someone like me. It would have to go to this person, assisting chief of staff, some important big wig that works in the pentagon. They say that the process has been streamlined, so it takes approximately 60-90 days. It just takes longer than it used to and it's not delegated down to me. Sorry, but this is sort of homework that we've been working on. Generally speaking, you would be looking at up to 20 years. Independent action items, we already spoke about the as-built conditions. During the process here of looking at this project, determining, doing the surveying, we perceived there to be a number of encroachments on federal land. We have to address that in some form or fashion. What form or fashion? To be determined, but nonetheless, there are significant encroachments on federal land that has to be addressed. We will work that out with the Town of Carolina Beach. The last thing is, determine the appropriate fence that meets our needs. We will work that with the Town of Carolina Beach, but let's see if we have some pictures. We can improve the use of a higher-rated security fence. These are in the unified facilities criteria. Here is a good reference number if you want to look it up, 720 & 721. Or you can just look at the next picture. This is the tubular metal fence, it's not so bad. There is a wrought iron one that is kind of straight with rock-cement things that go so many feet into the ground. There are many different variants. They have a higher security rating. They may be perceived to be more aesthetically pleasing. Most people find them that way, and some installations have done this for that reason. Ok, questions or comments?

Audience member said first of all, I think this is great...(inaudible).

Mayor asked that anyone with questions/comments come up to the podium to speak.

Phil Ross, 933 Carolina Sands Dr., I appreciate what you all come up with, because I was expecting to have a whole different conversation on this tonight. I'm happy with what is going on.

Mayor said the Colonel is laying out the options that the army has come back with. We are still going to have to deal with this as a Town from a liability and cost perspective.

We still have some discussion that has to go on.

Phil Ross, said yeah, but the ability to have alternatives that people clap for is pretty good, considering we all heard about those fences in the last 6 months. I applaud that. One concern I have is the well that is back there now and we may do that later on, and I don't know all of the plans for the Town well, but my understanding was that well pipe was going to run underneath the easement on the east side of that retention pond. My concern is if we are able to work this out with no fence and a bike path on the west side, and we have to at some point put those pipes through the east side, does that have this whole conversation about the fence start back up again?

Mayor said we are going to let the Town Manager speak to that.

Mr. Cramer said I can try. It is our understanding that we can go to MOTSU and the Colonel and petition for other types of easements and we have plans to do that in the future so that we can establish additional wells and also do easements for the waterlines themselves. Would that mean that we would have to start the discussion up again for the fencing? If history is any guide, and Colonel you can help me with this, most likely not because the easements for the water lines are under ground and they are not a physical structure on top of the ground that has to be protected. Most likely we wouldn't, we would just have to ask and, if granted, receive the permission to use that space for underground utilities.

Mayor said Michael before we go much further, I know that we've got alternative B. Do you want to speak about what considerations we have there. liability for the pond, wetlands, expense of the fence, etc.

Mr. Cramer said most definitely. Yes, the Colonel was able to make a lot of changes and we appreciate him giving the options. Basically, what I am here to do is give you the reality. That is some of the drawbacks to these solutions and how to go and give the council the most information possible so you can make a decision on which path to go down. As the Colonel said, Alternative A, what I'm also going to call the original because it is what I came into also, with the path going behind the houses and having the area was about 30 feet back from the property lines. The 10 foot property, the 10 foot path, and then the 10 foot property and then the fence. In looking at that, and because of the options that the Colonel gave us with the types of fence, I thought it would be important to go and explain the costs of each different type of fence so that Council has an understanding of the cost implications of this. With that bike path on the east side of the pond, and the property use license condition, putting in a fence along the east side, that is the standard FE6 fence with the barbed wire on top, would be approximately 5941 linear feet of area that we would have to cover and it costs approximately \$18 a linear foot. It would be approximately \$106,000 and some change. If we were to do the ornamental fence, which I am calling the latter fence, the optional fence, it would be the same linear feet but \$51 a linear foot, which is \$302,991. That is for the entire length. If we were looking at this fence and did some sort of a combination, where in the areas where we are not impacting properties as dramatically, we would put the FE6 fence and in those areas that were closer to residence we would put the ornamental fence. We kind of split the difference. The cost comes out to about \$162-\$163,000. The other condition associated to the east side pond, is that 50 foot clear zone. That is what we've been traditionally talking about as the 30 feet for the path, which is 10 feet, 10 feet, 10 feet of fence, and 20 feet on the MOTSU side. We will end up with 50 feet of cleared space in between there on each one of these options as we go through. Maintenance for the life of the license, basically what that means is not only will the Town end up having to mow and maintain the greenway side, but also mow and maintain the MOTSU side for that 50 foot buffer. Not too expensive, I've looked at some of those numbers today. I got a

couple of different numbers that were conflicting. I've had a range, it goes anywhere from a couple thousand dollars to mow and maintain those through our existing contract, to as much as \$10,000 for the entire greenway to mow and maintain those types of things. One thing that I don't include in here is maintenance aspects for things like picking up garbage along the trail, no matter what trail we have. We will most likely have garbage cans and things like that at a given dispersal rate, and our folks will drive down the greenway with our can machine to pick up that trash. Typically, that is only going to take a couple of hours each time that we do it. It may be sporadically throughout the week. It may not every day. It could be twice a week or once every month. We will have to figure that out. In general, that is a pretty insignificant cost for us from a maintenance standpoint because it's very similar to our other trails that we currently have. The last bullet point that we have there says all residential encroachments will be eliminated by MOTSU. That's a little bit stronger than what the Colonel was stating, but I wanted to make sure that everybody was aware that what will end up happening is at some point in time MOTSU will be coming back to clear up the encroachments that have taken place onto Federal property. How that happens and what happens hasn't been planned out or determined, but that is the aim. Since they know now about all of the encroachments, they will be going in to take care of those encroachments and remove those. Will the Town help? Certainly, the Town will help. The Town will help in the capacity that once those encroachments are removed we most likely will be watching and letting them know if we find additional encroachments after that point. The Town can't go in and remove those encroachments, mainly because we don't have the same police powers on federal property as we do in the town itself. At this point, for alternate A, we're looking at current known costs at somewhere between \$106,000 and \$302,000 for that option depending on how you scale it out and what fence option you go for.

Mayor said before you go to B, can I ask a question about the encroachments? Is the intent to do any clear cutting, or just to remedy the encroachments?

Mr. Cramer said I believe that the issue is remedying the existing encroachments, not so much taking down all the trees in that area. The only place that has to be clearcut, so-to-speak, is that 50 foot span, which 30 feet of it is already the fire break.

MPT Pierce what's the life of an ornamental fence? Do you know that?

Mr. Cramer said it varies depending on which style, as you saw in the pictures, there's several different styles. In general, we're looking at 20 years plus. Most likely in the location that it is, it will be an easy 20 years.

Mayor asked and we're responsible for maintenance of the fence, correct?

Mr. Cramer said yes, we would be responsible for maintenance of the fence. Then again, what those maintenance costs would be over that 20 year lifespan are kind of hard to predict.

Councilmember Friede asked is it a relatively sturdy fence that would be more or less immune from vandalism, from getting bent or anything like that.

Mr. Cramer said it is pretty substantial. You're looking at 4 inch metal galvanized posts, square posts for the main post base. Two inch metal square posts for the actual pickets, so it is a substantial material. It is galvanized aluminum painted and powder-coated. It's a good hearty, sturdy post. Part of the installation is why the cost is so expensive, because all of these have to be embedded at a certain depth per the regulations for the army and have certain types of concrete material placed around them. In some of the areas they even require tie-backs around fence corners or around gate openings and

things like that to strengthen that even more so a vehicle can't push through those.

Councilmember Friede so this fence, it's not something we're expecting to have to have people out replacing pieces here and there. We put this up and we expect it to truly last around 20 years.

Mr. Cramer said I would hope so for the cost.

Mayor said before you move on to option B, are there any questions from the audience on option A? Before we move on to option B.

Councilmember Friede asked is that design, that material, sturdy enough to withstand the salt air.

Mr. Cramer said yes, it should.

Audience member asked what is the cost of the maintenance and replacement of the other fence. The original fence? It looks a lot less sturdy, so I'm just wondering the time span on that as well.

Mr. Cramer said the normal FE6 fence typically they say anywhere between 10-15 years. It is much easier to maintain. To give you an idea, we had a case of vandalism recently over at the wastewater treatment plant where someone cut a hole in the fence to try and get in. We were able to easily go and have somebody replace that and it cost us less than \$100. The maintenance and repair on that type of fence is much easier and cheaper.

Audience Member asked the maintenance in itself over time, or just the repair?

Mr. Cramer said the maintenance over time and the repairs if we ever have repairs. The main reason for that is because it is readily available material.

Mayor said it's fence fabric pretty much.

MPT Pierce said but people wouldn't cut holes in the ornamental fence, so you wouldn't have that repair cost.

Audience Member said I think you just asked what I was asking. The other fence it would be very difficult to cut a hole in it, wouldn't it?

Mr. Cramer said it would definitely be difficult. You would need much more equipment than what you need to cut into a chain-link fence.

Mayor asked is the other fence aluminum?

Mr. Cramer said it's a galvanized aluminum.

Audience member said there's a fence around Airlie on Airlie Road, a black one, pretty much the same type of fence that we are looking at here?

Mr. Cramer said very similar. Some of the pictures that the Colonel showed, shows a rolled bend at the top. Those are typically 1.5 square steel bar fence. The ones that we are talking about are hollower core inside and galvanized aluminum on the outside. They are 2 inch and they are larger, but yes it is generally the same type.

Audience said so it's pretty stout?

Mr. Cramer said yes.

Mayor said I think they look a lot alike. I'm not sure the embedding of the posts and all of the structural part is quite as aggressive on some of the non-federal stuff.

Audience member asked for the third option, the combination fence. Can you give us a rundown on which part of the fence you are talking about?

Mr. Cramer said this is kind of variable. Honestly, one of the reasons why I've had difficulty placing a number on the combination fence is because I completely expect that as soon as we put up ornamental fence and your neighbor doesn't get it, they're going to want it. It is a hard choice to make on where to stop. Basically what I have there for that 1689 linear feet is the entire length behind all of Carolina Sands going down to the circle at the end of Croaker. At that point, there is sort of a buffer between the property lines and there's woods and trees in between and then the trail. At that point that's where I stopped it. Then again, could we go another 2, 3, 400 linear feet. Sure you could, it's just another \$51 a linear foot.

Audience member asked in the last meeting you all ran down what the grant was, what the Town was be paying in addition, can you give those numbers again? And also let us know whether the fence was included in that or is the fence cost now above those two costs?

Mr. Cramer said I didn't bring all of the cost numbers for the grants. Some of this is going to be off the top of my head. The cost of the fence itself, whether it is the decorative or the regular fence, was not included in the cost of the estimates for the construction of the greenway whatsoever. One of the aspects that we have been exploring and we seem to be getting somewhat conflicting messages from the state on, is whether or not we can use our match. For the \$500,000 that we get from the state, we have to match that portion. Say our \$200,000, can we use that \$200,000 as funds towards the fence compared to funds toward the construction of the project. That is where we are trying to go, to see how much we can bet into the project. If we don't and we cannot do that, then yes it would be a cost on top of the construction of the project.

MPT Pierce asked are you talking with someone to find out if that will be our match?

Mr. Cramer said we've been talking with the NCDOT, both the State level and the local level because they're the ones that have the funding that we end up going through. They've been receptive for the most part, but they would like to see more detail before they commit.

MPT Pierce asked are you saying, to be clear, that for every dollar they put in we have to put in a dollar?

Mr. Cramer said it's not dollar for dollar, it would be 80/20.

Mayor asked do we know how many homes are along that Carolina Sands line? Just as a reference? Not that that is the only line that is important.

Mr. Cramer said it looks like about 15 just from the aerals, and if you go down, probably another half dozen in Seagrove.

Mayor said I will go back and take a look at it later. I just wanted a reference. Any other

questions regarding option A before the manager moves on to B.

Mr. Cramer said Alternate B. That route actually shows it going around the outside of the pond. We have investigated quite a bit of the engineering possibilities. It definitely does complicate things going around the pond. One of the complicating factors, and I will talk about this more in a minute, is down at this end of the pond. This end of the pond actually has a berm, which we cannot go through or on. One, the storm water berm that was there was established just to hold back the water itself and the pond. It wasn't intended to put a trail on. You are not supposed to, and the state very much frowns on having posts in that berm. Any sort of manipulation of that berm would be extremely expensive. One of the concerns that the state has with this option is from this point (pointing with mouse) down to this corner, is classified by the state, as an intermittent stream. All the other areas throughout this project are considered regular drainage, so for instance if we had a drainage issue, we could pipe that and put the trail overtop of it. In this case, we have additional regulations that prohibit us from doing that if we have any sort of impact to this portion of the stream. Luckily, if you look at this plan, it kind of kicks that out so it's out away from it. We are hoping that it's not going to be too much of an impact and that the state will not have as much of a problem with that. One of the other issues is whether or not the property back here, and along this back side are wetlands. Currently, with the configuration in Alternate A, the state has said that there are no wetlands that are impacted in this project area. However, when you bring up the state maps for wetlands, it shows this area all in blue and everything back here all in blue (referring to where he is pointing). What that means is that their initial review is going to say that they need more investigation because of wetlands. For the most part, what happens is that it throws it into another jurisdiction, which is the Army Corps of Engineers, and they then have to come out and evaluate whether or not it is wetlands. At that point, they either could say you can't do it this side of the pond at all, or, they could say alright you can mitigate it, but here are the costs associated to mitigation. There is no stand pat formula for cost for mitigation on wetlands. It ranges anywhere from a \$1 and \$20 per acre, per mile, it all depends on how they interpret whether it's a highly sensitive wetlands or whether it's a non-sensitive wetlands. I can't really talk more than that because I'm not a wetlands expert. That would be the Army Corps of Engineers coming in. There is a possibility that this trail would have to move off of this side a little bit or change course, because of those features, or we would have to have some sort of mitigation. So there are a couple of engineering challenges with going around on this side. Not to mention, the fact that right here we have the overflow. That overflow goes into a ditch, which comes down here (pointing) and we have an overflow right here. We're not going to be able to fill that in, we're not going to be able to pipe it, which means we're going to have to bridge it. General guestimates, and I say it that way because we haven't done any of the engineering on it and haven't looked at how large of a bridge you would need. In order to bridge this span, we're expecting anywhere between \$25,000-\$50,000. Just depending on how far back we have to go to bridge and the soil types that are in that area.

Councilmember Friede asked isn't that where we are known to have gators?

Mr. Cramer asked the pond? Oh most definitely.

Councilmember Friede asked but that area near where the berm is?

Mr. Cramer said yes, there's quite a few different areas where we expect the gators are getting in. One is some of our inflow pipes over on this end, over on this end, and then the outflow pipe area, and that does go into the ditch. Yeah, those are all things that we will have to consider. One of the other challenging parts of doing this project in crossing that ditch, is then the standards at MOTSU, or the army, relies on change for us to put

up the fence, because we have to fence that ditch. Literally into the ditch to get it down to the bottom, so it's an impediment to someone passing through.

Councilmember Friede asked can you do that if there's wetlands through there? That would be a potentially whole separate issue with the Army Corps if we're told that we need to...

Mr. Cramer said these are all potential pitfalls of this particular side of the pond and this route. Yes, it could be that they point blank so no, and since there's an alternative route that's the only one we will approve. There is a potential that they will ask for mitigation funds. There's also the potential that we will have to beef up the berm to hold anything. There's a lot of different things dealing with the Army Corps of Engineers, NC DENR, and also the storm water Division for the state that we have to look at with this one. Specifically because it is a permitted storm water retention pond, which means it was constructed for a particular purpose.

Councilmember Friede asked how long would we, are there any estimates on how long that process would go? Let's say it's a smooth sailing process, nothing back there is determined to be wetlands... we'll need a timeline for getting to the process where we could even start construction.

Mr. Cramer said we would expect probably a four month lag time.

Mayor said we have a statutory requirement on time.

Mr. Cramer said we have a statutory requirement on the grant.

Mayor said no the Corps of Engineers has a statutory time limit on wetland determinations.

Mr. Cramer said oh, yes, certainly.

Mayor said I think it's 90 days, it might be 120.

Mr. Cramer said what we're expecting is that it would probably be a good two months worth of engineering work and application, and at that point, if we're being generous, probably another two months to get an answer. Significant in the course of the time and the project, not really, but it is a consideration.

Councilmember Friede said I think that we wouldn't start anything with the project until we had the go ahead. If we can't build that bridge...

Mr. Cramer said no you wouldn't be able to go in... any deviation from the existing Alternative A, would require us to go back to the permitting agencies and ask for their permission on that alternative.

Councilmember Friede said to build the bridge over the berm back here...

Mayor said you would have to have all of these i's dotted and t's crossed.

Councilmember Friede said so we wouldn't start any of the rest of it until we do that because the answer could be no.

MPT Pierce asked what is the distance of the area that you would need the bridge?

Mr. Cramer said we are sort of estimating at 50-75 feet, but the consideration is more so the soil testing and whether or not we can actually put pilings in there to hold that bridge.

Richard Cecelski, 941 Carolina Sands Dr., Mike, why could that not be piping? What are the stipulations about where piping can be and cannot be used? And when a culvert cannot be used.

Mr. Cramer said one of the things that is a consideration with piping that is because you have both an emergency overflow in that area and a regular overflow. The regular overflow we probably could go and extend. That just means a different type of permit. It's a 404 permit. You can only go and pipe a intermittent stream, which this would be considered by them so far with that permit. Could we go and pipe that piece of it? Certainly, the difficult part comes in with that overflow. That emergency overflow, basically that's where the rock revetment kind of bends down in there. That's the emergency overflow, if it ever gets too high it goes over that and goes into that ditch. That can't be piped. You really have two conflicting outfalls that make it so you virtually can't pipe that section and even if you could, engineering wise, most likely the state and the Corps of Engineers wouldn't allow it because it is that intermittent stream.

Mr. Cecelski asked who with the state regulates that? Is it the state that regulates that?

Mr. Cramer said you'd have the Corps of Engineers involved in it, because it's waters of the U.S. You'd also have DENR for the state and also the storm water agency.

Mr. Cecelski said because the flow even after Floyd brought 20 inches or so... maybe it was the hurricane after that. It's never been anywhere near Henniker's Ditch is. Of course we have a pipe and culvert underneath Ocean Blvd for Henniker's Ditch to run under. So it would never get the flow that Henniker's Ditch does.

Mr. Cramer said functionally you may be right, engineering wise, they build these storm water infrastructures to hold sometimes a 500 year storm. In layman's terms that just means a really big storm, so they over-engineer them, but those are the standards they use for building these and also for culverts and things like that. Those standards have changed over the years. For instance, the culvert over at ocean for Henniker's Ditch. I'm sure that was under different regulations than what we have currently for putting culverts underneath the road.

Mayor said Richard, they would build that overflow to be non-restrictive, which when you start funneling it through pipe it becomes a restriction. That is something we're going to have to find out about.

Mr. Cecelski said I wonder if part of the regulatory process, if the state ever comes out to situations like this and takes some measurements and sees for themselves, this pipe could easily handle this if engineered right.

Mr. Cramer said I would love to say that the state is that proactive. When I was in Greensboro in the storm water program, I never saw that. In all the time that I was there doing those things. Management has changed, but typically they're going to use the calculate engineering that they have in a computer and not consider other factors. That tends to be my observation.

Debbie McQueen, 913 Carolina Sands Dr., Just to clarify, I'm a little confused about something, this path here (pointing), isn't this the one that was in the initial plan?

Mr. Cramer said yes it was the initial concept plan.

Ms. McQueen said what I'm trying to understand is, if there are all these issues with this, why was that plan presented?

Mayor said it was conceptual.

Mr. Cramer said it was a concept plan. Usually the way that these projects start out is they have a concept plan, an idea, and then they translate that into whether it is a good enough idea to get funding. At that point they say, ok you get funding for this project, now do all the engineering and see if you can go... and you use those funds to pay for the engineering. That's where we're going right now, most of our engineering work that we've had had been on the other side mainly because of changing that line.

Ms. McQueen said thanks, that clarifies, I wasn't sure why this was all coming up now. Thank you.

Mr. Cramer said what I'll do here is I will move down to the next slide and talk through some of this stuff. The property use license conditions for this one, going on the west side of the pond, one of the items that the Colonel mentioned was the fair market value. This is something that we're having to deal with on all of our renewal of leases from MOTSU from the federal government. I'll give you an example, what I'm using as the estimate is not something that I can calculate for you. I can't give you a calculation and say plug this in and get to \$20,000. It is based on appraisal. The Army comes out and does their appraisal of the property and determines its value and then that becomes our fair market value for it. A good example of that is the wells that we have spotted across MOTSU property. We have four wells, all of them probably less than an acre. Four acres total, are almost \$20,000 in themselves. The Wastewater Treatment Plant, at 50 acres, in the past has been \$12,000. Why, I don't know. There is a little bit of a gray and fuzzy area that I can't really speak to because I don't know how it is actually calculated. My estimate for the trail is going to be in the \$20,000 range something similar to that four acres for the well heads. That is just my ballpark estimate. You see the fence the options here, the difference between these fence options and the ones in Alternative A is just the length. It's an additional 328 linear feet. You can see the breakout there, where it goes from an FE6 at \$112,000 to almost \$320,000 and then some sort of an in between mark at \$179,000-\$180,000 for the fence. Same type of conditions for the clear span, 50 feet. Same type of maintenance and life issues associated with it. Same requirement for the residential encroachments on the property. Where we get into some more areas that are somewhat unclear, is liability insurance. Basically with Alternative B, MOTSU would turn over all liability for that storm water pond and for the property around it. For instance, I'm going to go back up to the map. This section here (pointing) would be property that would be added to the lease. This property here would be property that is currently in our lease agreement. We would have everything in the lease that would be from here all the way around in this particular section around the pond itself. That area in itself we would have to manage from a general liability standpoint. In look at other comparables. We have a general liability policy for the Town that covers Carolina Beach Lake. I would expect that we would regulate this feature similar to Carolina Beach Lake with a few exceptions. For instance, we allow boating in Carolina Beach Lake. I don't think that that would be something that we would do in a storm water pond. We allow fishing and we may continue to allow fishing, although that gives me a little heartburn with the gators. Having people get close to the water, there again feeding the gators. Those are all things that we would have to consider and factor in to the liability insurance. At this point our insurance carrier says that the costs they do not believe would go up, however, the cost is not the only thing you worry about in liability insurance. That is your risk factor and what types of liabilities you have. As I said, drowning, injuries, the gator itself, there's a host of things that would go on with this. That would be something that we would be taking on. Management and regulation, those are thing things I just talked about, we'd have to have signage we we'd have to initiate ordinance language and stuff for regulatory purposes. Those really don't have a cost, but they're something we'd have to do with this plan. The engineering cost, to actually go around the pond, we'd have additional survey costs. Naturally, additional initial environment assessment costs. We would need to have those as-built plans surveyed and verified for that pond. Then we are

looking at a pedestrian bridge, somewhere in the \$25,000-\$50,000 range. The one big unknown in all of this is the stuff that I started out talking about, the additional review for the permitting agencies and what they could and potentially would do to the process or the project. Those are sort of unknowns. I can tell you what my observation of the state has been, but I can't tell you exactly what they're going to do. That's a definite unknown. Alternative B, what we know, costs would be somewhere between \$183,000-\$415,000.

Mayor asked additional or total?

Mr. Cramer said total.

Mayor asked what's the delta?

Mr. Cramer said depends on what you're looking at and comparing against. I guess the best thing I could compare it against is if we looked at the Alternate A with the mixed use fence, that's somewhere in the range of \$169,000 if you look at this we are looking at \$183,000 delta maybe \$20,000 on the low end. It depends on what comes back as our cost, it could be much more than that on the high end.

Mayor said the fence itself, for the additional distance.

Mr. Cramer said the additional distance really is not hugely...

Mayor said it is not substantial. How about the pavement for the additional distance? Is that still covered by the grant?

Mr. Cramer said it would still be covered by the grant. Yes, we would still have additional costs with that, but right now, until we go out for bid on any particular part of the project we won't really know what the costs are for the construction of the project.

Audience member asked is it about \$20,000 difference on the low end?

Mr. Cramer said yes, on the low end.

Audience member asked is there any way that you guys over some point, out of your \$20,000 fair market value, is there any way that we could negotiate the fence for the \$20,000?

Col. Hart said I think the best answer is that I will duly consider that, which is my polite way of saying sorry, no.

Mayor asked the audience if there are any more questions on Alternative B. Then some cleanup questions and discussion.

Audience member asked Mike, if you could go back to the slide that had the breakdown of the combination for Alternative B. You have 4252 linear feet of the FE6. Is that of the ornamental fence or how is the breakdown there?

Mr. Cramer said no, the FE6 fence is just the standard military grade fence that you see out there off of Croaker right now. The ornamental fence is 2012 linear feet, basically what that is is putting an ornamental fence around the backside of the pond in the same configuration as what I was suggesting in A, right behind Carolina Sands. Trying to make it so I was comparing apples to apples.

Audience member said as a way to consider cost savings, if you went to the FE6 fence on

the west side of the pond without the ornamental fence, you would save a considerable amount of money and it would be so much further from people's homes. That might be a little bit more palatable.

Mayor said I'm not sure where the manager has slated the different fences to go, but in my mind, the logical thing if we were to do that option, would be the fence on the west side with the FE6, which is the furthest away from the homes. The ones closest to the homes would be the ornamental fence.

Councilmember Doetsch said I agree with that too. If option B is our selected option, I would not put an ornamental fence on any of it.

Mayor said that might flip flop the manager's numbers, we don't know. He will have to take a look at that.

Mr. Cramer said that's why I gave this in a range and gave estimates, because any one of these little nuances you could change and it would adjust the number. Yes, that's definitely a possibility so you can pick and choose on your costs in that regard. I'll give you a little bit of information on Alternative C. Alternative C, if you remember, we're not going to do a bike path but now MOTSU has looked at the property and we realize that our as-builts was not exactly what we envisioned. Also, we have easement requirements that we now have to meet, like fencing. In this case, what I'm looking at, for amending the license, we would have some sort of fence around that pond. Even with no bike path at all. Because one of the requirements MOTSU is going to place on us for having this easement, is having that FE6 fence at a minimum. I give you the options here and the cost breakdowns. If you go and wrap that property with the FE6 fence, with the ornamental fence and with some sort of a combination. In this case, the combination is much shorter for the ornamental fence because there's less property that abuts a property owner, than any other cases. If you remember, in the Colonel's second slide where he showed the Alternative C, it goes around the pond, close, and then juts down flat and connects to some of the properties in Carolina Sands. It would be all the way around that entire area and some portion of it would be abutting Carolina Sands. What the Colonel had mentioned was do we know exactly where that fence will go? How far will it be from the property line? No. That is something that has not been discussed. Some of these linear feet could change and get less, but what I did was the full maximum. If we were putting the FE6 fence or the decorative fence right on the property line, that is the total maximum estimate that I had for this. Once again, all the same other types of requirements associated with it for consideration. Even with this MOTSU is going to come back in and looking at clearing out the encroachments onto the Federal land. So this one is definitely much cheaper, but then we get a fence around a pond and no trail. That's kind of a discussion on the pros and cons so-to-speak and the different things in the alternatives themselves. I'm going to tell you what my personal recommendation is. It carries as much weight as anyone else. My recommendation from a Town fiscal standpoint, is to with Alternative A. No it doesn't make the home owners happy. It does, however, if we put a combination fence in, make it more palatable on the property line, at least from an aesthetics standpoint. It does limit the Town's liability and we don't have to worry about additional fair market value costs that we have each and every year. The Town meets its obligations to prohibit pedestrian and vehicle access to MOTSU property from Town property, because of the fence. It is an enhancement in that regard. It would still have a bike path along it. It would increase the Town's infrastructure to support jogging and walking and biking, etc. From a financial standpoint it would be the most responsible, just from the standpoint of how do you get all of these things and be the least impactful on a budget. That's why my suggestion would be Alternative A.

Mayor said and the Town Manager is supposed to watch the budget by the way.

Landi Roth, 933 Carolina Sands Drive, said I had this thought beforehand. The whole idea for the bike path is for tourism. Right?

Mayor and Town Manager said no.

Mrs. Roth said I thought this was to enhance the Town of Carolina Beach...

Mayor said it's to create a quality of life feature that would be used both citizens and visitors.

Mr. Cramer said if you look at the bike and pedestrian plan that we have. Only a small segment of it is related to trying to increase people coming to the island because of the benefit. The rest of it is to increase the amount of infrastructure for things like biking, jogging and walking.

Mrs. Roth said right but it's for the enjoyment of being used. So Plan B actually would be more fun to walk and to bike. You would have a prettier view, you would be in a prettier area than A where you are going to be smacked up against other people's homes, which to me is not enjoyable. My statement is that Plan B, even though it might be more expensive, would be more palatable and much more enjoyable to use.

Mr. Cramer said and I can understand that.

Mayor said keep in mind that, first of all, Council is not going to make a decision on this tonight. We are here for informational purposes, to hear from the Colonel and some of these other factors that the Manager has been working on, just like you are. So we are going to take some of this under advisement. We'll leave here and the staff is going to look at some of these difficulties, these potential pitfalls of B and try and track those down to see what is real and what is not. We don't even have enough information to make a decision tonight. But we are also talking about a 20 year lifespan on the fence. I don't know if it's 20 years. So \$319,000 is not a one-time expense. That's \$16,000 a year out of our budget every year, so when it runs out in 20 years and we put in another fence, it's \$15,000, or obviously the price will go up. All of these expenses, we have to understand, are not just one time expenses, they are ongoing expenses to our budget for all of these features. I just wanted to point that out.

Audience member said what I'm concerned about with your version is that I'm afraid if you put that bike path right behind Carolina Sands, the people that live on the back there will end up putting a privacy fence up and you'll end up having a tunnel.

Mr. Cramer said honestly I considered that. Part of the reason that I discounted that as a concern, is because if the property owners put up a fence on the property line, which is where they would have to put it, we would have a buffer of trees for the majority of those property owners between the fence and where the trail starts. Because we currently have that 30 foot area between where the property line is and where the trail starts, that is where the residential encroachment has been. That has trees in it. The reason I discounted that is because you would most likely have residents putting up a fence there. That fence, if you were on the trail, would be hidden by the trees that are there if you were looking back at that property. But I do understand what you are saying.

Audience member said at the last meeting, Colonel said at some point there would be a fence around the MOTSU land, but there wasn't a budget. What you're saying now is because of the lease, or there needs to be an amendment, so no matter what, if no back path, the Town of Carolina Beach would be responsible for putting a fence around

that entire retention pond? At the cost of Carolina Beach?

Mr. Cramer said yes, that is correct.

Mayor said the Colonel can speak to that. That does not necessarily negate, from what I hear, the possibility of them coming back and putting a fence to protect the whole property eventually.

Col. Hart said in other words, based on the terms of the lease, when it's renewed, the market value, etc., it doesn't preclude a longer different fence going in much like the alternative A fence at a later date.

Audience member said not to keep beating this to death, with the question to the payment. My understanding was there was an amount of grant money that we had to match, but all of that was "spent" based on estimates of what the cost of the project was. You're saying now that the fence was not in that estimate, so any fence costs would be above and beyond for our grant and our match, which would also come from the Town of Carolina Beach?

Mr. Cramer said that's possible. What I'm saying is that when we had, and remember this was done during the planning process, the estimating for costs. When we go and plan for that, the engineers basically take what is the construction cost going to be for this project and they estimate it. At this point we believe that if we were able to utilize the matching funds as part of our contribution to the fence, we could fit it in to that estimate. But that is only because on all of our estimates, we add 15% sometimes 20% as a contingency for the project. We say the estimate is this, we add some to it and then we add on top of that what our contribution to the grant is to make sure that we have plenty of money to cover the entire project no matter what may come up. In this case, it may still be that we have money that the Town has to fund for the greenway for the fence. We won't really know those hard core numbers until we get back bid results.

Audience member asks do the Townspeople get to vote on that?

Mr. Cramer said no. You vote through the Council.

Audience member said the last thing, if you are indeed looking at Alternative A, and it sounds like you will be, I would implore you to also look at the impact on Seagrove and also along Spot. There's lots right now and there's nobody there to speak for them really. I think a lot of them are owned by one group. They will have absolutely no buffer. They will be sitting on their front porch, staring at a street and a prison fence. If you could add that in to when you're looking at the combination fences I would appreciate it.

Mayor said Councilmember Shuttleworth has joined us.

Mr. Cramer said Mayor, since we're kind of past the presentation portions of this. Would you like to open up to the public hearing?

Mayor opened public discussion.

III. PUBLIC DISCUSSION

Audience member said my concern is it sounds like you've already made up your mind. As for the Council members. I know how Mr. Shuttleworth feels, I'm hoping that you guys will give this some thought. I think Plan B, although it will cost a little bit more money, will be better for all of us. I am not on the path, but I know what putting the fencing up so close to the back of those homes will do. Please consider the people that

live there and consider the neighborhoods that are back there. Would really like to see Plan B, don't really want to see Plan C, because I like the idea of the bike path. I really don't care for Plan A. Thank you.

Audience member said I want to say thank you, Colonel Hart for your generosity. I know with offering option B is very generous of you and I really want to thank you for that. I wanted to ask you about option B. I know that was, as we keep saying, the original plan that was decided upon with public meetings in the past. Just to consider that as an option. Also, it seems like, from the conversation tonight, if we did the FE6 fencing along the whole back of option B, that that would allow for Michael Cramer to be able to keep his budget at the same cost as option A. The only risk being what they would say you just discovered about the wetlands. Other than that, it doesn't seem to me that option B is going to be more costly than option A if we do the FE6 fencing along the whole thing and reducing the cost of the ornamental fence would allow for option B to not be more expensive. It's just more beautiful to have it back there on the other side of the retaining pond. Thank you for considering that for our home, for our investment and also for our community. I want to thank the Town Council for taking the time to offer this meeting, and Michael Cramer for having a public meeting and I know when Sarah was running for Town Council we sat down together and said we have one question, and that is the bike path. We thank you for your interest and for considering option B for us.

Mayor asked if anyone else would like to speak.

Audience member said Colonel I would also like to thank you for all of the attention you've given this matter. Colonel, I would like to ask if the bike path as it went south of Carolina Sands, if it came on to town streets, so it was not in the buffer zone for the rest of the length of it, would there still be a fence requirement for that length of it where it would be on public streets and not in the buffer zone? Trick question.

Col. Hart said yeah it is a trick question. The option would be maybe, sorta, kinda. It's not the answer you want to hear. Bottom line is if the fence is the goodwill gesture then our goal would be to fence off all of the federal land for all of the reasons that we talked about at the last meeting in terms of liability, restriction, etc. That would not necess the defense because it goes on the street, but if there was a payment that was due, we would use that to connect the dots with the fence anyway. Sorry.

Audience member said I ask that because if I could I would like to revisit briefly a presentation I made before Council back in December that we called option D. That is for the path, after it goes past the Carolina Sands retention pond, to go on city streets for the vast majority of the rest of the length to Alabama Ave. As I mentioned back in December, these are the most bike friendly streets we have in the whole town. That whole last half mile maybe there's only a section of four lots where they can build on the buffer zone side. There are streets that are mostly almost all of them are dead end. Both the north and south side of Croaker. We're talking about Spot Lane as well. If we were to put it on these streets, we could save an immense amount of money. Certainly the bike path will be close to people's houses beyond Carolina Sands, but Carolina Sands would be really close, I think a lot closer than any other portion of the proposed path. We have justified concerns. I have lived up through the buffer zone for 18 years. I think a bike path in most towns don't have problems. Always remind ourselves, we are in a resort town. There is drinking that gets out of control. We have a high number of bars. We have Spring Breakers that act irresponsibly. We have seen the firebreak used for illicit activity from elements that have come out of our bars. I think that spending the kind of money that we're talking about is not just justified, it's necessary. Thank you.

Steve Klem, 1318 Pinfish Ln., I just wanted to speak in favor of option A. I think it is the

most fiscally responsible and I really would like to see option C taken off the table. I think the bike path is something that we really need. I think our window to actually put something in there might be closing. I don't want to see the progress get bogged down. I want to see the easiest cheapest option come to fruition. I think it's what we need and I think it's what works best for the town.

Dori Schoonmaker, 99 Carolina Sands Dr., I've had the pleasure of speaking to all of you about this. Having not seen or heard this information before right now. Not having opportunity to think about it, to consider it, to think about it, to talk it over with people, these are all of our initial reactions. I do hope that there is going to be an opportunity for us to consider and get back to Council before Council makes any final decision. I'd also like to say that the aesthetics of Carolina Beach are important. Our town deserves the investment of not looking like a third world country, of not looking like a prison yard. We shouldn't be throwing up barbed wire fence because it's cheaper when it really detracts from the beauty of our town and from the feeling of safety. When you see barbed wire you don't feel safe, you feel there is a reason it needs to be there. It is scary, it detracts. I don't want it in my town. Especially for something that is for enjoyment, for exercise, for health. I really ask the Council to consider the aesthetics of our entire town when looking at this in the numbers. If you have to put up a fence, Carolina Beach deserves better than military grade barbed wire fence across our land. Thank you.

Mayor said we are going to have, at a minimum, one more public hearing where people can speak. I think, depending on how the information evolves and comes back from the state and such, there might be more than one meeting. We don't know at this point in time. It's a little bit of a fluid situation. This is what we have today. I know you're just getting it. Yeah, we got a little bit before you, but it is stuff the staff is going to have to do more work on and bring it back to us and let us know what they find.

Mr. Cramer said as a side note, Mayor, make sure that everybody knows that they didn't have to jot this down. The presentations, both from the Colonel and myself, will be out on the website where all the other information for the Island Greenway has been since we started the process.

Mayor said if there are no final comments I want to thank you for coming out and thank the Colonel and his staff and our staff.

Colonel said I always appreciate the opportunity to talk to our friends and neighbors. As you know we have folks that live over here in Carolina Beach who work over at Sunny Point. Some of this is business, it's not personal. However, I understand that these are your homes, and that's where you live and so it is hard for you to look at it from the same perspective that I do. With regards to that, I try my best to empathize with you. That way we can discuss the options. Figure out what's on the table and then sit down like grown men and women and talk about it professionally. I really appreciate the opportunity, Mayor Wilcox, and the rest of the Council. Thanks again for the opportunity to address everybody.

IV. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 7:22 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

3.10.2015
Date Approved